

Zoning Ordinance Revision Summary Reference

CCPC

City-County
Planning Commission
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New Comprehensive Development Review (CDR) process and committee – This is a new collaborative review process which includes Planning Commission staff, Warren County staff and City of Bowling Green staff with participation from the Kentucky Transportation Cabinet and all public and private utilities serving Warren County. While it does involve an investment of time and resources up front, including a new Development Specialist position at the Planning Commission, the new process is expected to improve overall efficiencies and speed of the review process. (**Sections 1.15, 2.1.2, 2.3, 2.5, 3.1.14, 3.2, 3.3, 3.4, 3.12**)

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Replace Detailed Development Plan process with Site Development Plan process – As part of the CDR process mentioned above the Detailed Development Plan requirements will be shifted to a site development plan. Why change? This separates the civil engineering technical review requirements from the building requirements. A Site Work Permit covers the civil plan review and a building permit will cover the building permit review. While this seems to be adding another level of review, it really is not. It simplifies the permitting processes and better defines review duties while eliminating some of the overlapping and often disjointed review process. Being part of the CDR ensures consistent communication between all parties involved through all stages of permitting and construction. Another key difference between the old DDP process and the new Site Development Plan process is that the public hearing requirement before the Planning Commission has been eliminated. The removal of the public hearing requirement will save time and improve efficiency, while still ensuring that the regulations are met. (**Sections, 1.12.2, 1.13.1, 3.1.14, 3.2, 3.3, 3.4, 3.12**)

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Certificate of Completion - Added reference to a new term, certificate of completion. Going along with the proposed changes differentiating between a site work permit and building permit, the introduction of a certificate of completion allows building code regulations to be reviewed separately and a certificate of occupancy to be issued for the building itself. A certificate of completion would be issued once the site complies with all items required through the site work permit application process (**Sections 2.12, 2.3.1, 3.1.14, 3.4.2, 3.12.7, 3.12.11, 3.18.3, 4.6.8**).

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Binding Elements changed to Development Plan Conditions – During the review of the Zoning Ordinance and the Kentucky Revised Statutes (KRS) it was recognized that Binding Elements are only allowed to be enacted by merged or consolidated local governments. Since our community does not fit in any related category, this term is being retired in favor of Development Plan Conditions. Development Plan Conditions work in almost the same manner as Binding Elements so there is no real change in how they function or are applied. Anything in the past that used the term Binding Element will still be in full force and effect and will be enforced in the same manner, only now as a development plan condition. (**Section 1.15.4**)

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Zone Change notification requirements – Our current ordinance only requires that we send letters to adjacent property owners for zone changes and other applications. Adjacent means any property touching or that would touch the property to be rezoned if there were no road, river, railroad or other such barrier. The change proposed here would increase the notification requirement to a 200 foot buffer from the boundary to be rezoned. Applicants will still be required to furnish adjacent property owners, but Planning Commission staff will gather addresses from the GIS for the properties within 200 feet. This is the most cost effective, efficient and fair way to consistently and directly notify more people in a specific area. (**Section 3.1.6**)

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Certificate of Appropriateness (COA) Notification Requirements - Our current ordinance does not require public notice for COA applications. The proposed change would require that mailed and published notice be made for COA applications, unless they are eligible for staff approval. Staff approved COAs would not be subject to public notice requirements.

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Variance Notification Requirements - Our current ordinance only requires that we send letters to adjacent property owners for variance applications. The proposed change would increase the notification requirement in the case of applications requesting relief from a required separation distance. For such applications, notice of public hearings will also be sent by mail to addresses that are located within the separation distance from which the Variance is requested (**Section 3.1.6**).

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Introduction of the term Waiver – The Kentucky Revised Statutes specifically state that the term Dimensional Variance is reserved for relief from dimensional requirements of the Zoning Ordinance. However, it is common to seek relief for non-dimensional requirements of the ordinance such as areas or percentages. The term Wavier works in almost the exact same manner as a Variance. So in the future variances will continue to be for dimensional requirements and waivers will be for areas, percentages or other items specifically listed in the ordinance. (**Sections 2.2.1, 3.7, 3.8**)

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Sanitary Sewer connection requirements left as is – After much discussion with staff from sister agencies and two or three face to face meetings, the language was left as is. New development or newly subdivided lots within 2,000’ feet by way of road or easement are required to connect to sewer without exceptions. Entities involved in the discussion included planning staff, city and county public works departments, county attorney, Barren River Health Department, Bowling Green Municipal Utilities and Warren County Water District. (**Section 1.12.1**)

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Traffic Impact Study (TIS) requirements – Codified the TIS analysis process to match current practices (analyze if improvements can be made in lieu of a TIS) and matched the Subdivision Regulations language. Changed thresholds to match KYTC, Bowling Green, or Warren County’s requirements. (**Section 3.1.4**)

