THE ZONING ORDINANCE

The Owensboro Metropolitan Zoning Ordinance
As adopted by Owensboro, Whitesville, & Daviess County, KY
April 2004 Edition
This edition of the Zoning Ordinance replaces previous editions. It includes all text amendments adopted by Owensboro, Whitesville, and Daviess County, Kentucky, through April 6, 2004. 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, special illustrations, and reformatted sections to simplify cross-referencing.

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1.1 ADOPTION. The Owensboro Metropolitan Zoning Ordinance, adopted by ordinance of the City of Owensboro, the City of Whitesville, and the County of Daviess, is confirmed and adopted and reads as hereinafter set out:

1.2 SHORT TITLE. This Zoning Ordinance shall be known and may be cited as the "Zoning Ordinance."

1.3 OBJECTIVES. The objectives of this Zoning Ordinance are to promote the public health, safety and general welfare of Daviess County; to facilitate orderly and harmonious development in the visual or historic character of Daviess County; to regulate the density of population and the intensity of land use in order to provide for adequate light and air; to provide for vehicle parking and loading space; to improve the appearance of vehicular use areas and property abutting public rights-of-way; to require buffering between non-compatible land uses; and to protect, preserve and promote the aesthetic appeal, character, and value of the surrounding neighborhoods; to promote public health and safety through the reduction of noise pollution, air pollution, visual pollution, air temperature, and artificial light glare; to facilitate fire and police protection; to prevent the overcrowding of land, blight, danger and congestion in the circulation of people and commodities; to prevent the loss of life, health or property from fire, flood, or other dangers; to protect airports, highways, and other transportation facilities, public facilities, including schools and public grounds, historic districts, central districts, natural resources, and other specific areas of Daviess County which need special protection.

1.4 INTERPRETATION. In their interpretation and application, the provisions of this Zoning Ordinance shall be held to be minimum requirements adopted for the promotion of health, safety, comfort, prosperity and general welfare. It is not intended by this Zoning Ordinance to repeal, abrogate, annul or in any way impair or interfere with any existing provisions of law, ordinance or order, except those specifically repealed under Section 1.5, or with any rules, regulations or permits previously adopted or issued, or which shall be adopted or issued pursuant to law relating to the use of buildings or premises, or with any private restrictions placed upon property by covenant, deed or recorded plat; provided, however, where this Zoning Ordinance imposes a greater restriction upon the use of buildings or premises or upon the heights of buildings or requires greater lot areas, larger yards, courts, or other open spaces than are imposed or required by such existing provisions of law, ordinance or order, or by such rules, regulations or permits, or by such private restrictions, the provisions of this Zoning Ordinance shall control.

1.41 Conflict of Ordinance. Whenever these regulations, or subdivision plats approved in conformance with these regulations, are in conflict with other local ordinances, regulations, or laws, the more restrictive ordinance, regulation, or law shall govern and shall be enforced by appropriate local agencies. When subdivision and development plans, approved by the OMPC (Owensboro Metropolitan Planning Commission), contain setback or other features in excess of the minimum Zoning Ordinance requirements, such features as shown on the approved plan shall govern and shall be enforced by the Zoning Administrator. Private deed restrictions or private covenants for a subdivision, which have not been approved by the OMPC and made a part of the approved subdivision plan, do not fall within the jurisdiction of enforcement by any local agency and cannot be enforced by the Zoning Administrator.

1.5 REPEAL OF CONFLICTING LAW. The Owensboro Metropolitan Interim Order/Ordinance adopted by Owensboro, Whitesville, and Daviess County and amendments thereto, existing prior to adoption of this Zoning Ordinance, is hereby repealed upon the adoption date of this Zoning Ordinance.

1.6 SEPARABILITY. If any clause, sentence, subdivision, paragraph, section or part of this Zoning Ordinance be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, subdivision, paragraph, section or part thereof directly involved in the controversy in which said judgment shall have been rendered.

1.7 PLANNING AREA. The Planning Area shall include all of the territory in Daviess County including those portions in the Cities of Owensboro and Whitesville.

1.8 RECORDING. A copy of this Ordinance shall be filed in the Office of the Daviess County Court Clerk.
2.1 ZONING MAP ATLAS. The City of Owensboro, City of Whitesville, and Daviess County are hereby divided into zones and districts as provided herein and as shown on the Zoning Map Atlas dated March 1980, and as transferred to electronic format on the Owensboro/Daviess County Geographic Information System consortium (ODCGIS). This transfer of zoning districts to electronic format was completed December 2008. The ODCGIS version of the original Zoning Map Atlas, which together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this Zoning Ordinance. The Zoning Map Atlas dated March 1980 shall be retired and the ODCGIS Zoning Map Atlas shall be the official record of zoning status of all land in the City and County and be available in the office of the OMPC and shall be known herein as the “Zoning Map.” Although every effort has been made to accurately transfer zoning districts from the physical maps to the ODCGIS system, the retired Zoning Map Atlas shall be kept on file in the office of the OMPC, noted prominently with its retirement date, and used only for historical reference to clarify any discrepancies that may be noted in the use of the ODCGIS Zoning Map Atlas.

2.2 ZONING MAP ATLAS AMENDMENTS. Amendments to the Zoning Map Atlas changing the zoning status of an area shall be promptly posted on the appropriate layer of the ODCGIS Zoning Map Atlas by the OMPC. Each amendment shall be identified in an attribute table with the date of the OMPC public hearing and other information related to the zoning map amendment.

2.3 RULES FOR INTERPRETATION OF ZONE AND DISTRICT BOUNDARIES. Where uncertainty exists as to the boundaries of zones and districts as shown on the ODCGIS Zoning Map Atlas, the following rules shall apply:

2.31. Boundaries indicated as approximately following the centerlines of streets, highways, or alleys shall be construed to follow such centerlines;

2.32. Boundaries indicated as approximately following platted lot lines shall be construed as following such lines;

2.33. Boundaries indicated as approximately following city limits shall be construed as following such city limits;

2.34. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks;

2.35. Boundaries indicated as following shore lines shall be construed to follow such shore lines, and in the event of change in the shore line, shall be construed as moving with the actual shore line; boundaries indicated as approximately following the center line of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such center lines;

2.36. Boundaries indicated as parallel to or extensions of features indicated in Sections 2.41 through 2.45 hereinabove shall be so construed. Distances not specifically indicated on the ODCGIS Zoning Map Atlas shall be determined by measurement along the zoning boundary on the map;

2.37. Where a zone or district boundary line divides a lot which was in single ownership at the time of passage of this ordinance, the Board of Adjustment may permit, as a conditional use, the extension of the regulations for either portion of the lot not to exceed fifty (50) feet beyond the zone or district line into the remaining portion of the lot.

2.39. Where the above stated rules do not indicate the exact location of the zone or district boundaries, then said boundaries shall be determined by appeal before the Board of Adjustment as provided by Section 7.4 hereinbelow.

2.4 ZONING STATUS NOT AFFECTED BY ANNEXATION. All territory which may hereafter be annexed by the City of Owensboro or the City of Whitesville shall remain in its existing zone or district until otherwise changed as provided by Section 6.6 hereinbelow.
3-1 INTENT AND PURPOSE. The purpose of this Article is to establish and describe the following items: general regulations applicable to zones and districts; exceptions and adjustments to site requirements as prescribed for principal buildings in Article 8 of this Zoning Ordinance; regulations for accessory buildings, structures and features in required yards; and general limitations for vehicular access to lots.

3-2 APPLICATION OF ZONE AND DISTRICT REGULATIONS. The regulations set by this Zoning Ordinance within each zone and district shall be minimum or maximum limitations, as appropriate to the case, and shall apply uniformly to each class or kind of structure or land, except as hereinafter provided.

3-2(a) Agricultural Land Use Exemptions. Notwithstanding any other provision of this Zoning Ordinance, land which is used solely for agricultural use as defined in this Zoning Ordinance shall have no regulations imposed as to building permits, certificates of occupancy, height, yard, or location requirements for agricultural buildings, except that setback lines may be required for the protection of existing and proposed streets and highways and that buildings or structures in a designated floodway or floodplain or which tend to increase flood heights or obstruct the flow of flood waters may be fully regulated.

3-2(b) Public Utility Facilities Exceptioned; Acquisitions, Disposals and Changes, Referral to Commission; Effect - KRS 100.324. Public utilities operating under the jurisdiction of the energy regulatory commission and utility regulatory commission or the bureau of vehicle regulation or federal power commission and common carriers by rail shall not be required to receive the approval of the OMPC for the location or relocation of any of their service facilities. Service facilities include all facilities of such utilities and common carriers by rail other than office space, garage space, and warehouse space when such space is incidental to a service facility. The energy regulatory commission and utility regulatory commission and the bureau of vehicle regulation shall give notice to the OMPC of any hearing which affects locations or relocations of service facilities within the planning area of Daviess County.

(1) Nonservice Facilities Must Comply with Zoning Ordinance. The nonservice facilities excluded in this section must be in accordance with the regulations of this Zoning Ordinance.

(2) Service Facility Information Requested by OMPC. Upon request of the OMPC, the public utilities referred to in this section shall provide the OMPC with...
information concerning service facilities which have been located on and/or relocated on private property.

(3) Agreement of Public Facility Proposals with Comprehensive Plan. All proposals for acquisitions or disposition of land for public facilities, or changes in the character, location, or extent of structures or land for public facilities, excluding state and federal highways and public utilities and common carriers by rail mentioned in this section, shall be referred to the OMPC to review in the light of its agreement with the Comprehensive Plan. A majority of the entire membership of the legislative body may override the disapproval of the OMPC.

3-2(c) Buildings, Structures and Land Use Must Conform to Zoning Regulations. No building, structure, or land shall hereinafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered except in conformity with all of the regulations specified in this Zoning Ordinance for the zone and district in which it is located unless otherwise specifically permitted in this Zoning Ordinance.

(1) No More than One Principal Structure Per Lot. There shall be no more than one principal structure and its accessory structures on any lot or parcel of land unless otherwise specifically permitted in this Zoning Ordinance or unless a development plan is approved by the OMPC as provided by Article 16 of this Zoning Ordinance. In R-1A, R-1B, R-1C, and R-1T zones, there shall be only one principal structure and its accessory structures on any lot or parcel of land, unless a Planned Residential Development is approved by the OMPC as provided by Article 10 of this Zoning Ordinance.

(2) Site Requirements. No building or other structure shall hereafter be erected or altered (a) to exceed the height, bulk or floor area ratio; (b) to accommodate or house a greater number of families; (c) to occupy a greater percentage of lot area; (d) to have narrower or smaller rear yards, front yards, side yards, or other open spaces; or (e) to have less perimeter and interior lot landscaping for vehicular use area and noncompatible land uses than required by the provisions of this Zoning Ordinance Site requirements within the Downtown Overlay Districts shall comply with Article 21 of this ordinance.

(3) Site Requirements Must Be Met for Each Building or Land Use. No part of a yard, open space, off-street parking, loading space or other special use area required about or in connection with any building or land for the purpose of complying with this Zoning Ordinance, shall be included as part of a yard, open space, off-street parking, loading space or other special use area similarly required for any other building or land unless otherwise specifically permitted in this Zoning Ordinance. Site requirements within the Downtown Overlay Districts shall comply with Article 21 of this ordinance.

(4) Permitted and Prohibited Uses. Only those uses specifically named as principal, accessory or conditional uses or those uses substantially similar to principal, accessory or conditional uses are permitted in each zone or district. All uses specifically named as prohibited and all uses not specifically named which lack substantial similarity to permitted uses are prohibited. See Article 21 for prohibited uses within Downtown Overlay Districts.

(5) No Excavation, Cut or Fill Without Permit. No excavation, cut or fill of earth or debris shall hereafter be undertaken unless a permit is issued by the Zoning Administrator for such excavation, cut, or fill. (City of Owensboro) No excavation, cut or fill of earth or debris shall hereafter be undertaken unless a permit is issued by the local government engineer for such excavation, cut, or fill. (Unincorporated Daviess County) As an exception to the foregoing, excavation, cut or fill related to agricultural uses, for public utilities, and in approved subdivisions and developments may be undertaken without such permits, if it occurs entirely outside of areas of special flood hazard and if it would not affect any stream where base flood data has not been provided. Areas subject to potential flooding shall require development permits as specified in Article 18 of this Zoning Ordinance.

3-3 CONVERSION OF BUILDINGS. The conversion of any building or buildings, either residential or nonresidential, so as to accommodate an increased number of dwelling units or families or to accommodate another
permitted use shall be permitted only within a zone in which a new building for similar occupancy would be permitted under this Zoning Ordinance. The resulting occupancy shall comply with the requirements governing new construction in such zone with respect to building codes, parking supply, and landscape buffers. If the conversion involves no expansion of principal building volume or no conversion of an accessory building into a principal building, the resulting occupancy shall be exempt from the following requirements: minimum lot size, maximum floor area, lot coverage, dimensions of yards, and minimum open space. Any conversion that involves changes other than those stated above shall be subject to all site requirements stated above, and such further requirements as may be specified hereinafter applying to such zone.

3-4 SUBDIVISION COORDINATION REQUIRED. In all cases where the ownership of land is divided for the purpose of eventual development of lots, the provisions of the Subdivision Regulations shall apply in addition to the provisions of this Zoning Ordinance.

3-4(a) No New Nonconforming Yards or Lots. No yard or lot existing at the time of adoption of this Zoning Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein, unless approved as a special exception by the OMPC. Yards or lots created after the adoption of this Zoning Ordinance shall meet at least the minimum requirements established by this Zoning Ordinance.

3-4(b) Water Supply and Sewage Disposal Requirements. It shall be unlawful to construct any building unless the associated water supply and sewage disposal facilities meet the requirements of the health department. Wherever water and sewer mains are accessible, buildings shall be connected to such mains. The health department's certificate approving proposed or completed water and sewage facilities must accompany application for building permits and certificates of occupancy.

3-5 ADJUSTMENTS TO PRINCIPAL BUILDING YARD REQUIREMENTS PRESCRIBED IN ARTICLE 8. Yard requirements for principal buildings shall conform to the dimensions prescribed in Article 8 of this Zoning Ordinance unless adjusted by the provisions of the following subsections.

3-5(a) Adjustments to Yards Adjoining Streets.

(1) Yard Adjoins Freeway or Expressway. For any yard that adjoins a freeway or expressway, the minimum setback requirement for principal buildings shall be twenty feet (20') from the edge of the freeway or expressway right-of-way.

(2) Yard Adjoins Alley. For any yard that adjoins an alley, setback requirements shall apply as if the alley did not exist and the property lines on either side of the alley were a common line between two adjoining properties. Setbacks in yards adjoining alleys within the Downtown Overlay Districts shall comply with the requirements contained in Article 21 of this ordinance.

(3) Yard Adjoins Street Other Than Freeway, Expressway or Alley. For any side or rear yard that adjoins a street other than a freeway, expressway or alley, the minimum setback requirement for principal buildings shall equal the front yard setback requirement for a street of such classification and zone; except that in single-family residential and townhouse zones and single-family residential uses within R-4DT zones; side yards along local streets may be reduced to fifteen feet (15') where lots are back-to-back. Setbacks in yards adjoining streets within the Downtown Overlay Districts shall comply with the requirements contained in Article 21 of this ordinance.

3-5(b) Adjustments to Yards Adjoining More Restrictive Zones.

(1) Side Yard Adjoins More Restrictive Zone. When the side yard of a subject lot in any zone adjoins the side or rear yard of a lot in a more restrictive zone, the side yard requirement for the subject lot shall equal the more restrictive side yard requirement of the adjoining zone. Setbacks within the Downtown Overlay Districts shall comply with the requirements contained in Article 21 of this ordinance.

(2) Rear Yard Adjoining More Restrictive Zone. When the rear yard of a subject lot in any zone adjoins the side or rear yard of a lot in a more restrictive zone, the rear yard requirement for the subject lot shall equal the more restrictive rear yard requirement of the adjoining zone. Setbacks within the Downtown Overlay Districts shall comply with the requirements contained in Article 21 of this ordinance.
(1) Public Utility Easements. Principal buildings, accessory buildings and signs shall not be erected in public utility easements, unless otherwise approved by the appropriate utilities or agencies. Approval by appropriate utilities or agencies shall be in writing and shall include:

(a) a statement that allows the Zoning Administrator to issue a building permit for the structure or feature to be constructed in the public utility easement.

(b) a statement providing that “the landowner and public utilities/agencies shall hold the Zoning Administrator and OMPC harmless from any claims resulting from the location of a structure or feature within a public utility easement and/or drainage easement.”

(2) Building Setback Lines. When the building setback lines designated on a plat of record conflict with the requirements of this Zoning Ordinance, principal buildings shall conform to the more-restrictive setback requirements, or to the more restrictive build to lines in the case of properties regulated by Article 21. When the building setback lines designated in private restrictions conflict with the requirements within the Downtown Overlay District, private restrictions are encouraged to be released so that the principal building may comply with the requirements contained in Article 21 of this ordinance, or a variance must be sought.

3-5(d) Adjustments to Yards for Existing Alignment of Buildings Along a Street. For any yard that adjoins a street other than a freeway, expressway or alley, the required setback for a new, separate principal building may be reduced to

(1) the average of the actual setbacks of the existing principal buildings that are located nearest both sides of the proposed building site, and in the same block front; or

(2) the average of the prescribed minimum requirement and the actual setback of the existing principal building that is located nearest one side of the proposed building site, and in the same block front.

(3) In any case not excepted herein below, the proposed building setback shall be at least ten feet (10') from the edge of the street right-of-way, and shall not violate the setback line designated on a record plat. The ten-foot limitation does not apply in the B-2 Central Business Zone or to planned residential development projects as permitted by Article 10 of this Zoning Ordinance.

(4) Any intersecting street other than an alley shall constitute the end of the block front.

(5) For buildings within the Downtown Overlay Districts, adjustments for yards for a separate principal building shall comply with the regulations contained within Article 21 of this ordinance.

3-5(e) Adjustments to Yards for Additions to Legally Nonconforming Buildings. When an existing principal building adjoins any legally nonconforming yard, additions may be made to the building in such yard, subject to the following limitations.

(1) Such addition shall be located no closer to the lot line than the part of the original principal building foundation that is closest to the lot line.

(2) Such addition shall be located at least ten feet (10') from the edge of any street right-of-way, including alleys, and at least three feet (3') from any lot line adjoining property in a residential zone, and shall not violate the setback line designated on a record plat.

(3) For additions to legally nonconforming buildings within the Downtown Overlay District, adjustments to yards shall comply with the requirements contained within Article 21 of this ordinance.

3-6 GENERAL PROVISIONS FOR ACCESSORY BUILDINGS, STRUCTURES AND FEATURES. The provisions of this section shall regulate the location, height and size of all buildings, structures and features that are accessory to principal buildings or land uses.

3-6(a) Use Limitations. Unless provision is specifically made elsewhere in this Zoning Ordinance, the following use limitations shall apply.

(1) In residential and manufactured housing park zones, accessory buildings shall not be used for or involved with the conduct of any business, trade or industry.

(2) In any zone, no accessory structure or building shall be used in whole or in part for human occupancy.
(3) In any zone, temporary structures and accessory buildings may be allowed for the storage of equipment during construction.

3-6(b) Height. Accessory buildings, structures and features shall not exceed the height limitations for principal buildings for the zones in which they are located.

(1) Exceptions to Height Limitations. The height limitations of this Zoning Ordinance shall not apply to church spires, belfries, cupolas and domes not intended for human occupancy; monuments, water towers, observation towers, transmission towers, windmills, chimneys, smoke stacks, derricks, conveyors, flag poles, light poles, masts, aerials and cellular antenna towers except as restricted by Kentucky Airport Zoning Commission regulations or other Articles of this Zoning Ordinance.

3-6(c) Size Limitations. On lots less than one-half (1/2) acre in size, accessory structures shall not exceed the square footage of the ground floor of the principal building located on the lot, unless a variance is granted by the Owensboro Metropolitan Board of Adjustment. In all cases, maximum lot coverage shall not be exceeded.

3-6(d) Lot Coverage. Accessory buildings, structures and features, together with principal buildings, shall not exceed maximum lot coverage for the zones in which they are located. Lot coverage within the Downtown Overlay Districts shall comply with the regulations contained within Article 21.

3-6(e) Encroachments. Accessory buildings, structures and features shall not encroach upon or be located within public rights-of-way, public utility easements, or adjoining lots, unless specifically permitted elsewhere in this article.

3-6-(f) Sight Triangles for Traffic Visibility. Notwithstanding any other provisions of this Zoning Ordinance, in any zone, at any street intersection or any driveway intersection, accessory buildings, structures and features erected or installed shall conform with the limitations of the applicable sight distance triangles as shown in the following illustration and table, unless specifically excepted below.

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<table>
<thead>
<tr>
<th>Sight Triangles at Intersections</th>
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<tbody>
<tr>
<td><strong>Major Approach &gt;</strong></td>
</tr>
<tr>
<td><strong>Minor Approach &gt;</strong></td>
</tr>
<tr>
<td>L = 300'</td>
</tr>
<tr>
<td>R = 150'</td>
</tr>
<tr>
<td>M = 15'</td>
</tr>
</tbody>
</table>

(1) One-Way Street Exception. Sight triangles shall not apply on one-way streets at corners where traffic does not approach the intersection. On one way streets, if the major approach traffic comes from the RIGHT, then the LEFT sight triangle dimensions shall be applied to the RIGHT corner.

(2) Principal Building Exception. Sight triangles shall not apply to principal buildings located in conformance with building setback requirements of Article 8 and Article 21 or setback adjustments of this article.

(3) Utility Device Exception. Authorized utility devices, such as poles, control boxes, traffic signs and signals, etc. are excepted from strict conformance with sight triangles. However, the location of these devices should adhere as closely as possible to such limitations.

3-7 SPECIFIC PROVISIONS FOR ACCESSORY BUILDINGS, STRUCTURES AND FEATURES. In addition to the general provisions of Section 3-6, the provisions of this section shall regulate the location, height and size of accessory buildings, structures and features.

3-7(a) Minor Projections Permitted. For the purposes of these provisions, a minor projection shall be any part of a structure that does not touch the ground but projects out from the part of the structure that is attached to the ground. A minor projection shall extend no more than two feet (2') over any setback line required for the structure of which it is a part.
3-7(b) Enclosed Accessory Buildings. For the purposes of these provisions, an enclosed accessory building shall be any accessory structure or part thereof that is covered by a roof, rigid canopy, rigid awning, or similar watertight, solid element, and that contains walls, doors, windows, screens, or other elements that generally obstruct access from the adjoining yard. Enclosed accessory buildings shall conform to the setback requirements listed below.

(1) Permitted As For Principal Buildings. Enclosed accessory buildings may be located anywhere on a lot where principal buildings are permitted.

(2) Permitted in Rear Yards. Enclosed accessory buildings may be located in required rear yards. They shall be located no closer than three feet (3') to lot lines adjoining freeways, expressways, alleys, or other lots. They shall conform to setback requirements for principal buildings from lot lines adjoining arterial, collector or local streets.

(3) Separation from Other Enclosed Buildings. Each enclosed accessory building shall be located no closer than six feet (6') to a principal building or any other enclosed accessory building on the same lot.

3-7(c) Unenclosed Accessory Buildings. For the purposes of these provisions, an unenclosed accessory building shall be any accessory structure or part thereof that is covered by a roof, rigid canopy, rigid awning, or similar watertight, solid element, and, except for buildings from which it may project, is supported only by columns, posts, piers, or similar elements. Unenclosed accessory buildings shall provide free access from the adjoining yard into the covered space at all times. Unenclosed accessory buildings may be freestanding, may be attached to enclosed accessory buildings, may be attached to principal buildings, or may connect separate enclosed buildings to each other. Unenclosed accessory buildings shall conform to the setback requirements listed below.

(1) Permitted As For Principal Buildings. Unenclosed accessory buildings may be located anywhere on a lot where principal buildings are permitted.

(2) Permitted in Rear Yards. Unenclosed accessory buildings may be located in required rear yards. They shall be located no closer than three feet (3') to lot lines adjoining freeways, expressways, alleys, or other lots.

They shall conform to setback requirements for principal buildings from lot lines adjoining arterial, collector or local streets, unless excepted below.

(3) Permitted in Business and Industrial Zones in Vehicular Use Areas Adjoining Streets. In business or industrial zones, unenclosed accessory buildings that shelter vehicular use areas may be located in required yards adjoining streets. No column, post or pier supporting such structure may exceed two feet (2') in diameter or width. No portion of such structure shall be located closer than twenty-five feet (25') to an adjoining lot in any residential zone. All unenclosed accessory buildings within the Downtown Overlay District shall meet the standards of Article 21 with respect to location of any vehicular areas adjoining streets.

(4) Permitted to Project Over Public Rights-of-Way. In business and industrial zones, where principal buildings are located three feet (3') or less from lot lines that adjoin street rights-of-way, unenclosed accessory awnings, canopies or marquees may project from such principal buildings over public rights-of-way, subject to provisions of the local building code and Article 9 and Article 21 of this Zoning Ordinance.

(5) Permitted to Project into Required Front Yards. Unenclosed covered porches, which are attached to a principal structure, may project into a prescribed front yard setback a distance of not more than eight feet (8'), where the floor level of the unenclosed covered porch is not over three feet (3') above the average finished grade and the floor level does not extend above the level of the first floor of the principal building. In all cases, a minimum of 10 feet from the street right-of-way line shall be maintained. Unenclosed covered attached porches that project into required front yards shall remain open and shall not be enclosed with screening, windows, glass or other building material. Guardrails shall be permitted. The building inspector may require evidence that private deed restrictions are not violated. No unenclosed covered porches may encroach upon or be located within public right-of-way or public utility easements, unless specifically permitted elsewhere in this article. This provision is not applicable to Planned Residential Development projects as provided for in Article 10 of this zoning ordinance, or to Downtown Overlay Districts as provided for in Article 21 of this zoning ordinance.
3-7(d) Lightweight Covered Structures. For the purposes of these provisions, a lightweight covered structure shall be any accessory structure that is supported by buildings or by lightweight poles or posts, and is covered by a flexible fabric or latticework. Lightweight covered structures shall conform to the setback requirements listed below.

(1) Permitted As For Principal Buildings. Lightweight covered structures may be located anywhere on a lot where principal buildings are permitted.

(2) Permitted in Rear Yards. Lightweight covered structures may be located in required rear yards. They shall be located no closer than three feet (3') to lot lines adjoining freeways, expressways, alleys, or other lots. They shall conform to setback requirements for principal buildings from lot lines adjoining arterial, collector or local streets, unless excepted below.

(3) Permitted in Business and Industrial Zones in Yards Adjoining Streets. In business or industrial zones, lightweight covered structures may be located in required yards adjoining streets. They shall conform to setback requirements for principal buildings from lot lines adjoining other lots.

(4) Permitted to Project Over Public Rights-of-Way. In business and industrial zones, where principal buildings are located three feet (3') or less from lot lines that adjoin street rights-of-way, lightweight covered awnings or canopies may project from such principal buildings over public rights-of-way, subject to provisions of the local building code and Article 9 and Article 21 of this Zoning Ordinance.

(5) Permitted in Other Zones in Yards Adjoining Streets. In zones other than business or industrial, lightweight covered structures may be located in required yards adjoining streets. They shall project no more than eight feet (8') from the principal building wall and no closer than ten feet (10') to the edge of the street right-of-way. They shall conform to setback requirements for principal buildings from lot lines adjoining other lots. This provision is not applicable in the Downtown Overlay District as provided for in Article 21 of this ordinance.

3-7(e) Outdoor Floors and Stairs. For the purpose of these provisions, an outdoor floor shall be any pedestrian, ground pavement or floor structure that is not enclosed within principal or accessory buildings. Outdoor stairs shall be any paved or structural steps that are not enclosed within principal or accessory buildings.

(1) Up to Three Feet (3') Above Grade. Where the floor level of outdoor floors or the step level of outdoor stairs is no more than three feet (3') above the adjoining finished grade, such feature may be located in any required yard.

(2) More Than Three Feet (3') Above Grade, At or Below First Floor Level. Where the floor level of outdoor floors or the step level of outdoor stairs is more than three feet (3') above the adjoining finished grade, and is at or below the first floor level of the principal building, such feature shall be located no closer than ten feet (10') to the edge of any street right-of-way or closer than three feet (3') to any other lot line. This provision is not applicable in the Downtown Overlay District as provided for in Article 21 of this ordinance.

(3) More Than Three Feet (3') Above Grade, Above First Floor Level. Where the floor level of outdoor floors or the step level of outdoor stairs is more than three feet (3') above the adjoining grade, and is above the first floor level of the principal building, such feature shall conform to the setback requirements for principal buildings when attached to principal buildings, and shall conform to the setback requirements for enclosed accessory buildings in all other cases. This provision is not applicable in the Downtown Overlay District as provided for in Article 21 of this ordinance.

3-7(f) Swimming Pools and Tennis Courts. Swimming pools and tennis courts shall conform to the setback requirements applicable to enclosed accessory buildings. Walls and fences around such features shall conform to the requirements in this Zoning Ordinance and the Kentucky Building Codes.

3-7(g) Walls and Fences. Walls and fences may be located in required yards subject to the following limitations. Support posts may exceed the fence height by a maximum dimension of one foot (1') inclusive of any terminating ornamentation or finial. Walls and fences within Downtown Overlay District shall comply with the requirements of Article 21 of this ordinance.
whose grade is higher than the adjoining street grade, fence or wall height may be measured from the main grade of the yard.

(2) Height Outside of Industrial and Residential Zones. Outside of industrial and residential zones, a wall or fence of not more than six feet (6') in height may be erected or maintained within any rear or side yard adjoining an arterial, collector or local street, subject to sight triangle visibility requirements. In non-industrial zones other than residential, a wall or fence of not more than six feet (6') feet in height may be erected in any front yard, subject to sight triangle visibility requirements. A wall or fence of not more than eight feet (8') in height may be erected in any other rear yard. A wall or fence of not more than six feet (6') in height may be erected in any non-street side yard. Where walls and fences are located in conformance with setback requirements for principal buildings, they shall conform to the height limitations for principal buildings for the zone in which they are located.

(3) Height in Residential zones. In residential zones, a wall or fence of not more than three feet (3') in height may be erected in any front yard, except as otherwise required by Article 17 or Article 21 of these regulations. A wall or fence of not more than six feet (6') in height may be erected within any interior side yard. A wall or fence of not more than eight feet (8') in height may be erected or maintained within any interior rear yard or rear yard adjoining an alley. A wall or fence of not more than four feet (4') in height may be erected or maintained in any rear or side yard adjoining an arterial, collector or local street, unless a variance is granted by the Owensboro Metropolitan Board of Adjustment. On lots with more than one street frontage, the front yard shall be determined as along the street designated by the property address. Where corner residential lots are back to back and oriented so that rear yards abut, fences and walls within street side yards may be increased to a maximum of six feet (6') and fences and walls within street rear yards may be increased to eight feet (8'). Where corner residential lots are back to back and oriented so that rear and side yards abut, the four foot (4') maximum fence height in street side and rear yards shall apply. Where walls and fences are located in conformance with setback requirements for principal buildings, they shall conform to the height limitations for principal buildings for the zone in which they are located. In yards whose grade is higher than the adjoining street grade, fence or wall height may be measured from the main grade of the yard.

(4) Prohibited in Residential and MHP zones.

(a) Barbed Wire. Barbed wire on walls and fences shall be prohibited in residential or MHP zones, but shall be permitted in all other zones. Barbed wire may be installed upon walls or fences that are accessory to legally nonconforming commercial or industrial uses in any zone. Barbed wire along any boundary adjoining residential or MHP zones shall be at least six feet (6') above ground level. Fences in the Downtown Overlay District shall conform to provisions in Article 21.

(b) Electrical Fences. Electrical fences shall be prohibited in residential or MHP zones. Electrical fences shall also be prohibited in the Downtown Overlay district.

(5) Required Landscape Buffers. Article 17 of this Zoning Ordinance may impose additional requirements or limitations on walls and fences erected to satisfy perimeter landscaping requirements. In yards adjoining arterial, expressway, or major collector streets, private walled structures shall not be erected within parking and landscaping setbacks (roadway buffers) required by Section 13.622.
6) Public Utility Easements. Walls and fences may be erected within public utility easements subject to the discretion and limitations of the agencies that maintain facilities in such easements. Walls and fences shall not preclude the natural flow of surface storm water through yards, even if no formal easements exist for storm water runoff.

3-7(h) Satellite Dish Antennas. Satellite dish antennas that are accessory to principal buildings or land uses on a lot shall conform to the setback and height requirements applicable to enclosed accessory buildings; except that in business and industrial zones, satellite dish antennas may also be located in required yards adjoining streets, where no portion of such antenna shall be located closer than twenty-five feet (25') to an adjoining lot in any residential zone. In any zone, accessory satellite dish antennas may be ground- or roof-mounted and shall comply with applicable structural requirements of the local building code. Satellite dish antennas that are mounted on towers and/or owned by public utilities shall comply with provisions of this Zoning Ordinance regulating communication towers.

3-7(i) Signs. Signs shall comply with the provisions of Articles 8, 9, and 21 of this Zoning Ordinance.

3-7(j) Vehicular Use Areas. Parking areas and other vehicular use areas and their accessory features shall comply with the provisions of Articles 8, 13, 17, and 21 of this Zoning Ordinance.

3-7(k) Permitted into any Required Yard. Chimneys may extend a maximum of twenty-four inches (24") into any required yard, provided they are located a minimum of three feet (3’) from all lot lines.

3-7(l) Other Accessory Structures and Features. Accessory structures or features not specifically named above in this section may be required to comply with the stated requirements for similar, specifically named accessory structures or features.

3-8 VEHCULAR ACCESS TO LOTS. Refer to Article 13 of this Zoning Ordinance.
4.1 INTENT. Within the zones and districts established by this Zoning Ordinance, or amendments thereto, there exist lots, uses of land and structures, and characteristics of use which were lawful before this Zoning Ordinance was adopted or amended, but which would be prohibited, regulated, or restricted under the terms of this Zoning Ordinance or future amendment. It is the intent of this Zoning Ordinance to permit these non-conformities to continue until they are removed, but not to encourage their survival. It is further the intent of this Zoning Ordinance that non-conformities shall not be enlarged or extended beyond the scope and area of their operation at the time of the adoption or amendment of this Zoning Ordinance, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same zone.

4.11. To avoid undue hardship nothing in this Zoning Ordinance shall be deemed to require a change in the plans, construction, or designated use of any building or premises on which an application for a building permit was filed with the Building Inspector prior to the date of adoption of this Zoning Ordinance or amendment thereto. The issuance of said permit shall be valid only in the event that construction on said structure or premises, in accordance with the plans and specifications submitted with the application for a building permit, is begun within sixty (60) days after the date of issuance of said permit and is diligently carried on. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where grading or excavation, or demolition or removal of an existing building has been begun preparatory to rebuilding or reusing the premises, such grading or excavation, or demolition or removal shall be deemed to be actual construction provided that work shall be carried on diligently.

4.2 NON-CONFORMING LOTS OF RECORD. At the time of the adoption of this Zoning Ordinance, there exist lots of official record which do not include sufficient land to conform to the site development or other requirements of the zone(s) in which they are located. The Zoning Administrator may issue building permits for such lots, if proposed structures can comply with all site development requirements of Section 8.5 for the applicable zone(s) with the exception of minimum lot size and minimum lot frontage requirement; and if proposed parking area/driveway access characteristics can comply with the requirements of Section 13.6. If proposed structures or parking areas/driveway access characteristics cannot comply with the abovementioned requirements, an application may be submitted to the Board of Adjustment for a variance from the terms of this Zoning Ordinance (see Section 7.33 herein), or the owner might consider submitting an application for an R-1T Townhouse Zone (in residential cases, where applicable), or agreeing to limit vehicular access to and from lot by an available alley. The Board of Adjustment shall not have the authority to vary the number of parking spaces required for a particular use on a non-conforming lot.

4.21. A non-conforming lot may not be further subdivided or consolidated, in whole or in part, with another parcel in a manner that increases its non-conformity. It may, however, be altered so as to decrease its non-conformity. However, the Planning Commission may approve the subdivision of a lot, which has two or more legally constructed principal structures, into separate parcels for the purpose of the sale or transfer of the individual residences if the Planning Commission finds that the properties have been used in a separate and distinct manner with separate utilities and other facilities so that the resulting subdivision will not constitute a material change in the use of the property.

4.3 NON-CONFORMING USES OF LAND. Where at the date of adoption or amendment of this Zoning Ordinance, lawful use of land exists which would not be permitted by the regulation imposed by this Zoning Ordinance, the use may be continued so long as it remains otherwise lawful provided:

4.31. No such non-conforming use shall be enlarged or extended to occupy a greater area of land than was occupied at the date of adoption or amendment of this Zoning Ordinance.

4.32. No non-conforming use shall be moved in whole or in part to any portion of the lot or parcel other than
that occupied by such use at the date of adoption or amendment of this Zoning Ordinance. However, said use may be moved to another position on the lot or parcel through appeal to the Board of Adjustment under Section 7.4 herein below.

4.33. When a non-conforming use of land is discontinued or abandoned so as to show a gross lack of diligence in usage for eighteen (18) months or more (except when governmental action prevents such use), the land shall not thereafter be used except in conformity with the regulations of the zone or district in which it is located.

4.34. Nonconforming uses located within the Downtown Overlay Districts shall comply with the provisions for non-conforming uses contained in Article 21 of this ordinance.

4.4 NON-CONFORMING STRUCTURES. Where a lawful structure exists at the effective date of adoption or amendment of this ordinance that could not be built under the terms of this Zoning Ordinance by reason of restrictions on area, lot coverage, height, yards, its location on the lot, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful subject to the following provisions.

4.41. No such non-conforming structure may be enlarged or altered in a way which increases its non-conformity, but any structure or portion thereof may be altered to decrease its non-conformity.

4.42. Should such non-conforming structure or non-conforming portion of a structure be damaged, destroyed, or demolished by any means, it may be reconstructed or repaired but not to exceed the number of cubic feet existing in it and not to extend or enlarge the scope and area of its operation prior to its damage, destruction, or demolition except as otherwise provided in Section 4.55 herein below.

4.43. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the zone or district in which it is located after it is moved. However, said structure may be moved to another part of the same lot by appeal to the Board of Adjustment as provided under Section 7.4 herein below.

4.44. Nonconforming structures located within the Downtown Overlay Districts shall comply with the provisions for non-conforming structures contained in Article 21 of this ordinance.

4.5 NON-CONFORMING USES OF STRUCTURES OR OF STRUCTURES AND PREMISES IN COMBINATION. If lawful use involving individual structures of structure and premises in combination exists at the date of adoption or amendment of this Zoning Ordinance that would not be allowed in the zone or district under the terms of this Zoning Ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

4.51. No existing structure devoted to a use not permitted by this Zoning Ordinance in the zone or district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the zone or district in which it is located except as provided in Section 4.55 herein below.

4.52. Any non-conforming use may be extended throughout any parts of a building which were arranged or designed for such use at the date of adoption or amendment of this Zoning Ordinance, but no such use shall be extended to occupy any land outside such building.

4.53. If no structural alterations are made, any non-conforming use of a structure, or structure and premises, may be changed to another non-conforming use by appeal to the Board of Adjustment as provided under Section 7.34 herein below if the proposed use is in the same or a more restrictive classification. In permitting such change, the Board of Adjustment may require appropriate conditions and safeguards in accord with the provisions of this Zoning Ordinance.

4.54. Any structure, or structure and land in combination, in or on which a non-conforming use is superseded by a permitted use, shall thereafter conform to the regulations for the zone or district, and the non-conforming use may not thereafter be resumed.

4.55. When a non-conforming use of a structure, or structure and premises in combination, is halted because of the damage, destruction, or demolition of the structure by any means; the structure may be reconstructed or repaired but not to exceed the number of cubic feet existing in it prior to its damage, destruction, or demolition, and the non-conforming use resumed but not to exceed or enlarge the scope and area of its operation prior to its damage, destruction, or demolition.
4.56. When a non-conforming use of a structure, or structure and premises in combination, intentionally is discontinued or abandoned so as to show a gross lack of diligence in usage for eighteen (18) months or more (except when governmental action prevents such use), the structure, or structure and premises in combination, shall not thereafter be used except in conformity with the regulations of the zone or district in which it is located.

4.57. Nonconforming uses of structures and nonconforming uses of structures and premises in combination located within the Downtown Overlay Districts shall comply with the provisions for uses of structures and nonconforming uses of structures and premises in combination contained in Article 21 of this ordinance.

4.6 REPAIRS AND MAINTENANCE. On any non-conforming structure or portion of structure and on any structure containing a non-conforming use, work may be done on ordinary repairs, or on repair or replacement of walls, fixtures, wiring, plumbing, or other parts provided that the cubic content of the non-conforming structure or portion shall not be increased. Nothing in this Zoning Ordinance shall be deemed to prevent the strengthening, repairing, or restoring to a safe condition of any structure or part thereof.

4.7 CONDITIONAL USES NOT NON-CONFORMING USES. Any existing principal permitted use at the date of the adoption or amendment of this Zoning Ordinance which would thereafter require a conditional use permit shall without further action be deemed a conforming use, but any enlargement or replacement of such use, in buildings or on land, shall require a conditional use permit.
5.1 ZONING ADMINISTRATOR. Provisions of this Zoning Ordinance shall be enforced by an Administrative Officer, designated by the Legislative Bodies to administer said Ordinance.

5.11. The Zoning Administrator shall be authorized to issue building permits and/or certificates of occupancy in accordance with the literal terms of the Zoning Ordinance, but may not have the power to permit any construction or to permit any use or any change of use which does not conform to the literal terms of the Zoning Ordinance.

The Zoning Administrator shall keep accurate records in a permanent file for the issuance of building permits, certificates of occupancy, inspection violations, stop orders, and condemnations.

5.12. If the Zoning Administrator finds any provisions of the Zoning Ordinance being violated, the person or persons responsible for such violations shall be notified by the Zoning Administrator through registered mail. Said notification shall order the discontinuation of any illegal use of land, buildings, and/or structure. Any permit or certificate of occupancy issued in conflict with the provisions of the Zoning Ordinance shall be null and void.

5.13. The Zoning Administrator shall be registered to inform and/or report his actions to the OMPC. Said report shall be in writing and issued to the OMPC on or before each monthly meeting.

5.2 BUILDING PERMITS REQUIRED. No building or other structures, including accessory buildings, shall be erected, moved, added to, or structurally altered, nor shall any of said activities be commenced without a building permit therefor, issued by the Zoning Administrator. No building permit shall be issued by him except in conformity with the provisions of this Zoning Ordinance unless he has a written order from the Board of Adjustment in the form of an administrative review decision, a conditional use permit, or dimensional variance as provided under the provisions of Section 7.3.

5.21 Exceptions. No building permit shall be required for recurring maintenance work, or for the installation of required improvements according to an approved subdivision plat.

5.22 Procedure.

5.221 Application. In applying to the Zoning Administrator for a building permit, the applicant shall submit a plan along with the application, drawn to scale, showing the dimensions of all structures to be constructed or altered and all existing structures, the use of structures, yards depths and any other information for determining conformance with this Zoning Ordinance. The City or County Health Officer’s certificate approving proposed water and sewage facilities must accompany applications according to Section 3.9 of the Zoning Ordinance.

5.222 Issuance. If the proposed construction or alteration conforms with all applicable ordinances, regulations and codes, the Zoning Administrator shall issue a building permit authorizing such construction or alteration. If proposed construction or alteration fails to conform, the Zoning Administrator shall refuse to issue a building permit and shall cause delivery of written notice to the applicant stating the reasons for refusal. The Zoning Administrator shall act upon applications for building permits within two (2) weeks from the date of their submission.

5.223 Restraint of Construction without Permit. If no building permit has been issued and a builder begins or continues to build, a restraining order may be obtained upon application to the proper court of
record, and evidence of the lack of a building permit shall establish a prima facie case for the issuance of the restraining order.

5.224 Validity. The issuance of a building permit shall not waive any provisions of this regulation.

5.225 Duration. Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within one hundred eighty (180) days after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of one hundred eighty (180) days after the time the work is commenced. The building official is authorized to grant, in writing one or more extensions of time, for periods not more than one hundred eighty (180) days each. The extension shall be requested in writing and justifiable cause demonstrated.

**5.3 CERTIFICATE OF OCCUPANCY REQUIRED.**
No person shall use or permit the use of any structure or premises or part thereof hereafter created, erected, changed, converted, enlarged or moved, wholly or partly, until a certificate of occupancy shall have been issued by the Zoning Administrator. Such certificate shall show that the structure or use, or both, or the premises, or the affected part thereof, are in conformity with the provisions of this Zoning Ordinance. It shall be the duty of the Zoning Administrator to issue such certificate if he finds that all of the provisions of this Zoning Ordinance have been met, and to withhold such certificate unless all requirements of the Zoning Ordinance have been met.

5.31 Exceptions. No certificate of occupancy shall be required for recurring maintenance work, or for the installation of required improvements according to an approved subdivision plat.

5.32 Temporary Certificates of Occupancy. A temporary certificate of occupancy may be issued by the Zoning Administrator for a period not exceeding six (6) months during alterations or partial occupancy of a building pending its completion in accordance with general rules or regulations concerning such temporary certificate and with such additional conditions or safeguards as are necessary in the circumstances of the case to protect the safety of the general public.

5.33 Certificate of Occupancy for Existing Uses or Structures. Upon application from the owner or tenant, and upon inspection to determine the facts in the case, the Zoning Administrator shall issue a certificate of occupancy for any building, premises or use, certifying that the building, premises or use is in conformity with the provisions of this Zoning Ordinance or that a legal non-conformity exists as specified in the certificate.

5.34 Structures And Uses To Be As Provided In Building Permits, Plans And Certificates of Occupancy. Building permits or certificates of occupancy issued on the basis of plans and applications approved by the Zoning Administrator authorize only the use, arrangement and construction set forth in such permits, plans and certificates, and no other. The use, arrangement or construction at variance with that authorized shall be deemed a violation of this Zoning Ordinance.

5.4 COMPLAINTS REGARDING VIOLATIONS. Whenever a violation of this Zoning Ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the Zoning Administrator. He shall record properly such complaint, immediately investigate, and take action thereon as provided by this Zoning Ordinance.

5.5 PENALTIES FOR VIOLATIONS. Any person or entity who violates any of the provisions of this Zoning Ordinance adopted pursuant hereunder for which no other penalty is provided, shall, upon conviction, be fined no less than ten (10) but no more than five hundred (500) dollars for each conviction. Each day of violation shall constitute a separate offense. Any person, owner, or agent who violates the Ordinance shall, upon conviction, be fined not less than one hundred (100) nor more than five hundred (500) dollars for each lot or parcel which was the subject of sale or transfer, or a contract for sale or transfer.
6.1 APPLICATION FOR AMENDMENT. A proposal for amendment to the Zoning Ordinance may originate with the OMPC, a Legislative Body, any other governmental body, the owner of the subject property, or by a person having written authorization from the owner of the subject property. Regardless of the origin of the proposed amendment, an application must be filed with the OMPC at least twenty-one (21) days prior to the regular monthly meeting date requesting the proposed amendment, accompanied by such information as required by this Zoning Ordinance and in such form as established by the OMPC. The OMPC may require the submission of further information subsequent to the filing of an application as provided by the Zoning Ordinance. At the time of filing an application, a non-returnable filing fee shall be paid according to the schedule of fees as established by the OMPC. Upon the filing of an application for a Zoning Map amendment by a governmental body, the OMPC shall promptly notify the owner of the subject property by registered mail. Regardless of the origin of a proposed Zoning Map amendment, the owners of all property adjoining the subject property shall be notified by registered mail.

6.2 COMMISSION PROCEDURE. Upon the filing of an application for an amendment to this Zoning Ordinance, the OMPC shall study and review the application as provided in this Zoning Ordinance and the Bylaws of the OMPC.

6.3 NOTICE OF PUBLIC HEARING. Before voting upon any proposed amendment, notice of the time, place and reason for holding a public hearing shall be given as required by KRS Chapter 424.

6.4 PUBLIC HEARING ON APPLICATION. After notice of the public hearing as provided in Article 6.3 hereinafter, the OMPC shall hold a public hearing on the proposed amendment.

