

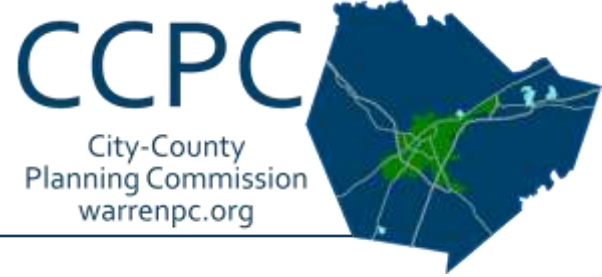
Proposed Zoning Ordinance Changes

March 22, 2018

Major Change Highlights

- **New CDR Process and Committee**
 - New collaborative review process involving Planning Staff, City and County Staff, public and private utilities as well as other auxiliary agencies
 - Improves communication and collaboration among all community agencies and the development community
 - Creates the Comprehensive Development Review (CDR) Committee
 - Comment on preliminary development plans
 - Development review coordination and comments
 - Review site development plans and make recommendations to planning staff for approval, approval with conditions or denial
- **Detailed Development Plan now Site Development Plan**
 - Replaces the Detailed Development Plan with Site Development Plan as part of the new CDR process
 - Separates the civil site review from the building permit review
 - Introduces the term Site Work Permit to cover the civil review
 - Public hearing requirement is converted to a public review like subdivision plats

Major Change Highlights



- **Binding Elements changed to Development Plan Conditions**
 - Binding Element is a term reserved for a consolidated, metropolitan, charter or other merged government
 - Development Plan Conditions work in almost the same manner as Binding Elements
 - All current Binding Elements will remain in effect and enforced in the same manner

Major Change Highlights

- **Public Notice Requirements**

- Zone Change and Conditional Use notification letters will now be sent to addresses within 200' of the application boundary. Adjacent owner's list still required as part of the application. Planning Commission staff will identify the other addresses.
- Variance notification letters will be sent to addresses within the distance of the regulation proposed to be varied in addition to adjacent property owners.

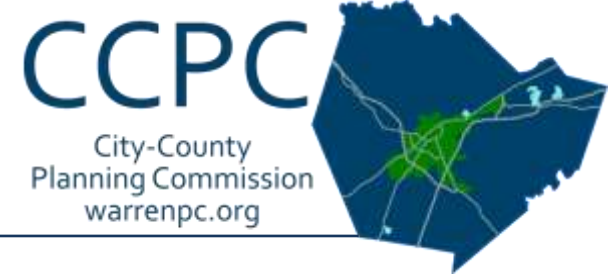
- **Variations vs. Waivers**

- Clarify that variations are from dimensional terms of the zoning ordinance as required by KRS 100 and suggested by best planning practices
- Introduce basically the same process for Waivers for items that might get a "Variance" that are non-dimensional.

Not Major Changes

- **Section 1.12.1 – Sanitary Sewer Connection Provisions**
 - After much discussion with staff from sister agencies, left the language as is. New development or new lots within 2,000' feet by way of road or easement are required to connect to sewer.
 - Environmental concerns in our unique karst environment
 - Keep a better balance with our utilities and growth
- **Final Actions on Development Plan Conditions (Binding Elements)**
 - Explored final action options for amending Development Plan Conditions (Binding Elements) by allowing the legislative bodies to amend them along with final zone change action.
 - After discussion with City Commissioners and Fiscal Court members the final action was left to the Planning Commission (current practice). New public hearings would likely be required if conditions were to change.

Major Change Highlights



- **Traffic Impact Studies**

- Changed thresholds to match KYTC, Bowling Green, or Warren County's requirements
- Altered the TIS analysis process to match current practices (analyze if improvements can be made in lieu of a TIS) and match language in the Subdivision Regulations.