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Development Plan Conditions (Binding Elements) Final Action – Staff 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. New public hearings would likely be required if development plan conditions were to change. After discussion with City Commissioners and Fiscal Court members the final action was left to the Planning Commission (current practice). Therefore there was no change made here but it was worth noting. (**Sections 2.9.1, 3.1.13, 3.1.14, 3.12.7, 3.12.8**)

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Alternate Zoning Map Amendment process – Provision was made under KRS 100.2111 to allow the alternate zoning map amendment process by choice of each legislative body. Each legislative body can keep the process as it is now or change to the alternate zoning map amendment process. What is the alternate process? The Planning Commission still holds the public hearing for an application as normal. The change comes after the planning commission recommendation. If no one challenges the Planning Commission’s recommendation then the recommendation becomes final action after 21 days and the legislative body does not have to hear the application. If any member of the public, legislative body or otherwise challenges the Planning Commission’s recommendation, then the legislative body will hold a hearing on the record or conduct a new public hearing. In either case, such hearing must be advertised as if it were the original. The advantage of the alternate zoning process is that the legislative body’s agenda is not filled with rezoning cases unless a request is made for the legislative body to take final action on the application, thus shortening overall rezoning process by around 21-60 days. (**Section 3.11.7**)

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Amendments to a General Development Plan (PUD or Development Plan Conditions) –

The proposal is to reduce the percentage of required signatures from 100% to 75% of the ownership in the development or section with restrictions. This reduction still prevents a perceived negative major change and puts more than the supermajority of ownership in control of the development. It does help prevent one person or entity from holding a reasonable change to a development in abeyance. **(Section 3.12.8)**

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Overlay Development Plan (ODP), Sign Approval Only - Our current ordinance requires approval by the Design Review Board for all exterior improvements (including signage) before the issuance of a permit. The proposed change allows Planning Commission staff to approve sign only applications for properties within within any Urban Growth Overlay District, as long as the proposed signage clearly complies with all requirements of the ordinance **(Sections 3.1.14, 3.19.1 and 3.19.7, 4.9.3)**.

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Accessory Apartments – There are several changes proposed to accessory apartment regulations. Most notable is a clarification that the accessory apartment is intended for related family only as an accessory to a single family residence. Character considerations were also added for Accessory Apartments being built in Single Family residential zones including that: 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; and that the primary residence must be occupied by the owner of the property or a maximum of one caretaker/caregiver for the sole purpose of providing care to someone residing on the property. **(Sections 4.3.3, 4.3.4 and 4.4.5.E)**

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Agriculture Development Standards – Added clarification of the exception lot rule. Lot remainders must be added to an adjacent parcel where the resulting parcel is no less than 5 acres. Reduced allowed freestanding sign sizes from 100 square feet to 32 square feet. (**Sections 4.3.3, 4.3.4, 4.3.6**)

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Conservation Subdivision Standards – Clarified the requirement for development to be served by an 18’ road in order to obtain a density bonus. Increased the areas allowed for a CSOD to match the Comprehensive Plan changes that went into effect in January. Increased the density bonus for conservation subdivisions on septic from 2 to 2.5 times and developments on sewer from 4 to 5 times. Added a map amendment (rezoning) requirement to establish a CSOD. Increased the buffering and setback requirements from the property lines. The 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 ownership. The conservation area can be a natural area or agriculture crop or pasture land. (**Section 4.9.2**)

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Single Family Development Standards – Added twinhomes as a permitted residential unit type in the RS-1B and RS-1C districts and added twinhomes, patio homes and townhomes as permitted residential unit types 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 platted on their own lots. RS-1D in the downtown area can have smaller lot sizes and widths. Attached single family residential is not allowed on infill lots in existing subdivisions. Lot coverage percentages were increased in all RS districts. Changed parking requirements to a bedroom based requirement. Clarified that garages are allowed to count as a parking space as well as the driveway if there is enough room in between the structure and the street. Increased percentage of front yard allowed to be paved for the majority of residential districts. Made provisions to allow larger accessory structures (barns and workshops) not only in Agriculture zones but also in Rural Residential and Residential Estate on lots over 1 acre in Warren County. (**Sections 4.4, 4.4.3, 4.4.5, 4.4.6**)

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Multi-Family Development Standards – Eliminated density cap for RM-4. It is the most dense residential zone. Property owners / developers will still be bound by the development standards (lot coverage, landscaping, drainage, parking, etc.). Adjusted lot widths and frontage requirements for RM-3 and RM-4, and revised parking requirements for multi-family residential zones into three categories: within 1 mile of WKU main campus, outside 1 mile of WKU main campus (reduced parking requirements to 1 space per bedroom plus a 10% guest provision), and the downtown / TIF / Medical Center area (minimum 1 space per residential unit). Garages are now allowed to count as a parking spaces as well as the driveway if there is enough room between the structure and the street / travelway. (**Sections 4.5, 4.5.4, 4.5.5**)