6.5 RECOMMENDATION OF OMPC ON ZONING ORDINANCE AMENDMENTS. A proposal for a map amendment may originate with the Daviess County Fiscal Court, City of Owensboro or City of Whitesville, or with the owner of the property in question. Regardless of the origin of the proposed amendment, it shall be referred to the planning commission before adoption. The OMPC shall then hold at least one (1) public hearing after notice as required by KRS Chapters 424 and 100 and make recommendations to the appropriate Legislative Body. The OMPC shall make its recommendation to the Legislative Body the first working day following the Owensboro Metropolitan Planning Commission recommendation. Before recommending to the Legislative Body that an Application for Amendment to the Zoning Ordinance be granted, the OMPC shall find that the map amendment is in agreement with the Comprehensive Plan or, in the absence of such a finding that (1) the original zoning classification given to the property was inappropriate or improper, or (2) there have been major changes of an economic, physical, or social nature within the area involved which were not anticipated in the Comprehensive Plan, and which have substantially altered the basic character of such area. The findings of fact made by the OMPC shall be recorded in the minutes and records of the OMPC. After voting to recommend that an application for amendment to the Zoning Ordinance be granted or denied, the OMPC shall forward its findings of fact and recommendation in writing to the appropriate Legislative Body. Once the OMPC has made a determination of fact and recommendation to the Legislative Body concerning the disposition of zoning on an individual tract of land, said tract of land, or any portion thereof, shall not be reconsidered for reclassification to the same zone by the OMPC for a period of at least six (6) months.

6.6 ACTION BY THE LEGISLATIVE BODY ON ZONING ORDINANCE AMENDMENTS. The Owensboro Metropolitan Planning Commission recommendation shall become final and the map amendment shall be automatically implemented subject to the provisions of KRS 100.347, all as set forth in the OMPC recommendations, unless within twenty-one (21) days after the final action by the planning commission:
a) Any aggrieved person files a written request with the OMPC that the final decision shall be made by the appropriate Legislative Body; or,

b) The appropriate Legislative Body files a notice with the OMPC that the Legislative Body shall decide the map amendment.

Notwithstanding the provisions of items 6.6(a) and (b) above, the Legislative Body shall not act upon a proposed amendment to the Zoning Ordinance until it has received written findings of fact and recommendation(s) thereon from the OMPC. Before an amendment to the Zoning Ordinance is granted under this section, the Legislative Body must find that the map amendment(s) is in agreement with the Comprehensive Plan or, in the absence of such a finding that (1) original zoning classification given to the property was inappropriate or improper, or (2) there have been major changes of an economic, physical or social nature within the area involved which were not anticipated in the Comprehensive Plan, which have substantially altered the basic character of such area. It shall take a majority of the entire appropriate Legislative Body to override the recommendation of the OMPC. Furthermore, all procedures for public notice and publication as well as for adoption shall be the same as for the original enactment of a zoning regulation as outlined in KRS 100.211, and the notice of publication shall include the street address of the property in question, or if one is not available, or if it is not practicable due to the number of addresses involved, a geographic description sufficient to locate and identify the property, and the names of the two (2) streets on either side of the property which intersect the street on which the property is located. If the property is located at the intersection of two (2) streets, the notice shall designate the intersection by name of both streets rather than name the two (2) streets on either side of the property.
### Article 7

#### BOARD OF ADJUSTMENT

<table>
<thead>
<tr>
<th>Article amendments approved unless noted:</th>
<th>OMPC</th>
<th>Owensboro</th>
<th>Daviess Co.</th>
<th>Whitesville</th>
</tr>
</thead>
<tbody>
<tr>
<td>associated with zoning map amendment, revised related sections to conform (7.31, 7.33, 7.331, 7.332, 7.334); clarified OMBA authority and responsibility in hearing appeal to change from one non-conforming use to another as authorized in Art. 4, renumbered subsequent section (7.34, 7.35); changed appeal time from action of the Zoning Administrator from 60 to 30 days to comply with KRS 100.257 (7.35).</td>
<td></td>
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</tbody>
</table>

#### 7.1 ESTABLISHMENT.** The Board of Adjustment as constituted at the time of the adoption of this Zoning Ordinance shall continue in power. Future appointments shall be made as required by KRS 100.217 and by the legislative bodies.**

The Board shall have the power to issue subpoenas to compel witnesses to attend its meetings and give the evidence bearing upon the questions before it. The Chairman of the Board of Adjustment shall have the power to administer oaths to witnesses prior to their testifying before the Board on any issue. The Planning Commission shall assume all powers and duties otherwise exercised by the Board of Adjustments in hearing and deciding applications for variances pursuant to KRS 100.231, 100.233, 100.241, 100.243, 100.247, and 100.251 in a circumstance where a proposed development requires a zoning map amendment and one (1) or more variances.

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#### 7.2 PROCEEDINGS.** The Board of Adjustment shall conduct meetings at the call of the Chairman who shall give written or oral notice to all members of the Board at least seven (7) days prior to the meeting, which notice shall contain the date, time, and place of the meeting, and the subject or subjects which will be discussed. A simple majority of the total membership of the Board of Adjustment shall constitute a quorum.**

The Board of Adjustment shall adopt Bylaws for the transaction of business and shall keep minutes and records of all proceedings, including regulations, transactions, findings, determinations, the number of votes for and against each question, whether any member is absent or abstains from voting, all of which shall immediately upon adoption be filed in the office of the Board. A transcript of the minutes of a Board of Adjustment meeting shall be provided if requested by a party, at the expense of the requesting party, and the transcript shall constitute the record.

#### 7.3 POWERS. The Board of Adjustment shall have the following powers:

**7.31 General Powers.** The Board of Adjustment may employ or contract with planners or other persons as it deems necessary to accomplish its assigned duties. The Board shall have the right to receive, hold, and spend funds which it may legally receive from any and every source in and out of the Commonwealth of Kentucky, including the United States Government, for the purpose of carrying out the provisions of this Zoning Ordinance.

The Board may approve, modify, or deny any application for a conditional use permit. If it approves such a permit, it may attach necessary conditions such as time limitations, requirements that one or more things be done before the request can be initiated, or conditions of a continuing nature and which would not have an adverse influence on existing or future development of the subject property or its surrounding neighborhood.

**7.32 Conditional Use Permits.** The Board shall have the power to hear and decide applications for conditional use permits to allow the proper integration into the planning area of uses which are specifically named in this Zoning Ordinance which may be suitable only in specific locations in the zone only if certain conditions are met and which would not have an adverse influence on existing or future development of the subject property or other property in the neighborhood. Any such conditions shall be recorded in the Board's minutes and on the conditional use permit along with a reference to the specific section in the Zoning Ordinance listing the conditional use under consideration. The Board shall have power to revoke conditional use permits for non-compliance
with the condition thereof. Furthermore, the Board shall have a right of action to compel offending structures or uses removed at the cost of the violator and may have judgment in personam for such cost.

7.322. The granting of a conditional use permit does not exempt the applicant from complying with all the requirements of building, housing, and other regulations.

7.323. In any case where a conditional use permit has not been exercised within the time limit set by the Board or within one (1) year if no specific time limit has been set, the granting of such conditional use permit shall be reconsidered by the Board of Adjustment at a public hearing with notice as required under Section 7.324 herein below. Exercised as set forth in this Section shall mean that binding contracts for the construction of the main building or other improvements have been let; or in the absence of contracts that the main building or other improvements is under construction to a substantial degree or that prerequisite conditions involving substantial investment shall be under contract, in development or completed. When construction is not a part of the use, exercised shall mean that the use is in operation in compliance with the conditions as set forth in the permit.

7.324. The Zoning Administrator shall review all conditional use permits, except those for which all conditions have been permanently satisfied, at lease once annually and shall have the power to inspect the land or structure where the conditional use is located in order to ascertain that the landowner is complying with all of the conditions which are listed on the conditional use permit. If the landowner is not complying with all the conditions, which are listed on the conditional use permit, the Zoning Administrator shall report the fact in writing to the Chairman of the Board of Adjustment and to the landowner. The report shall state specifically the manner in which the landowner is not complying with the conditional use allowed on the conditional use permit. The Board shall hold a hearing on the report within a reasonable time, and notice of the time and place of the hearing shall be furnished to the landowner at least one (1) week prior to the hearing. If the Board of Adjustment finds that the facts alleged in the report of the Zoning Administrator are true and that the landowner has taken no steps to comply with them between the date of the report and the date of the hearings, the Board of Adjustment may authorize the Zoning Administrator to revoke the conditional use permit and take the necessary legal action to cause the termination of the activity on the land which the conditional use permit authorizes.

7.325. Once the Board of Adjustment has granted a conditional use permit and all of the conditions required are of such type that they can be completely and permanently satisfied, the Zoning Administrator upon request of the applicant may, if the facts warrant, make a determination that the conditions have been satisfied and enter the facts which indicate that the conditions have been satisfied and the conclusion in the margin of the copy of the conditional use permit which is on file with the county clerk as required in KRS 100.344. Thereafter said use, if it continues to meet the other requirements of the regulations, will be treated as a permitted use.

7.33 Dimensional Variances. The Board shall have the power to hear and decide on applications for dimensional variances where, by reason of the exceptional narrowness, shallowness, or unusual shape of a site on the date of adoption or amendment of this Zoning Ordinance or by reason of exceptional topographic conditions, or some other extraordinary situation or condition of that site, the literal enforcement of the dimensional requirements (height or width of building or size of the yards, but not population density) of this Zoning Ordinance would deprive the applicant of reasonable capacity to make use of the land in a manner equivalent to the use permitted other landowners in the same zone. The Board may impose any reasonable conditions or restrictions on any variance it decides to grant. The Board shall have power to revoke variances for non-compliance with the condition thereof. Furthermore, the Board shall have a right of action to compel offending structures or uses removed at the cost of the violator and may have judgment in personam for such cost. The Owensboro Metropolitan Planning Commission may hear and finally decide applications for variance when a proposed development requires a zoning map amendment and one (1) or more variances, in accordance with the procedures specified in Sections - 7.31 of this Article.

7.331. Before any variance is granted, the Board or the Planning Commission must find all of the following which shall be recorded along with any imposed conditions or restrictions in minutes and records and issued in written form to the applicant to constitute proof of the dimensional variance:
(1) The specific conditions in detail which are unique to the applicant's land and do not exist on other land in the same zone.

(2) The manner in which the strict application of the provisions of this Zoning Ordinance would deprive the applicant of a reasonable use of the land in the manner equivalent to the use permitted other landowners in the same zone.

(3) That the unique conditions and circumstances are not the result of actions of the applicant taken subsequent to the adoption or amendment of this Zoning Ordinance.

(4) Reasons that the variance will preserve, not harm the public safety and welfare, and will not alter the essential character of the neighborhood.

7.332. The Board or the Planning Commission shall not possess the power to grant a variance to permit a use of any land, building, or structure, which is not permitted by this Zoning Ordinance in the zone in question.

7.333. A dimensional variance applies to the property for which it is granted, and not the individual who applies for it. A variance also runs with the land and is transferable to any future owner of the land, but it cannot be transferred by the applicant to a different site.

7.334. All variances and conditional use permits approved by the Board of Adjustment or the Planning Commission shall be recorded in the office of the County Court Clerk at the expense of the applicant.

7.34 Non-Conforming Use and Structure Appeals. The Board of Adjustment shall have the authority to hear and decide appeals, as authorized in Article 4, concerning non-conforming uses and structures. In approving an appeal, the Board must find, in addition to all requirements of Article 4, that the non-conformity of the use and/or the non-conformity of the structure would not be increased in scope or area of its operation, and that it would not have an adverse effect on existing or future development of the subject property or the surrounding area. In approving an appeal, the Board may require appropriate conditions be met to ensure the health, safety, and welfare of the community and to protect the essential character of the surrounding area.

7.35 Administrative Review. The Board of Adjustment shall have the power to hear and decide cases where it is alleged by an applicant that there is an error in any order, requirement, decision, grant, or refusal made by the Zoning Administrator in the enforcement of this Zoning Ordinance. Appeals under this Section must be taken within thirty (30) days of the date of official action by the Zoning Administrator.

7.4 GRIEVANCES. Appeals to the Board may be taken by any person, or entity claiming to be injuriously affected or aggrieved by an official action or decision of the Zoning Administrator. Such appeal shall be taken within thirty (30) days after the appellant or his agent receives notice of the action appealed from, by filing with said officer and with the Board a notice of appeal specifying the grounds thereof, and giving notice of such appeal to any and all parties of record. Said officer shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from was taken and shall be treated as and be the respondent in such further proceedings. At any hearing by the Board, any interested person may appear and enter his appearance, and all shall be given an opportunity to be heard. The Board shall fix a reasonable time for hearing the appeal and give public notice in accordance with KRS Chapter 424, as well as written notice to the appellant and the Building Inspector at least one (1) week prior to the hearing, and shall decide it within sixty (60) days. The affected party may appear at the hearing in person or by attorney.

7.5 APPEALS. Any person or entity claiming to be injured or aggrieved by any final action of the Board of Adjustment may appeal from the action to the Circuit Court of Daviess County. All appeals shall be taken in the Circuit Court within thirty (30) days after the action or decisions of the Board of Adjustment, and all decisions which have not been appealed within thirty (30) days shall become final. After the appeal is taken, the procedure shall be governed by the rules of civil procedure. When an appeal has been filed, the Clerk of the Circuit Court shall issue a summons to all parties and shall cause it to be delivered for service as in any other law action.
<table>
<thead>
<tr>
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<th>Daviess Co.</th>
<th>Whitesville</th>
</tr>
</thead>
<tbody>
<tr>
<td>Public utility facilities, extraction of petroleum, hazardous waste disposal</td>
<td>12-Jan-1984</td>
<td>06-Mar-1984</td>
<td>22-Feb-1984</td>
<td>?</td>
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<tr>
<td>Automobile body shops</td>
<td>15-Nov-1990</td>
<td>not adopted</td>
<td>26-Dec-1990</td>
<td>not adopted</td>
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<tr>
<td>Comprehensive Plan standards for building setbacks &amp; reformat of site development requirements tables (8.5); major streets map with updated functional classifications (8.6)</td>
<td>18-Apr-1996</td>
<td>21-May-1996</td>
<td>22-May-1996</td>
<td>?</td>
</tr>
<tr>
<td>New land use category: &quot;individual storage&quot; (mini-warehouses, proposed by Co.); principal use in I-1/I-2 zones, conditional use in B-4 zones; restrictions for B-4 zones. (8.2-L7, 8.4-48)</td>
<td>14-Nov-1996 denied</td>
<td>not appl.</td>
<td>12-Feb-1997 approved</td>
<td>not appl.</td>
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<tr>
<td>Replace use &quot;horticultural services&quot; with use &quot;landscaping services&quot;; principal use in A-R, I-1, I-2 zones, conditional use in A-U zone, accessory to retail sale of plant, nursery, greenhouse products in B-3, B-4 zones. (8.2-H8, 8.4-18, 8.4-33a)</td>
<td>13-Nov-1997</td>
<td>06-Jan-98</td>
<td>23-Dec-1997</td>
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<tr>
<td>2003 Review Committee: Created B-5 Business/Industrial zone for application in areas identified as Business/Industrial Plan Areas in the Land Use Element of the Comprehensive Plan, renumbered subsequent subsection (8.165, 8.166); added new B-5 zone to table and denoted its principal, conditional, and accessory uses; increased number of accessory dwelling units allowed in P-1, B-1, B-2, B-3, and B-4 zones from 1 to 2 units to be located to the rear or above the principally permitted business; deleted differences between uses located in Owensboro, Whitesville and unincorporated Daviess County with the exception of individual storage units and automobile body shops that are conditionally permitted in B-4 and B-5 zones in unincorporated Daviess County only; added &quot;Residential Care Facilities&quot; as a permitted use in all residential zones as required by KRS 100.982-100.984; changed Manufactured Housing classifications</td>
<td>11-Dec-2003</td>
<td>02-Mar-2004</td>
<td>05-Feb-2004</td>
<td>06-Apr-2004</td>
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<tr>
<td>Revisions associated with adoption of Article 21 Central Business Overlay Districts to 8.2 Zones and Uses table</td>
<td>13-Jan-2005</td>
<td>15-Feb-2005</td>
<td>3-May-2005</td>
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<tr>
<td>Revisions associated with adoption of Group Housing Criteria to 8.2 Zones and Uses Table and 8.4 Detailed Uses and Special Conditions</td>
<td>10-Mar-2005</td>
<td>17-May-2005</td>
<td>5-May-2005</td>
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<tr>
<td>Revisions to reference new regulations contained in Article 21 relative to properties within Downtown Overlay Districts</td>
<td>10-Jul-2008</td>
<td>19-Aug-2008</td>
<td>07-Aug-2008</td>
<td>?</td>
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<tr>
<td>Revisions to include additional uses and to revise light and heavy industrial permitted uses</td>
<td>08-Jul-2010</td>
<td>3-Aug-2010</td>
<td>19-Aug-2010</td>
<td>?</td>
</tr>
</tbody>
</table>

**8.1 DEVELOPMENT AND INTENT OF ZONES.**

**8.11 AGRICULTURE ZONES.** The two Agriculture Zones are created from the original A-1 Agriculture Zone. The A-U Urban Agriculture Zone is established to provide for agricultural and related open space uses for portions of the Owensboro Urban Service Area projected for urban development. The A-U Zone is also intended to designate potential development areas surrounding particular rural communities of Daviess County and the area surrounding Whitesville. A zone change from A-U to a more urban classification should be encouraged for projects that promote the objectives of the Comprehensive Plan Land Use Element.

The A-R Rural Agriculture Zone is established to preserve the rural character of the Daviess County Rural Service Area by promoting agriculture and agricultural-
related uses, and by discouraging all forms of urban development except for rural residential and limited conditional uses. A zone change from A-R to a more urban classification would deprecate the objectives of the Comprehensive Plan and should be discouraged unless the request involves incidental land uses for which provision is not made or which ordinarily do not occur in urban areas (i.e., land and resource dependent uses - mining, agriculture, forestry, etc.). A zone change from A-R to A-U would normally occur subsequent to projections that the need exists for additional potential urban development area.

The phasing from A-R to A-U, to an urban classification is intended to inform all public and private concerns where coordinated development should occur.

**8.12 SINGLE- FAMILY DETACHED RESIDENTIAL ZONES.** The single-family residential zones are established to provide primarily for single-family detached residences and supporting uses for urban areas of Daviess County. They include the following zones: R-1A Residential, the new designation for the original R-1 Zone, R-1B Residential, the new designation for the original R-2 Zone, R-1C Residential, new zone derived from the single-family requirements of the original R-3 Zone. These zones provide for a range of lot sizes to meet the needs of single-family development.

**8.13 TOWNHOUSE ZONE.** The R-1T Townhouse Zone is a single-family zone which is established to provide development potential in older sections of Owensboro where existing lots of record are inadequate in size to meet the requirements of other residential zones.

**8.14 MULTI-FAMILY RESIDENTIAL ZONES.** The multi-family residential zones are established to provide for multi-family residential urban development.

**8.141.** The R-2MF Low Density Multi-Family Residential Zone is for low-density apartments and two-family dwellings (duplexes).

**8.142.** The R-3MF Medium Density Multi-Family Residential zone is for medium-density apartments and duplexes; it replaces the multi-family requirements of the original R-3 Zone.

**8.143.** Both the R-2MF and the R-3MF Zones are intended for use in urban areas outside of redeveloping inner-city neighborhoods of Owensboro.

**8.144.** Within the Downtown Frame boundary and other inner-city neighborhoods, the R-4DT Inner-city Residential Zone is established. The most flexible residential zone, R-4DT is intended for use in redeveloping older neighborhoods of Owensboro; R-4DT provides a broad range of dwelling-type and density options: from single-family to high rise multi-family structures. It is very similar to the original R-3 Zone.

**8.15 PROFESSIONAL/SERVICE ZONE.** The P-1 Professional/Service Zone is established to provide for professional offices, limited personal service businesses, and for community-oriented public and private facilities in urban areas. (See Article 15 for Business and Professional/Service Areas.)

**8.16 BUSINESS ZONES.** The Business Zones are established to provide for community shopping centers and general business services.

**8.161.** The B-1 Neighborhood Business Center Zone is a new zone established to promote sound, consolidated neighborhood-oriented shopping facilities in newly developing urban areas.

**8.162.** The B-2 Central Business Zone is a generalized zone, which is intended to accommodate the existing and near-future development of the Central Business District. Article 21 establishes the Downtown Overlay District with specific Character Districts that establish use and development standards for each character district.

**8.163.** The B-3 Highway Business Center Zone is established for the development of new business centers which require a high volume of vehicular traffic because of the community-wide or regional market from which they draw. All uses in this zone must have controlled access to a designated arterial street or highway.

**8.164.** The B-4 General Business Zone is derived from the original B-1 Zone and is intended to maintain the existing developed business areas as well as provide for the logical expansion of such areas.

**8.165.** The B-5 Business/Industrial Zone is a new zoning classification intended to provide for the flexibility of general business or light industrial uses only within the Business/Industrial Land Use Plan Area as designated in the Comprehensive Plan.
8.166. For detailed location, development and expansion standards for the B-1, B-3, B-4 and B-5 Zones see Article 15 - Business and Professional/Service Areas.

8.17 INDUSTRIAL ZONES.

8.171. The I-1 Light Industrial Zone is intended for light manufacturing, warehouses, shops of special trade, heavy equipment dealers, and related uses.

8.172. The I-2 Heavy Industrial Zone is intended for manufacturing, industrial and related uses, which involve potential nuisance factors.

8.18 SPECIAL ZONES. The following zones and their specific regulations are included as separate articles in this Zoning Ordinance:

8.181. Article 11, the MHP Planned Mobile Home Park Residential Zone is the new name for the "old" R-4 Zone.

8.182. Article 12, the EX-1 Coal Mining Zone is an appendix of the Exclusive Use Zone Article.

8.183. Article 18, the GFP General Flood Plain Overlay District qualifies the potential development permitted in any regular zone upon which it is overlaid.

8.184. Article 19, is reserved for the AZ Airport Zone, which describes the Kentucky Airport Zoning Regulations as well as the development standards for areas surrounding the Owensboro-Daviess County Airport. Note: Article 19 has not been adopted, and the proposed text is not included in this document at this time.

8.19 OTHER REGULATIONS AFFECTING SITE DEVELOPMENT. The following articles and their regulations should be consulted to determine their effects upon the aforementioned zoning regulations:

<table>
<thead>
<tr>
<th>Article</th>
<th>Regulation</th>
</tr>
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<tbody>
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<tr>
<td>10</td>
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<td>Off-Street Parking, Loading and Unloading Areas</td>
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<td>Definitions</td>
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<td>17</td>
<td>Landscape and Land-Use Buffers</td>
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### 8.2 ZONES AND USES TABLE

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<thead>
<tr>
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<tr>
<td>A-R A-U</td>
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<tr>
<td>R-1A R-1B R-1C</td>
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<tr>
<td>R-2MF R-3MF R-4DT</td>
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<tr>
<td>P-1 B-1 B-2</td>
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<tr>
<td>B-3 B-4 B-5 I-1</td>
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</table>

**A RESIDENTIAL**

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**B ASSEMBLY**

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<td>A/2B</td>
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<td>C/6a</td>
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<td>A/2A</td>
<td>A/2A</td>
<td>A/2B</td>
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<td>C/6b</td>
<td>C/6a</td>
<td>C/6a</td>
<td>C/6a</td>
<td>C/6a</td>
<td>C/6a</td>
<td>C/6a</td>
</tr>
</tbody>
</table>

1 Shall only apply to B-2 Zones outside the boundaries of the Downtown Overlay District.

**NOTE:** Only those uses specifically permitted or substantially similar to permitted uses are permitted in each zone; all uses which lack substantial similarity to permitted uses in each zone are deemed prohibited (as per Article 3 of this Zoning Ordinance).

**Numbers following the "P" or "A" in the table refer to special conditions, additional information, or detailed use listings, which follow in numerical order in Section 8.4.

Note: For all properties zoned B-2 within the Downtown Overlay District boundary, please refer to the Schedule of Uses in Article 21 of the Zoning Ordinance. Special requirements are also applicable to properties located within Downtown Overlay District relative to use, site development, and design standards. See Article 21 for specific requirements and Downtown Overlay District Regulating Plan.
8.4 DETAILED USES AND SPECIAL CONDITIONS of Zones and Uses Table.

1. A bed and breakfast home, in addition to the limitations defined in Article 14, is limited to the rental of not more than two (2) rooms per property in R-1A, R-1B, R-1C, and R-1T zones, and not more than five (5) rooms per property in A-R, A-U, and R-4DT zones. The Board of Adjustment, in considering approval of a conditional use permit, shall consider and make a finding that the number of rooms granted shall not have an adverse effect on surrounding properties; and the Board shall take into consideration the number of bed and breakfast homes, if any, within the general neighborhood of the property under consideration.

2A. Dwelling units (not more than two [2]) provided that the dwelling unit(s) shall be a part of the principal building and located above or to the rear of the principally permitted use.

2B. Dwelling units for watchmen or caretakers provided that such facilities shall be located on the same premises as the permitted use.

3. Provided that residential units are not mixed with non-residential permitted uses on the same floor.

4. For townhouses, adjacent units with no side yards (zero [0] setback) shall be structurally independent.

5. Without cooking facilities and not rented, for guests and employees of the premises.

6. Limited to no more than three (3) roomers or boarders; except where the principal use is a bed and breakfast home, then no roomers or boarders shall be permitted.

6A. The following criteria shall apply for an application for a Conditional Use Permit for a boarding house, sorority house, fraternity house, dormitory, or seasonal farm worker housing when not allowed as an accessory use to a principally permitted use:

1) Any person residing in any of the above listed group housing situations shall be subject to all state, federal or local jurisdiction laws.

2) The facility shall be located within ½ mile of public transit

3) The facility shall not be located within an identified historic district recognized by the legislative body.

4) The facility shall employ an on-site administrator, who is directly responsible for the supervision of the residents and the implementation of house rules.

5) The applicant shall provide to the Board of Adjustment, the Zoning Administrator, the public and the residents, a phone number and address of the responsible person or agency managing the facility.

6) A fire exit plan shall be submitted with the conditional use application showing the layout of the premises, escape routes, location, operation of each means of egress, location of portable fire extinguishers, and location of electric main. The fire exit plan shall be prominently displayed within a common area within the facility.

7) Hallways, stairs and other means of egress shall be kept clear of obstructions.

8) The facility shall comply with all applicable building and electrical codes.

9) A list of house rules shall be submitted to the Board of Adjustment with the application for a conditional use permit and shall be prominently displayed in a common area within the facility. The rules should be adequate to address the following:

   a. Noise Control
   b. Disorderly Behavior
   c. Proper Garbage Disposal
   d. Cleanliness of sleeping areas and common areas

10) The Owensboro Board of Adjustment may impose additional conditions as may be necessary for the proper integration of the use into the planning area.

6B. Criteria listed in 6A shall apply, except Item 6A (2) may be waived by the Board Of Adjustment under the following conditions:

1) The housing for seasonal farm workers is located on the premises where the work is being conducted or is located on the same premises as the home of the provider of the seasonal farm worker housing; and,

2) Sufficient evidence is presented to demonstrate that transportation is being provided or is available to permit residents to adequately access necessary community services.

7. Conditionally permitted Class 2 Manufactured Homes must meet all Class 1 Acceptable Installation Standards of Section 14 and must meet, at a minimum, the Class 1 Similarity Appearance Standard of Section 14(2). Manufactured Homes of Classes 1, 2, and 3 are also permitted in Planned Manufactured Housing Park MHP Zones (see Article 11).

8. See Article 10.

9. Indoor amusements include such uses as theaters; billiard, pool or pinball halls/ video arcades; bowling alleys; dance halls; bingo halls; movie theaters, indoor play places not accessory to a principal use, gaming places or skating rinks.

10. Outdoor amusements include such uses as drive-in theaters, go-cart facilities, and miniature golf courses.

11. Circuses and carnivals on a temporary basis, and upon issuance of a permit by the Zoning Administrator, who may restrict the permit in terms of time, parking, access or in other ways to protect the public health, safety, or welfare; or deny such if public health, safety or welfare are adversely affected.

12. Philanthropic institution or club cannot conduct a business as part of the use.

13. Public or private indoor recreational activities include indoor basketball, racquetball and handball courts, running tracks, ping pong and other table games, indoor swimming pools, health spas, fitness centers, martial arts facilities, gymnastics and cheer leading instructional facilities, aerobics and weight training facilities. Commercial indoor recreational activities are prohibited in all Residential Zones. Indoor recreational activities which require buildings of a size and design not compatible with Residential and Business Zones are permitted only in Agricultural or Industrial Zones (such as several tennis courts housed in a pre-fabricated industrial-type building). Parking for indoor recreational activities must consist of the following: one (1) space for each employee, plus one (1) space for every two (2) participants, and one (1) space for every three (3) spectator seats.

14. A building or structure containing a restaurant or night club with live or recorded entertainment and dancing shall be at least one hundred (100) feet from any Residential Zone and shall require a conditional use permit in the B-1 Zone.

15. For drive-in restaurants, all outside food service areas or drive through windows shall be at least one hundred (100) feet from any Residential Zone.

47. See under BUSINESS USES (D) table.

52. Except for live animal auctions or vehicle auctions.
P = PRINCIPALLY PERMITTED USES: Uses listed and other uses (not otherwise listed in table) substantially similar to those listed are deemed permitted.

C = CONDITIONALLY PERMITTED USES: Uses which are permitted only with Board of Adjustment approval.

A = ACCESSORY USES: Uses and structures permitted which are customarily accessory, clearly incidental and subordinate to permitted uses.

NOTE: Only those uses specifically permitted or substantially similar to permitted uses are permitted in each zone; all uses which lack substantial similarity to permitted uses in each zone are deemed prohibited (as per Article 3 of this Zoning Ordinance). Numbers following the "P", "C" or "A" in the table refer to special conditions, additional information, or detailed use listings which follow in numerical order in Section 8.4.

Note: For all properties zoned B-2 within the downtown overlay district boundary, please refer to the schedule of uses in Article 21 of the zoning ordinance. Special requirements are also applicable to properties located within Downtown Overlay District relative to use, site development, and design standards. See Article 21 for specific requirements and Downtown Overlay District Regulating Plan.

<table>
<thead>
<tr>
<th>ZONES</th>
<th>A-R</th>
<th>R-1A</th>
<th>R-1B</th>
<th>R-1C</th>
<th>R-1T</th>
<th>R-2MF</th>
<th>R-3MF</th>
<th>R-4DT</th>
<th>P-1</th>
<th>B-1</th>
<th>B-2²</th>
<th>B-3</th>
<th>B-4</th>
<th>B-5</th>
<th>I-1</th>
<th>I-2</th>
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<tbody>
<tr>
<td>C INSTUTIONAL</td>
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</tbody>
</table>

² Shall only apply to B-2 Zones outside the boundaries of the Downtown Overlay District.
8.4 DETAILED USES AND SPECIAL CONDITIONS of Zones and Uses Table.

/16. Establishments for the retail sale of food products such as supermarkets; bakery, meat, beer, liquor and wine, and other food product stores; and provided that production of food products is permitted only for retail sale on the premises.

/17. Establishments for the retail sale of merchandise including: clothing, shoes, fabrics, yard goods; fixtures, furnishings and appliances such as floor covering, radios, TV, phonograph products and other visual and sound reproduction or transmitting equipment; furniture; kitchen and laundry equipment; glassware and china; and other establishments for the retail sale of hardware and wallpaper; lawn care products; paint and other interior or exterior care products; hobby items, toys, gifts, antiques; newspapers and magazines, stationery and books; flowers; music; cameras, jewelry and luggage; business supplies and machines; drugstores; variety stores.

/18. Commercial greenhouses are prohibited in the B-1 and B-2 Zones. In the B-3, B-4, and B-5 zones, landscaping services may be conducted as an accessory use by establishments primarily engaged in the retail sale of plant, nursery or greenhouse products.

/19. Sale of agricultural products grown by the owner of the premises.

/20. A wholesale supply establishment shall be permitted in the B-3 or B-4 Zone only if indoor or outdoor storage areas of such use contain supplies, parts or other stocks primarily for sale on the premises to the general public. If stored commodities are for sale primarily to purchasing agents and not to the general public, the storage area shall be considered a warehouse or storage yard permitted only in an I-1 or I-2 Zone. Permitted outdoor storage areas must be enclosed on all sides as per #44 of this list.

/21. Provided such use conforms to the requirements of Article 17.

/45. Limited sale of hobby items, toys, gifts; antiques; newspaper, magazines, stationery, books, flowers; "flea-market" items; other similar retail sales activities which would not infringe upon the rural nature of the surrounding vicinity by excessive traffic generation, noise or other nuisances. This provision shall not be interpreted to provide for the establishment of general, neighborhood or highway business centers which would typically require business zone classification; the intent of this provision is to permit limited sales uses in rural areas which would not noticeably affect the vicinity, in order to maintain the integrity of business zone intent in rural areas while simultaneously minimizing hardship to limited and geographically scattered community businesses. An applicant for such conditional use should be made aware of the maximum scope of business which the Board of Adjustment and vicinity residents would tolerate to assure the use does not inadvertently become undesirable in intensity.

/46. Conditionally permitted only in the A-R Rural Agriculture Zone; prohibited in the A-U Urban Agriculture Zone.

/47. Particular uses that are classified under the assembly, business, or mercantile use groups in the Zones and Uses Table (Section 8.2 of this Zoning Ordinance) also may be deemed adult entertainment establishments, based on definitions outside of this Zoning Ordinance, but within the code of ordinances of the governmental body of jurisdiction. In addition to any requirements or regulations imposed by other ordinances or by other sections of this Zoning Ordinance, such adult entertainment establishments shall be subject to the following requirements:

a. No adult entertainment establishment shall be located in any zone other than B-2, B-3, B-4, or B-5; and, an adult entertainment establishment shall be permitted in a B-2, B-3, B-4, or B-5 zone, respectively, only if the particular use of the establishment is specifically permitted within a B-2, B-3, B-4, or B-5 zone, respectively, as classified under the assembly, business or mercantile use groups in the Zones and Uses Table.

b. No adult entertainment establishment shall be located within five hundred (500) feet of another adult entertainment establishment or within five hundred (500) feet of any residential zone, any school where persons under eighteen (18) years of age are enrolled, any child daycare center, any church facility, or any public park or recreation facility. Distance shall be measured in a straight line, without regard to intervening structures or objects. Distance between any two (2) adult entertainment establishments shall be measured from the nearest entrance door of the first adult entertainment establishment to the nearest entrance door of the second adult entertainment establishment. Distance between any adult entertainment establishment and any residential zone shall be measured from the nearest entrance door of the adult entertainment establishment to the nearest property line of the residential zone. Distance between any adult entertainment establishment and any school where persons under eighteen (18) years of age are enrolled, any child daycare center, any church facility, or any public park or recreation facility, shall be measured from the nearest entrance door of the adult entertainment establishment to the nearest property line of the respective school, daycare center, church facility, or park or recreation facility, unless such use occupies only a portion of a property also containing unspecified use(s). In such case, distance shall be measured from the nearest entrance door of the adult entertainment establishment to the nearest boundary of the immediate premises occupied by the school, daycare center, church facility, or park or recreation facility.

c. Off-street parking requirements for an adult entertainment establishment shall be as required for the applicable zone and particular use of the establishment, as classified under the assembly, business or mercantile use groups in the Zones and Uses Table.

/53. Storage of hazardous materials as determined by the Kentucky Building Code are allowed in conjunction with the sale of feed, grain or other agricultural supplies provided that the material is located a minimum distance of 100 feet from any commercial zone and a minimum of 300 feet from any residential zone or agricultural zone.
### 8.2 ZONES AND USES TABLE

<table>
<thead>
<tr>
<th>ZONES</th>
<th>A-R</th>
<th>A-U</th>
<th>R-1A</th>
<th>R-1B</th>
<th>R-1C</th>
<th>R-2MF</th>
<th>R-3MF</th>
<th>R-4DT</th>
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<th>B-1</th>
<th>B-2*</th>
<th>B-3</th>
<th>B-4</th>
<th>I-1</th>
<th>I-2</th>
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<tbody>
<tr>
<td>NOTE: Only those uses specifically permitted or substantially similar to permitted uses are permitted in each zone; all uses which lack substantial similarity to permitted uses in each zone are deemed prohibited (as per Article 3 of this Zoning Ordinance). Numbers following the &quot;P&quot;, &quot;C&quot; or &quot;A&quot; in the table refer to special conditions, additional information, or detailed use listings which follow in numerical order in Section 8.4. Note: For all properties zoned B-2 within the downtown overlay district boundary, please refer to the schedule of uses in Article 21 of the zoning ordinance. Special requirements are also applicable to properties located within downtown overlay districts relative to use, site development, and design standards. See Article 21 for specific requirements and Downtown Overlay District Regulating Plan.</td>
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</table>

#### 8.2 Zones and Uses Table

| P = PRINCIPALLY PERMITTED USES: Uses listed and other uses (not otherwise listed in table) substantially similar to those listed are deemed permitted. |
| C = CONDITIONALLY PERMITTED USES: Uses which are permitted only with Board of Adjustment approval. |
| A = ACCESSORY USES: Uses and structures permitted which are customarily accessory, clearly incidental and subordinate to permitted uses. |

### F VEHICLE AND TRUCK RELATED

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<td>P/21 Vehicle boat rental</td>
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<tr>
<td>P/22 P/22 Vehicle sales lot, establishment</td>
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<tr>
<td>P/21 P/21 4 Vehicle service/fuel stations, with or without convenience stores</td>
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<td>P/21 5 Vehicle repair, major</td>
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<tr>
<td>P/21 5A Vehicle body shop</td>
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<tr>
<td>P 5A Vehicle repair, minor</td>
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<td>P 6A Vehicle detail shop</td>
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<td>P/25 7 Car-wash; self-serve or automatic</td>
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<td>A/25 A/25 8 Loading and unloading facilities</td>
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<td>A/25 A/25 A/25 A/25 A/25 10 Parking areas or structures</td>
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<tr>
<td>C/27 C/27 11 Parking lots or structures</td>
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<td>A/25 A/25 A/25 A/25 12 Tire re-treading and recapping</td>
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<td>C/27 12A Tire recycling collection center</td>
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<tr>
<td>A/25 A/25 A/25 13 Truck rental</td>
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<tr>
<td>P 14 Truck terminals and freight yards</td>
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<tr>
<td>P 15 Taxi cab or limousine service</td>
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<tr>
<td>P 16 Vehicle auction facilities</td>
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<tr>
<td>C/27 17 Vehicle impound yards or vehicle salvage yards</td>
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### G INDUSTRIAL

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<th>I-2</th>
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<tr>
<td>P/26 P/26 P/26 1 Contractor equipment dealer</td>
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<tr>
<td>P P 1A Lumber and construction material yards</td>
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<tr>
<td>P P 2 Dairy or other food product bottling plants</td>
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<td>P C C 3 Extraction of crude petroleum, natural gas</td>
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<tr>
<td>C C C 3A Quarrying of sand, gravel, etc.</td>
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<tr>
<td>C/27 4 Heavy industrial uses, conditional</td>
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<tr>
<td>C/27 4A Salvage yards</td>
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<td>C/27 4B Refuse yards or landfills</td>
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<td>P/28 5 Heavy industrial uses, principal</td>
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<tr>
<td>P P 5A Processing timber for firewood</td>
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<td>P P P 6 Ice plant</td>
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<tr>
<td>P P P 7 Machine, welding and other metal work shops</td>
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<tr>
<td>P P P 8 Manufacturing, compounding, processing, packaging and assembling, light</td>
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<tr>
<td>A/30 9 Medical waste disposal</td>
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<tr>
<td>A/30 A/30 A/30 A/30 A/30 10 Making of articles to be sold at retail on the premises</td>
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<tr>
<td>A/30 A/30 11 Printing, publishing, lithographing, blueprinting</td>
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<td>A A A 12 Sale of manufactured goods</td>
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<tr>
<td>P/31 P/31 P/31 13 Shops of special trade and general contractors</td>
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<tr>
<td>A/49 A/49 P/31 A/49 P 14 Furniture repair and upholstery</td>
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<tr>
<td>C/46 P P 15 Furniture restoration and refinishing</td>
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<tr>
<td>P P P 16 Recycling Collection centers</td>
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</table>

* Shall only apply to B-2 Zones outside the boundaries of the Downtown Overlay District.
8.4 DETAILED USES AND SPECIAL CONDITIONS of Zones and Uses Table.

/21. Provided such use conforms to the requirements of Article 17.

/22. Establishments and lots for the display, rental, sale, service and minor repair of vehicles; boats; recreational vehicles; mobile or modular homes; or supplies for such items.

/23. Vehicle racetracks are prohibited in the A-U Zone.

/24. When accessory to an establishment primarily engaged in the sale of vehicles.

/24A. (Only Unincorporated Daviess County) This provision shall apply only in B-4 General Business zones. Vehicles body shops involve industrial-type activities, which are more intense than the activities usually permitted in business zones. Therefore, when conditionally permitted in B-4, vehicle body shops shall conform with the following requirements:

a. All work to be performed on vehicles, including removal of parts, shall occur entirely within an enclosed building.

b. Any outdoor storage area shall be completely screened with a six (6) foot high solid fence or wall from adjoining uses and streets, and shall be landscaped and paved. Such outdoor storage areas shall not be used as vehicle impound yards or junk yards, as defined in this or other local ordinances. Storage of vehicles shall be limited to those vehicles to be repaired on the premises. The Board of Adjustment may establish additional conditions, which it believes are necessary to assure compatibility with neighboring uses. These conditions may include but are not limited to the following:

  c. Limits on the size and location of buildings or land to be used as part of the use.

  d. Limits on the number of vehicles located on the premises at one time.

  e. Limits on operating hours.

/25. Provided that surface water from such use shall not drain onto adjacent property or over a public sidewalk, and that adequate on-site storage lanes and parking facilities shall be provided so that no public way shall be used for such purposes. Drainage shall be approved by the city/county engineer’s office. In B-1 and B-2 zones, car washes are permitted as accessory uses only to service stations and convenience stores.

/26. Establishments and lots for the display, rental, sale and repair of contractor equipment.

/27. (I-2 conditional uses) Any hazardous uses or occupancies as determined by the Kentucky Building Code, and any vehicle impound yards, salvage or refuse yards, landfills, or tire recycling collection center shall apply for conditional use to the Owensboro Metropolitan Board of Adjustment; provided that any building or outside storage, loading or working areas except for accessory parking areas or structure shall be located at least three hundred (300) feet from any Residential Zone and one hundred (100) feet from any other zone except I-1 or A-R Zone.

/28. (I-2 principal uses) Heavy industrial and manufacturing uses are principally permitted except where requiring conditional use permits by this ordinance provided that any building or outside storage, loading or working areas, except for accessory parking areas shall be located at least three hundred (300) feet from any Residential Zone and one hundred (100) feet from any other zone except I-1 or A-R Zone.

/30. Provided that any manufacturing shall be restricted to light manufacturing incidental to a retail business or service where the products are sold on the premises by the producer.

/31. Such as plumbing; heating and air conditioning; carpentry; masonry; painting; plastering; metal work; printing, publishing; lithographing, engraving; electrical; major vehicle repair; sign painting; upholstering; tile, mosaic and terrazzo work; electroplating; drilling; excavating; wrecking; construction; paving; industrial cleaning.

/47. See under BUSINESS USES (D) table.

/54 Permitted use in agricultural zones only for timber harvested on the premises.
### .2 ZONES AND USES TABLE

**P** = PRINCIPALLY PERMITTED USES: Uses listed and other uses (not otherwise listed in table) substantially similar to those listed are deemed permitted.

**C** = CONDITIONALLY PERMITTED USES: Uses which are permitted only with Board of Adjustment approval.

**A** = ACCESSORY USES: Uses and structures permitted which are customarily accessory, clearly incidental and subordinate to permitted uses.

**NOTE:** Only those uses specifically permitted or substantially similar to permitted uses are permitted in each zone; all uses which lack substantial similarity to permitted uses in each zone are deemed **prohibited** (as per Article 3 of this Zoning Ordinance). Numbers following the “P”, “C” or “A” in the table refer to special conditions, additional information, or detailed use listings which follow in numerical order in Section 8.4.

**Note:** For all properties zoned B-2 within the Downtown Overlay District boundary, please refer to the Schedule of Uses in Article 21 of the Zoning Ordinance. Special requirements are also applicable to properties located within Downtown Overlay District relative to use, site development, and design standards. See Article 21 for specific requirements and Downtown Overlay District Regulating Plan.

#### ZONES

<table>
<thead>
<tr>
<th>ZONES</th>
<th>USES</th>
</tr>
</thead>
<tbody>
<tr>
<td>A-R A-U</td>
<td>H Agriculture:</td>
</tr>
<tr>
<td>R-1A</td>
<td>1 Agricultural structures, stables</td>
</tr>
<tr>
<td>R-1B</td>
<td>2 Dairying and stock-raising</td>
</tr>
<tr>
<td>R-1T</td>
<td>3 Farming</td>
</tr>
<tr>
<td>R-2MF</td>
<td>4 Farm equipment dealer</td>
</tr>
<tr>
<td>R-3MF</td>
<td>5 Forestry</td>
</tr>
<tr>
<td>R-4DT</td>
<td>6 Grain drying</td>
</tr>
<tr>
<td>P-1</td>
<td>7 Livestock sales and auction</td>
</tr>
<tr>
<td>B-1</td>
<td>8 Landscaping services</td>
</tr>
<tr>
<td>B-2</td>
<td>9 Agri-tourism</td>
</tr>
</tbody>
</table>

| | | I Animal related: |
| | | 1 Animal burial grounds |
| | | 1A Animal race tracks |
| | | 2 Animal hospital or clinic |
| | | P/35 P/35 P/35 P/35 P/35 P/51 P/51 P A A 2A Pet grooming |
| | | P/51 P/51 P P A A 2B Pet training |
| | | P | 3 Hunting, fishing, trapping, game preserves |
| | | C | 3A Taxidermy |
| | | P/35 | 4 Kennel, commercial |
| | | P/35 P/35 P/35 P/35 P/35 | 5 Kennel, non-commercial |
| | | P/35 P/35 P/35 P/35 P/35 P/35 | 6 Veterinarian office |

| | | J Personal service: |
| | | C | 1 Cemetery, mausoleum, columbarium, crematory |
| | | C | 2 Funeral home, with or without crematory |
| | | C | 3 Laundry, clothes cleaning |
| | | P | 3A Dry cleaning or laundry drop off and pick up stations with or without drive-through windows, where no cleaning of garments occurs on site |
| | | P P P P P P P P A P P P P | 4 Pharmaceuticals and medical supplies, sale of |
| | | A/37 P P P P P A/37 A/37 A/37 A/37 | 5 Retail sales or personal services |

| | | K Public and semi-public: |
| | | C/38 | 1 Airport |
| | | C/39 | 2 Land fill |
| | | P/40 P/40 P/40 | 3 Municipal, county, state, public school or federal buildings and uses |
| | | P/40 P/40 P/40 P/40 P/40 P/40 P/40 | 4 Public utility facilities not otherwise permitted within this table and not excepted by Article 3 herein |
| | | C | 5 Bus terminals |
| | | C | 6 Radio or TV transmitting or relay facilities including line of sight relays |
| | | C/42 C/42 C/42 C/42 C/42 C/42 C/42 C/42 | 7 Recreational uses, major outdoor |
| | | A/43 A/43 A/43 A/43 A/43 A/43 A/43 A/43 | 8 Recreational uses, accessory outdoor |

---

4 Shall only apply to B-2 Zones outside the boundaries of the Downtown Overlay District.
### 8.2 ZONES AND USES TABLE

<table>
<thead>
<tr>
<th>ZONES</th>
<th>USES</th>
</tr>
</thead>
<tbody>
<tr>
<td>A-R</td>
<td>L Storage:</td>
</tr>
<tr>
<td>A-U</td>
<td></td>
</tr>
<tr>
<td>R-1A</td>
<td>A/44 A/44 A/44 A/44</td>
</tr>
<tr>
<td>R-1B</td>
<td>A A A A</td>
</tr>
<tr>
<td>R-1C</td>
<td>A/20 A/20 A/20 A/20</td>
</tr>
<tr>
<td>R-1T</td>
<td>A A A A</td>
</tr>
<tr>
<td>R-2MF</td>
<td>C/48 P/48 P/48 P/48</td>
</tr>
<tr>
<td>R-3MF</td>
<td></td>
</tr>
<tr>
<td>R-4DT</td>
<td></td>
</tr>
<tr>
<td>P-1</td>
<td></td>
</tr>
<tr>
<td>B-1</td>
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<td>B-2</td>
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<td>B-2(^3)</td>
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<td>B-3</td>
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<tr>
<td>B-4</td>
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<tr>
<td>B-5</td>
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</tr>
<tr>
<td>I-1</td>
<td></td>
</tr>
<tr>
<td>I-2</td>
<td></td>
</tr>
</tbody>
</table>

\(^3\) Shall only apply to B-2 Zones outside the boundaries of the Downtown Overlay District.
8.4 DETAILED USES AND SPECIAL CONDITIONS of Zones and Uses Table.

