

Article amendments approved unless noted:	OMPC	Owensboro	Daviess Co.	Whitesville
Revised zoning ordinance	08-Sep-1979	14-Mar-1980	27-Dec-1979	07-Apr-1980
Planned business center parking regulations referred to Article 13	09-May-1991	04-Jun-1991	25-Jun-1991	no action
2003 Review Committee: Added definition and criteria for Business/Industrial Area {15.25, 15.8}; updated business center access references to conform to current access management practices {15.31, 15.32}; removed separate parking requirements for Whitesville in planned business centers {15.64}.	11-Dec-2003	02-Mar-2004	05-Feb-2004	06-Apr-2004

15.1 INTENT. The intent of the following location, development and expansion standards for Business and Professional/Service Areas is to encourage the logical and timely development of land for commercial purposes and to provide for the expansion of existing business areas and shopping centers in accordance with the objectives and standards established in the Comprehensive Plan and the Public Improvement Specifications. Additionally, intended application of the Professional/Service Zone is described to provide for the development of public and private community-oriented facilities. The protective standards contained in this provision are intended to:

Assure convenience by providing business areas of sufficient size and in the proper location to serve conveniently the people of the area in relation to their purchasing power and their needs and demands for goods and services;

Assure traffic safety and provide for the improvement of major thoroughfare traffic capacities by properly locating and grouping business areas and by designing such business areas so as to provide safe and convenient access thereto and adequate off-street parking for automotive vehicles and by effectively separating vehicular from pedestrian traffic both within the business area and on adjacent public right-of-way;

Provide for service vehicles by including convenient access to loading facilities in the design of commercial areas;

Protect adjacent residential neighborhoods from depreciation of property values resulting from commercial over-zoning and from the over-development or intrusion of undesirable business uses;

Promote community attractiveness by encouraging the design of business areas and community facility areas which will integrate with residential areas by effectively utilizing topographic features, transitional areas, and the liberal application of landscaping and screening devices,

thus minimizing any adverse effect of any such business or community facility area upon adjacent land uses and providing a pleasant environment for the shopping and working experience;

Improve the economic base and tax structure of Daviess County by encouraging the development of stable, economically sound business concentrations;

Protect the investments of existing and future business concentrations by providing the basis for convenient and stable commercial development through the application of sound planning principles.

15.2 TYPES OF BUSINESS AREAS. The types of Business Areas provided for in this article are generally described as follows:

15.21. A Neighborhood Business Center is one which provides for the sale of convenience goods such as food, drugs, hardware and personal services as well as limited professional services and has a **minimum area of five (5) acres and a maximum area of fifteen (15) acres;**

15.22. The Central Business District of Owensboro which provides for various types of professional offices and services as well as sales of specialty items; convention and entertainment facilities, and major cultural facilities;

15.23. A Highway Business Center is one which not only provides for the sale of convenience goods, but also for a wider range of facilities for the sale of commodities and supplies, as well as providing for highway-oriented businesses and major professional, community and regional facilities.

15.231. A Community Highway Business Center has a **minimum area of fifteen (15) acres.**

15.232. A Regional Highway Business Center has a **minimum area of thirty (30) acres.**

15.24. A **General Business Area** is one in which commercial activities were existing at the time of the adoption of this Zoning Ordinance. They vary in size from one lot to a major shopping center and are so designated to provide for expansion of the wide range of uses that exist within such areas.

15.25. A **Business/Industrial Area** is one which is identified as a Business/Industrial Plan Area in the land use portion of the Comprehensive Plan and which contained existing commercial and industrial mixed uses at the time of the adoption of this Zoning Ordinance.

15.3 ESTABLISHMENT AND EXPANSION OF NEW BUSINESS CENTERS. New Business Centers are established by the development of a planned business center which acts as the focus for the **contiguous expansion** of the Business Center.