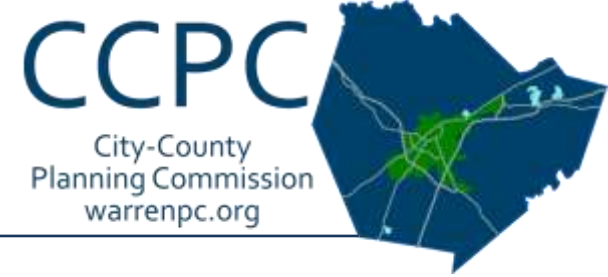
CURRENT TIS THRESHOLDS:

- greater than 20,000 square feet of non-residential space;
- greater than 50 residential units;
or
- any other use generating 500 or more average daily trips, shall be required to submit a Traffic Impact Study.

PROPOSED TIS THRESHOLDS:

- 100 trips during the am or pm peak hour

Major Change Highlights



- **Alternate Zoning Process**

- Made a provision to allow the alternate zoning process locally
- Allows the Planning Commission decision to stand after 21 days unless a request is made for the legislative body to hear the case
- The request can be made by the legislative body or any member of the public
- The hearing on the record or a new hearing must be advertised
- Legislative body will have the choice to use the current process or the alternate process

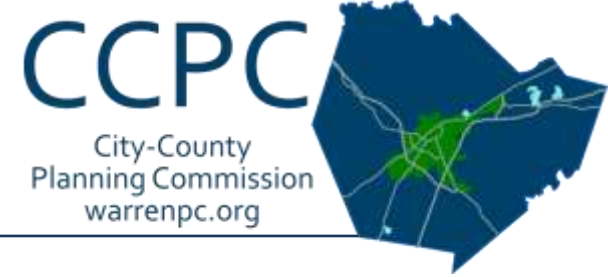
- **Amendments to the General Development Plan**

- Development Plan Conditions (formerly Binding Elements) – reduced the required signature from 100% to 75% of the ownership prior to application before the Planning Commission

- **Planned Unit Developments (PUD)**

- Concept Plan can be amended with 75% ownership signatures as above

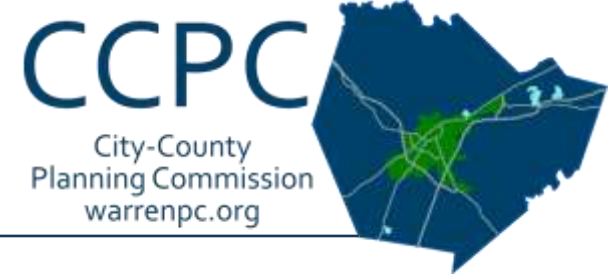
Major Change Highlights



- **Accessory Apartments**

- Clarified that accessory apartments are for family only (granny flat, mother-in-law suite, etc.)
- Primary residence must be occupied by the owner
- Introduced character considerations for Accessory Apartments :
 - Entrances to accessory apartments must be located on the side or rear facades
 - Must not alter the character of the residence or the pattern of development in the neighborhood
 - The primary residence must be occupied by the owner
 - Clarified that accessory apartments can only be occupied by persons related to the owner(s) of the property

Article 4 Highlights

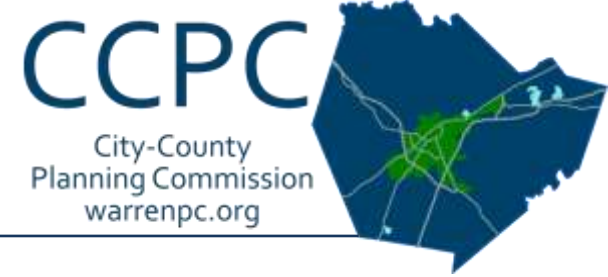


- **Agriculture Property Development Standards**
 - Clarification of the exception lot rule. If less than 5 acres, lot remainders may be added to an adjacent parcel where the resulting parcel is 5 acres or greater.