/20. A wholesale supply establishment shall be permitted in the B-3 or B-4 Zone only if indoor or outdoor storage areas of such use contain supplies, parts or other stocks primarily for sale on the premises to the general public. If stored commodities are for sale primarily to purchasing agents and not to the general public, the storage area shall be considered a warehouse or storage yard permitted only in an I-1 or I-2 Zone. Permitted outdoor storage areas must be enclosed on all sides as per #44 of this list.

/32. Establishments and lots for the display, rental, sale and repair of farm equipment.

/33. Grain drying when operated in a fully enclosed building at least three hundred (300) feet from the nearest Residential or Commercial Zone.

/33a. In the A-R, B-5, I-1 and I-2 zones, landscaping services shall be a principally permitted use. In the A-U, B-3 and B-4 zone, landscaping services shall be a conditionally permitted use. The Board of Adjustment, in considering approval of a conditional use permit, may require special conditions related to screening, outdoor storage, and other matters to assure neighborhood compatibility.

/34. Animal burial grounds are prohibited in the A-U Zone.

/35. Kennel, animal hospital, office of veterinarian providing that such structure or use, not including accessory parking areas, shall be at least one hundred (100) feet from any Residential Zone.

/36. Laundry, clothes cleaning or dyeing shop, self-service laundry or laundry pick-up station; in Business Zones clothes-cleaning establishments are limited to a forty (40)-pound capacity, closed-system process.

/37. Retail sales or personal services, including facilities for serving food, only for employees or visitors to any permitted use and having no display space or signs visible from the exterior of the building.

/38. Airports are prohibited in the A-U Zone.

/39. Landfills are prohibited in the A-U Zone. Landfills operated by municipal, county or state entities are permitted in any zone in accordance with KRS 100.361(2) exempting political subdivisions from local land use requirements. A public facility review by the OMPC is required for these facilities. Landfills are not exempt from the requirements of the subdivision regulations.

/40. Municipal, county, state, federal and public school boards are defined in Kentucky revised statutes as political subdivisions and are exempted from local land use requirements by KRS 100.361(2) if these uses and buildings are situated on land owned or leased by the political subdivision. A public facility review by the OMPC is required for these facilities. These facilities and uses are not exempt from subdivision regulations.

/41. (reserved)

/42. Major outdoor recreational uses include private parks, playgrounds, archery and shooting ranges, athletic fields, golf courses, skateboard parks, zoological gardens, country clubs, marinas, riding stables, campgrounds, boat ramps, fishing lakes, amusement parks, water parks, driving ranges, and batting cages along with their accessory facilities. Commercial recreation areas are prohibited in all Residential zones.

/43. Accessory outdoor recreational uses include swimming pools, tennis courts, putting greens, and other similar recreational uses.

/44. Land-use buffers for outdoor storage areas or storage yards (except employee or customer parking areas) for manufactured products, materials to be used in manufacturing, wholesale commodities, or vehicles junk yards, salvage and scrap-iron yards shall be provided as per Article 17, Landscape and Land Use Buffers.

/48. Individual storage uses shall be prohibited in the B-3 zone. Individual storage uses may be conditionally permitted in B-4 zones in unincorporated Daviess County. Individual storage uses are principally permitted in B-5, I-1 and I-2 zones in Owensboro, Whitesville and unincorporated Daviess County.

The storage of items within any individual storage structure shall conform to the limitations contained in the definition of "individual storage" in Article 14 of this Zoning Ordinance.

In the B-4 zone, conditionally permitted individual storage uses also shall be subject to the following restrictions:

a. Structures to be used as individual storage units shall not be located closer than twenty five (25) feet to any residential zone.

b. An eight-foot (8') high solid wall or fence shall be installed and maintained on all sides that adjoin any other property, except those properties zoned B-1, B-2, B-3, B-4, B-5, I-1 or I-2. Trees plantings may also be required as per Article 17 of this Zoning Ordinance.

c. Building height shall not exceed fifteen (15) feet, measured from the finish grade at the loading door(s), to the top of the roof ridge or edge.

d. Outdoor storage shall be prohibited on the same property as the individual storage structure(s). This shall include vehicles, boats, personal items, etc.

e. All uses other than individual storage shall be prohibited within structures while those structures are being used for individual storage, except for one office or caretaker’s residence, which, if present, shall be directly related to the management of the individual storage units.

f. The Owner of the individual storage structure(s) shall be responsible for policing the material and/or items being stored. The Owner shall notify the Zoning Administrator upon discovering any storage not meeting the requirements set forth herein, providing the name, address and phone number of the renter whose storage is in question.

/49. Provided that any furniture repair shall be associated with a retail business or service where furniture or upholstery is sold on the premises.

/50. Animal racetracks shall be prohibited in A-U zones.

/51. Without boarding facilities.
### 8.3 GENERAL INDEX.

<table>
<thead>
<tr>
<th>USE GROUPS in &quot;Zones and Uses Table&quot;</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>A  RESIDENTIAL</td>
<td>8-3</td>
</tr>
<tr>
<td>B  ASSEMBLY</td>
<td>8-4</td>
</tr>
<tr>
<td>C  INSTITUTIONAL</td>
<td>8-4</td>
</tr>
<tr>
<td>D  BUSINESS</td>
<td>8-5</td>
</tr>
<tr>
<td>E  MERCANTILE</td>
<td>8-6</td>
</tr>
<tr>
<td>F  VEHICLE AND TRUCK RELATED</td>
<td>8-7</td>
</tr>
<tr>
<td>G  INDUSTRIAL</td>
<td>8-8</td>
</tr>
<tr>
<td>H  AGRICULTURE</td>
<td>8-10</td>
</tr>
<tr>
<td>I  ANIMAL RELATED</td>
<td>8-10</td>
</tr>
<tr>
<td>J  PERSONAL SERVICES</td>
<td>8-10</td>
</tr>
<tr>
<td>K  PUBLIC AND SEMI-PUBLIC</td>
<td>8-10</td>
</tr>
<tr>
<td>L  STORAGE</td>
<td>8-10</td>
</tr>
</tbody>
</table>
8.5 SITE DEVELOPMENT REQUIREMENTS. The following lot, yard, building height, useable open space and other requirements shall apply within each zone as specified in the respective subsection tables that follow, unless adjusted by provisions of articles 3 or 4 of this Zoning Ordinance. The short headings used in the tables are defined as follows:

♦ **Minimum Lot Size.** The minimum lot size that is specified by the Site Development Requirements contained in this article.

♦ **Minimum Lot Frontage.** The minimum width of a lot at the building setback line that is specified by the Site Development Requirements contained in this article.

♦ **Minimum Front Yard or Street Yard.** The minimum building setback that is required from any front lot line, side street lot line, or rear street lot line, or from the centerline of any public right-of-way that adjoins any front lot line, side street lot line, or rear street lot line; except that building setbacks for yards that adjoin alleys shall be the same as for interior side or rear yards, as required by the Site Development Requirements contained in this article.

♦ **Minimum Interior Side Yard.** The minimum building setback that is required from any side lot line that adjoins another lot or an alley.

♦ **Minimum Interior Rear Yard.** The minimum building setback that is required from any rear lot line that adjoins another lot or an alley.

♦ **Maximum Building Height.** The maximum height of a building that is permitted. See "Building, Height of" in the Definitions article of this Zoning Ordinance.

♦ **Minimum Useable Open Space.** The minimum "useable open space," as defined in this Zoning Ordinance.

♦ **Maximum Lot Coverage.** The maximum area of a lot that can be covered by all principal buildings and accessory structures occupying the lot.

♦ **Other Requirements.** Other regulations affecting site development as specified.
8.5 SITE DEVELOPMENT REQUIREMENTS (continued)

8.5.1 A-R Rural Agriculture Zone

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Lot Size</td>
<td>A-R Zone: 1.0 acre</td>
</tr>
<tr>
<td></td>
<td>A-U Zone: 0.5 acre</td>
</tr>
<tr>
<td></td>
<td>Where sanitary sewers are not available, the minimum lot size shall be 0.75 acres</td>
</tr>
<tr>
<td>Minimum Lot Frontage</td>
<td>100' at building setback line</td>
</tr>
<tr>
<td>Minimum Front Yard or Street Yard</td>
<td>Freeway, Expressway: 20' from lot line</td>
</tr>
<tr>
<td></td>
<td>Arterial Street (two-way): 75' from street centerline or 25' from lot line, whichever is greater</td>
</tr>
<tr>
<td></td>
<td>(Planned one-way): 60' from street centerline or 25' from lot line, whichever is greater</td>
</tr>
<tr>
<td></td>
<td>Major Collector Street: 60' from street centerline or 25' from lot line, whichever is greater</td>
</tr>
<tr>
<td></td>
<td>Minor Collector or Local Street: 60' from street centerline or 25' from lot line, whichever is greater</td>
</tr>
<tr>
<td></td>
<td>Alley: (See interior side yard, interior rear yard)</td>
</tr>
<tr>
<td>Minimum Interior Side Yard</td>
<td>10' each side</td>
</tr>
<tr>
<td>Minimum Interior Rear Yard</td>
<td>20'</td>
</tr>
<tr>
<td>Maximum Building Height</td>
<td>No limit except for Kentucky Airport Zoning restrictions</td>
</tr>
<tr>
<td>Minimum Useable Open Space</td>
<td>No limit</td>
</tr>
<tr>
<td>Maximum Lot Coverage</td>
<td>50%</td>
</tr>
<tr>
<td>Manufactured homes</td>
<td>shall be connected to public water and sanitary sewer facilities when available. In the event public facilities are not available, the sanitary sewer facilities shall receive approval of the Daviess County Health Department.</td>
</tr>
<tr>
<td>Manufactured homes</td>
<td>shall be underpinned with a solid form of permanent material placed between the ground and the bottom edge of the mobile home to shield against the element of weather and to conserve energy used for heating and cooling.</td>
</tr>
<tr>
<td>Agricultural land</td>
<td>which has not been subdivided into customary lots shall not exceed a density of one (1) dwelling unit per ten (10) acre tract, including manufactured homes.</td>
</tr>
<tr>
<td>Building permits for accessory buildings</td>
<td>to store farm products and machinery on tracts of land ten (10) acres or more in size shall not be required.</td>
</tr>
<tr>
<td>Structures and/or buildings</td>
<td>shall not be placed in the designated flood plain area which tends to increase flood heights or obstruct the flow of floodwaters, and which could cause damage to other properties, as per Article 18 of this Zoning Ordinance.</td>
</tr>
</tbody>
</table>

8.5.2 A-U Urban Agriculture Zone

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Lot Size</td>
<td>A-R Zone: 1.0 acre</td>
</tr>
<tr>
<td></td>
<td>A-U Zone: 0.5 acre</td>
</tr>
<tr>
<td></td>
<td>Where sanitary sewers are not available, the minimum lot size shall be 0.75 acres</td>
</tr>
<tr>
<td>Minimum Lot Frontage</td>
<td>100' at building setback line</td>
</tr>
<tr>
<td>Minimum Front Yard or Street Yard</td>
<td>Freeway, Expressway: 20' from lot line</td>
</tr>
<tr>
<td></td>
<td>Arterial Street (two-way): 75' from street centerline or 25' from lot line, whichever is greater</td>
</tr>
<tr>
<td></td>
<td>(Planned one-way): 60' from street centerline or 25' from lot line, whichever is greater</td>
</tr>
<tr>
<td></td>
<td>Major Collector Street: 60' from street centerline or 25' from lot line, whichever is greater</td>
</tr>
<tr>
<td></td>
<td>Minor Collector or Local Street: 60' from street centerline or 25' from lot line, whichever is greater</td>
</tr>
<tr>
<td></td>
<td>Alley: (See interior side yard, interior rear yard)</td>
</tr>
<tr>
<td>Minimum Interior Side Yard</td>
<td>10' each side</td>
</tr>
<tr>
<td>Minimum Interior Rear Yard</td>
<td>20'</td>
</tr>
<tr>
<td>Minimum Useable Open Space</td>
<td>No limit</td>
</tr>
<tr>
<td>Maximum Lot Coverage</td>
<td>50%</td>
</tr>
<tr>
<td>Certain uses</td>
<td>may require greater setbacks from particular non-compatible zones. See Section 8.4, #27 and #28.</td>
</tr>
</tbody>
</table>

8.5.3 I-1 Light Industrial Zone

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Value</th>
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</thead>
<tbody>
<tr>
<td>Minimum Lot Size</td>
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<tr>
<td>Minimum Lot Frontage</td>
<td>No limit</td>
</tr>
<tr>
<td>Minimum Front Yard or Street Yard</td>
<td>Freeway, Expressway: 20' from lot line</td>
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<tr>
<td></td>
<td>Arterial Street (two-way): 75' from street centerline or 25' from lot line, whichever is greater</td>
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</tr>
<tr>
<td></td>
<td>Minor Collector or Local Street: 60' from street centerline or 25' from lot line, whichever is greater</td>
</tr>
<tr>
<td></td>
<td>Alley: (See interior side yard, interior rear yard)</td>
</tr>
<tr>
<td>Minimum Interior Side Yard</td>
<td>20' when adjoining any zone other than business or industrial</td>
</tr>
<tr>
<td>Minimum Interior Rear Yard</td>
<td>No limit</td>
</tr>
<tr>
<td>Minimum Useable Open Space</td>
<td>No limit</td>
</tr>
<tr>
<td>Maximum Lot Coverage</td>
<td>No limit</td>
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8.5.4 I-2 Heavy Industrial Zone

<table>
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<tr>
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</thead>
<tbody>
<tr>
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<tr>
<td>Minimum Lot Frontage</td>
<td>No limit</td>
</tr>
<tr>
<td>Minimum Front Yard or Street Yard</td>
<td>Freeway, Expressway: 20' from lot line</td>
</tr>
<tr>
<td></td>
<td>Arterial Street (two-way): 75' from street centerline or 25' from lot line, whichever is greater</td>
</tr>
<tr>
<td></td>
<td>(Planned one-way): 60' from street centerline or 25' from lot line, whichever is greater</td>
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<td></td>
<td>Major Collector Street: 60' from street centerline or 25' from lot line, whichever is greater</td>
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<tr>
<td></td>
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<tr>
<td></td>
<td>Alley: (See interior side yard, interior rear yard)</td>
</tr>
<tr>
<td>Minimum Interior Side Yard</td>
<td>20' when adjoining any zone other than business or industrial</td>
</tr>
<tr>
<td>Minimum Interior Rear Yard</td>
<td>No limit</td>
</tr>
<tr>
<td>Minimum Useable Open Space</td>
<td>No limit</td>
</tr>
<tr>
<td>Maximum Lot Coverage</td>
<td>No limit</td>
</tr>
</tbody>
</table>

Special requirements are applicable to properties located within Downtown Overlay Districts relative to use, site development, and design standards. See Article 21 for specific requirements and Downtown Overlay District Regulating Plan.
### 8.5 SITE DEVELOPMENT REQUIREMENTS (continued)

#### 8.5.8 R-1T Townhouse Zone

<table>
<thead>
<tr>
<th><strong>(a) Minimum Lot Size</strong></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>R-1A Zone [see (j) below]</td>
<td>10,000sq' except in a planned residential development project (see Art. 10)</td>
</tr>
<tr>
<td>R-1B Zone [see (j) below]</td>
<td>7,500sq'</td>
</tr>
<tr>
<td>R-1C Zone [see (j) below]</td>
<td>5,000sq'</td>
</tr>
<tr>
<td>R-1T Zone [see (j) below]</td>
<td>2,000sq'</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>(b) Minimum Lot Frontage</strong></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>R-1A Zone</td>
<td>75' except in a planned residential development project (see Art. 10)</td>
</tr>
<tr>
<td>R-1B Zone</td>
<td>60'</td>
</tr>
<tr>
<td>R-1C Zone</td>
<td>50'</td>
</tr>
<tr>
<td>R-1T Zone [see (k) below]</td>
<td>18'</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>(c) Minimum Front Yard or Street Yard</strong></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Freeway, Expressway</td>
<td>20' from lot line</td>
</tr>
<tr>
<td>Arterial Street (two-way)</td>
<td>75' from street centerline or 25' from lot line, whichever is greater</td>
</tr>
<tr>
<td>(Planned one-way)</td>
<td>60' from street centerline or 25' from lot line, whichever is greater</td>
</tr>
<tr>
<td>Major Collector Street</td>
<td>60' from street centerline or 25' from lot line, whichever is greater</td>
</tr>
<tr>
<td>Minor Collector or Local Street</td>
<td></td>
</tr>
<tr>
<td>R-1A, R-1B, R-1C zones</td>
<td>25' from lot line</td>
</tr>
<tr>
<td>If corner lots are back to back</td>
<td>15' from side street lot line only</td>
</tr>
<tr>
<td>R-1T Zone [see (k) below]</td>
<td>10' from lot line</td>
</tr>
<tr>
<td>Alley [see note (k) below]</td>
<td>(See interior side yard, interior rear yard)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>(d) Minimum Interior Side Yard</strong></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Regular Building</td>
<td></td>
</tr>
<tr>
<td>R-1A Zone</td>
<td>10' each side</td>
</tr>
<tr>
<td>R-1B, R-1C, R-1T zones</td>
<td>5' each side</td>
</tr>
<tr>
<td>Adjoins R-1A, P-1, Agri. zone</td>
<td>10' that side</td>
</tr>
<tr>
<td>Zero Setback Option [see (i) below]</td>
<td></td>
</tr>
<tr>
<td>R-1A Zone</td>
<td>0' one side along &quot;internal line&quot;, 20' other side</td>
</tr>
<tr>
<td>R-1B, R-1C zones</td>
<td>0' one side along &quot;internal line&quot;, 10' other side</td>
</tr>
<tr>
<td>R-1T Zone [see (k) below]</td>
<td>0' along &quot;internal lines&quot;, 5' along &quot;boundary lines&quot;</td>
</tr>
<tr>
<td>Adjoins R-1A, P-1, Agri. zone</td>
<td>10' that side</td>
</tr>
</tbody>
</table>

| **(e) Minimum Interior Rear Yard** [see (k) below] | 20' |
| **(f) Maximum Building Height** [see (k) below] | 36' |
| **(g) Minimum Useable Open Space** [see (k) below] | No limit |

<table>
<thead>
<tr>
<th><strong>(h) Maximum Lot Coverage</strong></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>R-1A, R-1B, R-1C zones</td>
<td>50% of total lot area</td>
</tr>
<tr>
<td>R-1T Zone [see (k) below]</td>
<td>50% of total lot area</td>
</tr>
</tbody>
</table>

| **(i) Zero Setback Option** | Zero setback lines shall be permitted only along "internal lines", which are property lines between lots that are under single ownership at the time of building construction. Zero setback lines shall not be permitted along "boundary lines", which are property lines of lots that are owned by others. No two dwelling units shall be closer than twenty (20) feet to each other in R-1A zones, nor closer than ten (10) feet to each other in R-1B or R-1C zones. Zero setback walls shall be solid, containing no window or door openings, and may be required to satisfy special building code requirements, depending on the situation. Application of zero setback side yard provisions will require special covenants within the deeds of affected lots. These covenants must respond to issues unique to zero setback dwelling units, whether attached or detached. These issues, among others, will include the following: Exterior zero setback building elements will involve maintenance performed from an adjacent property, thereby necessitating maintenance easements. Common-wall dwelling units should generally correspond in architectural style, color, scheme, etc., which may necessitate a perpetual design control mechanism to define the individual rights and collective responsibilities of affected property owners. |

| **(j) Where sanitary sewers are not available, the minimum lot size shall be 0.75 acres.** |  |

| **(k) Special requirements are applicable to properties located within Downtown Overlay District relative to use, site development, and design standards. See Article 21 for specific requirements and Downtown Overlay District Regulating Plan.** |  |
## 8.5 SITE DEVELOPMENT REQUIREMENTS (continued)

### 8.5.9 R-2MF Multi-Family Residential Zone

### 8.5.10 R-3MF Multi-Family Residential Zone

### 8.5.11 R-4DT Inner-City Residential Zone

#### (a) Minimum Lot Size (see note [j] below)

<table>
<thead>
<tr>
<th>Zone Type</th>
<th>Minimum Lot Size</th>
</tr>
</thead>
<tbody>
<tr>
<td>Multi-Family (R-2MF Zone)</td>
<td>13,000sq’ except in a planned residential development project (see Art. 10)</td>
</tr>
<tr>
<td>(R-3MF, R-4DT zones)</td>
<td>6,500sq’</td>
</tr>
<tr>
<td>Two-Family (R-2MF Zone)</td>
<td>10,500sq’</td>
</tr>
<tr>
<td>(R-3MF, R-4DT zones)</td>
<td>6,000sq’</td>
</tr>
<tr>
<td>“Split Duplex” (R-2MF Zone)</td>
<td>5,250sq’</td>
</tr>
<tr>
<td>(R-3MF, R-4DT zones)</td>
<td>3,000sq’</td>
</tr>
<tr>
<td>Single-Family (only R-4DT Zone)</td>
<td>5,000sq’</td>
</tr>
</tbody>
</table>

#### (b) Minimum Lot Frontage

<table>
<thead>
<tr>
<th>Zone Type</th>
<th>Minimum Lot Frontage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Multi-Family (R-2MF Zone)</td>
<td>75’ except in a planned residential development project (see Art. 10)</td>
</tr>
<tr>
<td>(R-3MF, R-4DT zones)</td>
<td>70’</td>
</tr>
<tr>
<td>Two-Family (R-2MF Zone)</td>
<td>70’</td>
</tr>
<tr>
<td>(R-3MF, R-4DT zones)</td>
<td>60’</td>
</tr>
<tr>
<td>“Split Duplex” (R-2MF Zone)</td>
<td>35’</td>
</tr>
<tr>
<td>(R-3MF, R-4DT zones)</td>
<td>30’</td>
</tr>
<tr>
<td>Single-Family (only R-4DT Zone)</td>
<td>50’</td>
</tr>
</tbody>
</table>

#### (c) Minimum Front Yard or Street Yard

Freeway, Expressway: 20’ from lot line
Arterial Street (two-way) [see (k) below]: 75’ from street centerline or 25’ from lot line, whichever is greater
(Planned one-way): 60’ from street centerline or 25’ from lot line, whichever is greater
Major Collector Street [see (k) below]: 60’ from street centerline or 25’ from lot line, whichever is greater
Minor Collector or Local Street [see (k) below]: 25’ from lot line
Alley [see note (k) below]: (See interior side yard, interior rear yard)

#### (d) Minimum Interior Side Yard

<table>
<thead>
<tr>
<th>Building Type</th>
<th>Minimum Interior Side Yard</th>
</tr>
</thead>
<tbody>
<tr>
<td>All Building Types</td>
<td>5’ each side</td>
</tr>
<tr>
<td>Adjoins R-1A, P-1, or Agri. zone</td>
<td>10’ that side</td>
</tr>
<tr>
<td>R-4DT Zone Zero Setback Option [see (k) below]</td>
<td>Same as for R-1C Zone (See Section 8.5.7) [see (k) below]</td>
</tr>
</tbody>
</table>

#### (e) Minimum Interior Rear Yard

<table>
<thead>
<tr>
<th>Zone Type</th>
<th>Minimum Interior Rear Yard</th>
</tr>
</thead>
<tbody>
<tr>
<td>Multi-Family in R-4DT Zone [see (k) below]</td>
<td>36’ without increased minimum yard dimensions</td>
</tr>
<tr>
<td>Building taller than 36’ [see (k) below]</td>
<td>3:1 height-to-yard ratio relative to all surrounding yards</td>
</tr>
<tr>
<td>All Other</td>
<td>36’</td>
</tr>
</tbody>
</table>

#### (g) Minimum Useable Open Space

<table>
<thead>
<tr>
<th>Zone Type</th>
<th>Minimum Useable Open Space</th>
</tr>
</thead>
<tbody>
<tr>
<td>Multi-Family [see (k) below]</td>
<td>30% of lot area</td>
</tr>
<tr>
<td>All Other</td>
<td>No limit</td>
</tr>
</tbody>
</table>

#### (h) Maximum Lot Coverage

<table>
<thead>
<tr>
<th>Zone Type</th>
<th>Maximum Lot Coverage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Multi-Family (R-2MF Zone)</td>
<td>50% of total lot area with a floor area ratio of 0.25</td>
</tr>
<tr>
<td>(R-3MF Zone)</td>
<td>50% of total lot area with a floor area ratio of 0.40</td>
</tr>
<tr>
<td>(R-4DT Zone) [see (k) below]</td>
<td>50% of total lot area with a floor area ratio of 1.30</td>
</tr>
<tr>
<td>All Other</td>
<td>50% of total lot area</td>
</tr>
</tbody>
</table>

#### (i) “Split Duplex” Option.
Each unit of a two-family building (duplex) may be located on a separate lot. Separate lots for each unit of duplex buildings erected previous to the enactment of this “Split Duplex” option may vary from the minimum lot width and side yard requirements as stated hereinabove if the following two requirements can be met: (a) The original lot width conforms with the minimum required for a two-family building in the zone in which it is located; and, (b) the parking area/driveway access characteristics can comply with the requirements of Article 13 of this Zoning Ordinance. Application of the “split duplex” option will require special covenants within the deeds of affected lots. These covenants must respond to issues unique to dwelling units sharing a common wall. These issues, among others, will include the following: Exterior building elements will involve maintenance performed from an adjacent property, thereby necessitating maintenance easements. Common-wall dwelling units should generally correspond in architectural style, color, scheme, etc., which may necessitate a perpetual design control mechanism to define the individual rights and collective responsibilities of affected property owners.

#### (j) Where sanitary sewers are not available, the minimum lot size shall be 0.75 acres.

#### (k) Special requirements are applicable to properties located within Downtown Overlay District relative to use, site development, and design standards. See Article 21 for specific requirements and Downtown Overlay District Regulating Plan.
### 8.5 SITE DEVELOPMENT REQUIREMENTS (continued)

#### 8.5.12 P-1 Professional/Service Zone

**8.5.13 B-2 Central Business Zone**

<table>
<thead>
<tr>
<th>Requirement</th>
<th>P-1 Zone (see note [l] below)</th>
<th>B-2 Zone (see note [l] below)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Lot Size</td>
<td>7,500 sq ft (For Professional Office Projects, see [l] below)</td>
<td>No limit</td>
</tr>
<tr>
<td>Minimum Lot Frontage</td>
<td>60' (For Professional Office Projects, see [l] below)</td>
<td>No limit</td>
</tr>
<tr>
<td>Minimum Front Yard or Street Yard</td>
<td>(See Section 8.6 for map of Major Streets)</td>
<td></td>
</tr>
<tr>
<td>Freeway, Expressway</td>
<td>20' from lot line</td>
<td></td>
</tr>
<tr>
<td>Arterial Street (two-way)</td>
<td>75' from street centerline or 25' from lot line, whichever is greater</td>
<td></td>
</tr>
<tr>
<td>(Planned one-way)</td>
<td>60' from street centerline or 25' from lot line, whichever is greater</td>
<td></td>
</tr>
<tr>
<td>Major Collector Street</td>
<td>60' from street centerline or 25' from lot line, whichever is greater</td>
<td></td>
</tr>
<tr>
<td>Minor Collector or Local Street</td>
<td>25' from lot line</td>
<td></td>
</tr>
<tr>
<td>Marginal Access Street</td>
<td>0' from lot line</td>
<td></td>
</tr>
<tr>
<td>Alley</td>
<td>(See interior side yard, interior rear yard)</td>
<td></td>
</tr>
<tr>
<td>B-2 Zone (existing buildings)</td>
<td>0'</td>
<td></td>
</tr>
<tr>
<td>(New buildings, ground floor)</td>
<td>3'</td>
<td></td>
</tr>
<tr>
<td>(Floors above/below ground)</td>
<td>0'</td>
<td></td>
</tr>
<tr>
<td>(Along any alley)</td>
<td>(See interior side yard, interior rear yard)</td>
<td></td>
</tr>
<tr>
<td>Minimum Interior Side Yard</td>
<td>10' each side (For Professional Office Projects, see [l] below)</td>
<td></td>
</tr>
<tr>
<td>R-1A, P-1, or Agri. zone</td>
<td>10' that side</td>
<td></td>
</tr>
<tr>
<td>Other Residential or MHP zone</td>
<td>5' that side</td>
<td></td>
</tr>
<tr>
<td>Any other zone</td>
<td>No limit</td>
<td></td>
</tr>
<tr>
<td>Minimum Interior Rear Yard</td>
<td>20' (For Professional Office Projects, see [l] below)</td>
<td></td>
</tr>
<tr>
<td>Res., MHP, P-1, or Agri. zone</td>
<td>20'</td>
<td></td>
</tr>
<tr>
<td>Any other zone</td>
<td>No limit</td>
<td></td>
</tr>
<tr>
<td>Maximum Building Height</td>
<td>3:1</td>
<td></td>
</tr>
<tr>
<td>Minimum Useable Open Space</td>
<td>No limit</td>
<td></td>
</tr>
<tr>
<td>Maximum Lot Coverage</td>
<td>35% of total lot area with a floor area ratio of 1.30</td>
<td></td>
</tr>
<tr>
<td>A Professional Office Project may be permitted for a tract of land with a minimum of five (5) acres upon the approval of a preliminary development plan and a final development plan as provided in Article 16, and subject to the P-1 Zone regulations. Subdivision of a Professional Office Project is permitted subject to the following regulations: There shall be no minimum lot size, lot frontage, yard, nor maximum lot coverage or height requirements for each subdivided lot; however, all said requirements for the approved final development plan shall be applicable to the overall subdivision; each subdivided lot shall have access to adjacent streets or joint parking areas as provided by appropriate easement shown on the final development plan and subdivision plat.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Where sanitary sewers are not available, the minimum lot size shall be 0.75 acres.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Special requirements are applicable to properties located within Downtown Overlay District relative to use, site development, and design standards. See Article 21 for specific requirements and Downtown Overlay District Regulating Plan.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### 8.5 SITE DEVELOPMENT REQUIREMENTS (continued)

<table>
<thead>
<tr>
<th>Article</th>
<th>Zone Description</th>
<th>Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>8.5.14</td>
<td><strong>B-1 Neighborhood Business Center Zone</strong></td>
<td>Minimum Lot Size: B-1 Zone (see note (m) below) within a business center of 5 acres to 15 acres in size.</td>
</tr>
<tr>
<td>8.5.15</td>
<td><strong>B-3 Highway Business Center Zone</strong></td>
<td>Minimum Lot Size: B-3 Zone (see note (m) below) within a business center of 15 acres or larger in size.</td>
</tr>
<tr>
<td>8.5.16</td>
<td><strong>B-4 General Business Zone</strong></td>
<td>Minimum Lot Size: B-4, B-5 Zone (see note (m) below) No limit.</td>
</tr>
<tr>
<td>8.5.17</td>
<td><strong>B-5 Business/Industrial Zone</strong></td>
<td>Minimum Lot Size: B-1 Zone (see note (m) below) within a business center of 5 acres to 15 acres in size.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>No limit within a business center of 15 acres or larger in size.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Minimum Lot Frontage: No limit.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Minimum Front Yard or Street Yard: Freeway, Expressway 20’ from lot line.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Arterial Street (two-way) [see note (k) below] 75’ from street centerline or 25’ from lot line, whichever is greater.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(Planned one-way) [see note (k) below] 75’ from street centerline or 25’ from lot line, whichever is greater.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Major Collector Street) [see note (k) below] 60’ from street centerline or 25’ from lot line, whichever is greater.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Minor Collector or Local Street) [see note (k) below] 25’ from lot line.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Freeway, Expressway 20’ from lot line.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Arterial Street (two-way) 75’ from street centerline or 25’ from lot line, whichever is greater.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(Planned one-way) 75’ from street centerline or 25’ from lot line, whichever is greater.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Major Collector Street) 60’ from street centerline or 25’ from lot line, whichever is greater.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Minor Collector or Local Street) 25’ from lot line.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Alley (see note (k) below) No limit.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Minimum Interior Side Yard: When side yard adjoins... R-1A, P-1, or Agri. zone 10’ that side.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Other Residential or MHP zone 5’ that side.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Any other zone No limit.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Minimum Interior Rear Yard: When rear yard adjoins... Res., MHP, P-1, or Agri. zone 20’.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Any other zone No limit.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Maximum Building Height: No limit except for Kentucky Airport Zoning restrictions.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Minimum Useable Open Space: No limit.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Maximum Lot Coverage: B-1 Zone 35% of total area of lot or tract in project development plan.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>B-3 Zone 25% of total area of lot or tract in project development plan.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>B-4, B-5 Zone, when lot adjoins... Residential, MHP, or P-1 zone 50% of total area of lot or tract in project development plan.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Any other zone No limit.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Development plans are required for the creation of, expansion of, or alteration of multi-business structures, whether on one or more parcels or lots as per Article 16 of this Zoning Ordinance. Also, development plans, or subdivision plats (if found to be an acceptable substitution by the OMPC), shall be required for zoning map amendments to a B-1 or B-3 zone, and for building development in those zones.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Zero Setback Walls. In all business zones, where land subdivision is proposed, and zero yard setback is permitted, shared or common walls which would straddle a lot line are prohibited. There shall be two, structurally independent walls adjacent to each other along the property line.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Special requirements are applicable to properties located within Downtown Overlay District relative to use, site development, and design standards. See Article 21 for specific requirements and Downtown Overlay District Regulating Plan.</td>
</tr>
<tr>
<td></td>
<td><strong>All outdoor areas or yards</strong> that are used for the storage of manufactured products, materials to be used in manufacturing, wholesale commodities, s, trucks or equipment, junk yards, and salvage and scrap-iron yards (not including areas for employee or customer parking, nor areas that are open to the public for the permitted display of operational vehicles or other finished products for retail) shall be enclosed on all sides by a solid wall or fence not less than six (6) feet in height, and not less than eight (8) feet in height for junk yards, salvage and scrap-iron yards. In particular situations, Article 17 of this Zoning Ordinance may require additional landscape easements and materials.</td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>Where sanitary sewers are not available, the minimum lot size shall be 0.75 acres.</strong></td>
<td></td>
</tr>
</tbody>
</table>

**Note:** Information about minimum lot size and frontage requirements is provided for specific zones (B-1, B-3, B-4, B-5) and the requirement varies based on the type of development and location within the business center.
8.6 MAP OF MAJOR STREETS

Major Street Setbacks and Buffers revised by TAC 04/07/2009
Article amendments approved unless noted: | OMPC | Owensboro | Daviess Co. | Whitesville
--- | --- | --- | ---
Bus shelter advertising on public right-of-way | 14-Apr-1983 | 02-May-1983 | no action | no action
Sign regulations, hearing to drop all regulations; no action taken | 10-Sep-1987 | Not applic. | not applic. | not applic.
Bed and breakfast homes (9-2 - definition "Residential sign") | ? | ? | ? | ?
Revisions to allow particular on-premises signs containing electronic changeable copy to operate in a defined flashing mode (9-2, "Public Service Message", 9-4(a)(5)(b), 9-4(b)(5) & (6)) | 13-Jul-2000 | 05-Sep-2000 | 19-Sep-2000 | ?
2003 Review Committee: Made intent the same for all jurisdictions in Daviess County (9-1(a)); made definitions the same for all jurisdictions in Daviess County with the exception of definitions related to billboard regulations that vary by jurisdiction (9-2); added new subsection that limits the placement and number of particular free-standing temporary signs on a lot (9-3(d), 9-4(f), Table Summary); decreased maximum size of permanent on-premises signs in business and industrial zones to 672 sq. ft. and temporary on-premises non-portable signs in all zones to 40 sq. ft. (9-4(a), Table Summary). | 11-Dec-2003 | 02-Mar-2004 | 05-Feb-2004 | 06-Apr-2004
Add definition of “banner” and provide for banner placement over right-of-way in B-2 Central Business District | 10-Mar-2005 | 17-May-2005 | 05-May-2005 | ?
Revisions to reference new regulations contained in Article 21 relative to properties within Downtown Overlay Districts | 10-Sep-2009 | 20-Oct-2009 | ? |

9-1 INTENT; EXEMPT SIGNS.

9-1(a) Intent. The intent of this article is to establish regulations for devices that are sufficiently visible to persons not located on the lot where such devices are displayed to accomplish either of the following objectives: to attract the attention of such persons or to communicate messages to them. Such devices are defined as signs in this article. It is not the intent of this article to alleviate any requirements of any other government agency regarding the regulation of signs. The regulations herein are established to achieve the following public purposes:

1. To preserve and improve the physical appearance of the community, by providing that the functions, dimensions, arrangement, number, and features of signs be compatible with the physical character and intensity of the land-use activities in their surroundings.

2. To promote public safety, by providing that signs do not confuse, mislead, distract or obstruct the vision of motorists, and that signs remain safe and secure during extreme and adverse weather conditions.

3. To promote the economic welfare of the community, by providing businesses a reasonable opportunity to use signs to communicate, to advertise and to assist potential customers to locate and identify desired products, goods, services, or facilities.

4. To protect free speech, by providing that the specific content of sign messages be determined by the sign owner, and that the general content of sign messages be distinguished only for the purposes of determining the appropriate locations for signs based on their functions and features.

9-1(b) Exempt signs. The following signs are outside the scope of this article and shall be exempt from all provisions of this article:

1. Signs that are not visible beyond the boundaries of the lot or parcel upon which they are located or from any public right-of-way.

2. Nonilluminated incidental signs under two (2) square feet in area.

3. Public signs authorized to be erected under local, state, or federal law which control or direct traffic.
(4) Signs erected temporarily to warn of danger or hazardous conditions.

(5) Signs displayed on trucks, buses, trailers, or other vehicles that are being operated in the normal course of a bona fide business or transportation service.

(6) Signs or other displays that are located inside buildings, sports complexes, or similar facilities, which may be incidentally visible from public rights-of-way, but which are not primarily intended to communicate a message to or attract the attention of people moving about public rights-of-way.

(7) Temporary traditional displays or decorations, when such are clearly incidental to and customarily and commonly associated with any national, local or religious holiday, celebration or festival.

9-2 DEFINITIONS. Particular terms are defined for the purposes of this article, as follows:

"Abandoned sign" means a sign which no longer correctly identifies or advertises a bona fide business, lessor, service, owner, product, or activity on the premises where the sign is displayed.

"Animated sign" means a sign that includes any action or motion. For the purposes of this article, this term does not refer to flashing signs or to electronic changeable copy, both of which are separately defined.

“Banner” means a temporary sign applied to cloth, paper, vinyl, fabric, plastic or like malleable material, with or without frame.

"Billboard sign" means any off-premises sign other than a bus shelter sign or church or civic club off-premises sign.

"Bus shelter sign" means an off-premises sign erected on a public bus shelter.

"Business sign" means an on-premises sign located where the primary use of the premises is commercial, industrial, or professional, including parking areas that are accessory to such uses.

"Building sign" means a sign connected to and supported solely by a building, canopy, marquee, or awning.

"Church off-premises sign" means an off-premises sign erected by a religious organization to direct the public to church-related activities.

"Civic club off-premises sign" means an off-premises sign erected by any nationally, regionally or locally known non-profit organization(s) to announce the presence of organizational chapters and activities within the community.

“Consolidated Shopping Center Sign” means a sign constructed for shared use by shopping center tenants, whether tenants are located on common property or on individual lots within an approved development. A consolidated shopping center sign complying with specific requirements of this section shall not be considered an off-premise sign.

"Construction sign" means a temporary sign that contains a message relating to construction work in progress or upcoming on the premises where the sign is displayed.

"Copy" means any word, letter, number or emblem that is a feature of a sign.

"Electrical sign" means a sign or sign structure in which electrical wiring, connections, or fixtures are used.

"Electronic changeable copy" means copy that is changed by electronic or electrical control of a bank of light-emitting, light-reflecting, or light-silhouetting copy elements.

"Erect" means to construct, build, raise, assemble, place, affix, create, paint, draw or in any way bring into being or establish.

"Facade" means the entire building front including walls, windows, gables, parapets, and mansards.

"Farm sign" means an on-premises sign located on property ten (10) acres or more in area used for agricultural purposes. Such property less than ten (10) acres in area shall be considered a residential use if it contains any dwelling units, and vacant land if it does not (see definition of "residence sign").

"Federal aid primary highway" (Owensboro, Whitesville) means any highway, road, street, bridge, overpass, etc. which is designated a portion of the federal aid primary highway system as may be established by law or so designated by the state and federal departments of transportation. (Unincorporated Daviess County) Refer to “state-sign-controlled highway.”
"Flashing sign" means any illuminated sign, electronic changeable copy, or any other illuminated device, whose lighting fluctuates, alternates, or otherwise varies in brightness, pattern, position or reflection, in order to attract attention or to phase copy changes in or out. Such a sign, copy, or other device is not a flashing sign if its lighting varies in brightness, pattern, position or reflection only instantaneously and concurrently on the entire sign at five (5) minute minimum intervals.

“Identifiable” (Unincorporated Daviess County only) means capable of being related to a particular product, service, business or other activity even though there is no written message to aid in establishing the relationship.

"Illegal sign" means a sign that does not meet the requirements of this article and which is not (legally) nonconforming; or a sign advertising an activity that is illegal under federal, state or local law.

"Illuminated sign" means a sign with an artificial light source incorporated internally or externally for the primary purpose of illuminating the sign.

"Institution sign" means an on-premises sign located where the primary use of the premises is institutional, including parking areas that are accessory to such uses.

“Legible” means capable of being read without visual aid by a person of normal visual acuity, or conveying an advertising message to a person of normal visual acuity.

"Manual changeable copy" means copy that is changed in the field by manual relocation of easily removable copy elements.

"Nonconforming sign" means a sign that was erected legally but which does not comply with the adopted sign regulations of this article for the zone in which it is located; also referred to as a "legal nonconforming sign."

"Off-premises sign" means a sign that contains a message that does not relate to any activity or product on the premises where the sign is displayed; or a sign erected by a company or individual for the purpose of selling advertising messages for profit.

"On-premises sign" means a sign that attracts attention to or contains a message relating to an occupant, activity, or product on the premises where the sign is displayed.

"Permanent sign" means a sign constructed and intended for long-term use in a fixed location.

"Place sign" means an on-premises sign located at a principal street entrance serving a group of ten (10) or more lots in one subdivision or located on a premises containing a minimum of twenty four (24) dwelling units.

"Political sign" means a temporary sign that contains a message supporting the candidacy for office or urging action on matters on the ballot of an upcoming election or referendum. For the purposes of this article, political signs shall be considered on-premises signs.

"Portable sign" means a temporary sign that is affixed to a frame, which is designed to be moved easily and to be self-supporting when resting on a generally horizontal surface. For the purposes of this article, the temporary securing of such a sign to the ground, to a building or to any other structure shall not prevent its being considered a portable sign.

"Premises" means an area of land together with its buildings and other appurtenances which, because of its unity of use, may be regarded as the smallest conveyable unit of real estate.

"Public Service Message" means a message pertaining to an activity or service which is performed for the benefit of the public and not for profit or gain of a particular person, firm or corporation or information such as time or temperature.

"Real estate sign" means a temporary sign that contains a message relating to the sale, rental or lease of the premises where the sign is located, or relating to the original sale of property in a new subdivision.

"Residence sign" means an on-premises sign located where the primary use of the property is residential, including home occupations, bed and breakfast homes, and parking areas that are accessory to residential uses. This term does not refer to signs on agricultural property ten (10) acres or more in area (see definition of "farm sign").

"Roof line" means the top edge of the roof or the top of the parapet or mansard, whichever forms the top line of the building silhouette, excluding domes, spires, chimneys, masts, elevator penthouses and other incidental projections.

"Sign" means any device that is sufficiently visible to persons not located on the lot where such device is located to accomplish either of the following objectives: to attract the attention of such persons or to communicate message(s) to them. Where one (1) or more display modules are connected to the same structural supports, the
entire assemblage of modules and supports shall be considered one (1) sign.

"Sign area"

(1) Sign area shall be computed by including the entire area within a single, continuous, rectilinear perimeter of not more than eight straight lines, or a circle or an ellipse, enclosing the extreme limits of the copy or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework or bracing that is clearly incidental to the display itself.

(2) If the sign consists of more than one section or module, all of the area, including that between sections or modules, shall be included in the computation of the sign area. Temporary signs attached to a permanent sign structure shall not be included in the total sign area of the permanent sign structure.

(3) With respect to two-sided, multi-sided, or three-dimensional signs, the sign area shall include the total of all sides designed to attract attention or communicate information that can be seen at any one time by a person from one vantage point. Without otherwise limiting the generality of the foregoing, the sign area of a double-faced, back-to-back or "V"-shaped sign shall equal the area of only one side of such sign, the larger side, so long as the angle between the backs of the two sides does not exceed forty-five (45) degrees.

"Sign face" means a generally vertical area of a sign on which copy is typically placed.

"Sign height" means the vertical distance measured from the highest point of the sign, including the frame and any embellishments, and the established grade at the nearest adjacent street frontage, except as otherwise specified in this article.

"State-sign-controlled highway" means any highway, road, street, bridge, or overpass that is designated to be included in the Federal Aid Primary, Parkway, Interstate, National Highway, or Scenic Highway/Byway system by the state or federal department of transportation.

"Streamer" means a temporary sign made of a string of ribbons, tinsel, pennants, pinwheels, or similar devices used to attract attention to the premises where it is displayed.

"Temporary sign" means a sign that is not constructed or intended for long-term use in a fixed location, including, but not limited to, banners, posters, balloons, other inflatable devices, streamers, and portable, construction, political, and real estate signs.

“Urban areas” means those areas which the state secretary of transportation, in the exercise of his sound discretion and upon consideration being given to the population within boundaries of an area and to the traveling public determines by official order to be urban; provided, however, that any such determination or designation of the secretary shall not, in any way, be at variance with the federal law or regulation thereunder or jeopardize the allotment or qualification for federal-aid funds of the Commonwealth of Kentucky.

“Visible” means capable of being seen, whether or not legible or identifiable, without visual aid by a person of normal visual acuity and erected for the purpose of being seen from the portion of a roadway dedicated to the movement of vehicles, exclusive of shoulders. This definition is not intended to preclude the location of a billboard sign along an intersecting or adjacent roadway that is erected for the primary purpose of being seen from the intersecting or adjacent roadway rather than from the subject roadway, unless otherwise specified in this article or by other government regulatory authority.

"Wall" means a vertical plane of a building below any eaves, cornices, mansards or parapets.

"Yard sign" means a sign supported upon the ground or attached to a pole or other structure and is independent of support from any building, canopy, marquee, or awning.

9-3 GENERAL PROVISIONS. It shall be unlawful to erect, alter, maintain, enlarge, use, or display any sign or sign feature except in accordance with the provisions of this article.

9-3(a) Prohibited Signs. Unless exempted from regulation by this article, the following types of signs shall be prohibited in all zones:

(1) Abandoned signs.

(2) Illegal signs.

(3) Signs that imitate or resemble official traffic signs, signals, devices or other official signs, but are not authorized by government.
(4) Signs, other than specifically permitted portable signs, that are displayed on vehicles or trailers which are parked or located for the primary purpose of displaying said signs.

(5) Signs that are erected on the surface of any tree, rock or other natural feature.

(6) Signs that emit any noise, odor or visible matter for the purpose of attracting attention.

9-3(c) Sign Permits. A sign permit and payment of fees shall be required for the following types of signs and activities:

(1) All off-premises signs: to erect, relocate, rewire, or enlarge any part of such signs, or to alter structural supports;

(2) Portable signs that exceed ten (10) square feet in area: to erect or relocate such signs;

(3) On-premises permanent signs that are electrical and/or exceed ten (10) square feet in area: to erect, relocate, rewire, or enlarge any part of such signs, or to alter structural supports, or to repaint or otherwise reface any such existing sign so that its copy relates to a new principal occupant on the premises (refer to provisions in this article for nonconforming signs).

For permit procedures, refer to provisions in this article for administration and enforcement. Permits and fees shall not be required for signs that are not listed above. For signs listed above, permits and fees shall not be required to maintain such signs in good condition, including the refacing of existing display modules, so long as such work does not include any activity requiring a permit above.

9-3(d) Sign Location on Property. Unless otherwise specifically provided, signs may be attached to buildings (building signs) or may be freestanding (yard signs).

