

LIST OF PROPOSED CHANGES TO THE ZONING ORDINANCE
2003 Zoning Ordinance Review Committee – 10/14/03 (Revised 11/20/03)

Article	Section #	Changes proposed
1		General Provisions – No changes proposed.
2	2.3	Propose to eliminate this section, which requires a copy of the Zoning Map to be kept in the office of the Building Inspector. Renumbered subsequent sections.
3	3-2(c)(1)	Propose to include language to clarify that single-family zones may have only one principal structure per lot unless developed as a Planned Residential Development under Article 10 of the Zoning Ordinance.
	3-2(c)(5)	Propose to eliminate language referring to Only Owensboro and Daviess County” so that the requirement for excavation, cut and fill permit is consistent in Owensboro, Whitesville and Daviess County.
	3-5(a)(3)	Propose to expand the allowance to reduce the side yard setback along local streets to fifteen (15) feet in single-family and townhouse zones to also include R-4DT zoned properties.
	3-5(c)(1)	Propose to alter language to allow public utility of public agency to permit building in a public utility with criteria (a) and (b) added as necessary to hold OMPC harmless.
	3-6(b)(1)	Propose to include cellular antennae towers as exempt form height limitations except as restricted by the KY Airport Zoning Commission or other articles of the Zoning Ordinance.
	3-6(c)	Propose to add a new section to set a size limitation for accessory buildings to not exceed the square footage of the ground floor of the principal structure on lots less than ½ acre in size. Renumber subsequent sections.
	3-6(f)(1)	Propose to adopt the existing administrative policy regarding application of sight triangle dimensions as a regulation.
	3-7(c)(5)	Propose to add a new provision to allow unenclosed covered porches to project into a prescribed front yard setback a distance of eight (8) feet. Not applicable to Planned Residential Development Projects.
	3-7(f)	Propose to add language to include requirements of the Kentucky Building Code as applicable to the walls, fences, and enclosures around swimming pools.
	3-7(g)(1)	Propose to adopt the existing administrative policy regarding the measurement of the height of fences and walls in industrial zones as a regulation.
	3-7(g)(2)	Propose to add language, which restricts the height of walls and fences outside of industrial zones in side yards to six (6) feet and restricts the height of walls and fences in residential zones in front yards to three (3) feet except as required by Article 17. Propose to adopt the existing administrative policy regarding the measurement of the height of walls and fences.
	3-7(g)(3)(b)	Propose to add a new subsection prohibiting electric fences in residential or Manufactured Housing Park zones.
	3-7(g)(4)	Propose to adopt existing administrative policy regarding the construction of private walled structures in yards adjoining arterial, expressway, or major collector streets.
3-7(k)	Propose to add a new subsection allowing the projection of chimneys into any required setback a maximum of two (2) feet provided the structure is located a minimum of three (3) feet from the property line. Renumber subsequent sections.	
4	4.21	Propose to add a new subsection that prohibits increasing the non-conformity of an existing non-conforming lot, but allows the creation of non-conforming lots by the Planning Commission to accommodate individual residences, where the Planning Commission can find that those residences have been used in separate and distinct manner with separate utilities and facilities and that no material change in the use of the property will occur as a result of the division.
5	5.225	Propose to change language to reduce the time limit that a building permit is valid from one (1) year to one hundred eighty (180) days to conform to requirements of the Kentucky Building Code.
6		Amendments – No changes proposed.