Major Change Highlights

- **Conservation Subdivision Overlay District (CSOD)**
 - Clarified that access to an 18' road is required to receive a density bonus
 - Expanded areas eligible for a CSOD to match Comprehensive Plan changes in January
 - Increased the density bonus for conservation subdivisions on septic from 2 to 2.5 and developments on sewer from 4 to 5.
 - Map amendment (rezoning) required to establish a CSOD
 - Conservation Subdivision Overlay District (CSOD)
 - Public hearing required
 - Area in conservation can be a natural area or agriculture
 - Increased buffering and setback requirements
 - Conservation area must remain in effect for 20 years
 - After 20 years, 100% of the ownership must agree to sell the conservation area in order for it to change

CSOD Density Bonus Examples



Gross area of proposed subdivision (40 acres) ÷ minimum lots size in AG (5 acres) = 8 total lots.

On-site septic development with a density bonus of 250%

Lot Calculation Example: Gross area of proposed subdivision (40 acres) ÷ minimum lot size in AG (5 acres) x 2.5 (250% density bonus) = **20 total single family houses**

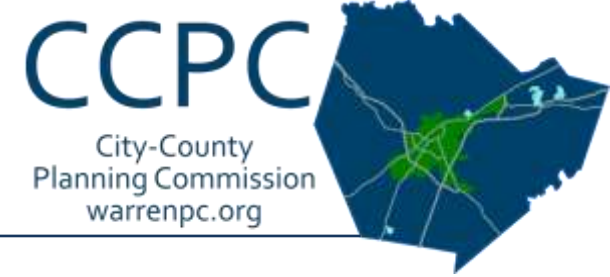
In this example there would be 20, one acre lots and 20 acres in a conservation easement

Sanitary sewer development with a density bonus of 500%

Lot Calculation Example: Gross area of proposed subdivision (40 acres) ÷ minimum lot size in AG (5 acres) x 5 (500% density bonus) = **40 total single family houses**

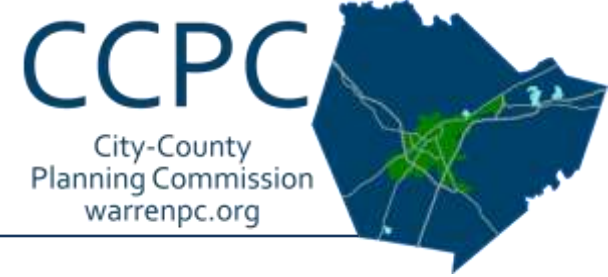
In this example there would be 40, half acre lots (or less) on 20 acres with the remaining 20 acres (or more) in a conservation easement

Conservation Subdivision Development Standards



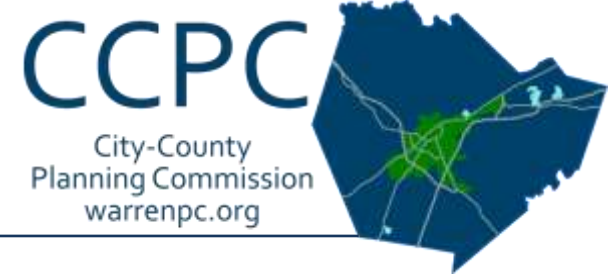
	AG (Septic)	AG (Septic)	AG (Sewer)
Road Width Standard (as outlined in Sec. 4.9.2.E)	< 18 ft Road	≥18 ft Road	≥18 ft Road
Density Bonus	None (1:1 ratio)	250 % (2.5:1 ratio)	500% (5:1 ratio)
Lot Area (Min sf)	43,560	43,560	10,000
Lot Width (min at bldg line)	100 feet	75 feet	75 feet
Lot Frontage			
Public Street	50 feet	50 feet	50 feet
Cul-de-sac (bulb only)	40 feet	32 feet	32 feet
Lot Coverage	30%	50%	60%
Setbacks (min)			
Front Yard	25	25	25
Rear Yard	10	10	10
Side Yard	10	10	7.5
Accessory Structure	5	5	5
Height (max)	42	42	42
Off-Street Parking (spaces required)	2 Total	2 Total	2 Total