(1) Temporary sign locations. Temporary signs, with the exception of construction, real estate, political signs, civic and church signs in accordance with Section 9-5(f), and [with the exception of] building signs attached to the principal or accessory structures, shall be limited to two (2) signs per individual lot. Signs may be located within the property boundary a minimum of ten (10) feet from the back of curb or pavement, but in no case shall be located on public right of way. Temporary signs shall not exceed forty (40) square feet in size.

9-3(e) Signs and Public Rights-of-Way. No sign shall be erected on or overhanging the edge of any public right-of-way unless specifically provided in this article.

9-3(f) Signs and Traffic Visibility. All signs erected near street and driveway intersections shall comply with the dimensional requirements of traffic visibility sight triangles, as specifically provided in Article 3 of this zoning ordinance.
9-3(g) Lighting. Any sign may be illuminated. The following provisions shall apply to all illuminated signs:

(1) Flashing signs shall be prohibited, unless otherwise specified in this article.

(2) Light sources shall be located and/or shielded in a fashion that minimizes to the greatest possible extent the direct rays of any bulb that exceeds one hundred (100) watts from shining into the eyes of motorists on vehicular rights-of-way.

(3) Light sources shall be located and/or shielded in a fashion which minimizes to the greatest possible extent the direct rays of such light sources penetrating into any adjoining property located in a residential or manufactured housing park zone or used for residential purposes.

9-3(h) Changeable Copy. Any sign may include manual changeable copy. No sign shall include electronic changeable copy unless specifically provided in this article. The changing of such copy on permitted signs shall not require a permit, unless otherwise provided by this article.

9-3(i) Animation. No sign shall be animated unless specifically provided in this article.

9-3(j) Construction and Safety Standards. All signs shall be erected in accordance with all applicable requirements of locally enforced building, fire, electrical and safety codes.

9-3(k) Maintenance. All signs shall be properly maintained. Exposed surfaces shall be clean and painted if paint is required. Defective parts shall be replaced. The Zoning Administrator shall have the right to order the repair or removal of any sign that is defective, damaged, or substantially deteriorated.

9-4 OVERLAY DISTRICTS. Overlay district as defined in this ordinance may include requirements for signs subject to the provisions included in this chapter. The overlay districts may include more or less restrictive standards for on-and off-premise signs. In the event of a conflict between a specific overlay district requirement and other provisions of this chapter, the specific overlay district regulations shall apply to those properties located within the identified overlay districts.

9-4(a) Downtown Overlay District. All signs in the Downtown Overlay District shall meet the sign standards established in Article 21. For signs not regulated by Article 21, standards in Article 9 shall apply unless otherwise prohibited in Article 21.

9-5 SPECIFIC PROVISIONS FOR ON-PREMISES SIGNS. On-premises signs shall comply with the following provisions in addition to the general provisions of this article. Each sign shall function as an accessory use to the primary land use (whether a principal use, conditional use, or legal nonconforming use) of the premises on which it is displayed, and shall be subject to specific provisions for the zone of the premises where it is displayed and the zones of nearby property. Permanent on-premises signs shall not be erected on vacant property. Construction, political, real estate and other temporary on-premises signs may be erected on vacant property.

9-5(a) PERMANENT BUSINESS, INSTITUTION AND FARM SIGNS SHALL BE PERMITTED IN BUSINESS AND INDUSTRIAL ZONES subject to the following specific provisions for signs in this category:

(1) The area of each sign shall not exceed six hundred seventy two (672) square feet.

(2) The height of each building sign shall not exceed the highest point of the roofline by more than fifteen (15) feet.

(3) The height of each yard sign shall not exceed an amount equal to ten (10) feet plus one-half the horizontal distance between the sign and the nearest boundary line of any unrelated property located in any residential or MHP zone, up to a maximum of eighty (80) feet in height.

(4) Yard signs exceeding ten (10) square feet in area, and located less than 25 feet from a public street right-of-way, shall be located no closer than one hundred (100) feet to each other along the same street on the same premises.

(5) Electronic changeable copy shall be permitted for all signs, which shall conform to either of the following two modes:

(a) Nonflashing mode, with electronic changeable copy displaying only on-premises messages; changes in copy shall be limited so that the sign is not a flashing sign.

(b) Flashing mode, with electronic changeable copy displaying only on-premises or public service
messages. Changes in copy shall be limited as follows:

(1) The advertising message may contain words, phrases, symbols, trademarks, or logos.

(2) A single message or segment of a message shall have a display time of at least two (2) seconds including the time needed to move the message onto the sign board, with all segments of the total message to be displayed within ten (10) seconds.

(3) A message consisting of one (1) segment may remain on the sign board any amount of time in excess of two (2) seconds.

(4) An electronic sign requiring more than four (4) seconds to change from one (1) single message to another shall be turned off during the change interval.

(5) A display traveling horizontally across the sign board shall move between sixteen (16) and thirty-two (32) light columns per second.

(6) A display may scroll onto the sign board but shall hold for two (2) seconds including the scrolling time.

(7) A display shall not include an art animation or graphic that portrays motion, except for movement of a graphic onto or off of the sign board.

(6) Projection over public right-of-way shall be permitted for particular building signs:

(a) Signs attached with their principal sign faces parallel to the facade of the building, with no part of the sign assembly extending more than twenty-four (24) inches from the building surface to which attached.

(b) Signs painted on, printed on, or configured so that their exterior faces are flat against or integral to the surface material of permitted awnings or canopies (as per Article 3 of this zoning ordinance), with the total area of such signs not exceeding twenty (20) per cent of each exterior plane of such awnings or canopies.

(c) Signs erected integral to permitted marquees (as per Article 3) over entrances to theaters or auditoriums.

(d) Signs suspended below permitted awnings, canopies or marquees (as per Article 3), each sign not exceeding four (4) square feet in area, and providing a minimum vertical clearance of eight (8) feet between the bottom of the sign and the ground or pavement surface below the sign.

(e) Banners attached to principal buildings located in a B-2 Central Business district, with no part of the banner extending more than thirty-six (36) inches from the building surface to which attached and with no part of the banner extending closer than twenty-four (24) inches horizontally to a vertical projection of the back of the street curb. A minimum vertical clearance of eight (8) feet shall be required between the bottom of the sign and the ground or pavement surface below the sign. Prior to issuance of a permit, approval by the legislative body, or its designee, shall be submitted in writing and shall include:

1. A statement that allows the Zoning Administrator to issue a permit for the banner to be placed within the public right-of-way.

2. The landowner shall provide a written statement holding the legislative body, the Zoning Administrator and OMPC harmless from any claims resulting from the placement of the banner within the public right-of-way.

9-5(b) PERMANENT BUSINESS, INSTITUTION AND FARM SIGNS SHALL BE PERMITTED IN PROFESSIONAL, AGRICULTURAL AND EX-1 ZONES subject to the following specific provisions for signs in this category:

(1) The area of each sign shall not exceed one hundred fifty (150) square feet.

(2) The height of each building sign shall not exceed the highest point of the roofline.

(3) The height of each yard sign shall not exceed an amount equal to ten (10) feet plus one-half the horizontal distance between the sign and the nearest boundary line of any unrelated property located in any residential or MHP zone, up to a maximum of twenty (20) feet in height.
(4) Yard signs exceeding 10 square feet in area shall be located no closer than one hundred fifty (150) feet to each other on the same premises.

(5) Electronic changeable copy shall be permitted for all signs located in Professional zones, subject to the provisions set forth in Subsection 9-4(a)(5).

(6) Electronic changeable copy shall be conditionally permitted for all signs located within Agricultural and EX-1 zones, subject to the provisions set forth in Subsection 9-4(a)(5), and approval of a conditional use permit by the Board of Adjustment.

9-5(c) PERMANENT BUSINESS, INSTITUTION AND FARM SIGNS SHALL BE PERMITTED IN RESIDENTIAL AND MHP ZONES subject to the following specific provisions for signs in this category:

(1) The area of each sign shall not exceed one hundred fifty (150) square feet.

(2) The height of each building sign shall not exceed the highest point of the wall to which it is attached.

(3) The height of each yard sign shall not exceed ten (10) feet.

(4) Yard signs exceeding ten (10) square feet in area shall be located no closer than two hundred (200) feet to each other on the same premises.

9-5(d) PERMANENT PLACE SIGNS SHALL BE PERMITTED IN ANY ZONE subject to the following specific provisions for signs in this category:

(1) The area of each sign shall not exceed forty (40) square feet.

(2) The height of each sign shall not exceed six (6) feet.

(3) The number of signs shall not exceed two (2) signs per each principal street entrance or one (1) sign per each principal driveway entrance.

(4) Location on public right-of-way shall be permitted for particular signs, but only when all of the following apply:

(a) the sign is located at a principal street entrance to a subdivision and off of state-maintained right-of-way;

(b) corner lots with no association to the subdivision are located on both sides of, and have no primary access to, the entrance street; and

(c) specific provision is made for a designated private owner to maintain the sign.

9-5(d) PERMANENT RESIDENCE SIGNS SHALL BE PERMITTED IN ANY ZONE subject to the following specific provisions for signs in this category:

(1) The area of each sign

(Owensboro) shall not exceed

(a) two (2) square feet, in residential zones;

(b) four (4) square feet, in all zones other than residential.

(Unincorporated Daviess County, Whitesville) shall not exceed four (4) square feet.

(2) The height of each building sign shall not exceed the highest point of the wall to which it is attached.

(3) The height of each yard sign shall not exceed six (6) feet.

(4) Separate signs shall be located no closer than fifteen (15) feet to each other on the same premises.

9-5(f) TEMPORARY ON-PREMISES SIGNS SHALL BE PERMITTED IN ANY ZONE subject to the following specific provisions for signs in this category:

(1) The area of each temporary portable sign shall not exceed forty (40) square feet in any zone.

(2) The area of each temporary nonportable yard sign shall not exceed forty (40) square feet in any zone.

(3) The number of portable signs shall not exceed one (1) sign along each street frontage for each premises. The number of temporary yard signs shall not exceed a total of two (2) signs per premises.

(4) Animated signs shall be permitted only if they are not illuminated.
(5) Streamers may be attached to and may span between signs, buildings and other structures. However,

(a) streamers shall not be illuminated;

(b) streamers shall not be pinned or staked directly to the ground nor attached to any post or pole that is not a permanent feature of the premises; and

(c) streamers shall not be attached to any utility pole or other device located within a public right-of-way.

(6) Signs other than construction, political and real estate signs shall be displayed no more than one hundred twenty (120) days in one (1) calendar year on each premises located in any residential, MHP or professional zone.

9-5(g) CONSOLIDATED SHOPPING CENTER SIGNS SHALL BE PERMITTED IN GENERAL BUSINESS and HIGHWAY BUSINESS ZONES subject to the following provisions for signs in this category.

(1) Any retail shopping center with combined retail space zoned B-3 Highway Business or B-4 General Business containing a minimum of fifteen (15) contiguous acres shall be allowed one freestanding consolidated shopping center sign on each street frontage of the development along a freeway, an arterial or collector street located on any of the lots contained within the approved final development plan provided that:

(a) The consolidated shopping center sign must be located upon one of the lots contained within the approved final development plan. Any additional individual yard signs located upon the same lot as the consolidated shopping center sign exceeding ten (10) square feet in area, and located less than 25 feet from a public street right-of-way, shall be located no closer than one hundred (100) feet to the consolidated shopping center sign and to other yard signs along the same street on the same premises.

(b) No sign shall be placed so as to obstruct sight distance.

(2) The maximum area of the sign face for each side of the consolidated shopping center sign shall not exceed 672 square feet.

(3) The maximum height of the sign shall not exceed an amount equal to ten (10) feet plus one-half the horizontal distance between the sign and the nearest boundary line of any unrelated property located in any residential or MHP zone, up to a maximum of eighty (80) feet in height.

(4) Maintenance and Easement. No consolidated shopping center sign shall be permitted before first having established an easement by plat on the lot where the sign is to be located absolute for the purpose of the location of the sign. Additionally, provisions must be included for the maintenance, landscaping and removal of the sign.

(5) Any consolidated shopping center sign may carry the name or a combination of names of the major enterprises, firms, or other tenants located within the approved shopping center development.

(6) Sign plan required. No building permit for a consolidated shopping center sign may be issued without an approved maintenance plan for the consolidated shopping center sign and a final development plan indicating the locations of the proposed consolidated shopping center signs.

9-6 SPECIFIC PROVISIONS FOR OFF-PREMISES SIGNS. (Owensboro, Whitesville) Off-premises signs shall comply with the following provisions in addition to the general provisions of this article. Such signs shall be subject to specific provisions based on their functions and on the zones and land uses of the premises and vicinity where they are displayed. Off-premises signs visible from and located within six hundred sixty (660) feet of any federal-aid primary highway may require a permit from the state highway department in addition to the locally required permit.

Note: New off-premises commercial billboards are prohibited within the corporate limits of the City of Owensboro by Ordinance No. 53-89, adopted 21-Nov-89, which is codified in Section 18-10 of the Owensboro Municipal Code. Therefore, the following provisions do not apply within the City of Owensboro to the extent that they conflict with the more stringent provisions of that ordinance. Consolidated shopping center signs meeting the criteria contained in Section 9-4(g) shall not be considered off-premise signs.

(Unincorporated Daviess County) Off-premises signs shall comply with the following provisions in addition to the general provisions of this article. Consolidated shopping center signs meeting the criteria contained in Section 9-4(g) shall not be considered off-premise signs. These signs shall be subject to specific provisions based on their
functions and on the zones and land uses of the premises and vicinity where they are displayed. Off-premises billboard signs shall comply with applicable state statutes and administrative regulations. An off-premises billboard sign that is visible from a state-sign-controlled highway and is located within six hundred sixty (660) feet of the right-of-way -- or beyond six hundred sixty (660) feet from the right-of-way outside a designated urban area -- may require a permit from the state highway department. If the state highway department prohibits issuance of a permit for a billboard sign along a state-sign-controlled highway, then a local permit for the sign shall not be issued or, if previously issued, shall be deemed null and void.

9-6(a) BILLBOARD SIGNS SHALL BE PERMITTED IN BUSINESS AND INDUSTRIAL ZONES subject to the following specific provisions for signs in this category:

(1) The area of each permanent billboard sign (Owensboro, Whitesville) shall not exceed one thousand two hundred fifty (1,250) square feet.

(Unincorporated Daviess County) shall not exceed three hundred eighty (380) square feet when located along roadways designated as “U.S.” highways and shall not exceed three hundred (300) square feet when located along other roadways.

(2) The area of each temporary billboard sign (Owensboro, Whitesville) shall not exceed one hundred fifty (150) square feet.

(Unincorporated Daviess County) shall not exceed forty (40) square feet.

(3) Portable billboard signs shall be prohibited.

(4) The location of each sign

(a) (Owensboro, Whitesville) shall be no closer than fifty (50) feet to any boundary line of any property located in any residential or MHP zone;

(Unincorporated Daviess County) shall be no closer than three hundred (300) feet to any boundary line of any property located in any residential or MHP zone, or to any property occupied by any school where persons under eighteen (18) years of age are enrolled, unless the residential, MHP, or school property is located across a four-lane roadway from the sign;

(b) (Owensboro, Whitesville) shall be no closer than fifty (50) feet to any residential structure located in any agricultural zone; and

(Unincorporated Daviess County) shall be no closer than three hundred (300) feet to any residential structure located in any agricultural zone, unless the residential structure is located across a four-lane roadway from the sign;

(c) (Owensboro, Whitesville) shall be no closer than one hundred (100) feet to any other billboard sign, unless separated by a building, street, road, highway, or natural obstruction.

(Unincorporated Daviess County) shall be no closer than one hundred (100) feet to any other billboard sign located along the same roadway; and

(d) (Unincorporated Daviess County only) shall not be visible from a Scenic Highway/Byway as designated in Section 9-9 of this article.

(5) (Owensboro, Whitesville) The height of each building sign shall not exceed the highest point of the roofline by more than twenty five (25) feet.

(Unincorporated Daviess County) Billboard building signs shall be prohibited.

(6) The height of each yard sign (Owensboro, Whitesville) shall not exceed an amount equal to one-half the horizontal distance between the sign and the nearest boundary line of any property located in any residential or MHP zone, or between the sign and the nearest residential structure located in any agricultural zone, up to a maximum of one hundred (100) feet in height.

(Unincorporated Daviess County) shall not exceed forty (40) feet when located along roadways designated as “U.S.” highways and shall not exceed thirty two (32) feet when located along other roadways; as an exception to the definition of “sign height” in this article, the height of a billboard sign shall be measured as the maximum vertical distance between the highest point of the sign and the lowest elevation of ground directly below the sign.

(7) The number of sign face modules on each sign (Unincorporated Daviess County only) shall not exceed one (1) on each side of the sign, and shall not
exceed a total of two (2) for each sign structure – that is, back-to-back or “V”-shaped signs. This prohibits the vertical stacking or side-by-side placement of sign face modules on the same side of a sign, and it prohibits triangular or other multi-faced sign structures.

9-6(b) BILLBOARD SIGNS SHALL BE PERMITTED IN AGRICULTURAL ZONES subject to the following specific provisions for signs in this category:

(1) The area of each permanent sign (Owensboro, Whitesville) shall not exceed seven hundred (700) square feet.

(Unincorporated Daviess County) shall not exceed three hundred eighty (380) square feet when located along roadways designated as “U.S.” highways and shall not exceed three hundred (300) square feet when located along other roadways.

(2) The area of each temporary sign (Owensboro, Whitesville) shall not exceed eighty (80) square feet.

(Unincorporated Daviess County) shall not exceed forty (40) square feet.

(3) Portable billboard signs shall be prohibited.

(4) The location of each sign

(Owensboro, Whitesville) shall be no closer than

(a) one hundred (100) feet to any boundary line of any property located in any residential or MHP zone;

(b) one hundred (100) feet to any residential structure located in any agricultural zone;

(c) three hundred (300) feet to any other billboard sign, unless separated by a building, street, road, highway, or natural obstruction;

(d) Six hundred sixty (660) feet to the right-of-way of any federal aid primary highway, and shall not be legible or identifiable from any federal aid primary highway.

(Unincorporated Daviess County)

(a) shall be no closer than three hundred (300) feet to any boundary line of any property located in any residential or MHP zone, or to any property occupied by any school where persons under eighteen (18) years of age are enrolled, unless the residential, MHP, or school property is located across a four-lane roadway from the sign;

(b) shall be no closer than three hundred (300) feet to any residential structure located in any agricultural zone, unless the residential structure is located across a four-lane roadway from the sign;

(c) shall be no closer than three hundred (300) feet to any other billboard sign and shall be no closer than seven hundred fifty (750) feet to any other billboard sign located along the same roadway; and

(d) shall not be visible from a Scenic Highway/Byway as designated in Section 9-9 of this article.

(5) The height of each sign (Owensboro, Whitesville) shall not exceed 50 feet.

(Unincorporated Daviess County) shall not exceed forty (40) feet when located along roadways designated as “U.S.” highways and shall not exceed thirty two (32) feet when located along other roadways; as an exception to the definition of “sign height” in this article, the height of a billboard sign shall be measured as the maximum vertical distance between the highest point of the sign and the lowest elevation of ground directly below the sign.

(6) Billboard building signs (Unincorporated Daviess County only) shall be prohibited.

(7) The number of sign face modules on each sign

(Unincorporated Daviess County) shall not exceed one (1) on each side of the sign, and shall not exceed a total of two (2) for each sign structure – that is, back-to-back or “V”-shaped signs. This prohibits the vertical stacking or side-by-side placement of sign face modules on the same side of a sign, and it prohibits triangular or other multi-faced sign structures.

9-6(c) BILLBOARD SIGNS SHALL BE PROHIBITED IN PROFESSIONAL, RESIDENTIAL, MHP AND EX-1 ZONES.

9-6(d) BUS SHELTER SIGNS SHALL BE PERMITTED IN PROFESSIONAL, BUSINESS AND INDUSTRIAL ZONES subject to the following specific provisions for signs in this category:
(1) The area of each sign shall not exceed forty (40) square feet.

(2) The height of each sign shall not exceed ten (10) feet.

(3) The location of each sign

(a) shall be no closer than fifty (50) feet to any boundary line of any property located in any residential or MHP zone;

(b) shall be no closer than one hundred (100) feet to another bus shelter sign;

(c) shall be at regular stops of the public transit system and the specific location shall be approved by the technical advisory committee (TAC) of the metropolitan planning organization for transportation;

(d) may be permitted to encroach upon locally maintained public rights-of-way, if so approved by the TAC.

(4) A bus shelter sign shall be removed if it will no longer be located at an official bus stop. Such sign shall be removed no more than thirty (30) days after the official route change.

9-6(e) BUS SHELTER SIGNS SHALL BE PROHIBITED IN RESIDENTIAL, MHP AND EX-1 ZONES.

9-6(f) CHURCH OR CIVIC OFF-PREMISES SIGNS SHALL BE PERMITTED IN ANY ZONE subject to the following specific provisions for signs in this category:

(1) The area of each sign relating to one church or civic club shall not exceed eight (8) square feet.

(2) The area of each sign relating to more than one church or civic club shall not exceed twenty (20) square feet.

(3) The height of each sign shall not exceed ten (10) feet.

(4) The location of each sign shall be no closer than one hundred (100) feet to any other such sign.

(5) Only one (1) sign containing a message relating to a particular church or civic club activity may be erected facing any one (1) direction in advance of such activity on any one (1) street or road.

9-7 NONCONFORMING SIGNS.

9-6(a) Continuance. A nonconforming sign shall be allowed to continue in use subject to the following provisions. A nonconforming sign shall lose its nonconforming status and shall thereafter be considered an illegal sign, if any of the following events occurs:

(1) The sign fails to conform to any applicable discontinuance requirements as established herein below.

(2) The sign is not properly maintained in good condition.

(3) (Owensboro, Whitesville) The sign is moved and thereafter does not comply with all regulations of this article.

(Unincorporated Daviess County) The sign is moved and thereafter does not comply with all regulations of this article, unless excepted by Section 9-6(c) below.

(4) The sign is altered in any way that increases the degree of its nonconformity.

(5) The sign is abandoned.

(6) (Owensboro, Whitesville) The sign is damaged, destroyed, or deteriorated to the extent that the estimated cost of reconstruction exceeds fifty (50) per cent of the appraised replacement cost as determined by the Zoning Administrator.

(Unincorporated Daviess County) The sign is damaged, destroyed, or deteriorated to the extent that the estimated cost of reconstruction exceeds fifty (50) per cent of the appraised replacement cost as determined by the Zoning Administrator, unless excepted by Section 9-6(c) below.

9-7(b) Discontinuance Requirements.

(1) Nonconforming temporary signs shall conform to all provisions of this article upon its adoption.

(2) Nonconforming flashing signs shall conform with the provisions of this article relating to lighting on or before December 31, 1989.
(3) Nonconforming animated signs shall conform with the provisions of this article relating to animation on or before December 31, 1989.

(4) Nonconforming on-premises permanent signs shall conform to all provisions of this article at such time as a new principal occupant takes occupancy of the premises where such signs are located.

(5) Nonconforming signs located within the Downtown Overlay District shall comply with the provisions contained within Article 21.

9-7(c) Nonconforming Billboard Signs. (Unincorporated Daviess County only) A nonconforming billboard sign may be repaired if no substantial structural or dimensional changes are made. A nonconforming billboard sign may be substantially reconstructed or replaced by a new billboard sign at the same location, subject to the following requirements: Sign area shall not exceed the area of the original sign; sign height shall conform with current regulations; and, reconstruction or replacement of the sign shall be permissible by the state highway department if the sign’s location is subject to state regulations applicable to state-sign-controlled highways.

9-8 ADMINISTRATION AND ENFORCEMENT.

9-8(a) Zoning Administrator. The Zoning Administrator is authorized to process applications for permits and to enforce and carry out all provisions of this article, both in letter and in spirit. The Zoning Administrator is authorized to promulgate policies and procedures consistent with this function.

9-8(b) Application for Permits. Application for a permit for sign types and activities requiring a permit shall be made to the Zoning Administrator upon a form provided by the Zoning Administrator, and shall include such information as required by the Zoning Administrator.

9-8(c) Permit Issuance and Other Conditions.

(1) No sign permit will be issued by the Zoning Administrator until a permit fee is paid as established by law.

(2) The Zoning Administrator shall issue a permit for the erection, alteration, or relocation of a sign, provided that the sign complies with all applicable laws and regulations.

(3) In all applications, where a matter of interpretation arises, the more specific definition or higher standard shall prevail.

(4) The Zoning Administrator may suspend or revoke an issued permit for any false statement or misrepresentation of fact in the application.

(5) If no inspections have been made and no work authorized by the permit has been performed, the permit fee may be refunded to the applicant upon request, provided that the permit is returned to the Zoning Administrator during the effective period of the permit.

(6) If any sign requiring a permit is installed or placed on any property prior to receipt of a permit, the specified permit fee may be increased as established by law. However, payment of increased fees shall not relieve any person of any other requirements or penalties prescribed in this article.

9-8(d) Removal of Signs by the Zoning Administrator. The Zoning Administrator may cause the removal of an illegal sign in cases of emergency, or for failure to comply with written orders of removal, alteration or repair (as provided in Article 5 of this zoning ordinance). Such removal shall be at the expense of the owner or lessee.

9-8(e) Variances and Appeals. Refer to Article 7 of this zoning ordinance for procedures relating to variances from the regulations of this article, administrative appeals to the board of adjustment, and appeals to the circuit court.

9-8(f) Violations and Penalties. Refer to Article 5 of this zoning ordinance for procedures to follow when the Zoning Administrator finds any provisions of this article being violated and for penalties for violation of the regulations of this article.

9-9 CONFLICT. If any portion of this article is found to be in conflict with any other provision of this zoning ordinance, or with any provision of building codes, fire codes, safety codes, health codes, or any state regulation, the provision which establishes the higher standard shall prevail.

9-10 SCENIC HIGHWAY/BYWAY. (Unincorporated Daviess County only) After the Kentucky Transportation Cabinet designates a roadway as a Scenic Highway/Byway, additional off-premise billboard signs shall not be erected along and visible from the roadway. It
is the intention of the Daviess County Fiscal Court to seek Scenic Highway/Byway designation and to apply immediately the prohibition of additional off-premise billboard signs for the following highway segments:

US 60 East (from Wrights Landing Road to the William H. Natcher Bridge approach)
William H. Natcher Bridge and approach (from US 60 East to the Indiana state line)
### SIGN DEFINITION: ON-PREMISES, OFF-PREMISES

"Sign" means any device that is sufficiently visible to persons not located on the lot where such device is located to accomplish either of the following objectives: to attract the attention of such persons or to communicate message(s) to them. Where one (1) or more display modules are connected to the same structural supports, the entire assemblage of modules and supports shall be considered one (1) sign. "On-premises sign" means a sign that attracts attention to or contains a message relating to an occupant, activity, or product on the premises where the sign is displayed. "Off-premises sign" means a sign that contains a message that does not relate to any activity or product on the premises where the sign is displayed; or a sign erected by a company or individual for the purpose of selling advertising messages for profit. See Section 9-2 for other definitions.

### EXEMPT SIGNS

1. Signs not visible beyond lot boundaries or from public right-of-way.  
2. Nonilluminated incidental signs under 2 SF in area.  
3. Traffic signs.  
4. Temporary signs warning of danger or hazardous conditions.  
5. Signs displayed on bona fide business vehicles in operation.  
6. Signs inside buildings, sports facilities, etc., only incidentally visible from public rights-of-way.  
7. Temporary traditional displays or decorations, such as holiday lighting.

### PROHIBITED SIGNS

1. Abandoned signs.  
2. Illegal signs.  
3. Signs that imitate traffic or other official signs.  
4. Signs, other than specifically permitted portable signs, displayed on vehicles parked primarily to display the signs.  
5. Signs on the surface of any natural feature.  
6. Signs that emit any noise, odor or visible matter for the purpose of attracting attention.

### SIGNS SUBJECT ONLY TO LIGHTING PROVISIONS

1. Street signs, address numbers, markers for public facilities/events, historic sites, or other public information.  
2. Illuminated strings, spotlighting, etc. on building exteriors or in yards which are visible from any public right-of-way.  
3. Works of fine art, commemorative plaques, grave markers, and similar devices.  
4. Noncommercial symbols, flags, pennants or insignia (fully regulated when used in commercial promotions or as advertising devices).  
5. Signs, displays inside building windows intended to be seen by people on public rights-of-way.  
6. Signs attached and incidental to retail product dispensers.  
7. Signs displayed on and incidental to vehicles that are for sale.

### SIGN PERMITS AND FEES

Required only for:  
1. Off-premises signs.  
2. Portable signs greater than 10 SF in area.  
3. Permanent on-premises signs that are electrical and/or greater than 10 SF in area.

### LOCATION ON PROPERTY: BUILDING SIGNS, YARD SIGNS

Unless otherwise specifically provided, signs may be attached to buildings (building signs) or may be freestanding (yard signs). "Building sign" means a sign connected to and supported solely by a building, canopy, marquee, or awning. "Yard sign" means a sign supported upon the ground or attached to a pole or other structure and is independent of support from any building, canopy, marquee, or awning.

### PUBLIC RIGHTS-OF-WAY

No sign shall be erected on or overhanging the edge of any public right-of-way unless specifically provided. Projection over public right-of-way shall be permitted for particular business, institution and farm signs in business or industrial zones: See Section 9-4(a)(6) of Article 9.

### TRAFFIC VISIBILITY

All signs erected near street and driveway intersections shall comply with requirements of traffic visibility sight triangles of Article 3.

### LIGHTING, FLASHING

Any sign may be illuminated. See Section 9-3(g) for intensity and shielding limitations. Flashing signs shall be prohibited, unless otherwise specified. "Flashing sign" means any illuminated sign, electronic changeable copy, or any other illuminated device, whose lighting fluctuates, alternates, or otherwise varies in brightness, pattern, position or reflection, in order to attract attention or to phase copy changes in or out. Such a sign, copy, or other device is not a flashing sign if its lighting varies in brightness, pattern, position or reflection only instantaneously and concurrently on the entire sign at five (5) minute minimum intervals. See "changeable copy.*

### CHANGEABLE COPY

Any sign may include manual changeable copy. No sign shall include electronic changeable copy unless specifically provided. Electronic changeable copy shall be permitted for all business, institution and farm signs in professional, business, or industrial zones, in either "nonflashing mode" or "flashing mode": See Section 9-4(a)(5) of Article 9 for specifications of these modes.

### ANIMATION

No sign shall be animated unless specifically provided. Only nonilluminated temporary signs may be animated.

### SAFETY & MAINTENANCE

All signs shall be erected in accordance with all applicable requirements of locally enforced building, fire, electrical and safety codes. All signs shall be properly maintained.
<table>
<thead>
<tr>
<th>ZONES &gt;</th>
<th>Business, Industrial</th>
<th>Professional, Agricultural, EX-1</th>
<th>Residential, MHP</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Permanent On-Premises Signs</strong></td>
<td></td>
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<td></td>
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<tr>
<td>Business Sign, Farm Sign, Institution Sign</td>
<td>Max sign area = 672 SF. Building sign max height = roof line + 15’. Yard sign max height = 10’ + ½ distance to off-site Res/MHP zone boundary, up to 80’ max. Min separation between yard signs &gt; 10 SF in area and less than 25’ from street R/W = 100’. Electronic changeable copy permitted; see Section 9-4(a)(5). Projection over public R/W permitted; see Section 9-4(a)(6).</td>
<td>Max sign area = 150 SF. Building sign max height = roof line. Yard sign max height = 10’ + ½ distance to off-site Res/MHP zone boundary, up to 20’ max. Min separation between yard signs &gt; 10 SF in area = 150’. Electronic changeable copy permitted, see Section 9-4(b)(5) &amp; (6).</td>
<td>Max sign area = 150 SF. Building sign max height = top of wall. Yard sign max height = 10’. Min separation between yard signs &gt; 10 SF in area = 200’.</td>
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<tr>
<td>Place Sign (subdivision of 10+ lots or premises with 24+ dwelling units)</td>
<td>Max sign area = 40 SF. Sign max height = 6’. Max number = 2 signs per each principal street entrance or 1 sign per each principal driveway entrance. May be located on public R/W only under special circumstances; see Section 9-4(d)(4).</td>
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<tr>
<td>Residence Sign (including home occupation)</td>
<td>Max sign area = 4 SF (2 SF Owensboro only). Building sign max height = top of wall. Yard sign max height = 6’. Min separation between separate signs on same premises = 15’.</td>
<td></td>
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<tr>
<td><strong>Temporary On-Premises Signs</strong></td>
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<tr>
<td>Portable Sign</td>
<td>Max sign area = 40 SF. If &gt; 10 SF in area, only 1 sign per street frontage.</td>
<td>Max sign area = 40 SF, 2 per lot</td>
<td>Max sign area = 40 SF, 2 per lot</td>
</tr>
<tr>
<td>Nonportable Sign</td>
<td>Max sign area = 40 SF, 2 per lot</td>
<td>Max sign area = 40 SF, 2 per lot</td>
<td>Max sign area = 40 SF, 2 per lot</td>
</tr>
<tr>
<td>Animated Sign, Streamers</td>
<td>Yes, if not illuminated. Streamers may not be pinned directly to the ground or to temporary posts or utility poles.</td>
<td></td>
<td>Display no more than 120 days per year, unless construction, political or real estate sign.</td>
</tr>
<tr>
<td>Time limit for any temporary sign</td>
<td>No time limit</td>
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<td></td>
</tr>
<tr>
<td><strong>Off-Premises Signs</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Billboard Sign</td>
<td>(Owensboro) New off-premises commercial billboards are prohibited (See Section 9-5)</td>
<td>(Owensboro) New off-premises commercial billboards are prohibited (See Section 9-5)</td>
<td>Res., MHP zones: Prohibited</td>
</tr>
<tr>
<td>(Whitesville) Max sign area = 1,250 SF, if permanent; 150 SF, if temporary. Portable: prohibited. Location: no closer than 50’ to Res/MHP zone or Res structure in Agri zone; 100’ to other billboards. Building sign max height = roof line + 25’. Yard sign max height = ½ distance to Res/MHP zone boundary or Res structure in Agri zone, up to 100’ max.</td>
<td>(Whitesville) Max sign area = 700 SF, if permanent; 80 SF, if temporary. Portable: prohibited. Location: no closer than 100’ to Res/MHP zone or Res structure in Agri zone; 300’ to other billboards; 660’ to federal-aid primary hwy. Sign max height = 50’.</td>
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<tr>
<td>(Unincorporated Daviess County) Max sign area = 380 SF along “U.S.” highways, 300 SF along other roadways, if permanent; 40 SF, if temporary. Portable &amp; building signs: prohibited. Location: no closer than 300’ to Res/MHP zone, or Res structure in Agri zone, or school property boundary, unless across 4-lane roadway; 100’ to other billboards, 750’ to other billboards along same roadway; and not be visible from a Scenic Highway/Byway. Yard sign max height = 40’ along “U.S.” highways, 32’ along other roadways, measured from top of sign to lowest ground beneath sign. Max of 1 sign face per side, total of 2.</td>
<td>(Unincorporated Daviess County) Max sign area = 380 SF along “U.S.” highways, 300 SF along other roadways, if permanent; 40 SF, if temporary. Portable &amp; building signs: prohibited. Location: no closer than 300’ to Res/MHP zone, or Res structure in Agri zone, or school property boundary, unless across 4-lane roadway; 300’ to other billboards, 750’ to other billboards along same roadway; and shall not be visible from a Scenic Highway/Byway. Sign max height = 40’ along “U.S.” highways, 32’ along other roadways, measured from top of sign to lowest ground beneath sign. Max of 1 sign face per side, total of 2.</td>
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<tr>
<td>Note: Consolidated shopping center signs meeting the criteria of Section 9-4(g) shall not be considered off-premise signs.</td>
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</tr>
<tr>
<td>Bus Shelter Sign</td>
<td>Business, industrial zones: See Section 9-5(c)</td>
<td>Professional zone only: See Section 9-5(c)</td>
<td>Residential, MHP zones: Prohibited</td>
</tr>
<tr>
<td>Church or Civic Club Off-Premises Sign</td>
<td>Max sign area = 8 SF, if related to 1 church or club; 20 SF, if more than 1. Max sign height = 10’. Min separation of signs = 100’. Number limit: Only 1 sign per church or club per direction per street in advance of premises.</td>
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</tbody>
</table>
SUMMARY OF ARTICLE 9
SIGN REGULATIONS

Added to illustrate major provisions. Refer to full text for details.

Exhibit: Billboard Controlled Highways

Billboard-Controlled Highways

- Parkway or Interstate
  State-sign-controlled highway

- Other

- National Highway System or Federal-Aid Primary
  State-sign-controlled highway

- Scenic Highway
  Proposed for state designation
  From Natcher Bridge to Wrights Landing Road

12/10/2001
SUMMARY OF ARTICLE 9
SIGN REGULATIONS

Added to illustrate major provisions. Refer to full text for details.
10.1 INTENT. The complex land use of various detached dwelling structures and accessory uses may be placed on the same parcel of land or lot as provided herein. Such a development project may vary from the requirements of the zone in which it is located only as specifically provided herein.

10.2 APPLICATION. Application for a planned residential development project shall be made to the OMPC. The OMPC may require the applicant to dedicate land for street or park purposes, and by appropriate covenants, to restrict areas perpetually (or for the duration of the planned residential development project) as open spaces for common use. The OMPC may attach any other reasonable special conditions to its approval, and the Zoning Administrator shall not issue a building permit until he has received written authorization from the OMPC.

10.21. A planned development project shall be arranged and designed as a development involving related uses and permitted accessory uses. It shall be planned as an entity and, therefore, susceptible to development regulations as one complex land use unit.

10.22. At the time of application, the project must be under one ownership (the holder of a written option or contract to purchase land shall be deemed to be an owner). The application may include a proposed plat for the horizontal and vertical division of structures and land within the planned residential development project. Said plat shall be deemed a subdivision plat and susceptible to the requirements of KRS 100.273 and 100.277.

10.3 PLAN CONTENT AND PROCEDURE FOR REVIEW. A planned residential development project containing one (1) acre or more shall be presented to the OMPC for approval. The plan content required by the OMPC and its review procedure are specified by Article 16 (concerning development plans) of this Zoning Ordinance.

10.4 MINIMUM DESIGN STANDARDS

10.41 Zoning. The proposed site shall be located in a residential zone which permits planned residential development projects and all dwellings types (single-family, two-family, or multi-family) shall be allowed regardless of the normal restrictions for the zone in which the project is located.

10.42 Density Requirements. Density and lot coverage shall not exceed that established for the zone in which the project is located.

10.421. In single-family zones, one dwelling unit per ten thousand (10,000) square feet, per seven thousand five hundred (7,500) square feet, per five thousand (5,000) square feet, of gross acreage of the development project etc. based on the normally allowed minimum lot size.

10.422. In multi-family zones, the floor area ratio as specified in Article 8 shall be met. This floor area ratio is calculated using the gross acreage of the site to achieve the maximum building floor area. Maximum lot coverage and minimum useable open space requirements as specified for multi-family zones in Article 8 shall be met. For example, in the R-3MF zone, thirty per cent (30%) of the gross acreage is required for the minimum open space. This minimum open space shall not be covered by streets, buildings, or parking areas. The gross acreage multiplied by the FAR of 0.40 calculates the maximum building floor area allowed on the site, which is distributed to individual lots in the development by design of the building envelopes. The maximum lot coverage is fifty per cent (50%) of the gross acreage. Lot coverage is the area on the lot covered by all buildings and accessory structures. The maximum number of dwelling units is calculated by dividing the maximum allowable building floor area by the square footage per dwelling unit.

10.43 Building Setbacks. Minimum setback for all buildings and structures shall be as follows:
10.431 From Streets. Setbacks shall be those specified in Section 8.5 of this Zoning Ordinance for existing or proposed public streets with origination and destination points beyond the project area boundaries; and shall be not less than ten (10) feet from the back of curbs for all public or private internal project streets. On lots with front loading garages, the minimum setback shall not be less than eighteen (18) feet measured perpendicular from the face of the garage to the back edge of the sidewalk for all public or private internal project streets.

10.432 From Other Boundaries. Setbacks shall be not less than twenty (20) feet from other project boundary lines.

10.44 Spacing. No residential structure shall be located closer than ten (10) feet to another residential structure.

10.45 Streets. The development project shall have access to an existing public street. Proposed streets with origination and destination points beyond the project area boundaries shall be public. Proposed internal streets may be public or private. All project streets (public or private) shall meet all design and construction requirements of the Public Improvement Specifications. The street system of the development project shall accommodate the needs of the neighboring area street classification system as described in Section 5.22 (and included subsections) of the Owensboro Metropolitan Subdivision Regulations.

10.46 Parking. All project dwelling units shall be provided with private off-street parking for residents, either on individual lots or in common areas; the number of spaces shall comply with Article 13 of this Zoning Ordinance. In addition, spillover parking for guests and deliveries shall be provided, either on streets of appropriate width or off-street. Off-street spillover parking spaces shall be located in common areas in developments with more than two dwelling units per acre; and may be located on individual lots in developments with two or less dwelling units per acre. The minimum number of spillover spaces per dwelling unit shall be as follows:

1.00 for single-family detached units;
0.75 for townhouse or multi-family units, over one thousand (1,000) square feet per unit;
0.50 for townhouse or multi-family units, below one thousand (1,000) square feet per unit;

The OMPC may require additional parking facilities for accessory uses or when necessitated by development design. In large common parking areas, the OMPC may require principal driveways, which are in essence private streets, to meet all design and construction requirements of the Public Improvement Specifications.

10.461 Space Size. Off-street parking spaces shall have minimum dimensions of nine (9) feet x eighteen (18) feet per space (the portion of driveways within the right-of-way of public streets shall not apply to the required parking space minimum area); on-street parking spaces shall be located parallel to the street with twenty (20) feet of driveway-free curb length per space, and/or located in specially-designed cul-de-sacs with minimum dimensions of nine (9) feet x eighteen (18) feet per space.


10.47 Sidewalks. Each residential unit within the project shall connect to a pedestrian way (sidewalk) which provides for internal and external pedestrian movement. Sidewalks shall meet all design and construction requirements of the Public Improvement Specifications. (For the purpose of this article, sidewalks are not limited in specific location as per Public Improvement Specifications.)

10.48 Accessory Uses. Management headquarters, recreational facilities, coin-operated laundry facilities, and other uses and structures customarily incidental to the operation of a planned development project are permitted as accessory uses. Convenience establishments shall be permitted as accessory uses subject to the following restrictions:

10.481. Such establishments shall be for the convenience of the occupants of the planned development project only.

10.482. Such establishments shall present no visible evidence of their commercial character which would attract customers other than occupants of the planned development project, except that each convenience establishment shall be permitted one identification sign attached in a flat manner to the building and shall not extend outward from the building over twelve (12) inches.
11.1 **INTENT.** The intent of the MHP Zone is to establish a zone for planned manufactured housing parks. Such a park may be either a "complex" which shall be under single ownership or control with no geographic division of the site; or a "subdivision" in which individuals may own the lots on which their manufactured homes are located. Both complexes and subdivisions may contain common areas for management or recreation facilities, open space, or for other uses or structures customarily incidental to manufactured housing parks. No manufactured housing park complex or subdivision shall be permitted on a site of less than ten (10) acres in size. The developer may be permitted to develop the site in stages as long as he complies with the overall plan for the entire tract and initially has a minimum of ten (10) manufactured home spaces or lots developed for use.

11.2 **APPLICATION.** Application for a manufactured housing park shall be made to the OMPC. A development plan is required.

11.21 **MHP-zoned Site.** If the proposed site is already zoned MHP, a Final Development Plan shall be required. Content of the plan shall be as stated in Section 16.22 plus dimensions, location and number of all lots, and a large-scale plan for one typical manufactured home lot showing home location, automobile parking spaces, walks, etc. Section 16.5 describes the review procedure. Application for a manufactured housing park subdivision shall include a proposed plat for the horizontal division of land within the park. Said plat shall be deemed a subdivision plat and susceptible to the requirements of KRS 100.273 and 100.277, and applicable requirements of the Owensboro Metropolitan Subdivision Regulations.

11.22 **Non-MHP-zoned Site.** If a Zoning Map Amendment to the MHP Zone is needed, application shall be made as per Article 6. Plan content shall be as stated in Section 16.21 and 16.22 plus dimensions, location and number of all lots, and a large-scale plan for one typical manufactured home lot showing home location, automobile parking spaces, walks, etc. Section 16.4 describes the review procedure. Application for a manufactured housing park subdivision shall include a proposed plat for the horizontal division of land within the park. Said plat shall be deemed a subdivision plat and susceptible to the requirements of KRS 100.273 and 100.277, and applicable requirements of the Owensboro Metropolitan Subdivision Regulations.

11.3 **MINIMUM DESIGN STANDARDS.**

11.31 **Zoning.** The proposed site shall be located in an MHP Manufactured Housing Park Zone.

11.32 **Uses Permitted.** Principally permitted uses shall be single-family detached manufactured homes which are approved as safe and fit for residential occupancy, along with accessory structures, such as awnings, carports, porches, storage buildings and similar structures; community open space and recreation areas with accessory outdoor recreational equipment. Management headquarters, indoor recreational facilities, coin-operated laundry facilities, and other uses and structures customarily incidental to the operation of a manufactured housing park shall be permitted as accessory uses. Such accessory community facilities shall be for the convenience of the occupants of the park, and shall present no visible evidence of a commercial character which would attract customers other than the occupants of the park. Such community facility buildings shall be permitted one identification sign per
building attached in a flat manner to the building, and shall not exceed four (4) square feet in area. Proposed community facilities of unclear conformity with the hereinabove provisions, shall be reviewed by the OMBA to determine if such facility shall be permitted or prohibited.

11.33 Maximum Density. The number of manufactured homes permitted in a park shall not exceed a density of eight (8) homes per gross acre.

11.34 Minimum Floor Area. In the MHP Zone, every manufactured home shall have a minimum of 400 square feet of usable floor area within the principal structure in park complexes, and a minimum of six hundred (600) square feet in park subdivisions.

11.35 Park Setbacks. All manufactured homes and accessory structures shall meet setback requirements as for single-family detached residential zones (see Article 8 herein) from any park property line abutting upon a public street or highway and at least fifteen (15) feet from other park property boundary lines. No structure shall be closer than ten (10) feet to private streets within the park.

11.36 Landscape Buffers. Manufactured housing parks shall meet the requirements of Article 17, Landscape and Land Use Buffers, of this Zoning Ordinance.

11.37 Streets, Spillover Parking. A manufactured housing park shall have access to an existing street and/or road. All manufactured homes shall have access to an interior private street within the park, which shall be curbed, hard-surfaced, lighted, clean, and maintained in good repair according to standards of the City or County Engineer.

11.371 Spillover parking for guests and accessory uses shall be provided along private streets and/or in off-street parking lots, with the number of spaces to be determined by the OMPC.

11.372 Private streets within the park shall be of the appropriate width to accommodate the contemplated parking and traffic load. The following shall be considered as optimum widths from back-of-curb to back-of-curb:

- 11.3721 Minor Collector Streets serving more than ninety (90) lots: thirty seven (37) feet with spillover parking; twenty six (26) feet with no parking.

- 11.3722 Local Subcollector Streets serving more than forty (40) lots, up to ninety (90) lots: thirty four (34) feet with spillover parking; twenty four (24) feet with no parking.

- 11.3723 Local Access Streets serving up to forty (40) lots: twenty seven (27) feet with spillover parking; twenty two (22) feet with no parking.

- 11.3724 Loop Streets. Any of the above streets that have two (2) ends intersecting the same street of a higher classification may serve twice as many lots as specified above.

- 11.3725 Cul-de-sac dimensions and design shall be determined by the OMPC.

11.38 Manufactured Housing Lots.

11.381 Minimum Area. Lots shall be a minimum of two thousand (2,000) square feet in area for park complexes, and a minimum of three thousand (3,000) square feet in area for park subdivisions. In no case shall more than one (1) manufactured home, with its accessory structures, be permitted on a single lot.

11.382 Home Spacing. In a park complex, a manufactured home and its accessory structures shall not be located within ten (10) feet of another manufactured home or structure. In a park subdivision, a manufactured home or attached accessory structure shall not be located within five (5) feet of a side or rear lot line, and detached accessory structures shall be located at least three (3) feet from said lot lines.

11.383 Lot Coverage. Manufactured homes shall not occupy an area in excess of one-third (1/3) of the respective lot area. The accumulated occupied area of the manufactured home and its accessory structures shall not exceed two-thirds (2/3) of the respective lot area.

11.384 Resident Parking. A minimum of two (2) off-street automobile parking spaces shall be provided for each manufactured home. In park subdivisions, said parking spaces shall be located on the lot they serve.

