

**July 2001 Edition, revised December 2001**

This edition of the Zoning Ordinance replaces previous editions. It includes all text amendments adopted by Owensboro, Whitesville, and Daviess County, Kentucky, through December 6, 2001. See page iii for Table of Updated Pages. Beyond the formally adopted text, this edition includes a record of amendments at the beginning of each article, explanatory notes on policy and special illustrations, and reformatted sections to simplify cross-referencing.

**1**

**GENERAL PROVISIONS**

1.1 Adoption .....1-1  
 1.2 Short Title .....1-1  
 1.3 Objectives.....1-1  
 1.4 Interpretation .....1-1  
 1.5 Repeal of Conflicting Law .....1-1  
 1.6 Separability.....1-1  
 1.7 Planning Area .....1-1  
 1.8 Recording .....1-1

**2**

**ZONING MAP ATLAS**

2.1 Zoning Map Atlas.....2-1  
 2.2 Zoning Map Atlas Amendments .....2-1  
 2.3 Replacement of Zoning Map Atlas .....2-1  
 2.4 Rules for Interpretation of Zone and District  
 Boundaries .....2-1  
 2.5 Zoning Status Not Affected by Annexation .....2-1

**3**

**GENERAL REGULATIONS**

3-1 Intent and Purpose .....3-1  
 3-2 Application of Zone and District Regulations.....3-1  
 3-3 Conversion of Buildings .....3-2  
 3-4 Subdivision Coordination Required.....3-2  
 3-5 Adjustments to Principle Building Yard  
 Requirements Prescribed in Article 8 .....3-3  
 3-6 General Provisions For Accessory Buildings,  
 Structures and Features .....3-4  
 3-7 Specific Provisions For Accessory Buildings,  
 Structures and Features .....3-5  
 3-8 Vehicular Access To Lots .....3-7

**4**

**NON-CONFORMING USES, STRUCTURES  
& PREMISES**

4.1 Intent .....4-1  
 4.2 Non-Conforming Lots of Record .....4-1  
 4.3 Non-Conforming Uses of Land.....4-1  
 4.4 Non-Conforming Structures .....4-1  
 4.5 Non-Conforming Uses of Structures or of  
 Structures and Premises in Combination .....4-2  
 4.6 Repairs and Maintenance.....4-2  
 4.7 Conditional Uses Not Non-Conforming Use .....4-2

**5**

**ADMINISTRATION, ENFORCEMENT &  
VIOLATIONS**

5.1 Zoning Administrator..... 5-1  
 5.2 Building Permits Required..... 5-1  
 5.3 Certificate of Occupancy Required..... 5-2  
 5.4 Complaints Regarding Violations ..... 5-2  
 5.5 Penalties for Violations ..... 5-2

**6**

**AMENDMENTS**

6.1 Application for Amendment ..... 6-1  
 6.2 Commission Procedure..... 6-1  
 6.3 Notice of Public Hearing..... 6-1  
 6.4 Public Hearing on Application ..... 6-1  
 6.5 Recommendation of OMPC on Zoning Ordinance  
 Amendments..... 6-1  
 6.6 Action by the Legislative Body on Zoning Ordinance  
 Amendments..... 6-1

**7**

**BOARD OF ADJUSTMENT**

7.1 Establishment ..... 7-1  
 7.2 Proceedings..... 7-1  
 7.3 Powers ..... 7-1  
 7.4 Grievances ..... 7-3  
 7.5 Appeals ..... 7-3

**8**

**SCHEDULE OF ZONES**

8.1 Development and Intent of Zones ..... 8-1  
 8.2 Zones and Uses Table..... 8-4 +  
 8.3 General Index ..... 8-3  
 8.4 Detailed Uses and Special Conditions ..... 8-4 +  
 8.5 Site Development Requirements..... 8-14  
 A-R, A-U, I-1, I-2 zones..... 8-15  
 R-1A, R-1B, R-1C, R-1T zones..... 8-16  
 R-2MF, R-3MF, R-4DT zones ..... 8-17  
 P-1, B-2 zones ..... 8-18  
 B-1, B-3, B-4 zones ..... 8-19  
 8.6 Map of Major Streets..... 8-20  
 + Sections 8.2 & 8.4 run concurrently through page 8-12.

**9**

**SIGN REGULATIONS**

9-1 Intent; Exempt Signs..... 9-1  
 9-2 Definitions..... 9-2  
 9-3 General Provisions ..... 9-4  
 9-4 Specific Provisions for On-Premises Signs ..... 9-6  
 9-5 Specific Provisions for Off-Premises Signs ..... 9-8  
 9-6 Nonconforming Signs ..... 9-11  
 9-7 Administration and Enforcement ..... 9-12  
 9-8 Conflict ..... 9-12  
 9-9 Scenic Highway/Byway..... 9-12  
 Summary of Article 9 Sign Regulations..... 9-13

# 10

## PLANNED RESIDENTIAL DEVELOPMENT PROJECT

10.1 Intent .....	10-1
10.2 Application .....	10-1
10.3 Plan Content and Procedure for Review .....	10-1
10.4 Minimum Design Standards .....	10-1