Article 4 Highlights



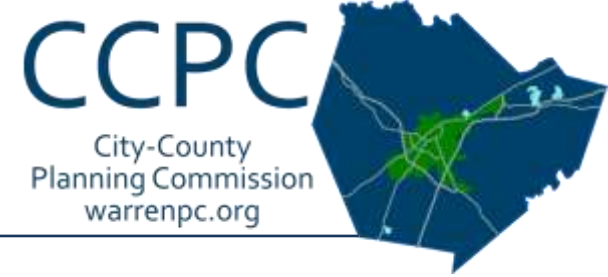
- **Single Family Residential Development Standards**
 - Added twinhomes in RS-1B and C districts (each unit platted on its own lot)
 - Added twinhomes, patio homes and townhomes in RS-1D districts (each unit must be platted on its own lot)
 - Created specific development standards for Single Family twinhomes, patio homes and townhomes
 - Increased permitted lot coverage in all RS districts
 - Changed parking requirements to a bedroom based requirement
 - Allowed garages to count as a parking space as well as the driveway
 - Changed maximum area of front yard allowed to be paved for each residential district
 - Clarified accessory structure and fence regulations
 - Permitted larger accessory structures (barns and workshops) in Agriculture, Rural Residential and Residential Estate districts on lots over 1 acre in Warren County
 - RS-1D in the downtown area can have smaller lot sizes and widths

Article 4 Highlights



- **Multi-Family Residential Development Standards**
 - Eliminated density cap for RM-4
 - Adjusted lot widths, frontage requirements and setbacks
 - Classified parking requirements into three categories
 - Within 1 mile of WKU main campus – left requirements basically the same
 - Outside 1 mile of WKU main campus – reduced parking requirements to 1 space per bedroom plus a 10% guest provision
 - Downtown / TIF / Medical Center area – minimum 1 space per residential unit
 - Allow garages to count as a parking space as well as the driveway if there is enough room
 - Added lighting requirement to minimize light trespass onto adjacent properties (common Binding Element)

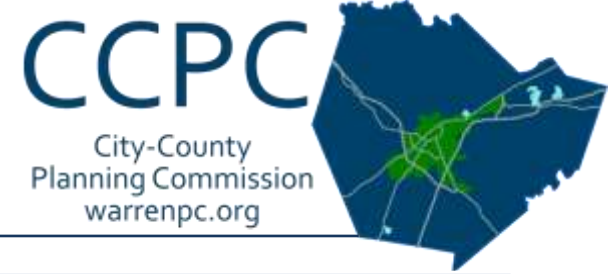
Article 4 Highlights



- **Commercial Development Standards**

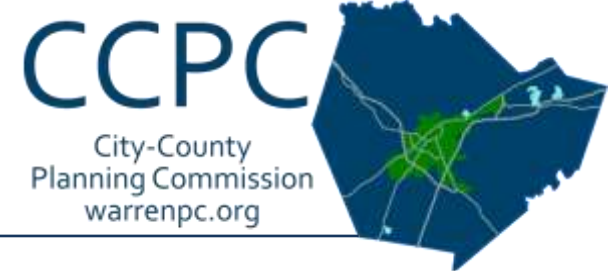
- Landscaping flexibility added by allowing a reduction in the screening or VUA width if the landscaping is made up in other areas (interior VUA, foundation plantings, etc.)
- Clarified landscaping maintenance requirement and intent
- Adjusted parking requirements for group living, surgery centers, urgent clinics, restaurants, retail and mixed use developments
- Added provision for temporary gravel parking for one year for construction sites
- Increased remote and shared parking distance to 1,000'
- Revised stacking spaces for business with drive through or pickup windows
 - Reduced bank to 3 stacking spaces from 4
 - Left drive through with menu board at 5 stacking spaces
 - Pickup window with NO menu board is 3 stacking spaces