11.385 Walks. All manufactured home stands shall be connected to common walks, or to streets, or to driveways or to parking spaces. Such individual walks shall have a minimum width of two (2) feet.
11.386 Manufactured Home Stands. The home stand shall be improved to provide adequate support for the placement and tie-down of the manufactured home.

11.39 Common Areas and Facilities. Common areas for recreational, management or service facilities should be of adequate area and configuration to accommodate contemplated structures and uses, and should be conveniently located to all park residents.

11.40 Management.

11.401 In Park Complexes. In park complexes, the management and maintenance of all grounds and facilities shall be the responsibility of the park owner, who may or may not delegate responsibility for particular maintenance duties to residents through lease agreements.

11.402 In Park Subdivisions. In park subdivisions, a park owners association shall be established to manage and maintain the park. The bylaws of the association shall specify the individual and collective responsibilities of lot owners and park residents, for the maintenance of all grounds and facilities and the continuing management of the park subdivision. The bylaws should be so created as to discourage the selling of park lots to individuals who will not be residents of the park subdivision in order to maximize active interest of residents in the maintenance of their park community.

11.5 ISSUANCE OF BUILDING PERMIT. The OMPC may attach reasonable special conditions to its approval of a manufactured housing park and the Zoning Administrator shall not issue a building permit until he has received written authorization from the OMPC and until a valid permit is presented from the state as required by KRS 219.310 through KRS 219.410.

11.6 ISSUANCE OF CERTIFICATE OF OCCUPANCY. The Zoning Administrator shall not issue a certificate of occupancy until he has received written authorization from the OMPC. Authorization may be obtained by a developer or owner submitting a final development plan and/or final plat for approval to the OMPC. The applicant shall present a valid permit to operate from the State as required by KRS 219.310 through KRS 219.410.

11.7 ENFORCEMENT. The Zoning Administrator shall ensure that all manufactured housing parks maintain valid permits to operate and maintain conformance with all applicable regulations of the Zoning Ordinance and all special conditions.
12.1 FINDINGS OF FACT. The following findings of fact made:

12.11 Residential, Commercial, Industrial or Agricultural Classification Inadequate. Within Daviess County there are a number of land activities that have characteristics of operations that do not readily permit classification in the usual residential, commercial, industrial, or agricultural districts. However, they are necessary to the livability or economic health of the community or are of such character that their specific control is necessary.

12.12 Conditional Use Inadequate. Many of these activities are permitted as conditional uses within particular residential, commercial, industrial, or agricultural zones. However, the need for specifically enumerated performance standards and site locational standards make inclusion as a conditional use in a particular zone inadequate, since the restrictions in each zone must be applied equally to all uses within the zone, and the conditions which the Board of Adjustment may attach are not enumerated in such a manner as to avoid inconsistent and unequal treatment of similar activities.

12.2 PURPOSE AND OBJECTIVES. The reclassification of certain activities from the category of conditional use in a particular residential, commercial, industrial, or agricultural zone to an exclusive use zone is intended to:

12.21 Establish Specific Standards. Classification of these activities within exclusive use zones will enable specific site locational standards to be enumerated and applied. Such standards will protect that public health, safety, and welfare more adequately, will assure more equal treatment of the same or similar uses. Transportation facilities, including the use of roads and bridges shall also be considered.

12.22 Avoid Confusion Concerning Requirements. By specifically stating the standards to be applied to these activities, confusion and doubt about the standards will be reduced, and enforcement of the standards by the Inspector will be facilitated.

12.23 Increase Compatibility With Adjacent Uses. Exclusive use zones intended to make such activities more compatible with adjacent uses, allow greater flexibility in site selection for the activity, and require the zoning of the site to be re-examined upon termination of the permitted activity within such an exclusive use zone.

12.3 ESTABLISHMENT OF EXCLUSIVE USE ZONES. Activities placed in an exclusive use zone are those not capable of ready classification as residential, commercial, or industrial uses or which require specific, unique regulation unnecessary or inappropriate to other uses properly classified in residential, commercial, or industrial zones. Each such zone shall be designated EXCLUSIVE USE ZONE I (EX-1), etc. in order of adoption. The regulations for each exclusive use zone shall be included as an appendix to Article 12. Thus, the exclusive use zone for Coal Mining, as an example, shall be referred to as Article 12, Appendix A, Exclusive Use Zone I, Coal Mining. The abbreviated designation shall be (EX-1, EX-2, etc.)

12.4 REGULATIONS IN EXCLUSIVE USE ZONES. The regulations adopted under this chapter relating to each exclusive use zone created must include the following if applicable:

12.41 Definition of the specific use to be permitted.

12.42 Site, design and locational standards such as:

a. Lot, yard and height requirements;
b. Landscape buffer and fencing requirements;

c. Sign restrictions;

d. Access design requirements and limitations;

e. Regulations relating to surface and subsurface drainage, flood plains and soil erosion;

f. Off-street parking requirements;

g. Other site and design requirements as determined necessary and reasonable to make such activity compatible with neighboring land uses likely to be affected by such activity.

12.43 Operational Standards. Performance standards may be established relating to those aspects of the activity which must be controlled to protect the public health, safety, or welfare such as:

a. noise, air, water and soil pollution on other areas;

b. stormwater drainage, flood plain or erosion control problems;

c. and other operational requirements which are necessary and reasonable to make such activity compatible with neighboring land uses likely to be affected by such activity.

12.44 Bonding Requirements. Performance bonds may be required, and the amount, duration and supervisory agency should be established.

12.45 Reference to Other Applicable Laws. A listing of local, state and federal requirements applicable to such use may be included to facilitate effective coordination between the various agencies having jurisdiction over the particular use. Such a list shall not be considered exhaustive, but it is merely to be available to assist persons requesting such zoning.

12.5 PROCEDURES AND STANDARDS FOR APPROVAL OF EXCLUSIVE USE ZONE

12.51 Administration Process For Exclusive Use Zoning. Any activity which must be conducted within an exclusive use zone shall be permitted only upon approval by the appropriate legislative body of the required exclusive use zone. Requests for such zoning shall be made through the OMPC in accordance with Kentucky Revised Statute Chapter 100, the intent of which is shown in H. B. 390, 1966 Session, General Assembly and the County Ordinance of October 16, 1973 relating to flood control and land uses.

12.52 Information Required In Application. The information necessary for proper review of each application shall be specified for each exclusive use zone. Additional information may be required by the OMPC.

12.53 Factors Which Shall Be Considered. In passing on requests for exclusive use zoning, all relevant factors specified for each zone and those listed below shall be considered.

12.531. The importance, to the community, of the services provided by the proposed facility or activity.

12.532. The availability of alternative locations for the proposed facility or activity.

12.533. The compatibility of the proposed use with existing uses and uses anticipated in the foreseeable future.

12.534. The relationship of the proposed use to the Land Use Plan, or other community plans.

12.535. Such other factors which are relevant to the purpose of this ordinance.

12.54 Time For Acting On An Application. The time for acting on an application shall be in accordance with normal OMPC procedures unless otherwise specified.

12.6 APPENDIX - EXCLUSIVE USE ZONE. Each exclusive use zone shall be included as an appendix to this section of the Zoning Ordinance.
12a.1 Findings of Fact. The following facts establish the need to place coal mining into an exclusive use zoning district.

12a.11 Characteristics of Coal Mining. Coal mining of land for the removal of valuable and needed coal deposits is a part of the community's economy. The high volume of truck traffic associated with transporting coal and the noise, dust and other potential nuisance-like characteristics suggest industrial zoning would be appropriate. However, coal mining of land is a limited duration use, and once such use is terminated in Daviess County, it is found that the areas are not within immediate reach of public utilities and other facilities which are necessary to sustain concentrated urban growth. This limitation makes industrial zoning inappropriate for subsequent uses to be located on this land within the foreseeable future. Major factors in determining proper site location for coal mining are the particular locations for coal deposits, the depth below the surface at which the mineral is found and the possible destruction of other natural amenities. These factors are not usually considered in the location of industrial zones. Therefore, coal mining and location criteria for such uses must be defined separately.

12a.12 Need For Specific Standards. If proper coal mining standards are not adhered to, the operation may result in the pollution of streams; severe soil erosion and a total loss of the land for other compatible uses for years to come. Coal mining will involve extensive reclamation practices. As a result of the factors listed above, coal mining must be placed in an exclusive use zone, which includes specific operational and reclamation standards and appropriate protection for subsequent use.

12a.2 Purpose And Objectives. The major purpose and objectives of this zone are to place coal mines in an exclusive use zone in order to establish site location and design standards which will:

12a.21 Protect Public Health. By preventing water pollution, noise pollution, air pollution or other such health hazards as would occur as a result of improper location, operation and reclamation standards.

12a.22 Protect Public Safety. By requiring proper use and design of thoroughfares to accommodate the heavy equipment necessary for transportation of coal.

12a.23 Improve Compatibility. With adjacent uses by requiring adequate setback and regular policing of heavily traveled routes to the site.

12a.24 Promote Public Welfare. By providing a reasonable control for the extraction of this valuable and vital natural resource of Daviess County.

12a.3 Establishment Of Exclusive Use Zone (EX-1) For Coal Mining. Exclusive use zone (EX-1) shall have as its only permitted uses coal mining and agricultural and those accessory uses as are necessary to the operation of coal mining and agriculture. All other uses including residential, commercial and industrial are prohibited.

12a.31 Subsequent Zoning. The exclusive use zone designation replaces the previous industrial zoning classification for coal mining and upon completion of the coal mining operation no other use shall be permitted, other than agriculture without placing the property in the appropriate zoning classification. The site shall revert to its original zone after mining.

12a.4 Planning For Coal Mining. Due to potentially adverse environmental impact of coal mining, detailed site and operational plan information shall be submitted to the State. The applicant also must obtain the necessary permits from federal, state and local agencies having jurisdiction over any phase of the operation prior to the beginning of said operation. The OMPC or the respective authority may require the posting of sufficient bond for maintenance and repair of those public facilities which are not otherwise bonded.

12a.41 Site Standards, Operational and Reclamation Procedures shall be the same as that required by the Kentucky Department of Natural Resources and Environmental Protection and in accordance with state regulations adopted pursuant to Kentucky Revised Statute Chapters 350, 351 and 352.

12a.5 Coal Mine Location Standards. The following site location standards must be met, if at all possible, for they are designed to protect the public health, safety, and welfare; and these standards must be balanced against the community's economic and environmental costs for the extraction of such minerals.
12a.51 Soil And Geologic Criteria. The geologic quadrangle map of Daviess County, Kentucky, 1972, prepared by the Kentucky Geological Survey, designates areas within Daviess County where coal deposits may be found. The Owensboro Metropolitan Planning Commission shall make use of such maps as a general guide in reviewing applications for (EX-1) zoning classifications.

12a.511 Soil Characteristics. An investigation must be made to determine:

a. the agricultural potential of the land, Prime agricultural land as defined by the U. S. Soil Conservation Service shall be protected from normal mining procedures as permitted under K. R. S. 350, 351 and 352.

12a.52 Restricted Buffer Areas. Coal mining shall not be permitted within a minimum of one hundred (100) feet of a public right-of-way nor within a minimum of three hundred (300) feet of a neighboring residential, commercial or industrial developed property. This minimum may not be adequate in all cases and may be re-established dependent on circumstances of individual cases. Factors to be considered are set out in Article 12, Subsection 12.53.

12a.53 Access Design. Particular attention must be given to proper, safe design of entrances and exits to public highways. Entrance onto a public highway should not exceed a maximum of three per cent (3%) minus grade for a distance of one hundred feet (100') from the highway right-of-way. Proposed entrance and exit locations with existing plus grades shall be leveled (to zero grade) for a distance of thirty (30) feet from the right-of-way. An additional seventy (70) feet with a maximum three per cent (3%) plus grade shall also be provided. Sight distance along the through roadway at such intersections or entrances shall be ten (10) feet for each one (1.0) MPH of speed limit but not less than three hundred fifty (350) feet. In addition, sight distance along the stop leg of the intersection or entrance shall be not less than thirty (30) feet.

12a.54 Signs and Directions. Only necessary identification and directional signs shall be permitted. Signs shall not exceed forty (40) square feet in area and shall not be located on public right-of-way.

12a.6 Definition. For the interpretation of this Article, definitions of Kentucky Revised Statute, Chapters 350, 351 and 352 shall apply.

12a.7 Violations. Violators of Kentucky Revised Statutes 350, 351 and 352 and applicable ordinances and orders, as determined by the respective legislative body or any other agency of the state or federal government, shall not have additional sites zoned (EX-1) for coal mining, until such violation is corrected.
ARTICLE 13
OFF-STREET PARKING, LOADING & UNLOADING AREAS

13.1 PARKING AREA DEVELOPMENT AND MAINTENANCE REQUIREMENTS. Every parcel of land hereafter used as a parking area, loading or unloading area, parking lot, or stacking area, for the purposes of this Article, may be referred to collectively as "parking area" or "parking areas." Every parking area shall be developed and maintained in accordance with the following requirements:

13.11 Size, Shape, Access. Off-street parking areas shall equal or exceed the number of spaces or area required and shall be of useable shape and surface, and shall have appropriate ingress and egress. Aisles and access drives shall be designed so as to provide adequate vehicular maneuvering upon the property being served and in no case shall off-street parking areas be permitted which encourage or require the backing onto or maneuvering within any public right-of-way, unless otherwise specifically permitted in this Zoning Ordinance.

13.111 Specific Provision to Allow Backing onto Local or Minor Collector Street Public Rights-of-Way. In all residential zones except R-1T, driveways and parking areas for dwelling units not sharing a common parking area may allow the backing onto a public right-of-way that is designated by the OMPC as a local street or minor collector street, provided that said driveways or parking areas shall not exceed fifty percent (50%) coverage of the total required front yard or side-street yard. In planned residential development projects, any individual driveway or common parking area may allow the backing onto internal public or private street rights-of-way, as delineated on the development plans approved by the OMPC.

13.12 Paving. Except for single-family residential uses and A-U, A-R, and EX-1 zones, where parking areas are provided, they shall be improved within six (6) months of application of any base material with an asphalt, concrete, brick or other properly bound surface, so as to
be durable and dustless, unless otherwise specifically permitted in this Zoning Ordinance.

13.13 Lighting. Any lighting used to illuminate off-street parking areas shall be arranged so as to reflect away from any adjoining Residential zone or uses and any public right-of-way.

13.14 Drainage. Every parking area shall be graded and drained so as to dispose of all surface water within the parking area without carrying the accumulated water over a public sidewalk. Piping the water to a suitable outfall may be required. For any parking area, permanent storm water retention may be required by the official storm drainage engineer having jurisdiction, upon the determination that the lack of said retention would cause or aggravate flooding or other drainage problems on surrounding or downstream properties.

13.15 Landscaping. Off-street parking areas shall be landscaped and screened as required by other provisions of this Zoning Ordinance. Landscaping and screening for off-street parking areas within the Downtown Overlay District shall meet the standards in Article 21.

13.16 Size and Arrangement of Parking Spaces. The minimum width of a parking space shall be nine feet (9'). The minimum length shall be based on the parking angle. Parking space and parking area dimensions shall comply with the specifications in the following exhibit. ADA parking standards shall comply with current federal ADA parking sizes and requirements.

A maximum of ten percent (10%) of off-street parallel parking spaces may be included as required parking spaces. Parallel spaces exceeding ten percent (10%) of the total required off-street parking shall be considered as accessory parking spaces and shall not count toward the required number of spaces needed for a use.
13.17 Location of Parking Spaces. Wherever possible, parking spaces shall be provided on the same lot as the building being served. In the event off-street parking requirements cannot be met on the lot, the Owensboro Metropolitan Planning Commission may approve a final development plan with required parking spaces provided on a separate lot under the following criteria: For residential properties, parking shall be provided on the same lot with the building it is required to serve; for uses located or permitted in the Professional/Service or any Business zone, not more than two hundred (200) feet from the lot the parking spaces are required to serve; for hospitals, nursing, convalescent and rest homes, orphanages, private clubs, dormitories and churches, not more than three hundred (300) feet from the lot the parking spaces are required to serve; for uses permitted in the Industrial zones, not more than five hundred (500) feet from the lot the parking spaces are required to serve. Legal documentation tying the required parking to the permitted use must be submitted with the final development plan. No portion of off-site parking designated for a lot containing the use for which the parking is designated may be located at a greater distance than allowed by these regulations. The Owensboro Metropolitan Board of Adjustment shall not have the authority to grant dimensional variances from this requirement.

13.2 LOCATIONS AND WIDTHS OF VEHICULAR ACCESS POINTS ALONG STREETS. The locations of vehicular access points along streets shall be based on the functional class of each street. The widths of driveways shall be based upon the uses they serve.

13.21 Access Management for Major Streets. Access to building developments located along arterial or major collector streets in the Owensboro Urban Service Area shall be subject to the driveway spacing standards and the policies for applying those standards, as specified in the adopted "Access Management Manual for the Owensboro-Daviess County Urban Area."

13.22 Access on Other Streets. Access to building developments located along all minor collector or local streets, and along major streets or roads outside the Urban Service Area, shall be limited as follows: The total width of all driveways shall not exceed forty percent (40%) of the lot width as measured at the building setback line. For residential development, no point of access shall be allowed within ten feet (10') of the right-of-way line of an intersecting street. For non-residential development, no point of access to a street or to a shared development driveway shall be allowed within fifty feet (50') of the right-of-way line of an intersecting street (disregarding alleys), unless less existing lot frontage exists, in which case it shall be located as far from the intersecting street as possible.

13.23 Maximum Driveway Widths. The width of each driveway along any street, as measured at the property line, shall not exceed the maximum dimensions in the following exhibit. All driveway widths in the Downtown Overlay District shall conform to Article 21.

<table>
<thead>
<tr>
<th>Driveway Type</th>
<th>Maximum Width</th>
</tr>
</thead>
<tbody>
<tr>
<td>Two-way Residential</td>
<td>30 feet</td>
</tr>
<tr>
<td>Two-way Commercial, single lot</td>
<td>40 feet</td>
</tr>
<tr>
<td>Two-way Large planned development with median</td>
<td>60 feet</td>
</tr>
<tr>
<td>Two-way Industrial, single lot</td>
<td>50 feet</td>
</tr>
<tr>
<td>Two-way Large planned development with median</td>
<td>60 feet</td>
</tr>
<tr>
<td>One-way Residential</td>
<td>16 feet</td>
</tr>
<tr>
<td>One-way Non-residential</td>
<td>26 feet</td>
</tr>
</tbody>
</table>

13.24 Access Exceptions. The foregoing provisions of this section may be superseded in the following cases.

13.241 Alleys. Access points to any lot where it adjoins an alley may be established as necessary.

13.242 Planned Developments. The OMPC may apply less restrictive access standards along internal public or private local street rights-of-way for planned development projects, as delineated on the development plans approved by the OMPC.

13.243 Subdivision Plats. The OMPC may apply more restrictive access standards to subdivision plats, depending on lot arrangement, as provided in the metropolitan subdivision regulations and public improvement specifications.

13.3 LOADING AND UNLOADING SPACES REQUIRED.

13.31. In any zone every building hereafter erected that is to be occupied by uses requiring the receipt or distribution by large vehicles of material objects or
merchandise, there shall be provided and maintained not less than one (1) loading and unloading space.

13.32. Each loading space shall not be less than ten (10) feet in width, twenty-five (25) feet in length and a minimum vertical clearance of fourteen (14) feet, except that the minimum vertical clearance for funeral homes may be reduced to eight (8) feet. Except in the B-2 zone, each space shall be so located with respect to access drives and aisles so as to preclude backing onto or occupying any public right-of-way.

13.33. Each loading space may occupy all, or any part, of any required yard space, except as otherwise provided in this Zoning Ordinance. No such space shall be located closer than fifty (50) feet to any other lot in a Residential zone unless wholly within a completely enclosed building or enclosed on all sides by a wall or a uniformly painted solid board fence not less than five (5) feet in height. Location of loading spaces for all properties within the Downtown Overlay District shall comply with standards in Article 21.

13.4 PARKING OR LOADING SPACES ESTABLISHED PRIOR TO ADOPTION OR AMENDMENT OF THIS ZONING ORDINANCE; CHANGE OF USE AND OFF-SITE ACCESSORY PARKING.

13.41 Existing Parking Areas. Any parking or loading spaces established prior to the adoption or amendment of this Zoning Ordinance and which are used or intended to be used in connection with any principal building, structure or use, or any spaces designed and intended to comply with the requirements of this Zoning Ordinance for any principal building or structure erected after the adoption or amendment date shall hereafter be maintained so long as said building, structure or use remains, unless the owner provides and maintains in another location an equivalent number of required spaces in conformance with the provisions of this Zoning Ordinance.

13.42 Change of Use and Off-Site Accessory Parking. Where the principal use is changed and additional parking space is required under the terms of this Zoning Ordinance as a result of the change, it shall be unlawful to begin or maintain the altered use until the required off-street parking is provided. If the additional parking area cannot be consolidated into the lot containing the principal building due to intervening street rights-of-way, the OMPC may approve a development plan that binds additional parking located off-site to the principal use, as "off-site accessory parking." However, off-site accessory parking shall be regulated as a "parking lot" for the purposes of the Zones and Uses Table of this Zoning Ordinance.

13.5 SPECIAL PROVISIONS FOR PARTICULAR USES.

13.51 Automobile, Manufactured Housing or Other Vehicle Sales Lots, Automobile Service Stations, and Farm Equipment Dealers. Every parcel of land hereafter used to display, rent, sell, or service automobiles, motorcycles, trucks, boats, recreational vehicles, manufactured homes, farm equipment, or used for the minor repair thereof, or used as an automobile service station shall be subject to the requirements of this Zoning Ordinance concerning paving, lighting landscaping, drainage, and minimum yards and setbacks, and shall be considered, in the application thereof, as the equivalent of a parking area for more than six (6) vehicles, regardless of size.

13.511 Paving Exception for Display of Manufactured Homes and Large Farm Vehicles. As an exception to the foregoing, the surface of parking spaces designated for the display of manufactured homes or large farm vehicles may be exempted from the full paving specification, subject to the following conditions: A development plan is approved by the OMPC; the plan designates the location of parking spaces to contain the large vehicles on display; the spaces are surfaced in some manner so that the large vehicles to be displayed thereon will not deform wet ground; and aisles that are used to access the spaces are fully paved.

13.52 Stacking Area for Uses with Drive-up Facilities. For any use with drive-up facilities where vehicles line up awaiting use of those facilities, such as at fast-food restaurants, bank teller machines, car-washes, etc., a vehicular stacking area shall be provided so that a minimum of four (4) vehicles may line up behind one (1) vehicle while it is standing at the facility's first stopping point (such as an order board, etc.). Each vehicular stacking area shall be provided wholly on the property, shall not occupy any street right-of-way, shall be arranged so as to allow vehicles entering the property from the right-of-way to bypass any stacking area, and shall be subject to all other requirements of a vehicular use area as contained in this Zoning Ordinance. A stacking area shall not apply to designated parking spaces at drive-in restaurants from which food is ordered and to which food is delivered.
13.53 Dwelling Units Permitted Tandem Parking Spaces. For any dwelling unit requiring two (2) off-street parking spaces, one space may be behind the other only if said dwelling unit does not share a common parking area with other units.

13.6 PARKING AREAS IN REQUIRED YARDS.

13.61 Where Permitted. Off-street parking areas may be located in any required yard unless prohibited in the subsection below or by minimum distance requirements from non-compatible uses as specified elsewhere in this Zoning Ordinance. Location of parking areas for all properties within the Downtown Overlay District shall be governed by Article 21.

13.62 Where Prohibited. Off-street parking areas shall be prohibited in the following yards or portions of yards, except for permitted access drives:

13.621 R-1T Zones. In the R-1T Zone, driveways or parking areas shall not be permitted in required front or side-street yards, and access to driveways and parking areas shall be gained only from public alleys.

13.622 Roadway Buffers. In all zones other than R-1T or B-2, all off-street parking areas and all other vehicular use areas shall be subject to a roadway buffer that specifies a minimum parking and landscaping setback requirement in any yard adjacent to major streets. No portion of parking areas or other vehicular use areas (except for permitted access drives), and no associated landscape areas and materials that are required by this Zoning Ordinance, shall be located within the roadway buffer. The following exhibit specifies the minimum dimensions for required roadway buffers and the streets to which they apply.

13.6221 Minimum Dimensions of Required Roadway Buffers along Major Streets *1 *3

<table>
<thead>
<tr>
<th>Functional Class of Major Street adjacent to Yard</th>
<th>Min. Dimension from Centerline of Street Right-of-way</th>
</tr>
</thead>
<tbody>
<tr>
<td>PRINCIPAL ARTERIAL</td>
<td></td>
</tr>
<tr>
<td>Above 20,000 projected ADT *2</td>
<td>60 feet</td>
</tr>
<tr>
<td>Up to 20,000 projected ADT</td>
<td>50 feet</td>
</tr>
<tr>
<td>Planned one-way traffic</td>
<td>40 feet</td>
</tr>
<tr>
<td>MINOR ARTERIAL</td>
<td></td>
</tr>
<tr>
<td>Above 10,000 projected ADT</td>
<td>50 feet</td>
</tr>
<tr>
<td>Up to 10,000 projected ADT</td>
<td>40 feet</td>
</tr>
<tr>
<td>Planned one-way traffic</td>
<td>30 feet</td>
</tr>
<tr>
<td>MAJOR COLLECTOR</td>
<td>30 feet</td>
</tr>
</tbody>
</table>

*1 Roadway buffers shall not apply along any streets in B-2 and R-1T zones.
*2 Projected ADT shall mean the projected Average Daily Traffic volumes, measured in vehicles per day, derived from the Long-Range Transportation Plan, as adopted by the Metropolitan Planning Organization (MPO) for the Owensboro-Daviess County Urban Transportation Study. For roadways not included in the Transportation Plan, ADT shall be derived from current volumes.
*3 Major streets and their associated ADTs that shall apply to Roadway Buffers are shown in the map at the end of Article 8 of this Zoning Ordinance.

13.7 NUMBER OF OFF-STREET PARKING SPACES OR OFF-STREET PARKING AREA REQUIRED. In all zones the following off-street parking space minimum requirements shall apply to each permitted principal, conditional or accessory use, as provided.

13.71 B-2 Zone. In the B-2 Zone the only off-street parking required is that listed in the following table for principal and accessory residential dwellings. Refer to Article 21 for parking requirements within the Downtown Overlay Zones.

13.72 P-1 and B-4 Zones. In the P-1 and B-4 Zones the off-street parking space minimum requirements in the following table shall apply. Refer to Article 21 for parking requirements within the Downtown Overlay Zones.

13.73 B-1 and B-3 Zones. In the B-1 and B-3 Zones, the off-street parking space minimum requirements in the following Table 13.8 shall apply.

13.74 All Other Zones In all zones other than those provided for in the subsections above, the off-street parking space minimum requirements in the following table shall apply. Refer to Article 10 and Article 11 for additional spillover parking requirements for planned
residential development projects and manufactured housing parks. Refer to Article 21 for parking requirements within the Downtown Overlay Zones.

13.75 Where Use Not Specifically Mentioned; Combined Uses. Parking requirements for a use not specifically mentioned shall equal the minimum required for a similar use. If different uses are combined and the requirements of the following table apply, then required minimum off-street parking shall be calculated as follows: First, for each type of use respectively, total the appropriate measurement for all areas occupied by that use (for example, total retail square footage); second, apply the appropriate parking space ratios from the table to those measured totals; finally, sum the resulting parking space amounts to arrive at the required parking space total.

13.76 Units of Measurement for Parking Areas. For the purposes of this Zoning Ordinance, "floor area" as used in computing the required off-street parking or loading areas shall mean "parking floor area" as defined in this Zoning Ordinance. In stadiums, sports arenas, churches, schools, and other places of assembly where the required parking ratio is based on seats, one (1) seat shall equal the following: (a) Each fixed seat with arms; (b) each twenty-four (24) inches of fixed seating without arms; (c) each seven (7) square feet of seating area without fixed seats where only chairs will be used; (d) each fifteen (15) square feet of seating area without fixed seats where both tables and chairs will be used. When units of measurement determining the number of required parking spaces result in the requirement of a fractional space, any fraction up to one-half (½) shall be disregarded, and fractions of one-half (½) or more shall require one (1) parking space.

13.77 Deviations from Minimum Parking Requirements. Deviations from the minimum parking requirements shall be allowed only for planned residential development projects or planned multi-family developments and shall be presented to the OMBA for approval.
### 13.8 Table of Minimum Off-Street Parking Requirements

**Key:** 1 / 100 SF = Minimum of 1 parking space for every 100 square feet of “parking floor area” (see definitions)  
** = No minimum established or not applicable Fractional spaces: <½ disregarded; >=½ requires 1 space  
1 Seat: See 13.76

#### USE from “Zones and Uses Table”

<table>
<thead>
<tr>
<th>Required Number of Parking Spaces</th>
<th>USE from “Zones and Uses Table” (Section 8.2)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>A</strong> RESIDENTIAL</td>
<td></td>
</tr>
<tr>
<td>1A Bed and breakfast home</td>
<td>2 / each dwelling unit + 1 / room rented other than the first room</td>
</tr>
<tr>
<td>1B Boarding or lodging house</td>
<td>5 + 1 / every 5 beds</td>
</tr>
<tr>
<td>2 Dwelling: Accessory</td>
<td>1 / each dwelling unit</td>
</tr>
<tr>
<td>3 Dwelling: Multi-family</td>
<td>for efficiency apts. &amp; one-bedroom: 1.5 / each dwelling unit; for two+ bedrooms: 2 / each dwelling unit</td>
</tr>
<tr>
<td>4 Dwelling: Single-family detached</td>
<td>2 / each dwelling unit</td>
</tr>
<tr>
<td>5 Dwelling: Townhouse</td>
<td>2 / each dwelling unit</td>
</tr>
<tr>
<td>6 Dwelling: Two-family</td>
<td>for one bedroom: 1.5 / each dwelling unit; for 2+ bedroom: 2 / each dwelling unit</td>
</tr>
<tr>
<td>6A Residential Care Facilities</td>
<td>2 / each dwelling unit</td>
</tr>
<tr>
<td>7 Fraternity or sorority house,</td>
<td>5 + 1 / every 5 beds</td>
</tr>
<tr>
<td>dormitory, other group housing</td>
<td></td>
</tr>
<tr>
<td>as rehabilitation and transitional homes</td>
<td></td>
</tr>
<tr>
<td>8 Guest quarters</td>
<td>**</td>
</tr>
<tr>
<td>9 Keeping of roomers or boarders by a resident family</td>
<td>1 / every 2 roomers or boarders</td>
</tr>
<tr>
<td>10 Manufactured Home, Classes 1 -3</td>
<td>2 / each manufactured home</td>
</tr>
<tr>
<td>11 Motel or hotel</td>
<td>(Owensboro, Unincorporated Daviess Co.) 1 / suite + 75% of the requirement for other associated uses (minimum of 5); (Whitesville) 1 / suite (minimum of 5)</td>
</tr>
<tr>
<td>12 Planned residential development project</td>
<td>(see each type of dwelling unit)</td>
</tr>
<tr>
<td><strong>B</strong> ASSEMBLY</td>
<td></td>
</tr>
<tr>
<td>1 Amusements, indoor</td>
<td>for theaters: 1 / every 5 seats under maximum occupancy (minimum of 5); for skating rinks: 1 / 250 SF of skating floor area; for pool, pinball, dance halls and other amusement places without fixed seats: 1 / 200SF + 1 / every 3 employees on maximum shift</td>
</tr>
<tr>
<td>2 Amusements, outdoor</td>
<td>for drive-in theaters: **; for miniature golf courses: 1.5 / every hole on main course</td>
</tr>
<tr>
<td>3 Child day-care centers, child nurseries, adult day care centers</td>
<td>2 + 1 / every 10 persons under care</td>
</tr>
<tr>
<td>4 Churches, Sunday schools, parish houses</td>
<td>for churches and Sunday schools: 1 / every 5 seats in the main auditorium (minimum of 5); for parish houses: 1 / each bed</td>
</tr>
<tr>
<td>5 Circuses and carnivals, temporary</td>
<td>1 / 100 SF of area occupied</td>
</tr>
<tr>
<td>6 Civic center, auditorium, exhibition halls, amphitheater</td>
<td>**</td>
</tr>
<tr>
<td>7 Community centers, public</td>
<td>1 / 600 SF</td>
</tr>
<tr>
<td>8 Libraries, museums, art galleries, reading rooms</td>
<td>1 / 600 SF</td>
</tr>
<tr>
<td>9 Passenger transportation terminals</td>
<td>4 + 1 / each employee on maximum shift</td>
</tr>
<tr>
<td>10 Philanthropic institutions and clubs</td>
<td>1 / 250 SF</td>
</tr>
<tr>
<td>11 Recreational activities, indoor</td>
<td>1 / each employee on maximum shift + 1 / every 2 participants + 1 / every 3 spectator seats</td>
</tr>
<tr>
<td>12 Cocktail lounges, night clubs</td>
<td>cocktail lounges, night clubs: 1 / 100 SF + 1 / every 3 employees on maximum shift</td>
</tr>
<tr>
<td>13 Restaurants, including drive-in or drive through windows</td>
<td>1 / 200SF</td>
</tr>
<tr>
<td>14 Schools, colleges, academic, technical, vocational or professional, private elementary and secondary schools</td>
<td>for elementary schools: 1 / every 15 seats in main auditorium, or 1 / every classroom + 1 / each employee on maximum shift, whichever is greater; for colleges, high and middle schools, vocational and professional schools: 1 / every 5 seats in main auditorium, or 1 / every 5 gymnasium seats, or 1 / every 5 classroom seats, whichever is greatest;</td>
</tr>
<tr>
<td>14A Photography, art, and music studios</td>
<td>1/400 SF</td>
</tr>
<tr>
<td>15 Sidewalk cafe</td>
<td>**</td>
</tr>
<tr>
<td>16 Any ASSEMBLY USES above deemed to be adult entertainment establishments</td>
<td>(as required for the particular use as classified in this ordinance )</td>
</tr>
<tr>
<td>17 Public auction houses</td>
<td>1 / 100 SF</td>
</tr>
<tr>
<td>18 Banquet halls</td>
<td>1 /200 SF</td>
</tr>
</tbody>
</table>
### 13.8 Table of Minimum Off-Street Parking Requirements

**Key:** 1 / 100 SF = Minimum of 1 parking space for every 100 square feet of “parking floor area” (see definitions)  
**"** = No minimum established or not applicable  
Fractional spaces: <½ disregarded; >=½ requires 1 space  
1 Seat: See 13.76

#### USE from “Zones and Uses Table”  
*(Section 8.2)*

<table>
<thead>
<tr>
<th>C</th>
<th>INSTITUTIONAL</th>
<th>Required Number of Parking Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Hospitals; surgical centers; convalescent and rest homes; orphanages, rehabilitation facilities, assisted living facilities</td>
<td>1 / every 4 beds + 1 / each employee on maximum shift</td>
</tr>
<tr>
<td>2</td>
<td>Penal or correctional institution</td>
<td>1 / each employee on maximum shift + 1 / every 25 inmates</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>D</th>
<th>BUSINESS</th>
<th>Required Number of Parking Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Banks, credit agencies, security and commodity brokers and exchanges, credit institutions, savings and loan companies and holding and investment companies; with or without drive-in facilities</td>
<td>1 / 200 SF</td>
</tr>
<tr>
<td>2</td>
<td>Computer, data and business processing centers, and call centers</td>
<td>1 / 200 SF</td>
</tr>
<tr>
<td>3</td>
<td>Hair styling, beauty and barber shops, tanning salons, nail salons, piercing or tattoo parlors</td>
<td>1 / 200 SF</td>
</tr>
<tr>
<td>4</td>
<td>Home appliance and computer repair</td>
<td>1 / 600 SF</td>
</tr>
<tr>
<td>5</td>
<td>Home occupation</td>
<td>**</td>
</tr>
<tr>
<td>6</td>
<td>Medical and dental offices, clinics and laboratories</td>
<td>1 / 200 SF</td>
</tr>
<tr>
<td>7</td>
<td>Offices for business, professional, governmental, civic, social, fraternal, political, religious and charitable organizations</td>
<td>1 / 400 SF</td>
</tr>
<tr>
<td>8</td>
<td>Office projects, professional</td>
<td>1 / 400 SF</td>
</tr>
<tr>
<td>9</td>
<td>Pawnshops</td>
<td>1 / 600 SF</td>
</tr>
<tr>
<td>10</td>
<td>Research, development and testing laboratories or centers</td>
<td>1 / every 2 employees on maximum shift + 1 / each vehicle owned or operated by use</td>
</tr>
<tr>
<td>11</td>
<td>Shoe repair</td>
<td>1 / 600 SF</td>
</tr>
<tr>
<td>12</td>
<td>Telephone exchanges, radio and television studios</td>
<td>1 / every 2 employees on maximum shift + 1 / each vehicle owned or operated by use</td>
</tr>
<tr>
<td>13</td>
<td>Ticket and travel agencies</td>
<td>1 / 400 SF</td>
</tr>
<tr>
<td>14</td>
<td>Quick copy services, not utilizing offset printing methods</td>
<td>1 / 400 SF</td>
</tr>
<tr>
<td>15</td>
<td>Any BUSINESS USES above deemed to be adult entertainment establishments</td>
<td>(as required for the particular use as classified above)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>E</th>
<th>MERCANTILE</th>
<th>Required Number of Parking Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Farmers market</td>
<td>6 + 1 / 250 SF</td>
</tr>
<tr>
<td>2</td>
<td>Retail sale of food products</td>
<td>1 / 400 SF for premises with buildings 5,000 square feet or less of gross floor area</td>
</tr>
<tr>
<td>3</td>
<td>Retail sale of merchandise 3A</td>
<td>1 / 300 SF for premises with buildings 5,001 square feet or more of gross floor area</td>
</tr>
<tr>
<td>4</td>
<td>Vendor stands</td>
<td>(as required for the particular use as classified above)</td>
</tr>
<tr>
<td>5</td>
<td>Produce stands</td>
<td>6 + 1 / 250 SF</td>
</tr>
<tr>
<td>6</td>
<td>Sale of feed, grain or other agricultural supplies</td>
<td>1 / 600 SF (minimum of 5)</td>
</tr>
<tr>
<td>7</td>
<td>Wholesale supply establishment</td>
<td>1 / 600 SF (minimum of 5)</td>
</tr>
<tr>
<td>8</td>
<td>Convenience stores with or without fuel stations</td>
<td>1 / 300 SF</td>
</tr>
<tr>
<td>9</td>
<td>Big Box Home Improvement Retailers</td>
<td>1 / 300 SF</td>
</tr>
</tbody>
</table>
### 13.8 Table of Minimum Off-Street Parking Requirements

<table>
<thead>
<tr>
<th>USE from “Zones and Uses Table” (Section 8.2)</th>
<th>Required Number of Parking Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>F</strong> VEHICLE AND TRUCK RELATED</td>
<td></td>
</tr>
<tr>
<td>1 Vehicle or boat rental</td>
<td>1 / each vehicle owned or operated by use + 1 / each employee on maximum shift</td>
</tr>
<tr>
<td>2 Vehicle or other vehicle sales lot,</td>
<td>1 / 600 SF (minimum of 5)</td>
</tr>
<tr>
<td>establishment</td>
<td></td>
</tr>
<tr>
<td>3 Vehicle race tracks</td>
<td>1 / every 5 seats under maximum occupancy</td>
</tr>
<tr>
<td>4 Vehicle service/fuel stations without</td>
<td>1 / each vehicle owned or operated by use + 1 / each employee on maximum shift</td>
</tr>
<tr>
<td>convenience stores</td>
<td></td>
</tr>
<tr>
<td>5 Vehicle repair, major (only O’boro,</td>
<td>1 / 600 SF (minimum of 5)</td>
</tr>
<tr>
<td>Whitesville)</td>
<td></td>
</tr>
<tr>
<td>5A Vehicle repair, major (including</td>
<td>1 / 600 SF (minimum of 5)</td>
</tr>
<tr>
<td>automobile body shop)</td>
<td></td>
</tr>
<tr>
<td>6 Vehicle body shop (only Unincorporated</td>
<td>1 / 600 SF (minimum of 5)</td>
</tr>
<tr>
<td>Daviess Co.)</td>
<td></td>
</tr>
<tr>
<td>6A Vehicle and truck repair, minor</td>
<td>1 / 600 SF (minimum of 5)</td>
</tr>
<tr>
<td>7 Car-wash; self-serve or automatic</td>
<td>1 / each employee on maximum shift</td>
</tr>
<tr>
<td>8 Loading and unloading facilities **</td>
<td></td>
</tr>
<tr>
<td>9 Parking areas, private garages **</td>
<td></td>
</tr>
<tr>
<td>10 Parking areas or structures **</td>
<td></td>
</tr>
<tr>
<td>11 Parking lots or structures **</td>
<td></td>
</tr>
<tr>
<td>12 Tire-re-treading and recapping</td>
<td>1 / every 2 employees on maximum shift + 1 / each vehicle owned or operated by use (minimum of 5)</td>
</tr>
<tr>
<td>12A Tire recycling collection center</td>
<td>1/every 2 employees on maximum shift + 1/each vehicle owned or operated by use (minimum of 5)</td>
</tr>
<tr>
<td>13 Truck rental</td>
<td>1 / each employee on maximum shift + 1 / each vehicle owned or operated by use</td>
</tr>
<tr>
<td>14 Truck terminals and freight yards</td>
<td>1 / every 2 employees on maximum shift + 1 / each vehicle owned or operated by use (minimum of 5)</td>
</tr>
<tr>
<td>15 Taxi cab or limousine service</td>
<td>1 / each employee and 1 / vehicle that provides service</td>
</tr>
<tr>
<td>16 Vehicle auction facilities</td>
<td>1 / 500 SF of gross floor area of sales and service building</td>
</tr>
<tr>
<td>16A Vehicle impound yards or vehicle salvage</td>
<td>1 /every 2 employees on maximum shift (minimum of 5)</td>
</tr>
<tr>
<td>yards</td>
<td></td>
</tr>
<tr>
<td><strong>G</strong> INDUSTRIAL</td>
<td></td>
</tr>
<tr>
<td>1 Contractor equipment dealer</td>
<td>1 / 600 SF (minimum of 5)</td>
</tr>
<tr>
<td>1A Lumber and construction material yards</td>
<td>1/600 SF (minimum of 5)</td>
</tr>
<tr>
<td>2 Dairy or other food product bottling plants</td>
<td>1 / every 2 employees on maximum shift + 1 / each vehicle owned or operated by use (minimum of 5)</td>
</tr>
<tr>
<td>3 Extraction of crude petroleum, natural</td>
<td>1 / every 2 employees on maximum shift (minimum of 5)</td>
</tr>
<tr>
<td>gas; quarrying of sand, gravel, etc</td>
<td></td>
</tr>
<tr>
<td>3A Quarrying of sand, gravel, etc.</td>
<td>1 / every 2 employees on maximum shift (minimum of 5)</td>
</tr>
<tr>
<td>4 Heavy industrial uses, conditional</td>
<td>1 / every 2 employees on maximum shift (minimum of 5)</td>
</tr>
<tr>
<td>4A Salvage yards, refuse yards or dumps</td>
<td>1 / every 2 employees on maximum shift (minimum of 5)</td>
</tr>
<tr>
<td>5 Heavy industrial uses, principal</td>
<td>1 / every 2 employees on maximum shift (minimum of 5)</td>
</tr>
<tr>
<td>5A Processing timber for firewood</td>
<td>1 / every 2 employees on maximum shift (minimum of 5)</td>
</tr>
<tr>
<td>6 Ice plant</td>
<td>1 / every 2 employees on maximum shift + 1 / each vehicle owned or operated by use (minimum of 5)</td>
</tr>
<tr>
<td>7 Machine, welding and other metal work shops</td>
<td>1 / 600 SF</td>
</tr>
<tr>
<td>8 Manufacturing, compounding, processing,</td>
<td>1 / every 2 employees on maximum shift (minimum of 5)</td>
</tr>
<tr>
<td>packaging and assembling, light</td>
<td></td>
</tr>
<tr>
<td>9 Medical waste disposal</td>
<td>1 / every 2 employees on maximum shift (minimum of 5)</td>
</tr>
<tr>
<td>10 Making of articles to be sold at retail on</td>
<td></td>
</tr>
<tr>
<td>the premises **</td>
<td></td>
</tr>
</tbody>
</table>
### Article 13 - Off-Street Parking, Loading & Unloading Areas

#### 13.8 Table of Minimum Off-Street Parking Requirements

**Key:** 1 / 100 SF = Minimum of 1 parking space for every 100 square feet of “parking floor area” (see definitions)  
**= No minimum established or not applicable  
Fractional spaces: <½ disregarded; >=½ requires 1 space  
1 Seat: See 13.76  
**USE from “Zones and Uses Table” (Section 8.2)**  
**Required Number of Parking Spaces**

<table>
<thead>
<tr>
<th>USE from “Zones and Uses Table”</th>
<th>Required Number of Parking Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>11 Printing, publishing, lithographing, blueprinting</td>
<td>1 / every 2 employees on maximum shift + 1 / each vehicle owned or operated by use (minimum of 5)</td>
</tr>
<tr>
<td>12 Sale of manufactured goods</td>
<td>**</td>
</tr>
<tr>
<td>13 Shops of special trade and general contractors</td>
<td>1 / 600 SF + 1 / each vehicle owned or operated by use</td>
</tr>
<tr>
<td>14 Furniture repair and upholstery</td>
<td>1 / 1000 SF (minimum of 5)</td>
</tr>
<tr>
<td>15 Furniture restoration and refinishing</td>
<td>1 / 1000 SF (minimum of 5)</td>
</tr>
<tr>
<td>16 Recycling Collection Centers</td>
<td>1 / every 2 employees on maximum shift + 1 / each vehicle operated or operated by use (minimum of 5)</td>
</tr>
</tbody>
</table>

**OTHER**

#### H Agriculture:

<table>
<thead>
<tr>
<th>USE</th>
<th>Required Number of Parking Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Agricultural structures, stables</td>
<td>**</td>
</tr>
<tr>
<td>2 Dairying and stock-raising</td>
<td>**</td>
</tr>
<tr>
<td>3 Farming</td>
<td>**</td>
</tr>
<tr>
<td>4 Farm equipment dealer</td>
<td>1 / 600 SF (minimum of 5)</td>
</tr>
<tr>
<td>5 Forestry</td>
<td>**</td>
</tr>
<tr>
<td>6 Grain drying</td>
<td>1 / every 2 employees on maximum shift + 1 / each vehicle owned or operated by use (minimum of 5)</td>
</tr>
<tr>
<td>7 Livestock sales and auction</td>
<td>**</td>
</tr>
<tr>
<td>8 Landscaping services</td>
<td>**</td>
</tr>
<tr>
<td>9 Agri-tourism</td>
<td>Minimum of 5</td>
</tr>
</tbody>
</table>

#### I Animal related:

<table>
<thead>
<tr>
<th>USE</th>
<th>Required Number of Parking Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Animal burial grounds</td>
<td>**</td>
</tr>
<tr>
<td>1A Animal race tracks</td>
<td>1 / every 5 seats under maximum occupancy</td>
</tr>
<tr>
<td>2 Animal hospital or clinic</td>
<td>1 / 200 SF</td>
</tr>
<tr>
<td>2A Pet grooming</td>
<td>1 / 300 SF</td>
</tr>
<tr>
<td>2B Pet training</td>
<td>1 / 1000 SF + 1 / each employee (minimum 5)</td>
</tr>
<tr>
<td>3 Hunting, fishing, trapping, game preserves</td>
<td>5 + 1 / each employee on maximum shift</td>
</tr>
<tr>
<td>3A Taxidermy</td>
<td>1 / 1000 SF + 1 / each employee (minimum 5)</td>
</tr>
<tr>
<td>4 Kennel, commercial</td>
<td>5 + 1 / each employee on maximum shift</td>
</tr>
<tr>
<td>5 Kennel, non-commercial</td>
<td>**</td>
</tr>
<tr>
<td>6 Veterinarian office</td>
<td>1 / 200 SF</td>
</tr>
</tbody>
</table>

#### J Personal service:

<table>
<thead>
<tr>
<th>USE</th>
<th>Required Number of Parking Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Cemetery, mausoleum, columbarium, crematory</td>
<td>**</td>
</tr>
<tr>
<td>2 Funeral home, with or without crematory</td>
<td>1 / every 5 seats under maximum occupancy + 1 / each vehicle owned or operated by use</td>
</tr>
<tr>
<td>3 Laundry, clothes cleaning</td>
<td>for self serve laundry: 1 / every 6 machines (washers, dryers, etc.)</td>
</tr>
<tr>
<td>3A Dry cleaning or laundry drop off and pick up stations with or without drive-through windows, where no cleaning of garments occurs on site</td>
<td>1 / 300 SF</td>
</tr>
<tr>
<td>4 Pharmaceuticals and medical supplies, sale of</td>
<td>1 / 600 SF</td>
</tr>
<tr>
<td>5 Retail sales or personal services</td>
<td>1 / 600 SF</td>
</tr>
</tbody>
</table>

#### K Public and semi-public:

<table>
<thead>
<tr>
<th>USE</th>
<th>Required Number of Parking Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Airport</td>
<td>**</td>
</tr>
<tr>
<td>2 Land fill</td>
<td>1 / every 2 employees on maximum shift (minimum of 5)</td>
</tr>
<tr>
<td>3 Municipal, county, state, public school or federal buildings and uses</td>
<td>(see specific use type)</td>
</tr>
<tr>
<td>4 Public utility facilities not otherwise permitted within this table and not excepted by Article 3 herein</td>
<td>**</td>
</tr>
<tr>
<td>5 Bus Terminals</td>
<td>1 / 100 SF of waiting area</td>
</tr>
</tbody>
</table>
### 13.8 Table of Minimum Off-Street Parking Requirements

**Key:** 1 / 100 SF = Minimum of 1 parking space for every 100 square feet of “parking floor area” (see definitions)

** = No minimum established or not applicable

Fractional spaces: <½ disregarded; ≥½ requires 1 space

1 Seat: See 13.76

#### USE from “Zones and Uses Table” Required Number of Parking Spaces

<table>
<thead>
<tr>
<th>USE from “Zones and Uses Table”</th>
<th>Required Number of Parking Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>L Storage:</strong></td>
<td></td>
</tr>
<tr>
<td>1 Storage, outdoor</td>
<td>**</td>
</tr>
<tr>
<td>2 Storage (incidental) for retail sales establishment</td>
<td>1 / every 2 employees on maximum shift</td>
</tr>
<tr>
<td>3 Storage sheds</td>
<td>**</td>
</tr>
<tr>
<td>4 Storage for wholesale supply establishment</td>
<td>1 / every 2 employees on maximum shift</td>
</tr>
<tr>
<td>5 Storage yards for delivery vehicles</td>
<td>**</td>
</tr>
<tr>
<td>6 Warehouse</td>
<td>1 / every 2 employees on maximum shift + 1 / each vehicle owned or operated by use (minimum of 5)</td>
</tr>
<tr>
<td>7 Individual storage</td>
<td>**</td>
</tr>
<tr>
<td>8 Storage facilities, including outdoor storage for merchandise or operable, licensed vehicles</td>
<td>**</td>
</tr>
</tbody>
</table>

#### Example Usage:

- **6** Radio or TV transmitting or relay facilities including line of sight relays
  - ** **
- **7** Recreational uses, major outdoor
  - 1 / each employee on maximum shift + 1 / every 3 participants + 1 / every 3 spectator seats
- **8** Recreational uses, accessory outdoor
  - ** **
DEFINITIONS. For the purpose of this Zoning Ordinance, certain terms are herewith defined. When not inconsistent with the context, words used in the present tense include the future, words in the singular number include the plural, words in the plural number include the singular; the word person includes association, firm, partnership, trust, governmental body, corporation, organization, as well as an individual; the word structure includes building, the word occupied includes arranged, designed, or intended to be occupied, the word used includes arranged, designed or intended to be used; the word shall is always mandatory and not merely directive; the word may is permissive; and the word lot includes plot or parcel. Words with self-evident meanings are not defined herein. Other words and terms shall have the following respective meanings:

ACCESSORY USES OR STRUCTURE. A use or structure subordinate to the principal use of a building or to the principal use of land and which is located on the same lot serving a purpose customarily incidental to the principal building or land use. No accessory structure or building shall be used as a dwelling.