15.31. A **Neighborhood Business Center** is established by locating a planned business center in a new area of **B-1** zoning which should be located no closer than three-quarters (3/4) of a mile to any other area of **B-1** zoning. The minimum area for this business center is five (5) acres and may provide for the partial subdivision of the center. Access points should connect the initial center primarily with a street or streets of collector status; each use in the initial center must be afforded access to at least one of these access points. Initial design and subsequent expansion of a Neighborhood Business Center should comply with established highway and street access standards. (see table below)

B-1 Zone: Highway and Street Access Standards

STREET TYPE	ANY USE IN B-1 ZONE
ARTERIAL	LIMITED ACCESS
COLLECTOR	Primary access at points no closer than 250' to each other
CONTINUING LOCAL (continues beyond the center)	Secondary access at points no closer than 250' to each other
INTERNAL LOCAL (internal to the center)	Access as necessary (all subdivided lots shall have access to dedicated public rights-of-way)

15.32. A **Highway Business Center** is established by locating a planned business center in a new area of **B-3** zoning. The minimum area for a center of this type is fifteen (15) acres and may provide for the partial or total subdivision of the center. Access points should connect the initial center primarily with a street or streets of arterial status; each use in the initial center must be afforded access to at least one of these access points. Initial design and subsequent expansion of a Highway

Business Center should comply with established highway and street access standards. (see table below)

15.33. There is no minimum acreage required for the expansion of an existing area of B-1 or B-3 zoning; however, expansion of the B-1 and B-3 Zones must be contiguous to the existing boundary of each zone generally on the same street or highway frontage and the aforementioned highway and street access standards shall apply although primary access is not necessary for expansion areas if secondary access is available. A B-1 Zone should not grow larger in area than fifteen (15) acres. There is no limitation on the maximum of a B-3 Zone. Expansion is achieved by development of contiguous planned business centers. Uncontrolled access (resulting in "strip" development) shall not be permitted in the B-1 and B-3 Zones except along an internal local designed for such specific purpose; intersections of internal locals with street types of a higher classification are limited in locational frequency as listed for access points in the B-1 and B-3 Zones (this provision applies to both initial and expansion centers).

B-3 Zone: Highway and Street Access Standards

STREET TYPE	ANY USE IN B-3 ZONE
ARTERIAL	Primary access at points no closer than 500' to each other (access points must be accessible to all uses in the initial center)
COLLECTOR	Secondary access at points no closer than 250' to each other
CONTINUING LOCAL (continues beyond the center)	Secondary access at points no closer than 250' to each other
INTERNAL LOCAL (internal to the center)	Access as necessary (all subdivided lots shall have access to dedicated public rights-of-way)

15.4 EXPANSION OF GENERAL BUSINESS AREAS.

In order to assure and to accommodate the logical expansion of existing General Business Areas, any lot or tract proposed for new B-4 Zoning must meet at least one of the following criteria to be eligible for consideration:

15.41. Such lot or tract must be contiguous to an existing boundary of a B-4 Zone and located generally on the same street or highway frontage; or

15.42. Such lot or tract must be adjacent to a street or highway of arterial status within the Owensboro Beltline (US 60 Bypass); or

15.43. Such lot or tract must be located within the designated service area of a rural community in Daviess County or within the City of Whitesville service area.

15.44. Regardless of the type of expansion, provision should be made to control vehicular access so as to minimize impact upon arterial and collector traffic movement. To satisfy this provision, alleys can be utilized or other forms of marginal access, in order to direct vehicles to and from each use by way of coordinated access points with arterials or collectors. The highway and street access standards for new business centers in the B-1 and B-3 Zones should be used to guide the design of acceptable access points to General Business Areas.

15.5 THE CENTRAL BUSINESS DISTRICT. The Central Business Zone is basically a fixed area and expansion of its boundary should be based only upon significant findings that a community need exists for a larger central business district.