# 11

## PLANNED MANUFACTURED HOUSING PARK (MHP ZONE)

11.1 Intent .....	11-1
11.2 Application .....	11-1
11.3 Minimum Design Standards .....	11-1
11.5 Issuance of Building Permit .....	11-3
11.6 Issuance of Certificate of Occupancy .....	11-3
11.7 Enforcement .....	11-3

# 12

## EXCLUSIVE USE ZONES

12.1 Findings of Fact .....	12-1
12.2 Purpose and Objectives .....	12-1
12.3 Establishment of Exclusive Use Zones .....	12-1
12.4 Regulations in Exclusive Use Zones .....	12-1
12.5 Procedures and Standards for Approval of Exclusive Use Zone .....	12-2
12.6 Appendix - Exclusive Use Zone .....	12-2
12a Appendix 12a - Exclusive Use Zone I (EX-1) Coal Mining .....	12-3

# 13

## OFF-STREET PARKING, LOADING & UNLOADING AREAS

13.1 Parking Area Development and Maintenance Requirements .....	13-1
13.2 Locations and Widths of Vehicular Access Points Along Streets .....	13-3
13.3 Loading and Unloading Spaces Required .....	13-3
13.4 Parking or Loading Spaces Established Prior to Adoption or Amendment of this Zoning Ordinance; Change of Use and Off-Site Accessory Parking .....	13-4
13.5 Special Provisions for Particular Uses .....	13-4
13.6 Parking Areas in Required Yards .....	13-4
13.7 Number of Off-Street Parking Spaces or Area Required .....	13-5
13.8 Table of Minimum Off-Street Parking Requirements .....	13-7 +

+ Section 13.8 runs through page 13-11.

# 14

## DEFINITIONS

14.1 Definitions .....	14-1 +
------------------------	--------

+ Terms are listed in alphabetical order through page 14-11.

# 15

## BUSINESS AND PROFESSIONAL/SERVICE AREAS

15.1 Intent .....	15-1
15.2 Types of Business Areas .....	15-1
15.3 Establishment and Expansion of New Business Centers .....	15-2
15.4 Expansion of General Business Areas .....	15-2
15.5 The Central Business District .....	15-3
15.6 Planned Business Centers .....	15-3
15.7 Professional/Service Areas .....	15-4
15.8 Example of B-1 Neighborhood Business Centers and their Vicinities .....	15-4
15.9 Example of B-3 Highway Business Center .....	15-5

# 16

## DEVELOPMENT PLANS

16-1 Intent and Purpose .....	16-1
16-2 Requirements Affecting Timing of Development Activity .....	16-1
16-3 Where Required .....	16-1
16-4 Development Plan Procedures .....	16-2
16-5 Types of Development Plans .....	16-3
16-6 Content and Format of Development Plans .....	16-3
16-7 Amendments to Development Plans .....	16-4
16-8 Relationship to Subdivision Regulations .....	16-5

# 17

## LANDSCAPE & LAND USE BUFFERS

17.1 Intent .....	17-1
17.2 Sites Affected .....	17-1
17.3 Where Landscape Materials Required .....	17-1
17.31 Perimeter Landscaping Requirements .....	17-1
17.311 Property Perimeter Requirements .....	17-2
17.312 Vehicular Use Area Perimeter Requirements .....	17-2
17.32 Interior Landscaping for Vehicular Use Areas .....	17-5
17.311, 17.312, 17.32 Illustrated .....	17-3
17.4 Landscape Materials .....	17-6
17.5 Plan Submission and Approval .....	17-8
17.6 Variances .....	17-9
17.7 Penalties for Violations .....	17-9
Landscape Easements: Graphic Examples .....	17-10

# 18

## FLOOD PLAIN REGULATIONS

18-1 Statutory Authorization, Findings of Fact, Purpose and Objectives .....	18-1
18-2 Definitions .....	18-2
18-3 General Provisions .....	18-5
18-4 Administration .....	18-5
18-5 Provisions For Flood Hazard Reduction .....	18-8
18-6 Establishment of Zoning Districts .....	18-11
18-6(a) Floodfringe District (FF District) .....	18-11
18-6(b) Floodway District (FW District) .....	18-11

# 19

RESERVED

# 20

## CELLULAR ANTENNA TOWER REGULATIONS

20-1 Purpose.....20-1  
20-2 Pre-Application Conference.....20-1  
20-3 Definitions .....20-1  
20-4 General .....20-1  
20-5 Design Standards .....20-4  
20-6 Criteria.....20-5  
20-7 Amendments .....20-6

<b>Page Number</b>	<b>Date at top right of page</b>
July 2001 Edition pages	07/01
i thru iii	11/02
8-19, 8-20	12/01
9-1 thru 9-15	12/01
20-1 thru 20-6	11/02

# THE ZONING ORDINANCE

## The Owensboro Metropolitan Zoning Ordinance

As adopted by Owensboro, Whitesville, & Daviess County, KY