Parking Changes



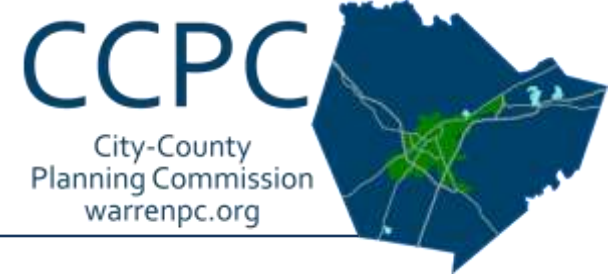
Use	Spaces Required
Auto Showroom or Dealer, New or Used	1 per 400 square feet of showroom and office space, plus two spaces per service bay
Bed and Breakfast	1 space per bedroom
Conference Center or Student Center	1 space per 150 square feet of main meeting room space.
Day Care	1 space per 400 square feet, exclusive of kitchens and bathrooms
Group Living*	1 spaces per 2 occupant beds, plus 1 space per employee
Hospital / Medical Center	1 space per 4 authorized beds, plus 1 space per 1,000 square feet
Outpatient Surgery Center	1 space per 250 square feet
Hotel or Motel	1 per bedroom plus 1 per 400 square feet of banquet, office, or meeting space
Library, Museum, Art Gallery	1 per 1,000 square feet, plus 5 for each meeting or special facility room
Urgent Clinics	1 space per 250 square feet
Nursing Home, Assisted Living	1 space per 4 authorized beds plus 1 space per 1,000 square feet

Parking Changes



Use	Spaces Required
Office Uses	1 space per 300 square feet
Place of Public Assembly (Auditorium, Place of Worship, Stadium, Theater, etc.)	1 space per 4 seats or maximum fire-rated capacity, whichever is greater
Restaurant	
Table Service	1 space per 100 square feet
Counter Service	1 space per 100 square feet
Fast Food	1 space per 200 square feet
Standalone Retail	
< 20,000 SF	1 space for each 400 square feet
≥ 20,000 SF	1 space for each 400 square feet for the first 20,000 SF. 1 space for each 800 SF for remaining area.
School, Elementary or Middle	2 spaces per classroom
School, Secondary or Post-Secondary	4 spaces per classroom, OR 1 space for 6 seats in auditorium, gym, arena or stadium, whichever is greater.
Mixed-Use / Multi-Tenant Development	
- Commercial Only	1 space per 200 s.f
- Commercial and Residential	1 space per 200 s.f. + 1 per dwelling unit

Article 4 Highlights



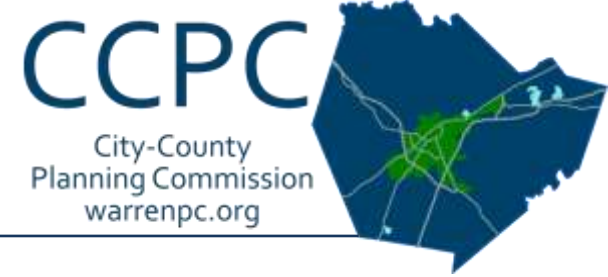
- **Commercial Development Standards**

- Clarified and simplified the Outdoor Storage and Display regulations
- Added an outdoor lighting provision to mirror common binding element for light trespass
- Clarified language about where fences can be located in commercial zones
- Added Residential Uses to several commercial zones either as a stand alone use or incorporated into a mixed-use development