15.6 PLANNED BUSINESS CENTERS. A planned business center is a designed, integrated business area; it provides for the establishment and expansion of Neighborhood and Highway Business Centers in the B-1 and B-3 Zones. The standards for planned business centers are also used as a guide for General Business Areas in the B-4 Zone. Minimum design standards for planned business centers shall be:

15.61. There shall be no height limitation;

15.62. All buildings shall meet the appropriate setbacks as required in Article 8 for streets of each classification. All uses in the center shall be permanently screened from all abutting properties located in any Residential Zone and, except for necessary access points, from all properties located across the street within one hundred (100) feet from such center in any Residential Zone. The exact type and nature of such screening shall be determined by Article 17. The OMPC may eliminate the screening requirements when reasonable proof has been submitted by the developer to show that such screening would be impractical because of topography or design innovation;

15.63. The ground area occupied by all buildings shall not exceed in the aggregate twenty five percent (25%) of the total area of the lot or tract in the B-3 Zone and thirty five percent (35%) in the B-1 Zone;

15.64. Off-street parking shall be provided as required in Article 13 of this Zoning Ordinance;

15.65. Off-street loading and unloading spaces shall be provided as required in Section 13.3 of this Zoning Ordinance;

15.66. Accessways and parking areas shall be lighted adequately by lighting fixtures which shall be installed so as to reflect light away from adjoining properties;

15.67. In order to avoid excessive advertising and assure a harmonious relationship to the center as a whole, all signs within the center should be controlled by written agreement between the owners and tenants of multi-business structures or made a portion of the deed restrictions for the purchase of a lot within a planned subdivision. All provisions for agreements on signs in business centers shall comply with the General Sign Regulations of this Zoning Ordinance (Article 9).

15.68. The center shall be zoned appropriately with regard to the intent and standards for business centers as provided in this article: permitted uses are those listed in Article 8 of this Zoning Ordinance for the applicable zone. The procedure for obtaining a Zoning Map amendment for a planned business center shall be the same as provided in Article 6 of this Zoning Ordinance; in addition:

15.681. A preliminary development plan shall be submitted with the application for a Zoning Map amendment with the information as specified in Section 16-3(a) herein below and, in addition, approximate total gross floor area of anticipated facilities other than retail; the anticipated location and area for subdivision, if any; the approximate number of anticipated off-street parking spaces; and the stages which will be followed in the construction of the proposed business center.

15.682. Within two (2) years of final approval by the appropriate legislative body of any planned business center zoning map amendment, unless an extension is granted by the OMPC, the applicant shall submit a final development plan and/or subdivision plat to the OMPC for its review and approval; otherwise, an application to change the planned business center zone to its previous or other appropriate zone shall be filed by the OMPC as provided under Article 6 of this Zoning Ordinance. The final development plan shall show the information as specified by Section 16-6 of this Zoning Ordinance. The OMPC shall approve a final development plan with such conditions as found necessary to comply with this Zoning Ordinance, if

any, within ninety (90) days after the applicant submits his final development plan.

15.683. No building permit shall be issued until a final development plan and/or subdivision plat (where applicable) has been approved by the OMPC and certified to the Zoning Administrator. The approved final development plan shall limit and control the issuance of all building and occupancy permits, and shall restrict the construction, location, and use of all land and structures to all conditions set forth in the plan. Amendments to the plan can be made as specified in Article 16.

15.684. If construction is not initiated within one (1) year from the date of approval of the final development plan by the OMPC, unless extension is granted by the OMPC, an application to change the planned business center zone to its previous or other appropriate zone shall be filed by the OMPC as provided under Article 6 of this Zoning Ordinance.