AGRICULTURE. The use of land for farming, dairying, pasturage, animal and poultry husbandry and other similar uses; and the necessary accessory uses for packing, treating or storing the produce; providing, however, that the operation of any such accessory uses shall be secondary to that of the principal agricultural activities and; provided, further, that the above uses shall not include the commercial feeding of garbage or offal to swine or other animals.

AGRITOURISM. Activities conducted on a working farm, orchard, winery, greenhouse, hunting preserve, livestock show, etc and offered to the public or to invited groups for the recreation, education or active involvement in the agricultural operation. Such activities include tours, hayrides, corn mazes, classes, and picnic facilities and may include limited retail sale of merchandise and food.

ALTERATIONS. Any change or addition to the supporting members or foundation of a structure.

APARTMENT. A room or suite of rooms in a multi-family building, consisting of at least one (1) habitable room, together with kitchen or kitchenette and sanitary facilities.

BANQUET HALL. Any structure maintained, in whole or part, for public rental for profit or non-profit for the purpose of private party events, whether family, group or corporate in nature, where access by the general public is restricted, and with or without the sale, serving or consumption of beverages, alcoholic beverages, and food.
BASEMENT. A story whose floor line is below grade at any entrance or exit and whose ceiling is not more than five (5) feet above grade at any such entrance or exit.

BED AND BREAKFAST HOME. A private, owner-occupied, single-family detached dwelling, where guest rooms are provided for rent to transients and in which the only meal served to guests is breakfast. A bed and breakfast home is further subject to the following conditions:

1) Bed and breakfast activities shall be clearly incidental and secondary to the use for single-family dwelling purposes, and there shall not be more than one (1) kitchen in the structure;

2) The use shall be carried on only by owners who reside on the premises and who have at least a fifty-one (51) percent ownership interest;

3) The use shall not require external alteration of the dwelling except as may be required to meet fire and building codes;

4) Each room to be rented shall accommodate no more than two (2) persons, except that when one (1) or two (2) adults occupy a room, up to two (2) children also may occupy the room;

5) Each room shall be rented for no longer than fourteen (14) consecutive days to the same person(s). Any facility which rents rooms for more than fourteen (14) consecutive days to the same person(s) shall be regulated as a boarding house;

6) The use shall not adversely affect the uses permitted in the immediate neighborhood by excessive traffic generation, noise and the like;

7) The owner-operator shall maintain a guest log and other records, which shall be subject to annual review and inspection;

8) The use shall not be conducted within any accessory building;

9) The conditional use permit shall become null and void upon the sale or transfer of the property;

10) The use shall be in compliance with all other applicable state and local laws, including health department rules and regulations.

BIG BOX HOME IMPROVEMENT CENTER. A large retail establishment, usually part of a chain, with a minimum of 75,000 square feet of conditioned space, offering home improvement products to the general public.

BOARD. The Owensboro Metropolitan Board of Adjustment.

BOARDING HOUSE. A building or part thereof, including a lodging house, with sleeping rooms available for hire with or without meals to four (4) or more persons primarily not transients. Where cooking equipment or provisions for the same are included in a sleeping room, such room shall be deemed a dwelling unit.

BREEZEWAY. Any open, unenclosed structure consisting of a roof and its support and used as a connecting wall between a main residence building and an accessory building.

BUILDING. Any structure for the shelter or enclosure of persons, animals or property.

BUILDING, HEIGHT OF. The vertical distance from the average contact ground level at the front wall of the building to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip or gambrel roofs.

BUILDING LINE. The line beyond which no building or part thereof shall project, except as otherwise provided by this Ordinance.

BUILDING PERMIT. A permit issued by the Zoning Administrator authorizing the construction or alteration of a specific building or parking on a specific lot.

CERTIFICATE OF OCCUPANCY. A certificate issued by the Zoning Administrator, after construction has taken place, which certifies that the building meets minimum standards for human occupancy.

CLINIC OR MEDICAL OFFICE. A facility for diagnosis and treatment of outpatients which would not fall under the definition of surgical center.

COMMISSION, LEGISLATIVE. Legislative Officials for the City of Owensboro, the City of Whitesville, or the Fiscal Court of Daviess County, Kentucky.
COMMISSION, OWENSBORO METROPOLITAN PLANNING. Planning Commission of Owensboro, Whitesville and Daviess County, Kentucky.

COMMODITY. (only Unincorporated Daviess County) A product of agriculture or mining; an article of commerce.

COMMUNITY CENTER. Buildings and facilities for a social, educational or recreational purpose generally open to the public, but not primarily for profit or to render a service customarily carried on as a business.

CONDITIONAL USE. A use which is essential to or would promote the public health, safety and/or welfare in one or more zones, but which would impair integrity and character of the zone in which it is located or of adjoining zones, unless restrictions on location, size, extent and character of performances are imposed in addition to those set forth by the zoning regulations.

CONDITIONAL USE PERMIT. Legal authorization to undertake a conditional use; issued by the Board of Adjustment, consisting of two parts:

(1) A statement of the factual determination by the Board of Adjustment, which justified the issuance of the permit and,

(2) A statement of the specific conditions which must be met in order for the use to be permitted.

CONVALESCENT OR NURSING HOME. An establishment which provides full-time convalescent or chronic care or both for three (3) or more individuals who are not related by blood or marriage to the operator and who by reason of chronic illness or deformity are unable to care for themselves.

COURT. An open unoccupied and unobstructed space, other than a yard on the same lot with a building or group of buildings.

CLUB, PRIVATE. Building and facilities for a social, educational or recreational purpose, generally open only to members, but not primarily for profit or to render a service which is customarily carried on as a business.

DISTRICT. A portion of the territory within Daviess County within which certain regulations and requirements apply under the provisions of this Zoning Ordinance in addition to other regulations and requirements for the property imposed by the zone in which said property is located.

DORMITORY. A building used to house a group of persons needing residential lodging for a specific and common purpose, but not including housing for seasonal farm workers. Dormitories do include rehabilitation homes and transitional homes as defined in this ordinance.

DOWNTOWN CORE AND FRAME. The Downtown Core is bounded as follows: Ohio River on the north; Crittenden Street on the east; Fifth Street on the south; Walnut Street on the west. The Downtown Frame surrounds the core and is bounded as follows: Ohio River and core on the north; Triplett Street on the east; Ninth Street on the south; Orchard Street on the west.

DRIVEWAY. A private vehicular access serving as required off-street parking area or extending on the shortest reasonable path through the front yard or side-street yard to the required off-street parking area. All other areas for vehicular use within any front yard or side-street yard shall be considered additional parking and be subject to the area limitations and landscaping requirements of this Zoning Ordinance.

DWELLING. A building or portion thereof designed or used exclusively as the residence or sleeping place of one or more persons, but not including a tent, cabin, mobile home, camping trailer, boarding or rooming house, hotel or motel.

DWELLING, SINGLE-FAMILY. A detached building for residential purposes by one (1) family and quarters for nurses, maids, and parental relatives.

DWELLING, TWO-FAMILY. A building designed for or occupied by two families living independently of each other, commonly known as a duplex.

DWELLING, MULTI-FAMILY. A building or portion thereof designed for or occupied by three (3) or more families living independently of each other.

DWELLING UNIT. One room or a suite of two or more rooms, designed for or used by one (1) family for living and sleeping purposes and having only one (1) kitchen or kitchenette.

DWELLING GROUP. A group of two or more detached dwellings, located on a parcel of land having any yard or court in common.
EASEMENT. An acquired privilege or right to use or the enjoyment which a person or entity may have in or on the land of another.

ENTERTAINMENT, LIVE. Any performance at a restaurant, cocktail lounge, or night club by any person, including but not limited to a patron of such establishment if such performance is part of a regularly occurring event. Live entertainment includes, but is not limited to, singing, dancing, musical performance, comedy acts, magic acts, variety acts, or performance contests engaged in by patrons.

FAMILY. A person living alone, or two or more persons customarily living together as a single housekeeping unit and using common cooking facilities, but not including a group occupying a hotel, club, boarding, lodging, fraternity or sorority house, institution for human care or other similar building.

FLOOR AREA. The sum of the gross areas of the several floors of a building or buildings, measured from the exterior faces of exterior walls or from the centerlines of walls separating two buildings.

FLOOR AREA, PARKING. The floor area of a structure as defined herein, excluding any covered, common pedestrian area in a mall and any storage, warehouse areas and mechanical areas used principally for non-public purposes of said structure.

FLOOR AREA RATIO. Floor area of buildings on a lot divided by ground area of the lot on which it is located.

GARAGE, COMMERCIAL PARKING. A building or structure used for the parking of vehicles on an intended profit basis.

GARAGE, PRIVATE. A detached accessory building or a portion of the principal building used by the occupants of the premises for the shelter or storage of vehicles owned or operated by the occupants of the principal building.

GUEST QUARTERS. A room or group of rooms without kitchen facilities located within a principal residence to provide quarters for guests to occupy and not rented, leased or sold independently from the principal residence. Guest quarters shall not have separate utility meters.

HEIGHT-TO-YARD RATIO. Height of building as related to minimum rear and each side yard permitted as used in the R-4DT zone; i.e., for 3:1 ratio a sixty (60) -foot building must have a minimum rear and each side yard of twenty (20) feet.

HOME OCCUPATION. Occupations of dressmaking, handicrafts, millinery, laundering, preserving and home cooking and professional services, but excluding barber shops and beauty parlors, but only when said permitted occupations are performed under the following conditions: (1) The use is clearly incidental and secondary to use for dwelling purposes; (2) The use is conducted entirely within a dwelling and not in any accessory building; (3) The use is carried on only by residents of the dwelling, with no non-resident employees or agents; (4) No commodities are sold except as are produced on the premises; (5) The use does not require external alteration of the dwelling; and (6) The use does not adversely affect the uses permitted in the immediate neighborhood by excessive traffic generation or noise.

HOSPITAL OR SANITARIUM. An establishment which provides accommodations, facilities, and services over a continuous period of twenty-four (24) hours or more for observation, diagnosis, and care for two (2) or more individual suffering from illness, injury, deformity, or abnormally from any condition requiring obstetrical, medical, or surgical services.

HOTEL. A building or group of buildings containing individual sleeping or living units designed for the temporary occupancy of transient guests and including hotels, tourist courts, motor lodges, motor hotels or auto courts, but not including boarding or lodging houses.

INDIVIDUAL STORAGE. A structure consisting of one or more units, to be used only for the storage of items that are not classified as merchandise or commodities, as defined in this Article, and that are not considered hazardous in nature, such as items that are corrosive, highly toxic, oxidizing, pyrophoric, water reactive, highly combustible, flammable or explosive materials that constitute a high fire, explosion or health hazard, as set forth in the applicable section of the Kentucky Building Code, current edition.

INDUSTRY, HEAVY. Those industries whose manufacturing of products result in the emission of dust, smoke, noxious fumes or other pollutants altering the atmospheric condition, light, flashing glare, odor, noise or vibration which may be heard or felt off the premises and those industries which constitute a fire or explosion hazard.
INDUSTRY, LIGHT. Those industries whose manufacturing of products results in none of the conditions described for heavy industry, including such uses as fabricating, warehousing and wholesale distribution.

INSTITUTION FOR HUMAN CARE. Building or group of buildings providing health, medical or rehabilitation services to individuals such as hospitals, convalescent, nursing and rest homes, orphanages, rehabilitation centers.

JUNK YARD. A place where waste of discarded or salvaged materials are bought, sold, exchanged, stored, baled, cleaned, packed, disassembled, handled, including auto wrecking yards, used lumber yards and places or yards for use of salvaged house wrecking structural steel materials and equipment, but excluding such uses when conducted entirely within a completely enclosed building and excluding pawn shops and establishments for the sale, purchase or storage of used cars in operable condition, salvaged machinery, used furniture and household equipment, and the processing of used, discarded or salvaged materials as part of manufacturing operations.

KENNEL, COMMERCIAL. Business for the sale or temporary boarding of dogs, but not including the ownership and occasional sale of dogs at, in, or adjoining a private residence.

KENNEL, NON-COMMERCIAL. Compound in or adjoining a private residence where hunting or other dogs are kept for the hobby of the householder in using them for hunting or practice tracking trails or for exhibiting them in dog shows or field or obedience trials, or for the guarding or protecting the householder's property. The occasional sale of pups by the keeper of a non-commercial kennel does not change the character of the residential property.

LAND USE PLAN. Proposals for the most appropriate, economic, desirable and feasible patterns for the general location, character, extent and interrelationship of the manner of which the community should use its public and private land.

LANDSCAPING SERVICES. Commercial businesses providing services for lawns, gardens, ornamental shrubs, or trees, including fertilizing, maintenance, mowing, mulching, planting, removal, seeding, sodding, sprigging, spraying, trimming, or similar services. This use shall not be deemed to include individuals who provide limited lawn and garden services when conducted in a manner that is consistent with the provisions herein for home occupations.

LIGHT, DIRECT. Light which travels directly from its source to the viewer's eye.

LIGHT, INDIRECT. Light which travels from its source to an intermediate object such as a sign surface before being seen by the viewer.

LEGISLATIVE BODY. Legislative officials for the City of Owensboro, the City of Whitesville, or the Fiscal Court of Daviess County, Kentucky.

LOADING OR UNLOADING SPACE. An off-street berth on the same lot with a building or contiguous to a group of buildings for the temporary parking of a commercial vehicle while loading or unloading merchandise or material.

LODGING HOUSE. A building or part thereof, including a boarding house, with sleeping rooms available for hire with or without meals to four (4) or more persons primarily not transients. Where cooking equipment or provisions for the same are included in a sleeping room, such room shall be deemed a dwelling unit.

LOT. A piece or parcel of land occupied or intended to be occupied by a principal building or a group of such buildings and accessory buildings, or utilized for a principal use and uses accessory thereto, fronting onto a public right-of-way, and of at least sufficient size to meet the minimum zone requirements for use, coverage and area, and to provide such yards and open spaces as required under the terms of this Zoning Ordinance.

LOT AREA. The computed area contained within the lot lines.

LOT, CORNER. A lot abutting and situated at the intersection of two streets.

LOT COVERAGE. The computed ground area occupied by all buildings within a lot.

LOT DEPTH. The mean horizontal distance between the frontage and rear lot lines.

LOT FRONTAGE. The distance between the side lot lines measured along the front building line of the lot as determined by the prescribed front yard requirement.

LOT, INTERIOR. A lot other than a corner lot.

LOT LINES. The property lines bounding a lot.
LOT LINE, FRONT. Property line separating the lot from the street.

LOT LINE, REAR. The lot line opposite and most distant from the front.

LOT LINE, SIDE. Any lot line other than a front or rear lot line. A side lot line separating a lot from a street is called a side street lot line. A side lot line separating a lot from another lot or lots is called an interior side lot line.

LOT LINE, STREET OR ALLEY. A lot line separating the lot from the street or alley.

LOT OF RECORD. Recorded lot on file in the County Court Clerk's office.

LOT, THROUGH (DOUBLE FRONTAGE LOTS). A lot having frontage on two parallel or approximately parallel streets.

LOT WIDTH. The mean width of the lot measured at right angles to its depth.

MANUFACTURED BUILDING has the following features or characteristics; it is:

(1) Mass-produced in a factory;

(2) Designed and constructed for transportation to a site for installation and use when connected to required utilities;

(3) Either an independent, individual building or a module for combination with other elements to form a building on the site.

(a) The term "manufactured building" is not intended to apply to use of prefabricated panels, trusses, plumbing subsystems, or other prefabricated subelements incorporated in the course of construction of buildings on the site, but only to major elements requiring minor and incidental on-site combination or installation.

(b) Manufactured Home. A manufactured building or portion of a building built on a chassis designed for long-term single-family residential use with or without a permanent foundation when connected to the required utilities, and which includes the plumbing, heating, air conditioning, and electrical systems contained therein. All manufactured homes shall contain an intact "HUD seal" issued by the United States Department of Housing and Urban Development, or a "B1 seal" issued by the Kentucky Department of Housing, Buildings and Construction, Office of the State Fire Marshall, before an application will be processed for placement. KRS 227.550 defines Class B inspection seals for manufactured homes as follows:

(1) “B1 seal” means the unit has been inspected and found to be in compliance with applicable standards for human habitation.

(2) “B2 seal” means the unit has been inspected and found not to be in compliance with applicable codes and is unfit for human habitation. Units receiving a “B2 seal” are prohibited in all zones.

For the purposes of these zoning regulations, manufactured homes are divided into three (3) classes.

(a) Class 1 Manufactured Home. A manufactured home constructed after June 15, 1976, in accordance with the National Manufactured Home Construction and Safety Standards Act of 1974, 42 U.S.C. Section 5401, et seq., as amended, and designed to be used as a single family residential dwelling. This definition includes “qualified manufactured homes” as defined by KRS 100.348(d). The manufactured home shall be approved by the Zoning Administrator as meeting all of the "Acceptable Installation Standards" and all of the "Acceptable Similarity Appearance Standards" herein below.

(1) Acceptable Installation Standards. Class 1 Manufactured Homes must meet all of the following standards to achieve acceptable installation in Owensboro-Daviess County:

(a) They shall be permanently installed on a permanent foundation in accordance with KRS 227.550 and KAR 25:090 or American national Standards Institute (ANSI) A.225.1 (the manufacturer’s installation specifications as approved by the U.S. Department of Housing and Urban Development). Permanent foundation means a system of supports that is capable of transferring, without failure, into soil or bedrock, the maximum design load imposed by or upon the structure, constructed of concrete, and placed at a depth below grade adequate of prevent frost damage.

(b) All wheel, trailer-tongue and hitch assemblies shall be removed upon installation.

(c) They shall be permanently connected to an approved water and sewer system when available,
and shall comply with all public health requirements governing plumbing installation.

(2) Acceptable Similarity Appearance Standards. Class 1 Manufactured Homes must meet all of the following standards to achieve acceptable similarity in appearance between the manufactured home and site-built housing in Owensboro-Daviess County:

(a) A poured concrete or masonry block skirting wall shall be constructed beneath and along the entire perimeter of the manufactured home, compatible in appearance with community site built housing foundations, even if the wall is not structurally required by the manufacturer’s installation specifications.

(b) Minimum width of main body of the manufactured home as assembled on the site shall not be less than twenty (20) feet at its smallest width measurement unless it is two (2) stories in height and oriented on the lot or parcel so that its main entrance door faces the street.

(c) The pitch of the main roof shall be not less than two and one-half (2 1/2) feet of rise for each twelve (12) feet of horizontal run. In general, any roofing material may be used that is generally acceptable for housing built on the site, if applied in such a manner as to be similar in appearance.

(d) Any materials that are generally acceptable for housing built on the site may be used for exterior finish if applied in such a manner as to be similar in appearance, provided, however, that reflections from such exterior shall not be greater than from siding coated with clean, white, gloss, exterior enamel.

(e) The manufactured home shall have a minimum total living area of nine hundred (900) square feet.

(b) Class 2 Manufactured Home. A manufactured home constructed after June 15, 1976, in accordance with the National Manufactured Home Construction and Safety Standards Act of 1974, and which does not meet all of the "Acceptable Installation Standards" and "Acceptable Similarity Appearance Standards" hereinabove. Class 2 Manufactured Homes may include manufactured homes that have received a “B1 seal” provided the date of manufacture is June 15, 1976 or later. All Class 2 Manufactured Homes must meet installation standards described in 14.75211 (a) and (c).

(c) Class 3 Manufactured Home. A manufactured home constructed prior to June 15, 1976 and commonly referred to as a “mobile home”, and which does not meet all “Acceptable Installation Standards” or “Acceptable Similarity Appearance Standards”, but is found upon inspection to be safe and fit for residential occupancy. Class 3 manufactured homes shall include manufactured homes that have received a “B1 seal”, but does not include those units inspected and receiving a “B2 seal”. All Class 3 Manufactured Homes must meet installation standards described in 14.75211 (a) and (c).

MANUFACTURED HOUSING PARK. A planned development in an MHP Zone of ten (10) acres or more in area, designed for the siting of ten (10) or more manufactured homes.

(1) Manufactured Housing Park Complex. A manufactured housing park held under single ownership or control.

(2) Manufactured Housing Park Subdivision. A manufactured housing park in which individuals may own their own lots and share in the use and maintenance of common areas and facilities.

MERCHANDISE. (only Unincorporated Daviess County) The commodities or goods that are sold in a business.

MOTEL. A building or group of buildings containing individual sleeping or living units designed for temporary occupancy of transient guests and including hotels, tourist courts, motor lodges, motor hotels or auto courts, but not including boarding or lodging houses.

MULTI-BUSINESS STRUCTURE. Any structure that is originally constructed, converted, altered, or added-to that would create three (3) or more connected business shops of separate use, whether on one or more parcels or lots, connected in any configuration including common walls on property lot lines.

NONCONFORMING USE. A dwelling, building or structure or any land or premises legally existing and/or used at the time of adoption of this Zoning Ordinance and/or any amendment thereto, which does not conform with the use of regulations of the district in which it is located. Any such building, structure or premises conforming in respect to use but not in respect to height, area, yards or courts, or distance requirements from more
restricted districts or uses, shall not be considered a nonconforming use.

**OMBA.** Owensboro Metropolitan Board of Adjustment.

**OMPC.** Owensboro Metropolitan Planning Commission.

**OUTDOOR ADVERTISINGDISPLAYS.** Any name, identification, display, illustration or device portable or affixed, which directs attention to a product, place, activity, person, institution, or business. (See SIGN for various types of outdoor advertising displays.) *Sign definitions now located in Article 9.*

**PARKING AREA OR STRUCTURE.** An off-street area or structure for required parking or loading spaces including driveways, access ways, aisles, parking and maneuvering space, but excluding required front yard, or public right-of-way.

**PARKING LOT OR STRUCTURE.** An off-street area or structure, other than the parking or loading spaces or areas required or permitted under this Zoning Ordinance, for the parking of automobiles, and available to the public free or for a fee.

**PARKING SPACE.** A permanent area of a lot, either when in an enclosure or in the open, exclusively for the parking of a motor vehicle.

**PERSONAL SERVICES OR PERSONAL SERVICE ESTABLISHMENTS.** Commercial business providing services to individuals such as beauty and barber shops, shoe repair, dressmaking and tailoring.

**PERSONS WITH DISABILITIES.** A person with a physical, emotional, or mental disability including but not limited to mental retardation, cerebral palsy, epilepsy, autism, deafness or hard of hearing, sight impairments, and orthopedic impairments, but not including convicted felons or misdemeanants on probation or parole or receiving supervision or rehabilitation services as a result of their prior conviction, or mentally ill persons who have pled guilty but mentally ill to a crime or not guilty by reason of insanity to a crime. “Person with Disability” does not include persons with current, illegal use of or addition to alcohol or any controlled substance as regulated under KRS Chapter 218A.

**PLANNED DEVELOPMENT PROJECT.** A use of land which is arranged, designed or intended as a development, located on a single tract of land, planned as an entity and susceptible to development and regulation as one complex land use unit.

**PRODUCE STAND.** A temporary structure designed or used for the display or sale of agricultural or other products grown or produced by the owner of the premises upon which such a stand is located.

**RECYCLING COLLECTION CENTERS.** A facility for the collection and temporary storage of segregated, non-hazardous, non-special, homogenous, non-putrescible household materials such as aluminum cans, steel cans, glass, dry paper, plastics for subsequent use in the secondary materials market, which are to be transported to another location for processing.

**REHABILITATION HOMES.** A residence operated and maintained by a sponsoring private or governmental agency to provide rehabilitation services to the residents, excluding residences classified as residential care facilities.

**REHABILITATION FACILITIES.** An institution operated and maintained by a sponsoring private or governmental agency to provide rehabilitation services in an institutional setting.

**RESIDENTIAL CARE FACILITY.** A residence operated and maintained by a sponsoring private or governmental agency to provide services in a homelike setting for persons with disabilities.

**RESIDENTIAL CARE SERVICES.** Services means, but is not limited to, supervision, shelter, protection, rehabilitation, personal development and attendant care.

**RESTAURANT.** A place of business that prepares and serves food or beverage to seated customers. A restaurant is designed to operate so that its customers consume the food or beverages while seated at table or counters on the premises. A restaurant may provide carryout service as an accessory use without being deemed a fast food restaurant only if it’s carryout facilities are clearly subordinate to its primary use as a restaurant.

**RESTAURANT, FAST FOOD.** A place of business that prepares and sells quickly prepared food or beverages for consumption on or off the premises. A business may be classified as a fast food restaurant with or without a drive through window. Drive-in restaurants shall be classified as fast food restaurants for the purposes of this ordinance.
RESTAURANT, DRIVE-IN. A place of business that prepares and sells ready to consume or quickly prepared food or beverages for consumption in an automobile parked on the premises. For the purposes of this ordinance, drive-in restaurants are classified as fast food restaurants.

SEASONAL FARM WORKER HOUSING. A residence operated and maintained by a sponsoring private agency or individual or governmental agency to provide safe and sanitary housing on a seasonal basis for farm workers.

SHOPPING CENTER, PLANNED. A retail business development, planned as a unit, and characterized by groups of retail uses having the common use of specifically designated off-street areas for access, parking and service.

(STSIGN definitions, see Article 9)

STORY. That portion of a building, other than a cellar or mezzanine, including between the surface of any floor and the surface of the floor next above it, or, if there is no floor above it, then the space between the floor and ceiling next above it.

STREET. Any vehicular way -- a general term used to describe right-of-way which provides a channel for vehicular and pedestrian movement between certain points in the community which may provide for vehicular and pedestrian access to properties adjacent to it, and which may also provide space for the location of under or above ground utilities. Streets are classified by function as follows:

(1) Freeways. Hold the first rank in the classification of streets, and are used only for movement of vehicles, providing for no vehicular or pedestrian access to adjoining properties; interchange of traffic between a freeway and any other streets is accomplished by grade separated interchanges with merging deceleration and acceleration lanes, and no at-grade intersections are permitted. Freeways generally carry higher volumes, require greater right-of-way width, and permit higher speed limits than any other class of street, and should be depressed in urban and urbanizing areas. Arterials are the only class of street which generally should be connected with expressways at interchange points.

(2) Expressways/Arterials. Hold the second rank in the classification, and should be used primarily for the movement of vehicles. Expressways should not provide for vehicular access to adjacent properties. Arterials should provide controlled vehicular access to adjacent properties. Interruption of traffic flow should be permitted only at street intersections which should contain medians, deceleration lanes, and left turn storage lanes. Expressways and arterials are the link between freeways and collectors, and rank next to freeways in traffic volumes, speed limit, and right-of-way width.

(3) Collectors. Hold the third rank in the classification of street, and are used more for movement of vehicles than for providing access to adjacent properties. Access to adjoining properties should be planned and controlled so that minimum disturbance is made to the traffic moving efficiency of the collector street. Intersections should contain medians, deceleration lanes, and left turn storage lanes. Collectors are the link between arterials and local streets, and generally rank next to arterials in traffic volumes, speed limit, and right-of-way width.

(a) Major Collectors. Those collector streets which continue through neighborhoods for distance greater than one (1) mile, serving vehicular destinations both within and beyond the neighborhoods through which they pass. Access to major collectors shall be controlled for all adjacent land uses.

(b) 14.10232 Minor Collectors. Those collector streets which do not continue through neighborhoods and are generally less than one (1) mile in length. They serve vehicular destinations within particular neighborhoods, and access to them is generally controlled only for certain land uses where higher levels of vehicular turn movement typically occur.

(4) Locals. Hold the fourth rank in the classification of streets, and are used primarily for providing access to adjacent properties. Vehicles moving on these streets should have an origin or destination in the immediate vicinity, and all types of through traffic should be eliminated through initial design of its connections with other streets. Local streets are the primary link between trip generation points (homes, offices, stores, work) and collector streets. Locals have the least right-of-way, the lowest speed limit, and the least amount of vehicular traffic. Local streets can be subdivided further into the following six sub-classes:

(1) Continuing Streets. Are local streets having two open ends: each end generally connects with different streets; one or more other streets may intersect it between its two open ends; and property fronts on both sides of the streets.
(2) Marginal Access Streets. Are local streets (or service roads) generally having two (2) or more open ends which are sometimes referred to as access point, but herein are considered to be a full part of the marginal access street; the ends generally connect with the same street, other streets may intersect between the ends and property fronts on only one side of the street (the other street side is parallel, and adjacent, to a higher classification street such as a collector or arterial).

(3) Loop Streets. Are local streets having two (2) open ends; each end generally connects with the same street; other streets generally intersect between its two ends, and property fronts on both sides of the street.

(4) Cul-De-Sac Streets. Are local streets having only one (1) end and providing access to another street; the closed end provides a turnaround circle for vehicles; no other street generally intersects between the two ends, and property fronts on both sides of the streets.

(5) Dead-End Streets. Are similar to cul-de-sacs except that they provide no turnaround circle at their closed end, and are not permitted as streets, in any proposed subdivision. Stub streets, planned for future continuation are not considered to be dead-end streets.

(6) Alleys. Alleys generally have two (2) open ends, each end connects with different streets, and property generally backs onto both sides of the alley. Special permission from the Commission is required whenever alleys are used.

(7) Private Street. A means of access within a Planned Development Project which gives access to a public street being owned and maintained by the project owner.

STRUCTURE. Anything constructed, the use of which requires permanent location on the ground, or attached to something having permanent location on the ground.

STUDIO. A workplace for the teaching or the practice of an art.

SURGICAL CENTER. An intermediate health care facility for persons in need of medical attention which is specially designed, organized and equipped with one or more operating and recovery rooms so as to substantially involve and provide surgery on an outpatient basis. Such facilities involve special pre-operative and post-operative equipment and bed rest for patients. These facilities may incorporate the use of general and/or regional anesthesia but do not involve overnight stay.

THOROUGHFARE PLAN. Proposal for the most desirable, appropriate, economic and feasible pattern for the general location, character and extent of the channels, routes and terminals for transportation facilities for the circulation of persons and goods for specified times as far into the future as is reasonable to foresee.

TOWNHOUSE. A single-family dwelling, each dwelling designed and erected as a structurally independent unit on a separate lot and separate lot and separated from one another by a yard or by sidewalks of zero-setback from an intervening side lot line.

TIRE RECYCLING CENTER. A facility for the collection and temporary storage of vehicle tires which are to be transported to another location for processing.

TRAILER. Any portable structure having no foundation other than wheels, jacks, or skirtings, or vehicle so designed or constructed as to permit, (1) temporary occupancy for dwelling or sleeping purposes (2) the conduct of any business, trade, occupation, profession, or use as a selling or advertising device, or (3) the transportation of personal property; and including automobile trailers, campers, and tourist trailers but not including a mobile home.

TRANSITIONAL HOMES. A residence operated and maintained by a sponsoring private or governmental agency to provide transitional housing for persons. Transitional homes include but are not limited to homeless shelters, half-way houses, and spouse abuse centers, but do not include those residences classified as residential care facilities.

USABLE OPEN SPACE. Outdoor area of a lot or tract which is designed and used for outdoor living, recreation, pedestrian access, or landscaping. Such areas may be ground or roof spaces seventy-five (75) percent open to the sky, balconies a minimum of five (5) feet wide, an enclosed deck, port, or ground floor portions of a building constructed on columns. Off-street parking and loading areas, driveways, or unenclosed fire escapes do not qualify as usable open space.

VARIANCE, DIMENSIONAL. A departure from the terms of the zoning regulations pertaining to height or width of structures and size of yards and open spaces where such departure will not be contrary to the public interest and where owing to conditions peculiar to the
property because of its size, shape and topography and not as a result of actions of the applicant, the literal enforcement of a zoning regulation would result in unnecessary and undue hardship.

VEHICLE BODY SHOP. (Unincorporated Daviess County only) Collision or reconditioning services for passenger vehicles, including body or fender straightening, painting, upholstering, auto glass work, and the like.

VEHICLE DETAIL SHOP. Restoration, reconditioning, and maintenance services for appearance of a vehicle including buffing, polishing, waxing, extensive interior and exterior cleaning.

VEHICLE REPAIR, MAJOR. Repair of motor vehicles or trailers, including rebuilding or reconditioning of engines and/or transmissions; collision services including body, frame, or fender straightening or repair, overall painting or paint shop, vehicle steam cleaning.

VEHICLE REPAIR, MINOR. Incidental minor repair, upholstering, replacement of parts and motor service to passenger cars and trucks not exceeding one and one-half (1½) tons capacity but not including any operation named under "Automobile and Truck Repair, Major" or any other similar operation thereto. Cars or trucks being repaired or under repair shall not be stored outside the building for more than ninety six (96) hours.

VEHICLE SERVICE STATION. A building or structure used for the retail sale and dispensing of fuel, lubricants, tires, batteries, accessories, and supplies, including installation and minor services customarily incidental thereto; facilities for washing and for chassis and gear lubrication of not more than five (5) vehicles are permitted if enclosed in a building.

VEHICLE WRECKING. The dismantling or disassembling of used motor vehicles, or the storage, sale or dumping of dismantled, obsolete or wrecked vehicles or the sales of their parts.

VEHICULAR USE AREA. A vehicular use area (VUA) is any open or enclosed area used by vehicles of any type, whether moving or at rest, including but not limited to parking lots or areas, loading and unloading areas, mobile home yards, sales and service areas, and driveways.

VENDOR STAND. Seasonal, temporary, portable, transient or mobile building, stands, tents or premises occupied for the purpose of exhibiting and selling merchandise, food products or beverages to the public.

WAREHOUSE. (only Unincorporated Daviess County) A structure primarily used for the storage of merchandise or commodities, as defined in this Article.

YARD. The space or grounds surrounding or surrounded by a building or group of buildings.

YARD, FRONT. That portion of the yard extending the full width of the lot and extending between the front lot line and the nearest point of the foundation of the principal building wall, excluding overhangs of thirty (30) inches or less, stoops, patios, and landings at or below the first floor level.

YARD, REAR. That portion of the yard extending the full width of the lot and extending between the rear lot lines and nearest part of the foundation of the principal building wall, excluding overhangs of thirty (30) inches or less, stoops, patios and landings at or below the first floor level.

YARD, SIDE. Those portions of the yard extending from the nearest part of the foundation of the principal building to the side lot lines, excluding overhangs of thirty (30) inches or less, stoops, patios and landings at or below the first level.

ZONE. A portion of the territory within Daviess County within which certain regulations and requirements apply under the provisions of this Zoning Ordinance.

ZONE, AGRICULTURAL. An A-R or A-U zone.

ZONE, BUSINESS. A B-1, B-2, B-3 or B-4 zone.

ZONE, INDUSTRIAL. An I-1 or I-2 zone.

ZONE, PROFESSIONAL OR PROFESSIONAL/SERVICE. The P-1 Zone.

ZONE, RESIDENTIAL. An R-1A, R-1B, R-1C, R-1T, R-2MF, R-3MF, or R-4DT zone.
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)

<table>
<thead>
<tr>
<th>B-1 Zone: Highway and Street Access Standards</th>
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<tr>
<td>STREET TYPE</td>
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<td>ARTERIAL</td>
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<td>COLLECTOR</td>
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<td>INTERNAL LOCAL</td>
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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).

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<tr>
<th>B-3 Zone: Highway and Street Access Standards</th>
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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.
15.10 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
16-1 INTENT AND PURPOSE. The purpose of this Article is to establish and define development plans which may be utilized for a wide variety of planning related procedures. This Article outlines the content and procedure for submission, review, and approval of all development plans required by the Zoning Ordinance and Subdivision Regulations unless another procedure or different contents are specified elsewhere in this Zoning Ordinance.

16-2 REQUIREMENTS AFFECTING TIMING OF DEVELOPMENT ACTIVITY.

16-2(a) Approval of Development Plan and Soil Erosion Control Before Disturbance of Natural Ground Cover.

(1) For any case where a development plan is required by this Zoning Ordinance, and the subject property is one (1) acre or more in area, no grading, stripping, excavation, filling, or other disturbance of the natural ground cover shall take place before the OMPC or the OMPC Director has approved a development plan (preliminary or final as appropriate) and the city or county engineer has approved the developer's proposed soil erosion control procedures.

(2) In any case where approval of soil erosion control procedures would normally be required but, in the opinion of the city or county engineer, the typical contents of such procedures would be insufficient to preclude adverse affects to the capacity of drainage channels and structures in the vicinity of the planned project, the city or county engineer may require that a soil erosion control plan accompany the submission and approval of a final development plan before the natural ground cover is disturbed.

(3) The contents of soil erosion control procedures and plans shall be determined by the city or county engineer, unless this Zoning Ordinance contains stricter specifications.

16-2(b) Changes to Site Topography Before Approval of Final Development Plan. The developer is advised to proceed with caution when making changes to site topography after the required approval of a preliminary development plan and soil erosion control procedures (where no soil erosion control plan is required), but before the OMPC or the OMPC Director has approved a final development plan and, if applicable, a preliminary subdivision plat. Detailed engineering requirements for streets and other public facilities may necessitate additional changes to site topography beyond those already made by the developer.

16-2(c) Approval of Development Plan Before Building Permit. For any case where a development plan is required by this Zoning Ordinance, no building permits shall be issued until a final development plan is
approved by the OMPC or the OMPC Director and a copy of said plan is certified to the Building Inspector by the Director of the OMPC. The approval of a development plan shall limit and control the issuance of all building and occupancy permits, and restrict the construction, location, and use of all land and structures to the conditions as set forth in the plan.

16-3 WHERE REQUIRED. Development plans shall be required as follows:

16-3(a) Development Plans Required for B-1, B-3 and MHP. All applications for zoning map amendments to the B-1, B-3 and MHP zones shall require the submission and approval by the OMPC of a preliminary development plan. The preliminary development plan shall be required to be submitted in conjunction with the zoning map amendment request. No preliminary development plan shall be required for MHP zones established prior to the enactment of this section.

The OMPC or the OMPC Director shall approve a final development plan prior to the development of the property. The developer may submit a final development plan in place of a preliminary development plan to the OMPC in conjunction with an application for a zoning map amendment if desired.

16-3(b) Development Plans Required at OMPC Discretion. The OMPC at its discretion may require the submission and approval of a preliminary development plan, a final development plan, or both, for the subject property of any zoning map amendment proposal if the OMPC finds there are existing or potential substantial flood, drainage, sewage, traffic, topographic, land-use buffering or other similar problems relating to the development of the subject property that could have an adverse influence on existing or future development of the subject property or other property in the neighborhood. Preliminary and final development plans submitted in conjunction with a zoning map amendment request shall be considered for approval by the OMPC.

16-3(c) Development Plans Required for Multiple Principal Structures. Development plans are required by this Zoning Ordinance to permit more than one principal structure and its accessory structures on a lot or parcel of land and shall be submitted to the OMPC office, in accordance with the provisions of this Article.

16-3(d) Development Plans Required for Multi-Business Structures. Development plans are required by this Zoning Ordinance to permit construction of multi-business structures and shall be submitted to the OMPC office, in accordance with the provisions of this Article.

16-4 DEVELOPMENT PLAN PROCEDURES. The procedure for OMPC consideration of any development plan shall be as follows:

16-4(a) Filing. To request OMPC official action on the development plan, the developer shall file with the OMPC office a completed application form, filing fee and copies of the plan as required by the terms and conditions of the OMPC's application form.

16-4(b) Review. OMPC staff and concerned agencies shall review the development plan and seek a consensus on all issues. The applicant is required to receive approval from the appropriate fire chief and utility companies prior to submitting the plan to the OMPC office.

16-4(c) OMPC Action. Unless otherwise specified in this article, the OMPC’s Director or the Director’s agent shall have the authority to approve final development plans which comply with ordinance regulations and any requirements of concerned agencies. The plan shall be referred to the OMPC for action at a scheduled meeting in any of the following cases: if any question arises as to compliance with ordinance regulations or any requirements of concerned agencies; or at the discretion of the OMPC’s Director; or at the request of the developer/applicant; or as provided in subsections 16-3(a), 16-3(b), or 16-8(c)(4) in this Article.

No development plans shall be considered for action by the OMPC until they have been reviewed by OMPC staff and concerned agencies, and recommendations have been forwarded to the OMPC. All development plans shall be approved or disapproved within ninety (90) days of the date they are formally filed for OMPC action, unless the developer agrees to a longer time period. However, in the case of a development plan filed in conjunction with a zoning map amendment request, the OMPC may postpone the development plan until after the legislative body has made its decision on the map amendment request. For cases such as these, the OMPC shall either approve or disapprove the development plan within sixty (60) days of the date of the legislative body's action on the map amendment request unless the developer agrees to a longer time period.
The OMPC will review recommendations of the staff and concerned agencies and then act for approval, conditional approval with conditions noted, postponement, or disapproval. The OMPC may modify or disapprove the development plan if it finds the plan does not comply with the requirements of the Zoning Ordinance, and when applicable, the Subdivision Regulations; or if it finds there are existing or potential substantial flood, drainage, sewage, traffic, topographic, land-use buffering or other similar problems relating to the development of the subject property. Reasons for action of postponement or disapproval shall be fully incorporated in the OMPC’s minutes. The following actions by the OMPC shall have the meanings so stated:

(1) **Approval.** The development plan is ready to be certified by the OMPC Chairman and Secretary with no further corrections or revisions of the plan required from the developer.

(2) **Conditional Approval.** The development plan cannot be certified by the OMPC Chairman and Secretary until the developer has complied with the conditions of approval set forth in the record of OMPC action on the plan.

(3) **Postponement.** The OMPC has deferred action until some future OMPC meeting in order that certain clarification can be made in regard to the development plan. No completely new resubmittal is required of the developer as is the case for disapproval.

(4) **Disapproval.** The OMPC has disapproved the plan. To request new review and action, the developer must file a new application along with a filing fee, plan copies, and other material as required under this Article.

**16-4(d) Certification of Approval.** Within six (6) months of OMPC approval or approval by the OMPC director, unless a time extension has been granted previous to the expiration date, the following steps shall be completed, or else OMPC approval becomes null and void:

(1) The developer shall fully comply with any conditions of approval placed on the plan by the OMPC and submit the completed original tracing of the plan to the OMPC.

(2) The plan shall be certified by the OMPC Chairman and Secretary or by the OMPC director if it is in conformance with all requirements. OMPC staff shall have copies of the plan prepared and distributed to other public agencies at the expense of the developer, and return the original plan tracing to the developer.

(3) **Time Extensions and Expired Plans.** In conjunction with any request by the developer for a time extension or reapproval of an expired plan, the OMPC or the OMPC director may require changes in the development plan when time has necessitated such changes for the health, safety and welfare of the residents of the community, or when applicable ordinances and regulations have been changed.

**16-4(e) Timing Restrictions.** The following timing restrictions shall be applicable to development plans:

(1) Final development plans shall be submitted for OMPC consideration within two (2) years of the date of OMPC action on a preliminary development plan, otherwise, no further building permits shall be issued unless and until the plan is reapproved by the OMPC.

(2) The developer shall be required to obtain building permits for all structures shown on a final development plan within five (5) years of the date of OMPC or the OMPC director’s action on the development plan, otherwise, no further building permits shall be issued unless and until the plan is reapproved by the OMPC or the OMPC director.

**16-5 TYPES OF DEVELOPMENTS PLANS.** There shall be a preliminary development plan and a final development plan, defined as follows:

**16-5(a) Preliminary Development Plan.** A preliminary development plan is a site plan by which, at the early stages of development design, the OMPC may consider, approve and restrict many major aspects of the development without requiring an undue amount of final design work on the part of the developer. The preliminary development plan is less detailed and specific than a final development plan in terms of exact arrangement of buildings, parking areas, open spaces, access points and any other site design features. No building permits can be issued based upon a preliminary development plan.

**16-5(b) Final Development Plan.** A final development plan is a site plan from which a building permit will be sought. A final development plan is intended to deal with site design issues at a detailed level and to actually dictate the approved locations of buildings, parking
areas, open spaces, access points and any other site
design features.

16-6 CONTENT AND FORMAT OF
DEVELOPMENT PLANS. All development plans shall
be prepared on Mylar or other material capable of clear
reproduction. Plans shall be legible and of a size and scale
(generally not exceeding 1" = 100’) which enables clear
presentation of required information. Required plan
information shall be as follows:

16-6(a) Contents of Preliminary Development Plan. A
preliminary development plan shall contain the
following information at a minimum:

(1) A title block containing the plan name,
development plan type (preliminary or final), name
and address of developer and plan preparer; and a
written and graphic scale.

(2) The boundary of the subject property and the
zoning and owner names for all adjoining property.

(3) Vicinity sketch, oriented in the same direction as
the design scheme.

(4) Topography with contour intervals, grid elevations
or spot elevations of sufficient detail to generally
describe the lay of the land.

(5) Location, arrangement, and approximate
dimensions of existing and proposed driveways,
walkways, parking areas and arrangement of spaces,
dumpster pads, points of ingress and egress, and other
vehicular and pedestrian right-of-way.