- **Industrial Development Standards**

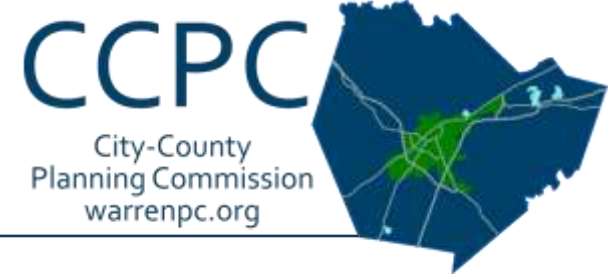
- Allow for gravel for emergency access where no employee or public access is granted
- For graveled areas, removed curb and gutter requirement in favor of an acceptable containment material
- Clarified and simplified the Outdoor Storage and Display regulations

Article 4 Highlights



- **Planned Unit Development (PUD)**
 - Clarified the intent of the PUD
 - Added a reference chart for PUD's without development plan conditions to know what standards to follow in the Zoning Ordinance
- **Urban Growth Overlay District (Lovers Lane & Cemetery Road)**
 - Minor changes to reflect proposed signage and lighting changes in the rest of the ordinance

Sign Changes



- **Agriculture Signs**

- Reduced permitted sign face area from 100 square feet to 32 square feet

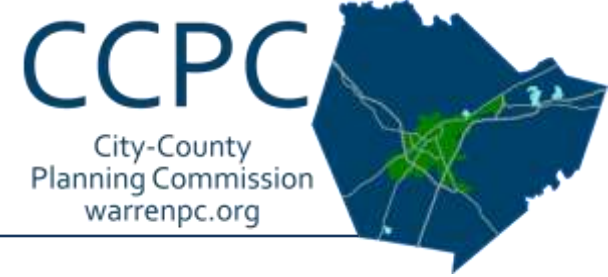
- **Residential Signs**

- Allow only monument style signs in all residential districts
- Reduced permitted sign face area from 75 square feet to 60 square feet in multi-family zones

- **Signage changes in the commercial zones were minimal**

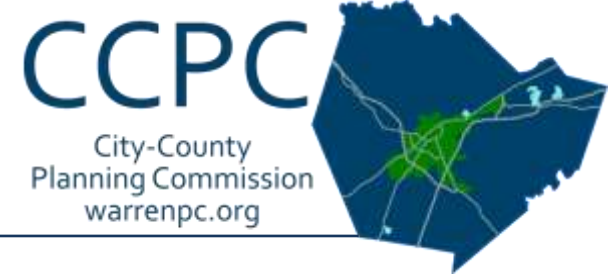
- Height will be measured from the ground level instead of from the crown of the road
- Added an option for campus-style signage for schools, religious institutions, medical facilities, convention centers and similar uses
- Allow billboards to be digital, static images that change no more than 8 seconds. Also provisions have been added for light controls

Article 5 Highlights



- **Mixed-Use Provisions**
 - Added a residential component for mixed use developments in Neighborhood Business, General Business, Central Business, Highway Business, Office/Professional-Residential and Office/Professional-Commercial zoning districts
- **Modernized Terms**
 - Added Craft Beverage Production uses (winery, micro-brewery and craft distillery)
 - Conditional Use in Agriculture & Neighborhood Business
 - Permitted in General Business, Central Business, Highway Business and Industrial zones
 - Clarified use classification of short term rentals (AirBnB, VRBO, etc.)
 - Burial-Related Uses – modernized language to include cemeteries, columbaria, storage vaults, mausoleums and crematories

Article 5 Highlights



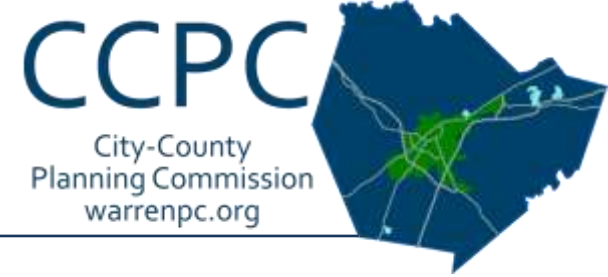
- **Residential Use Changes**

- Added clarification for the keeping and kenneling of dogs or other animals (property less than 2 acres)
- Home Occupations
 - Removed general contractors and contracting (still allowed to have a home office)