15.7 PROFESSIONAL/SERVICE AREAS. Professional and service uses as well as community-oriented public or private facilities are permitted in B-3 Highway Business Centers and B-4 General Business Areas. Within neighborhoods, these uses are not permitted (except limited personal services and banks) in B-1 Neighborhood Business Centers because of the locational specifications

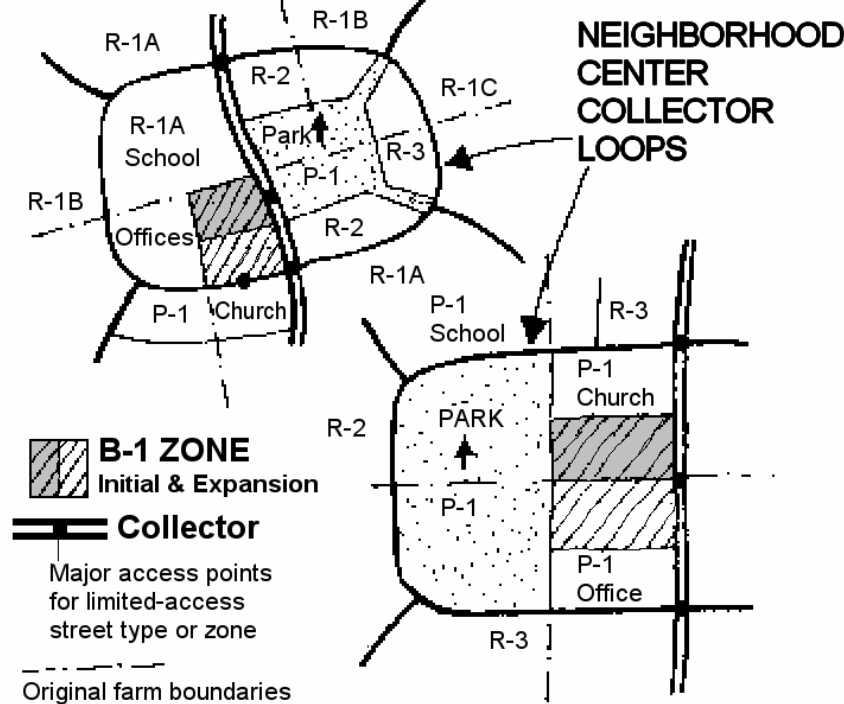
and size limitations on neighborhood centers; for these areas where B-3 and B-4 Zones cannot be utilized, the P-1 Professional/Service Zone is available.