(6) Location, profiles and cross-sections of any
proposed or existing streets or deceleration lanes
(when deemed necessary) within or abutting the
subject property.

(7) Screening, landscaping, buffering (as required by
Article 17), recreational, and other open spaces.

(8) Approximate size, location, height, floor area, area
arrangement, and use of proposed and existing
buildings and signs.

(9) Approximate location of lot lines for projects
anticipated to involve land subdivision.

(10) Storm drainage areas, floodplains, conceptual
drainage controls and storm water retention, and any
other designated environmentally sensitive or geologic
hazard areas.

(11) Proposed and existing easements for utilities or
other purposes, locations of sanitary sewers including
lengths and alignments of laterals, and where known,
locations of electrical service lines to buildings and
yard signs.

(12) Areas of substantial existing trees including those
located along fencerows and drainage areas, along
with a general description of the type and size of such
trees.

(13) A statistical table summarizing all pertinent site
data, including site area, zoning, building coverage
and floor area, parking, open spaces, etc.

(14) (For projects of one (1) acre or more in area). A
note stating that no grading, stripping, excavation,
filling, or other disturbance of the natural ground
cover shall take place unless and until the city or
county engineer has approved the developer’s
proposed soil erosion control procedures and, if
required, a soil erosion control plan.

(15) A note stating that no building permits shall be
issued unless and until a final development plan is
approved by the OMPC.

(16) An owner's certification, signed and witnessed as
follows: "I (We) do hereby certify that I am (we are)
the only owner(s) of the property shown hereon, and
do adopt this as my (our) development plan for the
property."

(17) An OMPC certification to be signed by the
OMPC Director as follows: “I do hereby certify
approval of this development plan on (date)”; or, a
development plan requiring approval by the OMPC
shall contain an OMPC certification to be signed by
the OMPC Chairman and Secretary if and when the
plan is fully approved, as follows: "We do hereby
certify that this development plan was approved by the
Owensboro Metropolitan Planning Commission at its
meeting held on (date)".

(18) Plan shall show existing and proposed water
mains, service lines, and fire hydrants. A certification
on the plan drawing shall include the signatures of the
city or county fire chief and the appropriate water
district manager certifying approval of the water main
and fire hydrant system.
16-6(b) Contents of Final Development Plan. A final development plan shall contain all information as required for preliminary development plans under the sections above, except that the plan information shall be of an exact nature, rather than approximate or general. The city or county engineer may require that a soil erosion control plan accompany the submission and approval of a final development plan before the subject site's natural ground cover is disturbed.

16-7 AMENDMENTS TO DEVELOPMENT PLANS.
Amendments to approved development plans can be made only by official OMPC action, if originally approved by the OMPC, or by the OMPC Director, if originally approved by the Director. Contents, format and procedures shall be as for the original submission. However, development plans originally approved by the OMPC at a scheduled meeting involving amendments that fully meet the requirements set forth hereinafter for minor amendments may be approved and certified by the OMPC's Director or the Director's agent without further action by the OMPC.

16-7(a) Minor Amendments Defined. Minor amendments are intended to expedite approval in those situations where amendments are of minor significance and generally relate to the shifting of previously approved spaces. Such amendments

(1) shall not decrease the overall land area in yards or other open spaces;

(2) shall not increase building ground area coverage, floor area, or height; or increase the number of dwelling units;

(3) shall not change the location or cross section of any street and shall not increase the number or change the location of street access points on arterial or high-traffic collector streets;

(4) may include a reduction in parking spaces only when an associated reduction in floor area or number of dwelling units would permit a lesser number of minimum required off-street parking spaces than required for the original development plan. To qualify as a minor amendment, this reduction may be equal to but not exceed the difference in minimum required parking between the original plan and the proposed minor amended plan. For any case, where parking in excess of the minimum requirement was provided on the original development plan, that same number of spaces shall be provided in excess of the minimum requirement for the proposed minor amendment plan.

16-7(b) Procedures for Minor Amendments.

(1) Filing. To request approval of minor amendments to development plans, the developer shall file with the OMPC office a completed application form, filing fee and copies of the plan as required by the terms and conditions of the OMPC's application form. The applicant is required to receive approval from the appropriate fire chief and utility companies prior to submitting the plan to the OMPC office.

(2) Review. OMPC staff shall review the plan for compliance with all applicable requirements and ordinances and shall consult with concerned agencies as appropriate to assure proper plan review. Upon determination that all requirements have been met, the OMPC Director or the Director's agent shall certify the plan as approved. If any questions arise as to compliance, however, the plan shall be referred to the OMPC for action.

(3) Certification. Upon certification of approval by the OMPC Director or the Director's agent, OMPC staff shall have copies of the plan prepared and distributed to other public agencies at the expense of the developer, and return the original plan tracing to the developer.

16-7(c) Content and Format of Minor Amendments.
Minor amendments shall have the same content and format requirements as the original development plan, except that

(1) the title shall indicate the plan is a minor amendment;

(2) a note shall be added listing the exact nature of the requested changes; and

(3) the following will be the required language for the OMPC Director's certification: "I do hereby certify that this development plan amendment complies with Zoning Ordinance provisions regarding amendments to development plans."

16-8 RELATIONSHIP TO SUBDIVISION REGULATIONS. The relationships between development plans and the Subdivision Regulations are established as follows:
16-8(a) Applicability of Subdivision Regulations. Although development plans are not subdivision plats, quite often the development plan does indicate a need or intent to subdivide property. For any such development plan, the design and improvement standards contained within the Subdivision Regulations shall be applied to proposals contained on the development plan.

16-8(b) Development Plans Required by the Subdivision Regulations. Development plans required by the Subdivision Regulations are required to conform with the provisions of this Article of the Zoning Ordinance.

16-8(c) Development Plans and Preliminary Subdivision Plats May Be Combined. It is recognized that for certain development situations it can be advantageous to both the developer and the OMPC to combine the functions and requirements for development plans and preliminary subdivision plats in order to streamline the development approval process while not reducing the quality of the review. The following provisions shall be applicable to any such combined plan:

(1) The developer shall meet with the OMPC staff on later than five (5) working days in advance of the filing deadline to discuss the appropriateness of filing a combined plat.

(2) The plan shall show all information required for a development plan (preliminary or final as appropriate) and all information required for a preliminary subdivision plat as set forth in the Subdivision Regulations.

(3) Provisions relating to the timing of public or private streets or other public or common use improvements in relation to the timing of building permit issuance may be required.

(4) The plan shall be considered for approval by the OMPC at a scheduled meeting and not by the OMPC Director. However, minor amendments to development plans as defined in this Article may be approved by the OMPC Director.

16-8(d) Preliminary or Final Subdivision Plat May Be Substituted for Development Plans Required in Conjunction with Map Amendment. It is recognized that in certain cases a preliminary or final subdivision plat would be as appropriate or more appropriate to be considered in conjunction with a map amendment request than would a development plan. Generally, such situations involve developments where placement of structures will be tightly controlled by the streets, lot pattern, and requirements for placement of structures within the zone, and where the developer sees fit to have plans prepared at the required level of detail for subdivision plats prior to receiving a zone change approval. When a developer is required at the discretion of the OMPC to provide a development plan in conjunction with a zoning map amendment request, the developer may file a subdivision plat in place of the development plan, if deemed appropriate by the OMPC and OMPC staff. In any disputed case, the OMPC shall make the final judgment as to whether a development plan or a subdivision plat is required. Development plans required by this Article for zoning change requests to B-1, B-3 or MHP zones may be combined with subdivision plats where appropriate, but such a development plan shall not be replaced by a subdivision plat alone.
17.1 INTENT. The intent of this article is to improve the appearance of vehicular use areas and property abutting public rights-of-way; to require buffering between non-compatible land uses; and to protect, preserve, and promote the aesthetic appeal, character, and value of the surrounding neighborhoods; to promote public health and safety through the reduction of noise pollution and light glare.

17.2 SITES AFFECTED.

17.21 New Sites. No new site development, building, structure, or vehicular use area shall hereafter be created and used unless landscaping is provided as required by the provisions of this article.

17.22 Existing Sites. No building, structure, or vehicular use area may be altered or expanded unless the minimum landscaping required by the provision of this article is provided for the property to the extent of its alteration or expansion and not for the entire property.

17.23 Landscape and Land Use Buffers within the Downtown Overlay Districts shall comply with Article 21 of this ordinance.

17.3 WHERE LANDSCAPE MATERIALS REQUIRED. This section describes the minimum requirements that shall be met in regard to interior and perimeter landscaping for vehicular use areas and perimeter landscaping for non-compatible land use areas.

17.31 Perimeter Landscaping Requirements.

Unless otherwise provided landscape materials shall be installed to provide a minimum of fifty (50) percent winter opacity, between one (1) foot above finished grade level to the top of the required planting, hedge,
fence, wall, or earth mound within four (4) years after installation. The landscaping shall be provided either in easements in certain zones (Section 17.311) or adjacent to vehicular use areas (Section 17.312).

17.311 Property Perimeter Requirements.

17.3111 Where Easement Required. A landscape easement shall be required as a buffer between non-compatible zones and between particular non-compatible land uses. Such easement shall be located adjacent to all common boundaries except street frontage, unless otherwise specified. The following situations shall require landscape easements:

(a) When any RESIDENTIAL zone ADJOINS any MHP zone. The landscape easement shall also be located along street frontage.

(b) When any RESIDENTIAL or MHP zone ADJOINS a BUSINESS or INDUSTRIAL zone. This standard does not apply to any property within the Downtown Overlay District.

(c) When any RESIDENTIAL or MHP zone ADJOINS a FREEWAY, EXPRESSWAY or RAILROAD.

(d) When ANY PROPERTY BOUNDARY, including street rights-of-way, ADJOINS a UTILITY SUBSTATION, JUNK YARD, LAND FILL, SEWAGE PLANT, or similar use. For utility substations the landscape easement may be located adjacent to the enclosure.

(e) When ANY STREET right-of-way ADJOINS any B-2 ZONE. The landscape easement shall be located along street frontage. This standard shall not apply to any property within the Downtown Overlay District.

(f) When any BUSINESS or INDUSTRIAL zone ADJOINS lots less than ten (10) acres in size and containing an existing residence in an AGRICULTURAL zone.

17.3112 Average Width of Easement. The minimum average width of required landscape easements shall be ten (10) feet with three (3) feet as the least dimension for items 17.3111 (a), (b), (c), (d), except for utility substations the minimum width shall be five (5) feet. For item 17.3111 (e) the minimum width shall be three (3) feet, up to twenty five percent (25%) of easement length may be paved for building entrance, sidewalk to door. In all cases to determine the required area of landscape easement, multiply required average width by length of common boundary.

17.3113 Trees. Required landscape easements of five (5) feet average width or greater shall contain a minimum of one (1) tree per forty (40) feet of linear boundary, or fraction thereof. Trees do not have to be equally spaced, but may be grouped.

17.3114 Planting, Hedge, Fence, Wall or Earth Mound. Required landscape easements (except for item 17.3111 (e) shall contain a continuous planting, hedge, fence, wall or earth mound six (6) feet in height. Two staggered rows of evergreen trees planted within a minimum ten (10)-foot landscape easement at a distance not to exceed twenty (20) feet between trees center to center and a minimum of five (5) feet high at planting may be substituted when a continuous six–foot (6') high planting, hedge, fence, wall or earth mound and one (1) tree for each forty (40) feet of linear boundary is required by this ordinance. Staggered evergreen trees may not replace a required continuous six–foot (6') high or eight-foot (8') high solid wall or fence. For item 17.3111 (b), outdoor storage areas or storage yards for manufactured products, materials to be used in manufacturing, wholesale commodities, automobiles and trucks shall require a solid wall or fence with a minimum height of six (6) feet within the landscape easement which shall also be located along common boundaries with any street frontage across from a residential, or mobile home park zone. For item 17.3111 (d), junk yards, salvage and scrap iron yards shall require a solid wall or fence with a minimum height of eight (8) feet.

17.3115 Grass and Ground Cover. Grass or ground cover shall be planted on all portions of the landscape easement not occupied by other landscape material. In the B-2 Zone the required landscape easement may contain sections reserved for seasonal flowers.

17.312 Vehicular Use Area (VUA) Perimeter Requirements. A vehicular use area (VUA) is any open or unenclosed area containing more than one thousand eight hundred (1,800) square feet of area and/or used by six (6) or more vehicles of any type, whether moving or at rest, including but not limited to...
parking lots or areas, loading and unloading areas, mobile home parks, and sales and service areas. Driveways are considered to be vehicular use areas whenever they are adjacent to public streets or other vehicular use elements described previously in this paragraph and intervening curbs, sidewalks, landscape strips, etc. do not eliminate adjacency.

17.3121 Where Easement Required. A landscape easement shall be required as a buffer between non-compatible land uses. Standards for VUA landscaping for all properties within the Downtown Overlay District shall be established in Article 21. In any case where both a VUA landscape easement and a property perimeter landscape easement (Section 17.311) would be required by these regulations, only the property perimeter landscape easement shall be required. The following situations shall require landscape easements:

(a) When ANY PROPERTY in any RESIDENTIAL or MHP zone ADJOINS ANY VUA on any adjacent property. The landscape easement shall be located along portion of VUA that faces building on adjacent property. Standards in Article 21 shall apply to all properties within the Downtown Overlay District.

(b) When ANY PUBLIC OR PRIVATE STREET right-of-way or access road (except freeways) ADJOINS any VUA (except loading and unloading areas in the B-2 Zone). The landscape easement shall be located along portion of VUA facing a public or private street, unless otherwise excepted. Standards in Article 21 shall apply to all properties within the Downtown Overlay District.

VUAs on adjacent properties may be consolidated if not precluded by required property perimeter easements, and if both properties are owned and being processed by the same owner.

17.3122 Width of Easement. The minimum width of required landscape easements shall be three (3) feet where vehicles do not overhang. Where vehicles overhang, the easement shall provide for a minimum dimension of four (4) feet to all trees from VUA curbs or wheel stops. (see Section 17.33)

17.3123 Trees. All required landscape easements (except for street frontage easements in the B-2 Zone) shall contain a minimum of one (1) tree per forty (40) feet of linear boundary, or fraction thereof. Trees do not have to be equally spaced, but may be grouped. Required planting for all properties within the Downtown Overlay District shall be established in Article 21.

17.3124 Planting, Hedge, Fence, Wall or Earth Mound. All required landscape easements (except for vehicular sales facilities and service stations) shall contain a continuous planting, hedge, fence, wall, or earth mound a minimum of three (3) feet in height. For vehicular sales facilities and service stations the required easement shall contain one (1) low shrub per ten (10) feet, or fraction thereof, along the landscape easement. Required planting for all properties within the Downtown Overlay District shall be established in Article 21.

17.3125 Grass and Ground Cover. Grass or ground cover shall be planted on all portions of the landscape easement not occupied by other landscape material. In the B-2 Zone, the landscape easement may contain sections reserved for seasonal flowers.

17.313 Who Provides Easement. The landscape easement and material required adjacent to any street under Section 17.312 shall be provided by the property owner adjoining street, unless the authority building the street has fully met all requirements on the street right-of-way. When adjacent to other common boundaries, the landscaping easement and materials (a) may be placed on either adjoining parcel or astride the boundary if both are owned and being processed by the same owner; or (b) generally shall be placed on the activity listed after the word "adjoins" in the relationships listed under sections 17.3111 and 17.3121; or (c) may be placed astride the boundary of adjoining parcels having different owners if a written agreement, signed by both owners, is filed with the Zoning Administrator as a public record; or (d) shall be placed on the activity or parcel being processed when adjoining property is already developed with the exception of 17.3111 (c). (see Section 17.33)

17.314 Requirements Conflicts. Whenever a parcel or activity falls under two or more of the categories listed in Section 17.3111 or 17.3121, only one category (that with the most stringent requirement) will be enforced.

17.315 Easement Conflicts. The required landscape easement may be combined with a utility or other easement as long as all of the landscape requirements
can be fully met, otherwise, the landscape easement shall be provided in addition to, and separate from, any other easement. Cars or other objects shall not overhang or otherwise intrude upon the required landscape easement more than two and one-half (2 ½) feet, and wheel stops or curbs will be required.

**17.316 Existing Landscape Material.** Existing landscape material shall be shown on the required plan, and any material in satisfactory condition may be used to satisfy these requirements in whole or in part when, in the opinion of the public approval authority, such material meets the requirements and achieves the objectives of this article.
### PROPERTY PERIMETER REQUIREMENTS (17.311 illustrated)

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<td>Residential zoned property, including across intervening streets or alleys</td>
<td>10’ adjacent to all common boundaries, including street or alley frontage</td>
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<td>2</td>
<td>Residential or MHP zoned property</td>
<td>Freeway, expressway, or railroad</td>
<td>10’ adjacent to freeway, expressway, or railroad right-of-way</td>
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<td>3</td>
<td>Business or industrial zoned property, other than items 5, 5a or 6 below</td>
<td>Residential or MHP zoned property, except across intervening streets or alleys and lots in Agricultural zones containing less than 10 acres with an existing residential use</td>
<td>10’ adjacent to all common boundaries, except street or alley frontage</td>
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<tr>
<td>4</td>
<td>Building in B-2 zone</td>
<td>Street right-of-way, except alleys</td>
<td>3’ adjacent to all common boundaries of building and street frontage, except alleys</td>
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<td>5</td>
<td>Outdoor storage areas or yards</td>
<td>Residential or MHP zoned property, including across streets or alleys</td>
<td>10’ adjacent to all common boundaries, including street or alley frontage</td>
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<td>5a</td>
<td>Outdoor storage areas or yards</td>
<td>Any zone</td>
<td>Not applicable</td>
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<tr>
<td>6</td>
<td>Utility substation, junk yard, landfill, sewage plant, or similar use</td>
<td>Any property boundary, including any street or alley right-of-way</td>
<td>10’ adjacent to all common boundaries, except only 5’ for utility substations measured adjacent to the enclosure</td>
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### VEHICULAR USE AREA PERIMETER REQUIREMENTS (17.312 illustrated)

A vehicular use area (VUA) is any open or unenclosed area containing more than 1,800 SF of area or used by 6 or more vehicles of any type, whether moving or at rest.

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<td>Vehicular use area (VUA) on any property</td>
<td>Neighboring property in residential or MHP zone</td>
<td>3’, where vehicles do not overhand, and 4’ min. to all trees from VUA curbs or wheel stops, adjacent to buildings on neighboring property</td>
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<tr>
<td>8</td>
<td>Vehicular use area, except loading/ unloading areas in B-2 zone</td>
<td>Public or private street right-of-way</td>
<td>Same as 7C above</td>
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**VEHICULAR USE AREA INTERIOR REQUIREMENTS (17.32 illustrated)**

(Owensboro & Whitesville, and Urban Service Area)

**Vehicular Use Areas** containing at least 30,000 SF but less than 50,000 SF shall provide interior landscaping, except in industrial zones. The minimum total area shall be 3% of the area bounded by the perimeter of the paved area, not including access drives from the street. **Vehicular use areas** containing 50,000 SF or greater shall provide interior landscaping, except in industrial zones. The minimum total area shall be 5% of the area bounded by the perimeter of the paved area, not including access drives from the street. The total may be divided among islands, peninsulas or medians within VUA boundaries, or may be achieved using the qualifying perimeter area (QPA) as defined below.

**Qualifying Perimeter Area** (QPA) outside of VUA boundaries may be used, but must be within 15’ of the VUA boundary to satisfy distribution requirements below. QPA is counted at half value, therefore twice as much area is required to equal the value of islands, peninsulas or medians within the VUA boundary. Required VUA perimeter easements and materials cannot be counted as QPA.

**Minimum Size.** Each interior landscape area shall be a minimum of 64 SF with 4’ minimum dimension to all trees from curbs or wheel stops where vehicle parking spaces overhang.

**Distribution Requirements.** Number, shape and maximum size of landscape areas is at owner’s discretion, however, all portions of the VUA must be within at least 150’ of a landscaped island, peninsula, median, or qualifying perimeter area.

**Trees and other plant materials.** One (1) tree is required for each 250 SF of total required interior landscape area. Remember that qualifying perimeter area has been doubled to equate with islands, peninsulas and medians. Required trees may be scattered among the landscape areas provided. The surface of these areas shall be landscaped with low shrubs, grass or other ground cover plants.

For additional details see text of Article 17.

17.32 Interior Landscaping For Vehicular Use Areas. (Owensboro, Whitesville and Urban Service Area only)

Any open vehicular use area containing at least thirty thousand (30,000) square feet of area (except in industrial zones) shall provide "interior" landscaping in addition to the previously required "perimeter" landscaping.

17.321 Landscape Area. (Owensboro, Whitesville and Urban Service Area only) For vehicular use areas containing at least thirty thousand (30,000) square feet but less than fifty thousand (50,000) square feet a minimum of three (3) square feet of landscaped area shall be provided for each one hundred (100) square feet of vehicular use area; and may be located in islands, peninsulas or medians within vehicular use area boundaries. For vehicular use areas containing fifty thousand (50,000) square feet or greater, a minimum of five (5) square feet of landscaped area shall be provided for each one hundred (100) square feet of vehicular use area.
feet of vehicular use area; and may be located in islands, peninsulas or medians within vehicular use area boundaries.

17.3211 Minimum Area. (Owensboro, Whitesville and Urban Service Area only) The minimum landscape area permitted shall be sixty-four (64) square feet with a four (4) foot minimum dimension to all trees from curbs or wheel stops where vehicles overhang.

17.3212 Distribution. (Owensboro, Whitesville and Urban Service Area only) The number, shape and maximum size of landscape islands, peninsulas or medians shall be at the discretion of the owner; however, all portions of such vehicular use area shall be located no further than one hundred fifty (150) feet from a landscaped island, peninsula or median.

17.3213 Perimeter Area/ Interior Area Trade-off. (Owensboro, Whitesville and Urban Service Area only) "Qualifying perimeter landscape area" may be used instead of part or all of the required interior landscape area. Such trade-offs shall require the provision of two (2) square feet of qualifying perimeter landscape area for every one (1) square foot of required interior area eliminated. Qualifying perimeter landscape area shall be part of the subject property, with no portion of it being more than fifteen (15) feet from vehicular use area boundaries, and it shall include no area where materials are located that are used in meeting property perimeter requirements or vehicular use area perimeter requirements of this ordinance. All portions of the resulting vehicular use area shall be located no further than one hundred fifty (150) feet from a landscaped island, peninsula, median or qualifying perimeter area.

17.322 Minimum Trees and Other Plant Material. (Owensboro, Whitesville and Urban Service Area only) A minimum of one (1) tree shall be required for each two hundred fifty (250) square feet or fraction thereof of total required landscape area located in islands, peninsulas, medians or qualifying perimeter area. Trees should have a clear trunk of at least five (5) feet above the ground, where visibility could be a problem, and the remaining area shall be landscaped with shrubs, grass or ground cover.

17.323 Vehicle Overhang. (Owensboro, Whitesville and Urban Service Area only) Parked vehicles may hang over the interior landscaped area no more than two and a half (2 1/2) feet, as long as concrete or other wheel stops are provided to insure no greater overhang or penetration of the landscaped area. (see Section 17.33).

17.33 Dimensional Standards Where Vehicles Overhang Landscape Areas. The dimensional standards depicted in the following illustration shall be utilized for VUA Perimeter Landscape Easements and VUA Interior Landscape Areas where vehicles overhang.
7.4 **LANDSCAPE MATERIALS.** The landscaping materials shall consist of the following:

**17.41 Walls and Fences.** Walls shall be constructed of natural stone, brick, or artificial materials arranged in a linear, serpentine, or other alignment; while fences shall be constructed of wood, vinyl or other solid approved material. Chain link fencing will be permitted only if covered with wood strips, vinyl strips or other approved material or plant material. In industrial zones there shall be no height limitation on walls or fences. In all other zones, however, there shall be a six (6) foot height restriction for walls or fences in front yards, and an eight (8) foot height restriction in all other required yards. All walls or fences shall have a minimum opacity of eighty percent (80%).

**17.42 Earth Mounds.** Earth mounds shall be constructed with proper slopes and adequate plant material to prevent erosion.

**17.43 Plants.** All plant materials shall be living plants (artificial plants are prohibited) and shall meet the following requirements:

**17.431 Quality.** Plant materials used in conformance with the provision of this Ordinance shall conform to the standards of the American Association of Nurserymen and shall have passed any inspections required under State regulations.

**17.432 Deciduous Trees.** Trees which normally shed their leaves in the fall should be species having an average mature crown spread of greater than fifteen (15) feet in Daviess County and having trunk(s) which can be maintained with over five (5) feet of clear wood in areas which have visibility requirements. At vehicular use area intersections a ten (10) foot clear wood requirement will control. Trees having an average mature spread of crown less than fifteen (15) feet may be substituted by grouping of the same so as to create the equivalent of fifteen (15) foot crown spread. A minimum of ten (10) feet overall height or a minimum caliber (trunk diameter, measured six (6) inches above ground for trees up to four (4) inches caliber) of at least 1 3/4 inches immediately after planting shall be required. Trees of species whose roots are known to cause damage to public roadways or other public works, such as willows, sycamores, box elders, or silver maples (water maples), shall not be planted closer than fifteen (15) feet to such public works, unless the tree root system is completely contained in a barrier, for which the minimum interior containing dimension shall be five (5) feet square and five (5) feet deep and for which the construction requirements shall be four (4) inches thick, reinforced concrete.

**17.433 Evergreen Trees.** Evergreen trees shall be a minimum of five (5) feet high with a minimum caliber of one and one-half (1 1/2) inches and a minimum spread of three (3) feet immediately after planting.

**17.434 Shrubs and Hedges.** Shall be at least two (2) feet for Section 17.312, and three (3) feet for Section 17.311, in average height or spread when planted and shall conform to opacity and other requirements within four (4) years after planting.

**17.435 Vines.** Shall be at least twelve (12) to fifteen (15) inches high at planting and are generally used in conjunction with walls or fences.

**17.436 Grass or Ground Cover.** Grass (of common mixtures of Fescue, Bluegrass, and Rye) shall be planted in species normally grown as permanent lawns in Daviess County, and may be sodded, plugged, sprigged, or seeded; except in swales or other areas subject to erosion where solid sod, erosion-reducing net, or suitable mulch shall be used. When complete sodding or seeding is not used, nurse-grass seed shall be sown for immediate protection until complete coverage otherwise is achieved. Grass sod shall be clean and free of weeds and noxious pests or diseases. Ground cover such as organic material shall be planted in such a manner as to present a finished appearance and seventy-five percent (75%) of complete coverage after two (2) complete growing seasons, with a minimum of fifteen (15) inches on center. In certain cases ground cover also may consist of rocks, pebbles, mulch, sand, and similarly approved materials.

**17.44 Maintenance and Installation.** All landscaping materials shall be installed in a sound, workmanship-like manner, and according to accepted good construction and planting procedures. The owner of the property shall be responsible for the continued proper maintenance of all landscaping materials and shall keep them in a proper, neat, and orderly appearance free from refuse and debris at all times. All unhealthy or dead plant material shall be replaced within one (1) year or by the next planting period, whichever comes first; while other defective landscape material shall be replaced or repaired within three (3) months. Violation of these installation and maintenance provisions shall be grounds for the Zoning Administrator to refuse a building occupancy permit and/or will subject
17.5 PLAN SUBMISSION AND APPROVAL. Whenever any property is affected by these landscaping requirements, the property owner or developer shall prepare a landscape plan for submittal to, and approval by, the Zoning Administrator. The Zoning Administrator shall follow the requirements of this Article in approving or disapproving any landscape plan required by this Article. Landscape plans also may be submitted as part of any development plan required by the OMPC. Such "combination plans", however, shall first be submitted to the Zoning Administration for its approval or disapproval of the landscape portion of the plan.

17.51 Plan Content. The contents of the plan shall include the following: (a) plot plan, drawn to an easily readable scale, showing and labeling by name and dimension all existing and proposed property lines, easements, buildings, and other structures, vehicular use areas (including parking stalls, driveways, service areas, square footage, etc.), water outlets, landscape material, (tree, wall, fence, hedge, or earth mound locations); (b) typical elevations and/or cross sections as may be required; (c) title box with the pertinent names and addresses (property owner, person drawing plan, and person installing landscape material), scale, date, north arrow (generally orient plan so that north is to top of plan), and zoning classification; and (d) a performance bond or certificate of deposit whenever required to insure proper installation of landscape materials with complete cost of all work certified by landscape contractor, with the bond amount to include the accurate cost plus no more than fifty percent (50%) and the bond to be released upon satisfactory completion of the work as determined by the public agency that holds the bond.

17.52 Building Permit. Where landscaping is required, no building permit shall be issued until the required landscaping plan has been submitted and approved; and no occupancy permit shall be issued until the landscaping is completed, as certified by an on-site inspection by the Zoning Administrator, unless a performance bond or certificate of deposit has been posted. It shall be unlawful to occupy any premises unless the required landscaping is installed or bond or certificate of deposit is posted in accordance with these requirements.

17.6 VARIANCES. Any landscape plan submitted to and disapproved by the Zoning Administrator because it does not meet the requirements of this article may be appealed within sixty (60) days of such action to the Board of Adjustment.

17.61 Reviewing Variance Requests. The Board of Adjustment in its review of variance requests, shall base its determinations on all of the following criteria:

1. The specific conditions in detail which are unique to the applicant's land and do not exist on other land within the same zone.

2. The manner in which the strict application of this article would deprive the applicant of a reasonable use of the land in the manner equivalent to the use permitted other landowners in the same zone.

3. That unique conditions and circumstances are not the result of actions of the applicant subsequent to the adoption of this article.

4. Reasons that the variance will preserve, not harm, the public safety and welfare and will not alter the essential character of the neighborhood.

17.7 PENALTIES FOR VIOLATIONS. Any person or entity who violates any of the provisions of this Zoning Ordinance adopted pursuant hereunder for which no other penalty is provided, shall, upon conviction, be fined no less than ten (10) but no more than five hundred (500) dollars for each conviction. Each day of violation shall constitute a separate offense. Any person, owner, or agent who violates the Ordinance shall, upon conviction, be fined not less than one hundred (100) nor more than five hundred (500) dollars for each lot or parcel which was the subject of sale or transfer, or a contract for sale or transfer.
ARTICLE 17
LANDSCAPE &
LAND USE BUFFERS

10/09 17-10

LANDSCAPE EASEMENTS
GRAPHIC EXAMPLES

These sketches are provided for visual reference to the general requirements of Article 17. Refer to specific regulations for items not covered on this page.

PROPERTY PERIMETER EASEMENTS
When required are an average of 10' in width with a 6' high planting, hedge, fence, wall or earth mound; including one tree per forty feet of easement length. In the B-2 zone, the required easement is 3' in width, with a 3' high planting, hedge, fence or wall only required adjacent to parking lots.

VEHICULAR USE AREA PERIMETER EASEMENTS
Are required along streets and sides of VUAs facing buildings on adjacent properties in particular zones. The easement is a minimum of 3' in width where vehicles do not overhang. Where they overhang, the easement must provide a minimum dimension of 4' to all trees from curbs or wheel stops. Easements include a 3' high continuous element and, in all zones except B-2, one tree per forty feet of easement length. VUA easements may be eliminated when a property perimeter easement is required.

INTERIOR LANDSCAPING is required for VUAs 30,000 SF in area and over (except in industrial zone). 3% of the VUA must be landscaped, 5% in VUAs over 50,000 SF.
18-1 STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES.

18-1(a) Statutory Authorization. The legislature of the State of Kentucky has in KRS Chapter 100 delegated the responsibility to local government units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Commission of the City of Owensboro and the Fiscal Court of Daviess County, Kentucky hereby adopt the following floodplain management ordinance, as follows:

18-1(b) Findings of Fact.

(1) Flood Losses Resulting From Periodic Inundation. The flood hazard areas of Daviess County are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

(2) General Causes of These Flood Losses. These flood losses are caused by the cumulative effect of obstructions in flood plains causing increases in flood heights and velocities, and by the locations in flood hazard areas of uses vulnerable to floods or hazardous to other lands which are inadequately elevated, flood-proofed, or otherwise protected from flood damages.

18-1(c) Statement of Purpose. It is the purpose of this article to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

(1) restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;

(2) require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

(3) control the alteration of natural flood plains, stream channels, and natural protective barriers which accommodate or channel flood waters;

(4) control filling, grading, dredging and other development which may increase erosion or flood damage; and,

(5) prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other areas

18-1(d) Objectives. The objectives of this article are:

(1) to protect human life and health;

(2) to minimize expenditure of public money for costly flood control projects;

(3) to minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

(4) to minimize prolonged business interruptions;

(5) to minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in flood plains;

(6) to help maintain a stable tax base by providing for the sound use and development of special hazard or other flood-prone areas in such a manner as to minimize future flood blighted areas caused by flooding; and,
(7) to insure that potential home buyers are put on notice that property is in a Special Flood Hazard Area.

18-2 DEFINITIONS. Unless specifically defined below or elsewhere in this zoning ordinance, words or phrases used in this article shall be interpreted so as to give them the meaning they have in common usage and to give this article its most reasonable application. If a word or phrase defined below is defined differently in another article of this zoning ordinance, the definition below shall apply to provisions of this article.

“A Zone” means portions of the special flood hazard area (SFHA) in which the principle source of flooding is runoff from rainfall, snowmelt, or a combination of both. In A zones, floodwaters may move slowly or rapidly, but waves are usually not a significant threat to structures. Areas of 100-year flood, base flood elevations and flood hazard factors are not determined.”

“Accessory Structure (Appurtenant Structure)” means a structure located on the same parcel of property as the principle structure, the use of which is incidental to the principal structure. Accessory structures should constitute a minimal initial investment, may not be used for human habitation, and should be designed to have minimal flood damage potential. Examples of accessory structures are detached garages, carports, storage sheds, pole barns, and hay sheds.

“Accessory Use” means a use, which is incidental and subordinate to the principal use of the parcel of land on which it is located.

"Addition - (to an existing structure)" means any walled and roofed expansion to the perimeter of a structure in which the addition is connected by a common load-bearing wall other than a fire wall. Any walled and roofed addition which is connected by a fire wall or is separated by independent perimeter load-bearing walls is new construction.

“A1-30 and AE Zones” means Special Flood Hazard Areas (SFHAs) that result from de-certification of a previously accredited flood protection system that is in the process of being restored to provide a 100-year or greater level of flood protection. After restoration is complete, these areas will still experience residual flooding from other flooding sources.

“A99 Zone” means that part of the SFHA inundated by the 100-year flood which is to be protected from the 100-year flood by a federal flood protection system under construction. No base flood elevations are determined.

"AO Zone” means an area of 100-year shallow flooding where water depth is between one (1) and three (3) feet (usually sheet flow on sloping terrain). Flood depths are shown.

"Appeal" means an appeal to the Board of Adjustment resulting from an official action, order, requirement, interpretation, grant, refusal, decision, or request for a review of the Floodplain Administrator’s interpretation of any provision of this ordinance or from the Floodplain Administrator’s ruling on a request for a variance or an appeal to the Circuit Court of Daviess County resulting from any final action of the Board of Adjustment. Procedures for appeals are described in Section 18-4 of this Article.

“AR/A1 – A30, AR/AE, AR/AH, AR/10, and AR/A Zones” means Special Flood Hazard Areas (SFHAs) that result from de-certification of a previously accredited flood protection system that is in the process of being restored to provide a 100-year or greater level of flood protection. After restoration is complete, these areas will still experience residual flooding from other flooding sources.

"Area of Shallow Flooding" means a designated AO or AH Zone on a community's Flood Insurance Rate Map (FIRM) with base flood depths from one (1) to three (3) feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

"Area of Special Flood Hazard" is the land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year.

"B and X Zones (shaded)” Areas of the 0.2% annual chance (500-year) flood, areas subject to the 100-year flood with average depths of less than one (1) foot or with contributing drainage area less than 1 square mile, and areas protected by levees from the base flood.

"Base Flood" means the flood having a one percent chance of being equaled or exceeded in any given year, (also called the 100-year flood). Base flood in the term used throughout this ordinance.
“Base Flood Elevation (BFE)” is the elevation shown on the Flood Insurance Rate Map (FIRM) for zones AE,AH,A1-30, AR, AR/A, AR/A1-30, AR/AH and AR/AR/A1 that indicates the water surface elevation resulting from a flood that has a one (1) percent or greater chance of being equaled or exceeded in any given year.

"Basement" means that portion of a structure having its floor subgrade (below ground level) on all four sides.

"Building" (for the purposes of this article) means a walled and/or roofed structure that is principally above ground, including a manufactured home, a gas or liquid storage tank, or other man-made facilities or infrastructures. The term "building" herein is synonymous with the term "structure."

“C and X (unshaded) Zones” means areas determined to be outside the 500-year floodplain.

“Community” means a political entity having the authority to adopt and enforce floodplain ordinances for the area under its jurisdiction.

“Community Rating System” is a program developed by the Federal Insurance Administration to provide incentives to those communities in the Regular Program to go beyond the minimum floodplain management requirements to develop extra measures for protection from flooding.

“Critical Facility” is any property that, if flooded, would result in severe consequences to public health and safety of a facility which, if unusable or unreachable because of flooding, would seriously and adversely affect the health and safety of the public. Critical facilities include, but are not limited to: housing likely to contain occupants not sufficiently mobile to avoid injury or death unaided during a flood; schools, nursing homes, hospitals, police, fire and emergency response installations, vehicle and equipment storage facilities, emergency operations centers likely to be called upon before, during and after a flood, and those facilities or installations which produce, use or store volatile, flammable, explosive, toxic and/or water-reactive materials, hazardous materials or hazardous waste.

“Cut and Fill Permit” means any excavation, cut or fill of earth or debris.

“D Zone” is an area in which the flood hazard is undetermined.

"Development" means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or storage of materials or equipment.

"Elevated Building or Structure" means a non-basement structure built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns, posts or piers, shear walls, or breakaway walls. (See freeboard requirements for residential and non-residential structures.)

“Elevation Certificate” is a statement certified by a licensed professional engineer, surveyor or architect on the FEMA-approved form in effect at the time of certification that verifies a structure’s elevation and other related information to verify compliance with this ordinance.

“Emergency Program” is the initial phase under which a community participates in the NFIP, intended to provide a first layer amount of insurance at subsidized rates on all insurable structures in that community before the effective date of the initial FIRM.

“Enclosure” is that portion of a structure below the Base Flood Elevation (BFE) used solely for parking of vehicles, limited storage or access to the structure.

“Encroachment” means the physical advance or infringement of uses, plant growth, fill, excavation, structures, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

"Existing Construction" means any structure for which the "start of construction" commenced before the effective date of the FIRM. "Existing Construction" may also be referred to as "Existing Structures."

"Existing Manufactured Housing Park Complex or Subdivision" means a manufactured housing park complex or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) was completed before August 1, 1980, if located within the City of Owensboro, or before September 3, 1980, if located outside the City of Owensboro.

"Expansion to an Existing Manufactured Housing Park Complex or Subdivision" means the preparation of
additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

“Five-Hundred Year Flood” is the flood that has a 0.2 percent chance of being equaled or exceeded in any year. Areas subject to the 500-year have a moderate to low risk of flooding.

"Flood", "Flooding" or “Flood Water”:

(1) A general and temporary condition or partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters; the unusual and rapid accumulation or runoff of surface waters from any source; and/or mudslides (i.e. mudflows). See Mudslides

(2) The condition resulting from flood-related erosion.

“Flood Boundary and Floodway Map (FBFM)” is a map on which the Federal Emergency Management Agency (FEMA) or Federal Insurance Administration (FIA) has delineated the areas of flood hazards and the regulatory floodway.

"Flood Hazard Boundary Map (FHBM)" is a map on which the boundaries of the flood, mudslide (i.e. mudflow,) and flood-related erosion areas having special hazards have been designated as Zones A,M, and/or E by the Federal Emergency Management Agency (FEMA) or Federal Insurance Administration (FIA).

Flood Insurance Rate Map (FIRM)” means a map, on which the Federal Emergency Management Agency (FEMA) or the Federal Insurance Administration (FIA) has delineated both the areas of special flood hazard and the risk premium zones

"Flood Insurance Study” is the official report provided by the Federal Emergency Management Agency (FEMA) or Federal Insurance Administration (FIA) containing profiles, the Flood Insurance Rate Map (FIRM), and/or the Flood Boundary-Floodway Map (FBFM) and the water surface elevation of the base flood.

“Floodplain or Flood-prone Area” means any land susceptible to being inundated by flood waters from any source.

“Floodplain Administrator” is the individual appointed by a NFIP participating community to administer and enforce the floodplain management ordinances.

“Floodplain Construction Permit” is the permit issued by the Kentucky Division of Water to construct in a floodplain along or across a stream.

“Floodplain Management” means the operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing natural resources in the floodplain, including but not limited to emergency preparedness plans, flood control works, floodplain management ordinances, and open space plans.

“Floodplain Management Regulations” means this ordinance and other zoning ordinances, subdivision regulations, building codes, health regulations special purpose ordinances, (such as grading and erosion control), and other applications of police power, which control development in flood-prone areas. This term describes federal, state and/or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

“Floodproofing” means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitation facilities, structures, and their contents.

“Floodproofing Certificate” is a certification by a licensed professional engineer on a FEMA-approved form in effect at the time of certification stating that a non-residential structure, together with attendant utilities and sanitary facilities is watertight to a specified design elevation with walls that are substantially impermeable to the passage of water and all structural components are capable of resisting hydrostatic and hydrodynamic flood forces, including the effects of buoyancy and anticipated debris impact forces.

"Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. Also referred to as the “Regulatory Floodway”.

“Floodway Fringe” means that area of the floodplain on either side of the regulatory floodway where encroachment may be permitted in compliance with Chapter 8 of the
"Floor" means the top surface of an enclosed area in a building (including basement), that is, top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.

"Freeboard" is a factor of safety, usually expressed in feet above the BFE, which is applied for the purposes of floodplain management. It is used to compensate for the many unknown factors that could contribute to flood heights greater than those calculated for the base flood. Freeboard must be applied not just to the elevation of the lowest floor or floodproofing level, but also to the level of protection provided to all components of the structure, such as building electrical and HVAC components.

"Fraud and Victimization" as related to Article 18-4(d) Administrative Appeals and Article 18-4(e) Variances, of this ordinance means that the variance granted must not cause fraud on or victimization of the public. In examining this requirement, the Daviess County Fiscal Court and the Owensboro City Commission will consider the fact that every newly constructed structure adds to government responsibilities and remains a part of the community for fifty to one hundred years. Structures that are permitted to be constructed below the base flood elevation are subject during all those years to increased risk of damage from floods, while future owners of the property and the community as a whole are subject to all the costs, inconvenience, danger, and suffering that those increased flood damages may incur. In addition, future owners may purchase the property, unaware that it is subject to potential flood damage, and can be insured only at very high flood insurance rates.

"Functionally Dependent Use Facility" means a facility, structure, or other development which cannot be used for its intended purpose unless it is located or carried out in close proximity to water. The term includes only a docking or port facility necessary for the loading and unloading of cargo or passengers, ship building, ship repair, or seafood processing facilities. The term does not include long-term storage, manufacture, sales, or service facilities.

“Governing Body” is the local governing unit empowered to adopt and implement ordinances to provide for the public health, safety and general welfare of its citizenry.

“Hazard Potential” means the possible adverse incremental consequences that result from the release of water or stored contents due to failure of a dam or misoperation of a dam or appurtenances. The hazard potential classification of a dam does not reflect in any way the current condition of a dam and its appurtenant structures (e.g., safety, structural integrity, flood routing capacity).

"Highest Adjacent Grade" means the highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.

"Historic Structure" means any structure that is:

(a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

(b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

(c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

(d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

(1) By an approved state program as determined by the Secretary of the Interior, or

(2) Directly by the Secretary of the Interior in states without approved programs.

“Increased Cost of Compliance (ICC)” means that the increased cost of compliance coverage provides for the payment of a claim for the cost to comply with State or community floodplain management laws or ordinances after a direct physical loss by flood. When a building covered by a Standard Flood Insurance Policy under the NFIP sustains a loss and the state or community declares the building to be substantially or repetitively damaged, ICC will help pay up to $30,000 for the cost to elevate, flood proof, demolish, or remove the building. ICC coverage is available on residential and non-residential buildings (this...
category includes public or government buildings, such as schools, libraries, and municipal buildings) insures under the NFIP.

“Kentucky Revised Statute 151.250 – Plans for dams, levees, etc to be approved and permits issued by cabinet – (Environment and Public Protection Cabinet)”

(1) Notwithstanding any other provision of law, no person and no city, county or other political subdivision of the state, including levee districts, drainage districts, flood control districts or systems, or similar bodies, shall commence the construction, reconstruction, relocation or improvement of any dam, embankment, levee, dike, bridge, fill or other obstruction (except those constructed by the Department of Highways) across or along any stream, or in the floodway of any stream, unless the plans and specification for such work have been submitted by the person or political subdivision responsible for the construction, reconstruction or improvement and such plans and specifications have been approved in writing by the cabinet and a permit issued. However, the cabinet by regulation may exempt those dams, embankments or other obstruction, which are not of such size or type as to require approval by the cabinet in the interest of safety or retention of water supply.

(2) No person, city, county, or other political subdivision of the state shall commence the filling of any area with earth, debris, or any other material, or raise the level of any area in any manner, or place a building, barrier or obstruction of any sort on any area located adjacent to a river or stream or in the floodway of the stream so that such filling, raising, or obstruction will in any way affect the flow of water in the channel or in the floodway of the stream unless plans and specifications for such work have been submitted to and approved by the cabinet and a permit issued as required in subsection (1) above.

(3) Nothing in this section is intended to give the cabinet any jurisdictional control over the construction, reconstruction, improvement, enlargement, maintenance or operation of any drainage district, ditch or system established for agricultural purposes, or to require approval of the same except where such obstruction of the stream or floodway is determined by the cabinet to be a detriment or hindrance to the beneficial use of water resources in the area, and the person or political subdivision in control thereof so notified.

The Department for Natural Resources through KRS Chapter 350 shall have exclusive jurisdiction over KRS Chapter 151 concerning the regulation of dams, levees, embankments, dikes, bridges, fills, or other obstructions across or along any stream or in the floodway of any stream which structures are permitted under KRS Chapter 350 for surface coal mining operations.

“Letter of Map Change (LOMC) is an official FEMA determination, by letter, to amend or revise effective Flood Insurance Rate Maps, Flood Boundary and Floodway Maps, and Flood Insurance Studies. LOMC’s include the following categories:

(1) **Letter of Map Amendment (LOMA)** is a revision based on technical data showing that a property was incorrectly included in a designated SFHA. A LOMA amends the current effective FIRM and establishes that a specific property is not located in a SFHA.

(2) **Letter of Map Revision (LOMR)** is a revision based on technical data that, usually due to man-made changes, shows changes to flood zones, flood elevations, floodplain and floodway delineations, and planimetric features.

(3) **Letter of Map Revision (LOMR F)** is a determination that a structure or parcel has been elevated by properly placed engineered fill above the BFE and is, therefore, excluded from the SFHA.

“Levee” is a man-made structure; usually an earthen embankment designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

“**Levee System**” is a flood protection system that consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices. For a levee system to be recognized, the following criteria must be met:

1) All closure devices or mechanical systems for internal drainage, whether manual or automatic, must be operated in accordance with an officially adopted operation manual (a copy of which must be provided to FEMA by the operator when levee or drainage
system recognition is being sought or revised).

2) All operations must be under the jurisdiction of a Federal or State agency, an agency created by Federal or State law, or an agency of a community participating in the NFIF.

“Limited Storage” means an area used for storage and intended to be limited to incidental items which can withstand exposure to the elements and have low flood damage potential. Such an area must be of flood resistant material, void of utilities except for essential lighting, and cannot be temperature controlled.

“Lowest Adjacent Grade” means the elevation of the sidewalk, patio, deck support, or basement entryway immediately next to the structure and after the completion of construction. It does not include earth that is emplaced for aesthetic or landscape reasons around a foundation wall. It does include natural ground or properly compacted fill that comprises a component of a structure's foundation system.

"Lowest Floor" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, structure access or storage in an area other than a basement area is not considered a structure’s lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of Subsection 18-5(b).

"Manufactured Home" (for the purposes of this article) means a structure transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected or attached to the required utilities. The term also includes park trailers, travel trailers, and similar transportable structures placed on a site for one hundred eighty (180) consecutive days or longer and intended to be improved property. The term “manufactured home” does not include a “recreational vehicle”. (see Recreational Vehicle.