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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.). Adjusted parking requirements for group living, surgery centers, urgent clinics, restaurants, retail and mixed use developments. Revised stacking spaces for business with drive through or pickup windows. Clarified and simplified the Outdoor Storage and Display regulations. Added Residential Uses to several commercial zones either as a stand-alone use or as a mixed use development. (**Sections 4.6, 4.6.8, 5.1, 5.2.4**)

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Industrial Development Standards – Allowed gravel for emergency access where no employee or public access is granted. For graveled areas it is proposed to remove the curb and gutter requirement in favor of an acceptable containment material / barrier. Clarified and simplified the Outdoor Display and Storage regulations for allowed uses. (**Sections 4.7, 4.7.3.E, 4.7.3.G, 4.7.3.H**)

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Planned Unit Development (PUD) districts - 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. Reduced the percentage of required signatures from 100% to 75% of the ownership in the development or section by referencing the General Development Plan section. (**Sections 3.13, 4.8**)

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Signs – Reduced agriculture sign sizes from 100 square feet to 32 square feet. Allow only monument style signs in residential districts. Reduced sign sizes in multi-family districts from 75 square feet to 60 square feet. Signage changes in the commercial zones were minimal. Height will now be measured from the ground level instead of from the crown of the road. Introduced a new campus-style uniform sign package for large public, quasi-public or medical facilities. After receiving public input regarding changes to the digital billboard section, it was decided to leave the language in the ordinance as-is. Nonconforming signs can now replace existing sign faces or frames but not be made bigger. If an entire sign is to be replaced then the sign must come into conformity with all regulations. (**Sections 4.3.5, 4.4.5.D, 4.5.4.E, 4.6.8.F, 4.9.3.E.6, 4.9.3.F, 6.7**)

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Variable Front Yard Setback - The current ordinance allows an average front yard setback to be utilized for property where the majority of the existing development on the same block face is set back less than the required setback. The setback may be the average of the block face or 10 feet, whichever is greater. Changes propose removing this portion of the provision to allow the setback to be the average even if it is less than 10 feet. The option to utilize the variable front yard setback is proposed to be added for Industrial zones. The terms Block and Block Face were also added as new definitions in Article 8 (**Sections 4.4.5, 4.5.4, 4.6.8, 4.7.3 and 8.2**).

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Fences – Clarified language about where fences can be located in all zones. (**Sections 4.6.8.K, 4.7.3.J**)

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Mixed Use provisions – Added a residential component for mixed use developments in Neighborhood Business, General Business, Central Business, Office Professional Residential and Office Professional Commercial zoning districts. (**Sections 4.6.8.L, 5.1**)

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Added modern use terms – Added use terms such as short term rentals (AirBnB), craft beverage production (winery, micro-brewery, craft distillery) and burial related uses. (**Sections 5.1, 5.2**)

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Residential use changes – Added clarification for the keeping of livestock and kenneling of dogs or other animals (property less than 2 acres). In Home Occupations removed general contractors and contracting (still allowed to have a home office). (**Section 5.2.2**)

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Commercial Use changes – Revised Retail uses permitted by total square feet. Reclassified use type for some medical-related uses including outpatient surgery centers, nursing homes, convalescent homes, hospices and assisted living facilities. Reduced outdoor dining separation to 100' from 250' if there are 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' from 250'. Removed CUP requirement for restaurants and other retail uses with a drive-thru or pickup window in the GB (General Business) zone. Allowed limited retail sales in the RM-4 Multi-Family. Changed Bed & Breakfast regulations to match KRS 100 language and clarified number of rooms allowed in certain zones. Clarified types and sizes of event venues and requirements. Increased buffers for firearms ranges. Made all vehicle related uses based on Federal Highway weight classifications. (**Sections 5.1, 5.2.4**)

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Industrial Use changes – Clarified and simplified outdoor storage regulations. Introduced screening requirements for waste related uses, outdoor storage for junkyards, scrapyards, etc. (**Section 5.2.5**)

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Temporary uses – Private special events on one residential property cannot occur more than 4 times per calendar year. Clarified that parking and event space must be on grass, gravel is not allowed. (**Section 5.3.4**)

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Non-Conformities (granfathering) – Changed vacant time limit to 18 months up from 6 months. A 6 month extension is possible. 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 lesser intense use. Clarified that only one singlefamily structure is allowed to be constructed on a nonconforming lot of record. For signs see above. (**Sections 6.2, 6.3, 6.4**)

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Definitions – Several definitions have been replaced, revised or added. (**Section 8.2**)

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