

Background

In December 2002, the Planning Commission appointed a committee to review the Owensboro Metropolitan Zoning Ordinance and to propose revisions to the ordinance that the committee deemed warranted. Members appointed to the committee were David Appleby, a Planning Commissioner who served as the chairman of the committee, Roger Bellamy, City of Whitesville councilman, Eric Davis, Executive Director of the Chamber of Commerce, Mimi Davis, City of Owensboro Commissioner, Judy Dixon, Planning Commissioner and Board of Adjustment Member, Greg Hamilton, HRG employee, Martin Hayden, Planning Commissioner, Kate Higdon, Executive Director of PRIDE, Bruce Kunze, Daviess County Commissioner, Al Mattingly, City of Owensboro commissioner, Gary Noffsinger, Planning Director, C.A. Pantle, Board of Adjustment member, Ward Pedly, Board of Adjustment member and developer, Mike Riney, Daviess County Commissioner and Mike Volk, OMU representative.

One of the many objectives of the Zoning Ordinance is to promote the public health, safety and general welfare of Daviess County. Another is to facilitate orderly and harmonious development in the visual or historic development of Daviess County. The Zoning Ordinance is one of the regulatory documents for implementation of the adopted Comprehensive Plan for Owensboro, Whitesville, and Daviess County, Kentucky. The Zoning Ordinance is adopted by the OMPC and local legislative bodies (Daviess County Fiscal Court, Whitesville City Commission and Owensboro City Commission).

From January through September 2003, the Review Committee met at least twice a month at Owensboro City Hall. The Review Committee was charged with the task of conducting a thorough review and update of the entire Zoning Ordinance. Each article was reviewed and analyzed and proposed changes resulted in an effort to clarify current regulations and to revise regulations to enhance current development practices and to improve enforcement.

Many issues were discussed. The committee invited health department officials to discuss environmental issues, landscape professionals regarding landscaping requirements, and city and county engineers in response to flood ordinance issues. All of the committee meetings were open to the public and to the media. A number of citizens provided input on several issues of interest to them.

The proposed revisions were a result of a consensus among the Review Committee. Each member brought a unique

perspective to the review process and all involved participated, expressed opinions, compromised and contributed to the proposed revisions to the Owensboro Metropolitan Zoning Ordinance.

Findings

The proposed revisions to the Owensboro Metropolitan Zoning Ordinance will aid in the implementation of the Goals and Objectives of the Comprehensive Plan. Findings in support of adoption of the proposed revisions to the Owensboro Metropolitan Zoning Ordinance are as follows:

1. Clarification of various sections of the Zoning Ordinance will promote the public health, safety and welfare and promote the goals of the Comprehensive Plan by improving consistent enforcement of the regulations;
2. Revisions to various sections eliminating differences in regulations between the City of Owensboro, the City of Whitesville, and unincorporated Daviess County will enhance orderly and harmonious development throughout Daviess County and facilitate compliance and ease of enforcement;
3. Revisions to various sections to assure compliance with Kentucky Revised Statutes is necessary to maintain legal compliance;
4. Inclusion of a provision for encroachment into a public utility easement under specific criteria will allow for increased flexibility in coordination of utilities with planned growth and development in the community;
5. Restriction of size of accessory buildings on lots less than ½ acre in size will assist in the promotion of orderly and harmonious development;
6. Provision to allow unenclosed covered porches and chimneys to project into the building setback will stimulate rehabilitation of existing houses and promote preservation of existing housing and neighborhoods;
7. Provision to allow Planning Commission to hear applications for variances when submitted in conjunction with a zoning map amendment is allowed by Kentucky Revised Statutes and will facilitate orderly development in Daviess County;
8. Creation of a new B-5 Business/Industrial zone to be allowed only within Business/Industrial Plan areas

will facilitate orderly development and provide flexibility in areas recognized by the Comprehensive Plan as mixed use areas;

9. Addition of various uses to the Zones and Uses table enhances interpretation and enforcement of the Owensboro Metropolitan Zoning Ordinance;
10. Provision to change lot coverage calculation and increase allowable lot coverage promotes harmonious and orderly development, simplifies interpretation, and enhances consistency of enforcement;
11. Increase in minimum lot size when served by on-site sewage disposal systems assists in providing the community with adequate means of sewage treatment that will protect the public health and the natural environment;
12. Changes in the proposed parking ratios for retail development and provision for off-site parking will facilitate adequate, attractive and accessible shopping and service facilities for all segments of the community;
13. Provision to allow Planning Director to sign final development plans that meet specific criteria will facilitate orderly and harmonious development in the community and streamline development approvals;
14. Addition of landscape buffers when non-residential zones adjoin existing homes on agricultural lots under 10 acres will aid in preserving existing houses and neighborhoods by promoting buffers between adjoining land uses that are incompatible with each other; and,
15. Revision of interior landscaping requirements to alter the percentage required based on the size of the parking area and to include the requirement within the Urban Service Area will promote attractive shopping and service facilities for all segments of the community and facilitate consistency of requirements in urban areas regardless of municipal jurisdictions.