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7	7.31	Propose to add language that grants the Owensboro Metropolitan Planning Commission the authority to act on variance applications when a proposed development requires a zoning map amendment and one or more variance requests.
	7.33,7.331, 7.332,7.334	Propose to insert language in these sections to be consistent with the change allowing the Owensboro Planning Commission to hear variance applications when submitted in conjunction with a development requiring a map amendment.
	7.34	Propose to add a section to clarify the Board of Adjustment authority and responsibility in hearing an appeal to change from one non-conforming use to another non-conforming use as allowed in Article 4. Renumber subsequent section.
	7.35	Propose to change appeal time from action of the Zoning Administrator from sixty (60) days to thirty (30) days to be in compliance with KRS 100.257.
8	8.165	Propose to add new subsection creating a B-5 Business/Industrial zone that would allow uses currently permitted in the B-4 zone or the I-1 zone. The B-5 zoning classification could only be applied for in areas that are identified as Business/Industrial Plan Areas by the Land Use Element of the Comprehensive Plan. Renumber subsequent sections.
	8.2 table	Propose to add new B-5 zone to table along with principally permitted , conditionally permitted and accessory uses in this new zone.
		Propose to increase the number of accessory dwelling units allowed in P-1, B-1, B-2, B-3, and B-4 zones from one dwelling unit to two dwelling units to be located to the rear or above the principally permitted business
		Propose to remove language which creates differences between uses located in Owensboro, Whitesville and unincorporated Daviess County with the exception of individual storage units and automobile body shops, which are conditionally permitted in the B-4 and B-5 zone in unincorporated Daviess County only
		Propose to add “Residential Care Facilities” as a permitted use in all residential zones as required by KRS 100.982-100.984
		Propose to changed Manufactured Homes Class A, B, C, D to 1, 2, 3 to match new definitions proposed in Article 14.
	8.2 Table, 8.4	Propose to add the following uses to the list of uses in Table 8.2 or under specific uses in 8.4: adult day care centers; drive through windows; private elementary and secondary schools; public auction houses; assisted living facilities; video arcades; bingo halls; movie theaters; indoor play places; gaming places; health spas; fitness centers; martial arts facilities; gymnastics and cheerleading instructional facilities, aerobics and weight training facilities; tanning salons; computer repair; quick copy services; convenience stores; home improvement centers; taxi cab or limousine service; automobile auction facilities; sand or gravel quarry; furniture repair and upholstery; furniture restoration and refinishing; animal race tracks; pet grooming; pet training; taxidermy; dry cleaning or laundry drop-off/pick-up stations; bus terminals; amusement parks; water parks; driving ranges; batting cages.
	8.4 (39) (40)	Propose to add language to clarify municipal, county, state, federal and public school board exemption from local land use regulations in accordance with KRS 100.361, but requiring public facilities review by OMPC.
8.5	Propose to change definition of lot coverage to require calculation based on total coverage of all principal and accessory buildings instead of basing the lot coverage on floor area as defined in Article 14.	
8.5	Propose to increase minimum lot size where sanitary sewer is not available to 0.75 in all zones. A-R Rural Agriculture zone will remain a 1.00 acre minimum.	

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8	8.5	Propose to increase the maximum lot coverage allowed to 50% in A-U, A-R, R-1B, R-1C, R-1T, R-2MF, and R-4DT and propose to increase the maximum lot coverage allowed in B-4 and B-5 zones where they adjoin Res, MHP or P-I to 50%.
9	9-1(a)	Propose to remove separate text for intent statement for Whitesville and Owensboro, so that intent is the same in all jurisdictions, Owensboro, Whitesville and unincorporated Daviess County.
	9-2	Propose to remove separate definitions between jurisdictions for consistency in definitions in Owensboro, Whitesville and unincorporated Daviess County with the exception of some definitions, which relate specifically to billboard regulations, which will remain different depending on the jurisdiction.
	9-3(d), 9-4(f), Table Summary	Propose to add new subsection that regulates the placement of temporary signs and limits the number of temporary signs to two (2) signs per individual lot, with the exception of construction, real estate, political, church or civic signs and building signs attached to the principal or accessory structure on the lot.
	9-4(a), Table Summary	Propose to decrease maximum size of permanent business and industrial sign from one thousand two hundred fifty (1250) square feet to six hundred seventy two (672) square feet.
10	10.421, 10.422	Propose to add language to clarify how density is calculated in Planned Residential Developments based on the underlying zoning classification.
	10.431	Propose to include requirement for a minimum eighteen (18) foot front building setback on lots with front loading garages in Planned Residential Developments.
11		Planned Manufactured Housing Park [MHP Zone] – No changes proposed.
12		Exclusive Use Zones – Format changes only.
13		Propose to remove distinctions in definitions and regulations so that regulations are consistent in all jurisdictions.
	13.16	Propose to allow for off-street parallel parking spaces to be used for up to ten (10) percent of the required off-street parking requirement.
	13.17	Propose to add a section to allow for off-site off-street parking under specific criteria when tied with a final development plan to a principal use in non-residential zones.
	13.73	Propose to change the calculation of off-street parking requirements in B-1 and B-3 zones in Owensboro and unincorporated Daviess County from 2 square feet for every 1 square foot of parking floor area for multi-business and lots with more than one principal building to a calculation based on the total required from Table 13.8 for each use.
	13.8	Propose to add off-street parking requirement for those uses added to the Zoning Ordinance in Article 8.
	13.0(2,3,4)	Propose to change the calculation of off-street parking for retail uses in Whitesville from 1/600 SF for first 2,500 SF, 1/400SF for the next 7,500 SF, 1/200 SF for the next 10,000 SF plus 1/100SF for remaining area and to change the calculation of off-street parking for retail uses in Owensboro and unincorporated Daviess County from 1/400 SF for the first 10,000 SF plus 1/200 SF for remaining area above 10,000 SF to 1/300 for premises with buildings under 10,000 SF of gross floor area and 1/200 for premises with buildings of 10,000 SF or more of gross floor area.
14	14.39	Propose to add clarification to the definition of floor area to advise that floor area is not used in calculating lot coverage.
	14.752	Propose to revise manufactured home definitions to be in accordance with KRS 100.348 and KRS 227.550 and consistent with the Kentucky Manufactured Housing Institute definitions.
	14.87A, 14.88A, 14.88B	Propose to add definition of “Persons with Disabilities”, “Residential Care Facility” and “Residential Care Services” as defined in KRS 100.982.
15	15.25, 15.8	Propose to add definition and criteria for Business/Industrial Area.