- **Institutional Use Changes**

- Reclassified and better defined certain medical-related uses (medical centers, surgery centers, nursing homes, assisted living, urgent clinics, medical office)

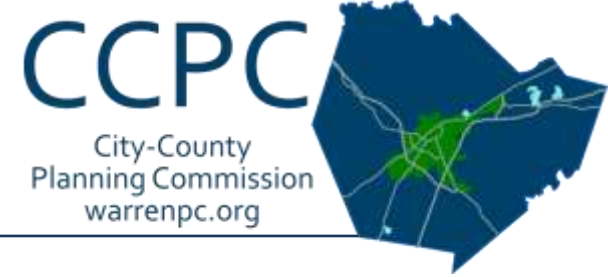
Article 5 Highlights



- **Commercial Use Changes**

- Revised Retail uses permitted by total square feet
 - 4,000 sq. ft. or less – RM₄ (with Cond. Use), NB, GB, HB, LI
 - 4,001 – 10,000 sq. ft. – GB, CB, HB, LI
 - 10,001 sq. ft. or greater – CB, HB, LI
- Reduced outdoor dining separation to 100' from 250' if there is no outdoor sports, entertainment or music
- Reduced drive thru separation to 100' from 250' if there is no speaker system
- Separation distance for fuel stations with speakers was reduced to 100 feet from 250 feet

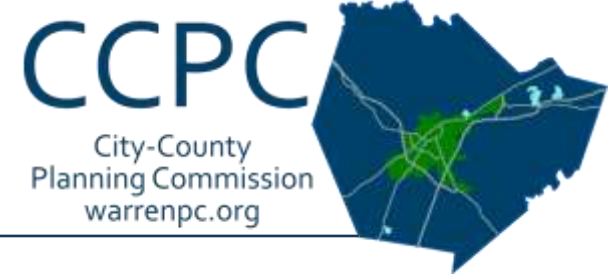
Article 5 Highlights



- **Commercial Use Changes**

- Changed Bed & Breakfast regulations to match KRS 100
 - Clarified number of rooms allowed in certain zones
- Clarified types and sizes of event venues and requirements
- Increased buffers for firearms ranges
- Made vehicle sales and equipment based on Federal Highway classifications

Article 5



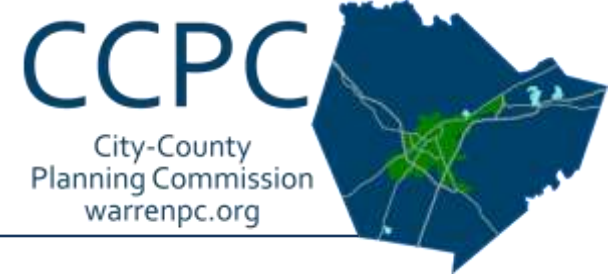
- **Industrial Use Changes**

- Clarified and simplified outdoor storage regulations
- Reclassified recycling, mulch and wood operations to a waste-related use. Allowed in AG with a conditional use and Heavy Industrial
- Introduced screening requirements for waste related outdoor storage for junkyards, scrapyards, etc.

- **Temporary Uses Changes**

- Limited temporary uses to 4 times per calendar year per property
- Clarified that parking and event space must be on grass. Gravel is not allowed

Article 6 Highlights



- **Nonconforming Structures**

- Increased time limit to reestablish nonconforming rights for structures that are damaged/destroyed from 6 months to 18 months. A 6 month extension is possible

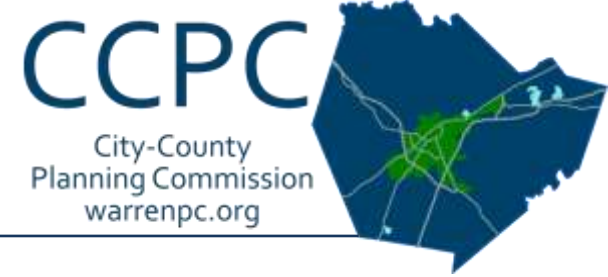
- **Nonconforming Uses**

- Made a provision for a similar permitted use similar to KRS language. Allows a nonconforming use to change to a use similar in intensity within the same zone, or to a less intense use.