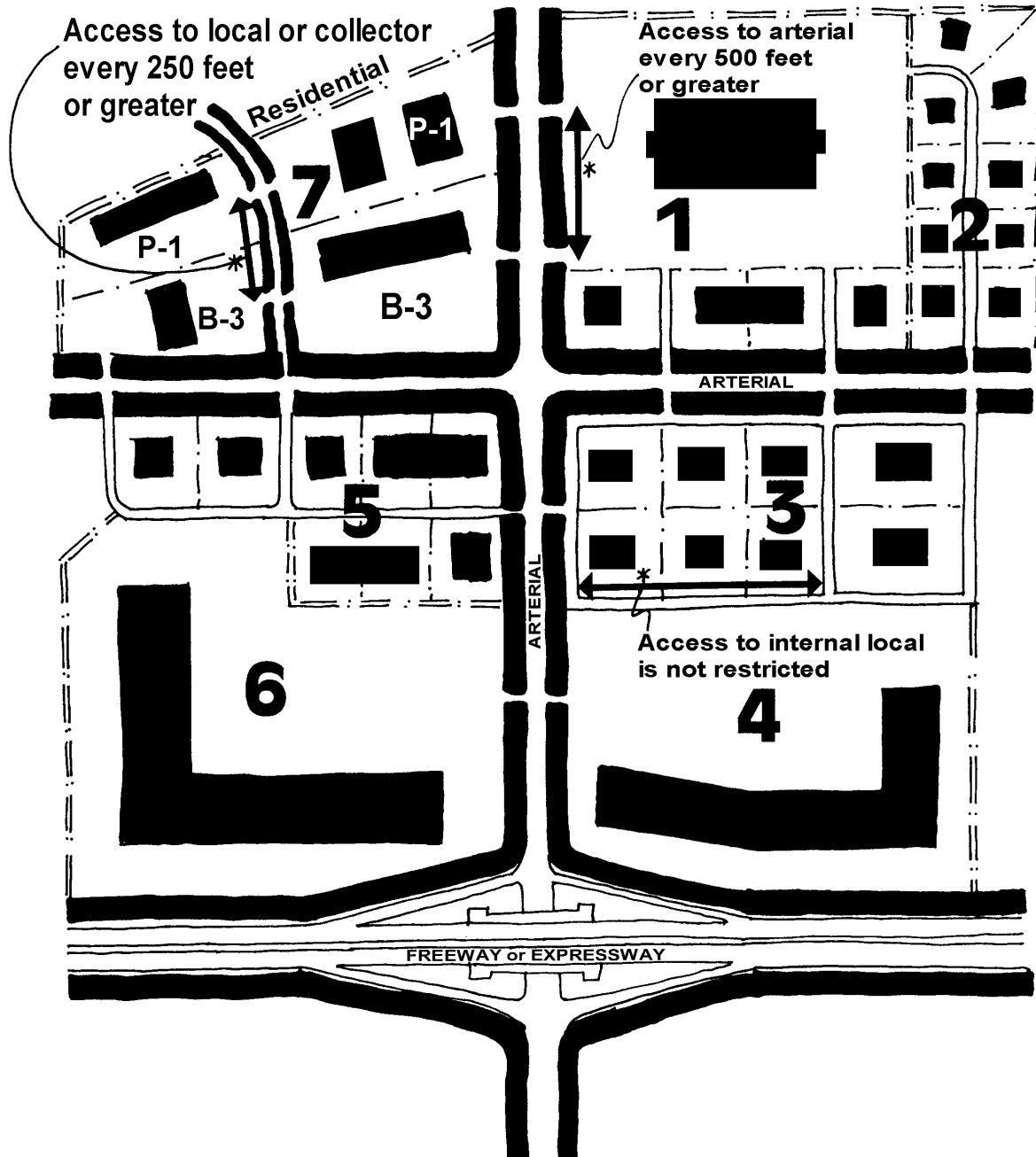
In general, access to uses permitted in the P-1 Professional/Service Zone is not limited as for Business Zones, unless specific problems are anticipated at the time of a Zoning Map amendment which result in limitations as a condition for rezoning.

The P-1 Zone generally should be used to buffer Business Zones from residential neighborhoods and also to provide for a greater distribution of offices, personal and professional services within residential areas where business zoning would be undesirable.

15.8 BUSINESS/ INDUSTRIAL AREAS. Areas identified as mixed Business/Industrial Plan Areas in the land use portion of the Comprehensive Plan may continue as mixed-use areas. Property owners within these specified Plan Areas may apply for a zoning classification of B-5 Business/Industrial zone, which will allow permitted uses from the B-4 General Business zone and permitted uses from the I-1 Light Industrial zone. No zone change request to B-5 Business/Industrial will be accepted in areas outside the identified Business/Industrial Plan areas specified in the adopted Comprehensive Plan. Property must be located within a designated Business/Industrial Plan to qualify for application to a B-5 Business/Industrial zone.

15.9 EXAMPLE OF B-1 NEIGHBORHOOD BUSINESS CENTERS AND THEIR VICINITIES.





15.10 EXAMPLE OF B-3 HIGHWAY BUSINESS CENTER.

INITIAL PLANNED BUSINESS CENTER

1 15 acres in size or greater; primary access to arterials; secondary access to arterial by way of internal locals through subdivided portion; note that ALL INTERNAL SUBDIVISIONS have access to public rights-of-way.

CONTIGUOUS EXPANSION

2 Business subdivision with internal local (ex: wholesale supply, animal hospital, etc.)

3 Business subdivision with internal locals (ex: restaurants, fast food, night clubs, service station)

4 Shopping center

5 Business subdivision with internal locals (ex: branch banks, other small offices)

6 Shopping center

7 Grocery stores and professional offices with local or collector that continues into a residential area; note that the P-1 Zone is used to buffer the commercial area from the residential areas