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15	15.31	Propose to change section regarding Neighborhood Business Center connection with street or streets of collector status from MUST to should allowing the possibility for limited access to arterial streets if warranted.
	15.32	Propose to change section regarding Highway Business Center connection with street or streets of arterial status from MUST to should allowing the possibility for primary access to collector streets if warranted.
	15.64	Propose to remove paragraph defining separate parking requirements for Whitesville in Planned Business Centers.
16		Propose to add language throughout article to allow the Planning Director to approve final development plans.
	16-3(a), 16-4(c), 16-8(c)(4)	Propose to continue to require preliminary and final development plans submitted in conjunction with a zoning map amendment application to be approved by the OMPC. Propose to require final development plans to be approved by OMPC when there is a question regarding ordinance or utility requirements, at the OMPC director's discretion or when requested by the developer/applicant. Propose to add language to require combination preliminary subdivision plats/final development plans to be approved by OMPC, but allowing minor amendments to combination plans to be approved by the OMPC director.
	16-4(b), 16-7(b)	Propose to add language to state in the Zoning Ordinance the requirement that fire chief and utility agency signatures be on development plans prior to submittal to the OMPC office.
	16-6(a)(17)	Propose to add certification requirement for signature by Planning Director.
	16-6(a)(18)	Propose to add requirement to show existing and proposed water lines and fire hydrants on development plans and to require certification by fire chief and water utility approving the water main and fire hydrant(s).
17		Propose to remove distinctions in regulations so that regulations are consistent in all jurisdictions, with the exception of interior landscaping requirements, which are proposed to be applicable in Whitesville, Owensboro, and Urban Service Area only.
	17.3111(f)	Propose subsection to require a landscape easement where Business or Industrial zones adjoin lots of less than 10 acres with existing residence in Agricultural zones.
	17.3114	Propose to allow staggered rows of pine trees to be acceptable to meet the continuous 6-foot high planting, hedge, wall or earth mound.
	17.32, 17.321	Propose to revise interior landscape requirements to require interior landscaping for vehicular use areas of at least 30,000 SF in size in Owensboro, Whitesville and the Urban Service Area at a ratio of three (3) square feet for every one hundred (100) square feet of vehicular use area for VUA areas of at least 30,000 SF, but less than 50,000 square feet and at a ratio of five (5) square feet for every one hundred (100) square feet of vehicular use area for VUA areas 50,000 SF and larger.
	17.41	Propose to add language to allow vinyl or other approved solid material for fencing in addition to wood and to allow vinyl strips or other approved material in chain link fencing in addition to wood strips.
18		Flood Plain Regulations – Format changes only.
20	20-4(b)	Propose to correct typographical error to properly identify previous section in this article.