- **Nonconforming Lots**

- Clarified that only one single-family structure is allowed
- Clarified that agricultural exception lots are not classified as nonconforming lots

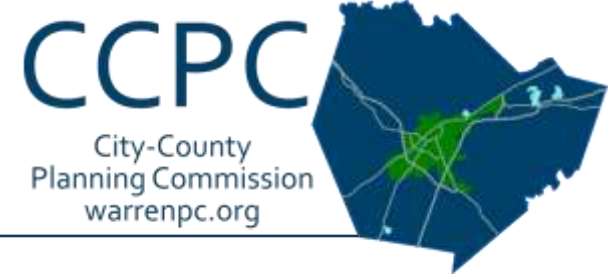
Article 6 Highlights



- **Nonconforming Signs**

- Clarified how these regulations are administered
- Allow existing sign faces to be replaced (but not bigger)
- Allow replacement of sign frames
- If an entire sign is to be replaced then the sign must come into conformity with all regulations

Articles 7 & 8



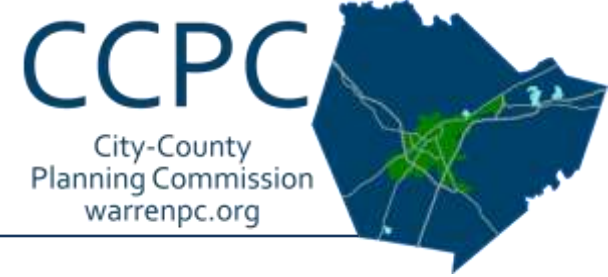
- **Article 7 – Enforcement**

- No changes, just revision of terms to match other changes to the Ordinance

- **Article 8 – Definitions**

- Clarified definitions of fence, purposes of fences and clarified it as a type of accessory structure
- Clarified that alleys do not count as road frontage
- Altered Bed & Breakfast definitions to match KRS 100
- Revised various other definitions to match previously discussed changes

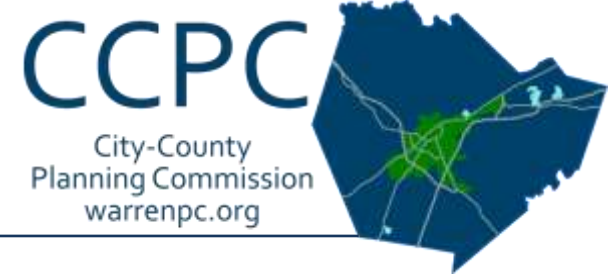
Article 8 Highlights



Article 8 – New Definitions

- Breezeway
- Development Plan Conditions
- Driveway
- Primary Façade
- Secondary Façade
- Commercial Greenhouse / Nursery
- Wholesale Greenhouse / Nursery
- Non-Commercial Kennel
- Patio Home
- Restaurant
 - Counter Service
 - Fast Food
 - Table Service
- High Rise Sign
- Vehicle Classifications

Article 8 Highlights



Article 8 – Revised Definitions

- Accessory Structure
- Alley
- Bed & Breakfast
- Binding Elements
- Building Height
- Principal Building
- Conservation Subdivision Overlay
- Duplex
- Single Family Dwelling
- Fence
- Gross Floor Area
- Lot Coverage
- Lot Line
- Manufactured Home
- Mulch and Wood Operation
- Parking Space
- Principal Structure
- Setback
- Sign Area
- Site Plan
- Private Street
- Townhome
- Triplex
- Twinhome
- Vehicle Classifications
- Solid Waste
- Waste Transfer Station
- Yard(s)

Questions or Discussion?