“Manufactured Home Park or Subdivision” is a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

“Map” is the Flood Hazard Boundary Map (FHBM) or the Flood Insurance Rate Map (FIRM) for a community issued by the Federal Emergency Management Agency (FEMA).

“Map Panel Number” is the four-digit number on a flood map, followed by a letter suffix, assigned by FEMA. The first four digits represent the map panel. The letter suffix represents the number of times the map panel has been revised. (The letter "A" is not used by FEMA, the letter "B" is the first revision.)

“Market Value” is the structure value, excluding the land (as agreed between a willing buyer and seller), as established by what the local real estate market will bear. Market value can be established by independent certified appraisal; replacement cost depreciated by age of structure (Actual Cash Value) or adjusted assessed values.

"Mean Sea Level" means the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the flood plain, as shown on a community’s FIRM. For purposes of this article, the term is synonymous with North American Vertical Datum (NAVD) 1988.

“Mitigation” means sustained actions taken to reduce or eliminate long-term risk to people and property from hazards and their effects. The purpose of mitigation is twofold: to protect people and structures, and to minimize the costs of disaster response and recovery.

“Mudslide (i.e. Mudflow)” means a condition where there is a river, flow, or inundation of liquid mud down a hillside, usually as a result of a dual condition of loss of brush cover and the subsequent accumulation of water on the ground, preceded by a period of unusually heavy or sustained rain. A mudslide (i.e. mudflow) may occur as a distinct phenomenon while a landslide is in progress, and will be recognized as such by the Floodplain Administrator only if the mudflow, and not the landslide, is the proximate cause of damage that occurs.

“Mudslide (i.e. Mudflow) Area Management” means the operation of and overall program of corrective and preventative measures for reducing mudslide (i.e. mudflow) damage, including but not limited to emergency preparedness plans, mudslide control works, and floodplain management regulations.

“Mudslide (i.e. Mudflow) Prone Area” is an area with land surfaces and slopes of unconsolidated material where the history, geology, and climate indicate a potential for mudflow.

“National Flood Insurance Program (NFIP)” means the federal program that makes flood insurance available to owners of property in participating communities nationwide through the cooperative efforts of the federal government and the private insurance industry.
"New Construction" means structures for which the "start of construction" commenced on or after the effective date of Owensboro-Daviess County's flood plain management regulations and includes any subsequent improvements to such structures.

"New Manufactured Housing Park Complex or Subdivision" means a manufactured housing park complex or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) was or is completed on or after August 1, 1980, if located within the City of Owensboro, or on or after September 3, 1980, if located outside the City of Owensboro.

"Non-Residential" means structures that are not designed for human habitation, including but not limited to: small business concerns, churches, schools, farm structures (including grain bins and silos), pool houses, clubhouses, recreational structures, mercantile structures, agricultural and industrial structures, warehouses, and hotels or motels with normal room rentals for less than 6 months duration

"Obstruction" includes but is not limited to any dam, wall, embankment, levee, dike, pile, abutment, protection, excavation, channelization, bridge, conduit, culvert, structure, wire, fence, rock, gravel, refuse, fill, structure, vegetation or other material in, along, across or projecting into any watercourse which may alter, impede, retard or change the direction and/or velocity of the flow of water, due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.

"One Hundred Year Flood (100 year flood)" means the flood that has a one (1) percent or greater chance of being equaled or exceeded in any given year. Any flood zone that begins with the letter A is subject to the 100-year flood. Over the life of a 30-year loan, there is a 26-percent chance of experiencing such a flood with the SFHA. See Base Flood.

"Participating Community" is a community that voluntarily elects to participate in the NFIP by adopting and enforcing floodplain management regulations that are consistent with the standards of the NFIP.

"Pre-FIRM Construction” means construction or substantial improvement, which started on or before December 31, 1974, or before the effective date of the initial FIRM of the community, whichever is later.

"Post-FIRM Construction” means construction or substantial improvement that started on or after the effective date of the initial FIRM of the community or after December 31, 1974, whichever is later.

"Probation” means a means of formally notifying participating NFIP communities of violations and deficiencies in the administration and enforcement of the local floodplain management regulations. During periods of probation, each insurance policy is subject to a surcharge as determined by FEMA.

"Program Deficiency” means a defect in a community's floodplain management regulations or administrative procedures that impairs effective implementation of those floodplain management standards or of the standards of 44 CFR 60.3, 60.4, 60.5, and/or 60.6.

"Public Safety and Nuisance” means anything which is injurious to safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

"Recreational Vehicle" means a vehicle which is:

(a) built on a single chassis;

(b) 400 square feet or less when measured at the largest horizontal projection;

(c) designed to be self-propelled or permanently towable by a light duty truck; and

(d) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

"Regular Program” means the phase of a community's participation in the NFIP where more comprehensive floodplain management requirements are imposed and higher amounts of insurance are available based upon risk zones and elevations determined in a FIS.

"Regulatory Floodway” is the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. See Base Flood.
“Remedy a Violation” means the process by which a community brings a structure or other development into compliance with State or local floodplain management regulations, or, if this is not possible, to reduce the impact of non-compliance. Reduced impact may include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the ordinance or otherwise deterring future similar violations, or reducing state or federal financing exposure with regard to the structure or other development.

“Repair” means the reconstruction or renewal of any part of an existing structure.

“Repetitive Loss” means flood-related damages sustained by a structure on two or more separate occasions during a 10-year period where the value of damages equals or exceeds an average of 50% of the current value of the structure, beginning on the date when the damage first occurred, or, four or more flood losses of the value determined by FEMA or more, over the life of the structure, or, three or more flood losses over the life of the structure that are equal to or greater than the current value of the structure.

“Riverine” means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

“Section 1316” is that section of the National Flood Insurance Act of 1968, as amended, which states that no new or renewal flood insurance coverage shall be provided for any property that the Administrator finds has been declared by a duly constituted state or local zoning authority or other authorized public body to be in violation of state or local laws, regulations, or ordinances that are intended to discourage or otherwise restrict land development or occupancy in flood-prone areas.

“Sheet Flow Area” means "Area of Shallow Flooding".

“Special Flood Hazard Area (SFHA)” is that portion of the floodplain subject to inundation by the base flood and/or flood-related erosion hazards as shown on a FHB or FIRM as Zone A, AE, A1 A30, AH, AO, or AR.

"Start of Construction" includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

"Structure" (for the purposes of this article) means a walled and roofed building that is principally above ground, a manufactured home, a gas or liquid storage tank, or other man-made facilities or infrastructures. The term "structure" herein is synonymous with the term "building."

“Subdivision” means any division, for the purposes of sale, lease, or development, either on the installment plan or upon any and all other plans, terms and conditions, of any tract or parcel of land into two (2) or more lots or parcels.

“Subrogation” means an action brought by FEMA to recover insurance money paid out where all or part of the damage can be attributed to acts or omissions by a community or other third party.

"Substantial Damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred. This term includes structures that are categorized as repetitive loss.

For the purposes of this definition, "repair" is considered to occur when the first repair or reconstruction of any wall, ceiling, floor, or other structural part of the building commences. The term does not apply to:

Any project for improvement of a building required to comply with existing health, sanitary, or safety.

1) code specifications which have been identified by the Building Inspector and which are solely necessary to assure safe living conditions, or

2) any alteration of a "historic structure" provided that the alteration will not preclude the structure's continued designation as a "historic structure."

"Substantial Improvement" means any combination of repairs, reconstruction, alteration, or improvements to a
structure, taking place during a five (5) year period, in which the cumulative cost equals or exceeds fifty (50) percent of the market value of the structure. For the purposes of this definition, an improvement occurs when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the building.

The market value of the structure should be (1) the appraised value of the structure prior to the start of the initial repair or improvement, or (2) in the case of damage, the value of the structure prior to the damage occurring. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. For the purposes of this definition, "substantial improvements" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

The term does not, however, include either:
(1) any project for improvement of a building required to comply with existing health, sanitary, or safety code specifications which have been identified by code enforcement official(s) and which are solely necessary to assure safe living conditions, or
(2) any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure", or
(3) any building that has been damaged from any source or is categorized as repetitive loss.

"Substantially Improved Existing Manufactured Housing Park Complex or Subdivision" is where the repair, reconstruction, rehabilitation or improvement of the streets, utilities, and pads equals or exceeds fifty (50) percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

“Suspension” means the removal of a participating community from the NFIP for failure to enact and/or enforce floodplain management regulations required for participation in the NFIP. New or renewal flood insurance policies are no longer available in suspended communities.

“Utilities” includes electrical, heating, ventilation, plumbing, and air conditioning equipment.

"Variance" is a grant of relief from the requirements of this ordinance which permits construction in a manner otherwise prohibited by this article where specific enforcement would result in unnecessary hardship. Procedures and conditions for variances are described in Subsection 18-4(e) of this article.

“Violation” means the failure of a structure or other development to fully comply with this ordinance. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.

“Watercourse” means a lake, river, creek, stream, wash, channel or other topographic feature on or over which water flows at least periodically.

“Water Surface Elevation” means the height, in relation to the North American Vertical Datum of 1988 (or other datum, where specified) of floods of various magnitudes and frequencies in the floodplain of coastal or riverine areas.

“Watershed” means all_ the area within a geographic boundary from which water, sediments, dissolved materials, and other transportable materials drain or are carried by water to a common outlet, such as a point on a larger stream, lake, or underlying aquifer.

“X Zone” is the area where the flood hazard is less than that in the SFHA. Shaded X zones shown on recent FIRMs (B zones on older FIRMs) designate areas subject to inundation by the flood with a 0.2-percent probability of being equaled or exceeded (the 500-year flood) in any year. Unshaded X zones (C zones on older FIRMS) designate areas where the annual exceedance probability of flooding is less than 0.2 percent.

“Zone” is a geographical area shown on a Flood Hazard Boundary Map or a Flood Insurance Rate Map that reflects the severity or type of flooding in the area.

18-3 GENERAL PROVISIONS.

18-3(a) Lands to Which This Ordinance Applies. This article shall apply to all Special Flood Hazard Areas (SFHA), areas applicable to KRS 151.250 and, as determined by the Floodplain Administrator or other delegated, designated, or qualified community official as determined by the County of Daviess, KY and the City of Owensboro, KY from available technical studies, historical information, and other available and reliable sources, areas within the jurisdiction of the City of Owensboro and the County of Daviess, Kentucky.
18-3(b) Basis for Establishing the Areas of Special Flood Hazard. The areas of special flood hazard identified by the Federal Emergency Management Agency through a scientific and engineering report entitled "The Flood Insurance Study for the City of Owensboro," dated August 1st, 1980, and "The Flood Insurance Study for Daviess County, Kentucky," dated September 3rd, 1980, with accompanying maps and other supporting data, and any revision thereto or newly adopted editions thereof which will, upon publication, automatically become a part of this article and replace the current edition (the latest edition being that of April 16, 2009, for both the City of Owensboro and Daviess County). . . This FIS and attendant mapping is the minimum area of applicability of this ordinance and may be supplemented by studies for other areas which allow implementation of this ordinance and which are recommended to the Daviess County Fiscal Court and the City of Owensboro by the Floodplain Administrator and are enacted by each legislative body pursuant to statutes governing land use management regulations. The FIS and/or FIRM are permanent records of and are on file and available for review by the public during regular business hours at the Owensboro Metropolitan Planning Office, 200 E 3rd Street, Owensboro, KY.

18-3(c) Establishment of Development Permit. A development or construction permit, as appropriate, shall be required in conformance with the provisions of this article prior to commencement of any development activities, in the Special Flood Hazard Areas (SFHA)

18-3(d) Compliance. No structure or land shall hereafter be constructed, located, extended, converted, or structurally altered without full compliance with the terms of this article and other applicable state and local regulations, including the Owensboro Metropolitan Public Improvement Specifications. Violation of the requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Nothing herein shall prevent the Daviess County Fiscal Court or the City of Owensboro from taking such lawful action as is necessary to prevent or remedy any violation.

18-3(e) Abrogation and Greater Restrictions. This article is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this article and another ordinance, easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

18-3(f) Interpretation. In the interpretation and application of this article, all provisions shall be: (1) considered as minimum requirements; (2) liberally construed in favor of the governing body; and (3) deemed neither to limit nor repeal any other powers granted under state statutes.

18-3(g) Warning and Disclaimer of Liability. The degree of flood protection required by this article is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This article does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This article shall not create liability on the part of the City of Owensboro, Kentucky, or the County of Daviess, Kentucky, or any officer or employee thereof for any flood damages that result from reliance on this article or any administrative decision lawfully made thereunder.

18-3(h) Penalties for Violations. Penalties for violation of the regulations of this article shall be as established in Article 5 of this Zoning Ordinance.

18-4 ADMINISTRATION.

18-4(a) Designation of Building Inspector as local administrator. The Building Inspector is hereby appointed as the Floodplain Administrator to administer and implement the provisions of this article.

18-4(b) Permit Procedures. Application for a development or construction permit for any development within any area of special flood hazard or along any watercourse shall be made to the Floodplain Administrator on forms furnished by him or her prior to any development activities, and may include, but not be limited to, the following: plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing. Specifically, the following information is required:

(1) Application Stage.

(a) Proposed Elevation in relation to mean sea level (MSL) of the proposed lowest floor (including basement) of all structures in all Zone As and elevation of highest adjacent grade; or.
(b) Proposed elevation in relation to mean sea level to which any nonresidential structure will be flood-proofed.

c) All appropriate certifications from a licensed professional engineer, surveyor or architect that the nonresidential flood-proofed structure will meet the flood-proofing criteria in Subsection 18-5(b) (2).

d) Description of the extent to which any watercourse and/or its associated flood plain will be altered (filled or excavated) or relocated as a result of the proposed development.

e) The Floodplain Administrator may require the applicant to secure a permit from the Kentucky Division of Water (under KRS 151.250), prior to issuance of a local development permit or building permit. Subdivision plats, development plans, or site plans that have received local approval prior to issuance of a permit by the Division of Water may require local reapproval if substantial changes to those plans are required by the Division of Water.

(2) Construction Stage.

(a) Upon placement of the lowest floor, and before construction continues, or flood proofing by whatever construction means, it shall be the duty of the permit holder to submit to the Floodplain Administrator and to the State a certification of the elevation of the lowest floor or flood-proofed elevation, as built, in relation to Mean Sea Level. In AE, Al-30, AH, and A zones where the Community has adopted a regulatory Base Flood Elevation, said certification shall be prepared by or under the direct supervision of a registered land surveyor, licensed professional engineer, or architect and certified by same.

(b) When flood proofing is utilized for a particular structure, said certification shall be prepared by or under the direct supervision of a licensed professional engineer, surveyor or architect.

c) Any continued work undertaken prior to the submission of the certification shall be at the permit holder's risk. The Floodplain Administrator shall review the lowest floor and flood proofing elevation survey data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further progressive work being permitted to proceed. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further progressive work being permitted to proceed.

d) Failure to submit the survey or failure to make said corrections required hereby, shall be cause to issue a stop-work order for the project.

(3) Conditional Uses Permitted in the FW District. Conditional uses permitted in the FW District (floodway) by Subsection 18-6(b)(2) shall require the issuance of a conditional use permit by the Owensboro Metropolitan Board of Adjustment prior to the issuance of any development or construction permits, and shall be subject to the following requirements:

(a) Required Findings. The Board of Adjustment in its review of a proposed conditional use must find that all flood hazard reduction provisions of Subsection 18-5(b)(4) can be met.

(b) Storage of Material or Equipment. The storage or processing of material is prohibited if, in time of flooding, it is buoyant, flammable, explosive, or could otherwise be injurious to human, animal, or plant life. Storage of other material or equipment may be allowed if not subject to major damage by floods and firmly anchored to prevent flotation, or if readily removable from the area within the time available after flood warning.

c) Other Required Permits. All other permits as may be required by the Army Corps of Engineers or the Kentucky Division of Water must be obtained prior to the Board of Adjustment's issuance of a conditional use permit.

18-4(c) Duties and Responsibilities of the Floodplain Administrator. The Floodplain Administrator and/or staff is hereby appointed, authorized and directed to administer, implement and enforce the provisions of this ordinance. The Floodplain Administrator is further authorized to render interpretations of this ordinance, which are consistent with its spirit and purpose by granting or denying development permits in accordance with its provisions.

Duties of the Floodplain Administrator shall include, but not be limited to:

(1) Review all development permits to assure that the permit requirements of this article have been satisfied.
(2) Advise permittee that additional federal or state permits may be required, and if specific federal or state permit requirements are known, require that copies of such permits be provided and maintained on file with the development permit.

(3) Notify adjacent communities and the Kentucky Division of Water prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency and the Federal Insurance Administration.

(4) Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.

(5) Verify and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, in accordance with Subsection 18-4(b)(2).

(6) Verify and record the actual elevation (in relation to mean sea level) to which the new or substantially improved structures have been flood-proofed, in accordance with Subsection 18-4(b)(2).

(7) When flood-proofing is utilized for a particular structure, the Floodplain Administrator shall obtain certification from a licensed professional engineer, surveyor or architect, in accordance with Subsection 18-5(b)(2).

(8) Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Floodplain Administrator shall make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this article.

(9) When base flood elevation data have not been provided in accordance with Subsection 18-3(b), then the Floodplain Administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, in order to administer the provisions of Section 18-5.

(10) All records pertaining to the provisions of this Article shall be maintained in the office of the Floodplain Administrator and shall be open for public inspection.

(11) Right of Entry

a) Whenever necessary to make an inspection to enforce any of the provisions of this ordinance, or whenever the Floodplain Administrator has reasonable cause to believe that there exists in any structure or upon any premises any condition or ordinance violation which makes such building, structure or premises unsafe, dangerous or hazardous, the Floodplain Administrator may enter such building, structure or premises at all reasonable times to inspect the same or perform any duty imposed upon the Floodplain Administrator by this ordinance.

b) If such structure or premises are occupied, he/she shall first present proper credentials and request entry. If such building, structure, or premises are unoccupied, he shall first make a reasonable effort to locate the owner or other persons having charge or control of such request entry.

c) If entry is refused, the Floodplain Administrator shall have recourse to every remedy provided by law to secure entry.

d) When the Floodplain Administrator shall have first obtained a proper inspection warrant or other remedy provided by law to secure entry, no owner or occupant or any other persons having charge, care or control of any building, structure, or premises shall fail or neglect, after proper request is made as herein provided, to promptly permit entry therein by the administrator for the purpose of inspection and examination pursuant to this ordinance.

12) Stop Work Orders

a) Upon notice from the Floodplain Administrator, work on any building, structure or premises that is being done contrary to the provisions of this ordinance shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to his agent, or to the person doing the work, and shall state the conditions under which work may be resumed.

13) Revocation of Permits
a) The Floodplain Administrator may revoke a permit or approval, issued under the provisions of this ordinance, in case there has been any false statement or misrepresentation as to the material fact in the application or plans on which the permit or approval was based.

b) The Floodplain Administrator may revoke a permit upon determination by the administrator that the construction, erection, alteration, repair, moving, demolition, installation, or replacement of the structure for which the permit was issued is in violation of, or not in conformity with, the provisions of this ordinance.

14) Liability

a) Any officer, employee, or member of the floodplain administrator's staff, charged with the enforcement of this ordinance, acting for the applicable governing authority in the discharge of his duties, shall not thereby render himself personally liable, and is hereby relieved from all personal liability, for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties. Any suit brought against any officer, employee, or member because of such act performed by him or her in the enforcement of any provision of this ordinance shall be defended by the department of law until the final termination of the proceedings.

15) Expiration of Floodplain Construction Permit

a) A floodplain construction permit, and all provisions contained therein, shall expire if the holder of a floodplain construction permit has not commenced construction within three hundred sixty five days (365) calendar days from the date of its issuance by the Kentucky Division of Water.

18-4(d) Administrative Appeals. Appeals to the Board of Adjustment may be taken by any person or entity claiming to be injuriously affected or aggrieved by an official action, order, requirement, interpretation, grant, refusal, or decision of the Floodplain Administrator. Such administrative appeal shall be taken within thirty (30) days after the appellant or his agent receives notice of the action of the Floodplain Administrator, by filing with the Floodplain Administrator and with the Board of Adjustment a notice of appeal specifying the grounds thereof, and giving notice of such appeal to any and all parties of record. The Floodplain Administrator shall forthwith transmit to the Board of Adjustment all papers constituting the record upon which the action appealed from was taken and shall be treated as and be the respondent in such further proceedings. At the public hearing on the appeal held by the Board of Adjustment, any interested person may appear and enter his/her appearance, and all shall be given an opportunity to be heard.

18-4(e) Variance Procedures. The Board of Adjustment as established by the local governmental bodies shall hear and decide requests for variances from the requirements of this article.

(1) Variances may be issued for the repair or rehabilitation of historic structures (see definition) upon determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum to preserve the historic character and design of the structure.

(2) In passing upon such applications, the Board of Adjustment shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this article, and:

(a) the danger that materials may be swept onto other lands to the injury of others;

(b) the danger to life and property due to flooding or erosion damage;

(c) the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

(d) the importance of the services provided by the proposed facility to the community;

(e) the necessity to the facility of a waterfront location, in the case of a functionally dependent facility;

(f) the availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;

(g) the compatibility of the proposed use with existing and anticipated development;
(h) the relationship of the proposed use to the comprehensive plan and flood plain management program for that area;

(i) the safety of access to the property in times of flood for ordinary and emergency vehicles;

(j) the expected heights, velocity, duration, rate of rise and sediment transport of the flood waters expected at the site; and,

(k) the costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

(3) Upon consideration of the factors listed above and the purposes of this article, the Board of Adjustment may attach such conditions to the granting of variances as it deems necessary to further the purposes of this article.

(4) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

(5) Conditions for Variances.

(a) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazards, to afford relief; and in the instance of a historical building, a determination that the variance is the minimum necessary so as not to destroy the historic character and design of the building.

(b) Variances shall only be issued upon (i) a showing of good and sufficient cause; (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant; and (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

(c) Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation to which the structure is to be built and stating that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

(d) The Owensboro Metropolitan Planning Commission shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.

18-4(f) Appeals from Final Action of the Board of Adjustment. Any person or entity claiming to be injured or aggrieved by any final action of the Board of Adjustment shall appeal from the action to the Circuit Court of Daviess County. Such appeal shall be taken within thirty (30) days after the final action of the Board of Adjustment. All final actions which have not been appealed within thirty (30) days shall not be subject to judicial review. The Board of Adjustment shall be a party in any such appeal filed in the circuit court.

18-5 PROVISIONS FOR FLOOD HAZARD REDUCTION.

18-5(a) General Standards. In all areas of special flood hazard, the following provisions are required:

(1) All new construction and substantial improvements shall be adequately anchored to prevent flotation, collapse or lateral movement of the structure, resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

(2) Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces, other acceptable installation standards and acceptable similarity appearance standards.

(3) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

(4) New construction and substantial improvements shall be constructed by methods and practices that minimize flood damage.

(5) Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding; and if within Zones AH
or AO, so that there are adequate drainage paths around structures on slopes to guide flood waters around and away from proposed structures.

(6) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.

(7) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.

(8) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.

(9) Any alteration, repair, reconstruction, or improvements to a structure, which is not in compliance with the provisions of this article, shall meet the requirements of "new construction" as contained in this article, and shall be undertaken only if said nonconformity is not furthered, extended, or replaced.

18-5(b) Specific Standards. In all areas of special flood hazard where base flood elevation data have been provided as set forth in Subsection 18-3(b) or Subsection 18-4(c)(9), the following provisions are required.

(1) Residential Construction. New construction or substantial improvement of any residential structure (or manufactured home) shall have the lowest floor, including basement, and mechanical equipment elevated no lower than one (1) foot or greater above the base flood elevation. Ductwork shall be installed above the ceiling unless the finish floor elevation is a minimum of two (2) feet above the base flood elevation and a minimum of two (2) feet above the finish grade. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of flood waters shall be provided in accordance with standards of Section 18-5(b)(3).

a) In an AO zone, new construction or substantial improvement shall be elevated above the highest adjacent grade to a height equal to or exceeding the depth number specified in feet on the FIRM, or elevated at least two feet above the highest adjacent grade if no depth number is specified.

b) In an A zone, where no technical data has been produced by the Federal Emergency Management Agency, new construction or substantial improvement shall be elevated one (1) foot above the base flood elevation, as determined by this community. The Floodplain Administrator will determine the method by which base flood elevations are determined. Methods include but are not limited to detailed hydrologic and hydraulic analyses, use of existing data available from other sources, use of historical data, best supportable and reasonable judgment in the event no data can be produced, Title 401 KAR (Kentucky Administrative Regulations) Chapter 4, Regulation 060, states as a part of the technical requirements for a State Floodplain Permit: The applicant shall provide cross sections for determining floodway boundaries (and thereby Base Flood Elevations) at any proposed construction site where FEMA maps are not available. All cross sections shall be referenced to mean sea level and shall have vertical error tolerances of no more than + five-tenths (0.5) foot. Cross sections elevations shall be taken at those points which represent significant breaks in slope and at points where hydraulic characteristics of the base floodplain change. Each cross section shall extend across the entire base floodplain and shall be in the number and at the locations specified by the cabinet. If necessary to ensure that significant flood damage will not occur, the cabinet may require additional cross sections or specific site elevations which extend beyond those needed for making routine regulatory floodway boundary calculations.

c) In all other Zones, new construction or substantial improvement shall be elevated one (1) foot above the base flood elevation. Upon the completion of the structure, the elevation of the lowest floor including basement shall be certified by a licensed professional engineer or surveyor, and verified by the community building inspection department to be properly elevated. Such certification and verification shall be provided to the Floodplain Administrator.

(2) Nonresidential Construction. New construction or substantial improvement of any commercial, industrial or other nonresidential structure (or manufactured home used for non residential purposes) shall have the lowest floor, including basement, mechanical and electrical equipment, elevated no lower than one (1) foot or greater above the base flood elevation. Ductwork shall be installed above the ceiling unless the finish floor elevation is a minimum of two (2) feet above the base
flood elevation and a minimum of two (2) feet above the finish grade. If lowest floor is constructed lower than one (1) foot above the base flood elevation the following provisions shall apply:

a). The structure must be flood-proofed below an elevation one foot above the level of the base flood elevation, provided that all areas of the structure below the required elevation are watertight with walls substantially impermeable to the passage of water; b). The structure must have all structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;

c). A licensed professional engineer, surveyor or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the official as set forth in Subsection 18-4(c)(7).

(3) Elevated Buildings. New construction or substantial improvements of elevated structures on columns, posts, or pilings that include fully enclosed areas formed by foundation and other exterior walls below the base flood elevation shall be designed to preclude finished living space and designed to allow for entry and exit of flood waters to automatically equalize hydrostatic flood forces on exterior walls.

(a) Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:

(i) Provide a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;

(ii) The bottom of all openings shall be no higher than one foot above foundation interior grade (which must be equal to in elevation or higher than the exterior foundation grade); and,

(iii) Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of flood waters in both directions.

(b) Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or entry to the living area (stairway or elevator); and

(c) The interior portion of such enclosed area shall not be partitioned or finished into separate rooms.

(4) Floodways. Located within areas of special flood hazard established in Subsection 18-3(b) are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles and has erosion potential, the following provisions shall apply:

(a) Prohibit encroachments, including fill, new construction, substantial improvements and other developments unless certification (with supporting technical data) by a licensed professional engineer is provided demonstrating that encroachments shall not result in any increase in flood levels during occurrence of the base flood discharge.

(b) If Subsection 18-5(b)(4)(a) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Section 18-5.

(5) Standards for Manufactured Homes and Recreational Vehicles.

(a) All new or substantially improved manufactured homes placed on sites located within A, A1-30, AO, AH, and AE on the community’s Flood insurance Rate Map (FIRM) must meet all the requirements for new construction, including elevation and anchoring. Locations include:

(i) outside of a manufactured housing park complex or subdivision,

(ii) in a new manufactured housing park complex or subdivision,

(iii) in an expansion to an existing manufactured housing park complex or subdivision,

(iv) in an existing manufactured housing park complex or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood, must meet all the requirements for new construction, including elevation and anchoring, (v) in substantially improved manufactured home
park or subdivisions, or (vii) on individual lots or parcels.

(b) All manufactured homes placed or substantially improved in an existing manufactured housing park complex or subdivision must be elevated on a permanent foundation so that:

(i) the lowest floor of the manufactured home is elevated no lower than one foot above the level of the base flood elevation, or

(ii) the manufactured home chassis is supported by reinforced piers or other foundation elements of at least an equivalent strength, of no less than 36 inches in height above grade.

(iii) The manufactured home must be securely anchored to the adequately anchored foundation system to resist flotation, collapse and lateral movement.

(iv) In an existing manufactured housing park complex or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood, any manufactured home placed or substantially improved must meet the standards of Subsection 18-5(b)(5)(b)(i) and (iii) above.

(c) All recreational vehicles placed on sites located within A, A1-30, AO, AH, and AE on the community’s Flood Insurance Rate Map (FIRM) must either

(i) Be on the site for fewer than 180 consecutive days,

(ii) Be fully licensed and ready for highway use, or

(iii) Meet the permit requirements for new construction of this ordinance, including anchoring and elevation requirements for "manufactured homes".

A recreational vehicle is ready for highway use if it is licensed and insured in accordance with the State of Kentucky motor vehicle regulations, is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

18-5(c) Standards for Areas of Shallow Flooding (AO Zones). Located within the areas of special flood hazard established in Section 18-3(b) are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one to three feet (1'-3') where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions apply:

(1) All new construction and substantial improvements of residential structures shall have the lowest floor, including basement, elevated above the highest adjacent grade, at least as high as the depth number specified on the applicable Flood Insurance Rate Map. If no depth number is specified, the lowest floor, including basement, shall be elevated at least two (2) feet above the highest adjacent grade.

(2) All new construction and substantial improvements of nonresidential structures shall:

(a) have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as the depth number specified on the applicable Flood Insurance Rate Map. If no depth number is specified, the lowest floor, including basement, shall be elevated at least two (2) feet above the highest adjacent grade, or

(b) together with attendant utility and sanitary facilities be completely flood-proofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

18-5(d) Standards for All Subdivision Proposals and Development Plans.

(1) All subdivision proposals and development plans shall identify the flood hazard area and the elevation of the base flood and be consistent with the need to minimize flood damage.

(2) All subdivision proposals and development plans shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.

(3) All subdivision proposals and development plans shall have adequate drainage provided to reduce exposure to flood hazards.
(4) Base flood elevation data shall be provided for all subdivision proposals, development plans, and other proposed development (including manufactured housing park complexes and subdivisions). When a subdivision proposal, development plan, or other proposed development involves streams where no base flood data has been provided or where base flood data has been provided without floodways, the plat or plan drawings shall be accompanied by a certification and supporting data, as specified in Subsection 18-5(e) below.

(5) All subdivision plans will include the elevation of proposed structure(s) and lowest adjacent grade. If the site is filled above the base flood elevation, the lowest floor and lowest adjacent grade elevations shall be certified by a licensed professional engineer, surveyor or architect and provided to the Floodplain Administrator.

18-5(e) Standards for Streams without Established Base Flood Elevations and/or Floodways. Located within the areas of special flood hazard established in Subsection 18-3(b), where streams exist but where no base flood data has been provided or where base flood data has been provided without floodways, the following provisions apply:

(1) No encroachments, including fill material or structures, shall be located within areas of special flood hazard, unless certification by a licensed professional engineer is provided demonstrating that the cumulative effects of the proposed development, when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood more than one (1) foot at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.

(2) New construction or substantial improvements of buildings shall be elevated or flood-proofed to elevations established in accordance with Subsection 18-4(c)(9).

18-5(f) Standards for Accessory Structures in all Zones Beginning with the Letter A. For all accessory structures in a Special Flood Hazard Areas designated “A” the following provisions shall apply:

1) Structure must be non-habitable;

2) Must be anchored to resist floatation forces;

3) If built below base flood elevation will require flood openings/vents no more than one foot above grade, total openings are to be one square inch per one square foot of floor area, at least two openings required on opposite walls;

4) Built of flood resistant materials below a level above the base flood elevation;

5) Must elevate electrical and mechanical equipment above the base flood elevation;

6) Can only be used for storage or parking;

7) Cannot be modified for a different use after permitting; and,

8) If structure is equipped with a heating system, it must meet the requirements for residential or non-residential construction as per Articles 18-5(b)(1) and 18-5(b)(2).

18-6 ESTABLISHMENT OF ZONING DISTRICTS. The mapped areas of special flood hazard within the jurisdiction of this article are hereby designated as the General Flood Plain Overlay District (GFP District). The GFP District shall be divided into two subdistricts: The portions of the GFP District located outside floodways are hereby designated as the Floodfringe District (FF District); and the portions of the GFP District located within floodways are hereby designated as the Floodway District (FW District). The flood district boundaries as delineated on the currently applicable Flood Insurance Rate Map (FIRM) or Flood Hazard Boundary Map (FHBM) (or as described by any revisions thereto or interpretations thereof that are authorized by the Federal Emergency Management Agency or by provisions of this article), shall serve as the Official Zoning Map of the flood plain overlay districts established by this subsection. All uses not permitted as principal, accessory or conditional uses within each district shall be prohibited.

18-6(a) Floodfringe District (FF District).

(1) Permitted Uses. Permitted uses in the FF District shall be the same principal, accessory and conditional uses as are permitted in the applicable base zone, subject to the requirements or limitations in the following subsections.

(2) Development and/or Structures. Any development, or new construction or substantial
improvement of any structure (see definitions) shall comply with all applicable flood hazard reduction provisions of Section 18-5.

(3) Storage of Material or Equipment. The storage or processing of material is prohibited if, in time of flooding, it is buoyant, flammable, explosive, or could otherwise be injurious to human, animal, or plant life. Storage of other material or equipment may be allowed if not subject to major damage by floods and firmly anchored to prevent flotation, or if readily removable from the area within the time available after flood warning.

18-6(b) Floodway District (FW District).

(1) Principal and Accessory Uses Permitted. Principal and accessory permitted uses in the FW District shall have a low flood-damage potential, shall not obstruct flood flows, shall not be prohibited by other ordnances or the base zone, shall not be a use which requires a conditional use permit under Subsection 18-6(b)(2) below, shall not adversely affect the capacity of the channels or floodways of any tributary to the main stream, drainage ditch, or any other drainage facility, and shall not require structures, fill, or storage of materials or equipment unless explicitly permitted below. The following are principal and accessory permitted uses to the extent that they conform to the aforementioned criteria. The base zone in which particular uses are located may require conditional use permits.

(a) Agricultural uses such as general farming, pasture, grazing, outdoor plant nurseries, viticulture, truck farming, forestry, sod farming, horticulture, and wildcrop harvesting.

(b) Industrial/commercial accessory uses such as loading areas, parking areas, and airport landing strips.

(c) Private and public recreation uses such as golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat-launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting preserves, target ranges, trap and skeet ranges, hunting and fishing areas, hiking and horseback riding traces.

(d) Residential accessory uses such as lawns, gardens, parking areas, and play areas.

(e) Streets, railroads, bridges, utility transmission lines, and pipe lines. Such uses are explicitly permitted to require structures or fill, or the temporary storage of materials or equipment. All characteristics of such uses, including their effects on areas of special flood hazard, shall comply with all applicable flood hazard reduction provisions of Section 18-5.

(2) Conditional Uses Permitted. Conditional permitted uses in the FW District shall not be prohibited by other ordinances or the base zone; may involve encroachments such as temporary or permanent structures, fill, or storage of equipment or materials, subject to compliance with the requirements of Subsection 18-5(b)(4); and shall comply with the permit procedures in Subsection 18-4(b)(3). The following are permitted conditional uses to the extent that they conform to the aforementioned criteria.

(a) Uses or structures accessory to open space or other permitted conditional uses.

(b) Single-family residential structures, including manufactured homes, if located on existing lots of record created within the City of Owensboro before August 1, 1980, or if located on existing lots of record created outside the City of Owensboro before September 3, 1980.

(c) Circuses, carnivals, and similar transient amusement enterprises.

(d) Drive-in theaters, new and used car lots, and roadside stands.

(e) Extraction of sand and gravel.

(f) Marinas, boat rentals, docks, piers, wharves, and other functionally dependent facilities as defined in this article.

(g) Other uses similar in nature to those described above which may include temporary or permanent structures, fill, or storage of equipment or materials.

(h) Limited expansion of an existing use that was established before the date it was mapped within a Floodway District. This provision is not intended to allow major expansions of existing uses within floodways. Major expansions would not be able to comply with the requirements of Subsection 18-5(b)(4).
20-1 PURPOSE. The purposes of these regulations are: to provide for the safest and most efficient integration of cellular antenna towers for cellular telecommunications services or personal communications services within the community; to provide for such facilities in coordination with the recommendations of the comprehensive plan; and to allow for such facilities with the intention of furthering the public health, safety, and general welfare.

20-2 PRE-APPLICATION CONFERENCE. Applicants are encouraged to notify the planning commission to discuss proposals, to allow for early coordination, and to identify those items that are in conformance/nonconformance with the comprehensive plan, zoning ordinance, and the provisions of these regulations.

20-3 DEFINITIONS. For the purposes of these regulations, the following definitions shall apply:

“Alternative Cellular Antenna Tower” means man-made trees, clock towers, bell towers, steeples, light poles and similar alternative-design mounting structures that accommodate, camouflage, minimize or conceal the presence of cellular antennas or cellular antenna towers and that are constructed primarily for the purpose of accommodating cellular antennas or cellular antenna towers or are reconstructed for the purpose of accommodating cellular antennas or cellular antenna towers. This does not include existing structures erected for another primary purpose, but which subsequently have cellular antennas attached to or located within them, without any reconstruction of the original structure. For the provisions of these regulations, an alternative cellular antenna tower is considered a cellular antenna tower.

"Antennas or Related Equipment" means transmitting, receiving, or other equipment used to support cellular telecommunications service or personal communications service. This definition does not include towers.

"Cellular Antenna Tower" means a tower constructed for, or an existing facility that has been adapted for, the location of transmission or related equipment to be used in the provision of cellular telecommunications services or personal communications services.

"Cellular Telecommunications Service" means a retail telecommunications service that uses radio signals transmitted through cell sites and mobile switching stations.

"Co-location" means locating two (2) or more transmission antennas or related equipment on the same cellular antenna tower.

“Guyed Cellular Antenna Tower” means a type of wireless transmission tower that is supported by thin guy wires.

“Lattice Cellular Antenna Tower” means a self-supporting tower with multiple legs and cross bracing of structural steel.

“Monopole Cellular Antenna Tower” means a slender self-supporting tower on which wireless antenna can be placed.

"Personal Communication Service" has the meaning as defined in 47 U.S.C. sec. 332(c).

“Planning Commission” means the Owensboro Metropolitan Planning Commission established by a joint
agreement of the City of Owensboro, the City of Whitesville, and Daviess County, Kentucky, pursuant to KRS Chapter 100.

“Uniform Application” means an application to construct a cellular antenna tower submitted to a planning commission in conformity with KRS 100.985 through KRS 100.987.

"Utility" has the meaning as defined in KRS 278.010(3).

20-4 GENERAL. Cellular antenna towers for cellular telecommunications services or personal communications services may be allowed in any zone after a planning commission review in accordance with the following procedures to ascertain agreement with the adopted comprehensive plan and the regulations contained within the zoning ordinance.

20-4(a) Applicability. Every utility, or a company that is engaged in the business of providing the required infrastructure to a utility, that proposes to construct a cellular antenna tower shall submit a completed uniform application to the planning commission. Where the planning commission finds that circumstances or conditions relating to the application of an alternative cellular antenna tower are such that one or more of the requirements of the uniform application listed below are not necessary or desirable for the protection of surrounding property or the public health, safety, and general welfare, and that such special conditions or circumstances make one or more said requirements unreasonable, the planning commission, or its duly authorized representative, may modify or waive such requirement of the uniform application, either permanently or on a temporary basis. Any such modification or waiver shall be requested by the applicant, and the applicant shall submit a written justification for each requested modification or waiver. The planning commission shall not regulate the placement of antennas or related equipment on an existing structure.

20-4(b) Application Requirements. Applications for the construction of cellular antenna towers for cellular telecommunications services or personal communications services shall include the following:

(1) The full name and address of the applicant.

(2) The applicant’s articles of incorporation, if applicable.

(3) A geotechnical investigation report, signed and sealed by a professional engineer registered in Kentucky that includes boring logs and foundation design recommendations.

(4) A written report, prepared by a professional engineer or land surveyor, of findings as to the proximity of the proposed site to flood hazard areas.

(5) Clear directions from the City of Owensboro to the proposed site, including highway numbers and street names, if applicable, with the telephone number of the person who prepared the directions.

(6) The lease or sale agreement for the property on which the tower is proposed to be located, except that, if the agreement has been filed in abbreviated form with the county clerk, an applicant may file a copy of the agreement as recorded by the county clerk and, if applicable, the portion of the agreement that specifies, in the case of abandonment, a method that the utility will follow in dismantling and removing the proposed cellular antenna tower including a timetable for removal.

(7) The identity and qualifications of each person directly responsible for the design and construction of the proposed tower.

(8) A site development plan or survey, signed and sealed by a professional engineer registered in Kentucky, that shows the proposed location of the tower and all easements and existing structures within five hundred (500) feet of the proposed site on the property on which the tower will be located, and all easements and existing structures within two hundred (200) feet of the access drive, including the intersection with the public street system.

(9) A vertical profile sketch of the tower, signed and sealed by a professional engineer registered in Kentucky, indicating the height of the tower and the placement of all antennas.

(10) The tower and foundation design plans and a description of the standard according to which the tower was designed, signed, and sealed by a professional engineer registered in Kentucky.

(11) A map, drawn to a scale no less than one (1) inch equals two hundred (200) feet, that identifies every structure and every owner of real estate within five hundred (500) feet of the proposed tower.
(12) A statement that every person who, according to the records of the property valuation administrator, owns property within five hundred (500) feet of the proposed tower or property contiguous to the site upon which the tower is proposed to be constructed, has been:

(a) Notified by certified mail, return receipt requested, of the proposed construction which notice shall include a map of the location of the proposed construction.

(b) Given the telephone number and address of the local planning commission; and

(c) Informed of his or her right to participate in the planning commission's proceedings on the application.

(13) A list of the property owners who received the notice, together with copies of the certified letters sent to the listed property owners.

(14) A statement that the chief executive officer of the affected local government and the legislative body (i.e., City Manager, Board of Commissioners of the City of Owensboro; County Judge-Executive, Daviess County Fiscal Court; Mayor of Whitesville, Whitesville City Commission) have been notified, in writing, of the proposed construction.

(15) A copy of the notice sent to the chief executive officer of the affected local government and the legislative body (i.e., City Manager, Board of Commissioners of the City of Owensboro; County Judge-Executive, Daviess County Fiscal Court; Mayor of Whitesville, Whitesville City Commission).

(16) A statement that the Owensboro-Daviess County Regional Airport has been notified, in writing, of the proposed construction and a copy of the notification.

(17) A statement that:

(a) A written notice, of durable material at least two (2) feet by four (4) feet in size, stating that "[Name of applicant] proposes to construct a telecommunications tower on this site" and including the addresses and telephone numbers of the applicant and the planning commission, has been posted in a visible location on the proposed site; and

(b) A written notice, at least two (2) feet by four (4) feet in size, stating that "[Name of applicant] proposes to construct a telecommunications tower near this site" and including the addresses and telephone numbers of the applicant and the planning commission, has been posted on the public road nearest the site.

(18) A statement that notice of the location of the proposed construction has been published in the Messenger-Inquirer of Daviess County, Kentucky.

(19) A brief description of the character of the general area in which the tower is proposed to be constructed, which includes the existing land use for the specific property involved.

(20) A statement that the applicant has considered the likely effects of the installation on nearby land uses and values and has concluded that there is no more suitable location reasonably available from which adequate service to the area can be provided, and that there is no reasonably available opportunity to locate its antennas and related facilities on an existing structure, including documentation of attempts to locate its antennas and related facilities on an existing structure, if any, with supporting radio frequency analysis, where applicable, and a statement indicating that the applicant attempted to locate its antennas and related facilities on a tower designed to host multiple wireless service providers' facilities or on an existing structure, such as a telecommunications tower or other suitable structure capable of supporting the applicant's antennas and related facilities.

(21) A map of the area in which the tower is proposed to be located, that is drawn to scale, and that clearly depicts the necessary search area within which an antenna tower should, pursuant to radio frequency requirements, be located.

(22) A grid map that shows the location of all existing cellular antenna towers and that indicates the general position of proposed construction sites for new cellular antenna towers within an area that includes:
(a) All of the planning unit's jurisdiction (Daviess County, Kentucky); and

(b) A one-half (1/2) mile area outside of the boundaries of the planning unit's jurisdiction, if that area contains either existing or proposed construction sites for cellular antenna towers.

20-4(c) Confidentiality of Application. All information contained in the application and any updates, except for any map or other information that specifically identifies the proposed location of the cellular antenna tower then being reviewed, shall be deemed confidential and proprietary within the meaning of KRS 61.878. The planning commission shall deny any public request for the inspection of this information, whether submitted under Kentucky's Open Records Act or otherwise, except when ordered to release the information by a court of competent jurisdiction. Any person violating this subsection shall be guilty of official misconduct in the second degree as provided under KRS 522.030. The confidentiality of the applications and any updates of the application can be waived by the written authorization of the applicant.

20-4(d) Application Fee. An applicant for the construction of cellular antenna towers for cellular telecommunications services or personal communications services shall pay an application fee in the amount set by the planning commission upon submission of a uniform application.

20-4(e) Processing of Application. Applications for the construction of cellular antenna towers for cellular telecommunications services or personal communications services shall be processed as follows:

(1) At least one (1) public hearing on the proposal shall be held, at which hearing interested parties and citizens shall have the opportunity to be heard. Notice of the time and place of such hearing shall be published at least once, in the Messenger-Inquirer of Daviess County, Kentucky, provided that one (1) publication occurs not less than seven (7) calendar days nor more than twenty-one (21) calendar days before the occurrence of such hearing.

(2) Notice of the proposal shall be posted on the site at least fourteen (14) days in advance of the hearing. The notice shall consist of a written notice, of durable material at least two (2) feet by four (4) feet in size, stating that "[Name of applicant] proposes to construct a telecommunications tower on this site" and including the addresses and telephone numbers of the applicant and the planning commission. Notice of the proposal shall also be posted on the public road nearest the site. This notice shall consist of a written notice, of durable material at least two (2) feet by four (4) feet in size, stating that "[Name of applicant] proposes to construct a telecommunications tower near this site" and including the addresses and telephone numbers of the applicant and the planning commission.

(3) Notice of the hearing shall be given at least fourteen (14) days in advance of the hearing, by certified mail, return receipt requested, to the owner of every parcel of property within five hundred (500) feet of the proposed tower or property contiguous to the site upon which the tower is proposed to be constructed. The notice shall include a map of the location of the proposed construction, the telephone number and address of the planning commission and shall inform the addressee of his or her right to participate in the planning commission's proceedings on the application. Records maintained by the property valuation administrator may be relied upon conclusively to determine the identity and address of said owner. In the event a property is in condominium or cooperative forms of ownership, then the person notified by mail shall be the president or chairperson of the owner group that administers property commonly owned by the condominium or cooperative owners. A joint notice may be mailed to two or more co-owners of an adjoining property who are listed in the property valuation administrator's records as having the same address.

(4) Upon holding the hearing, the planning commission shall, within sixty (60) days commencing from the date that the application is received by the planning commission, or within a date specified in a written agreement between the planning commission and the applicant, make its final decision to approve or disapprove the uniform application. If the planning commission fails to issue a final decision within sixty (60) days, and if there is no written agreement between the planning commission and the utility to a specific date for the planning commission to issue a decision, it shall be
presumed that the planning commission has approved the utility's uniform application.

**20-5 DESIGN STANDARDS.** The applicant shall provide information demonstrating compliance with the requirements contained herein. Potential sites that should be considered (in order from most-preferred to least-preferred) include street right-of-way, existing utility towers, industrial zones, commercial zones, and government buildings. Where the planning commission finds that circumstances or conditions relating to the particular application are such that one or more of the requirements listed below are not necessary or desirable for the protection of surrounding property or the public health, safety, and general welfare, and that such special conditions or circumstances make one or more said requirements unreasonable, the planning commission, or its duly authorized representative, may modify or waive such requirement, either permanently or on a temporary basis. Any such modification or waiver shall be requested by the applicant, and the applicant shall submit a written justification for each requested modification or waiver.

**20-5(a) Monopole Cellular Antenna Towers** shall be permitted in any zone. Lattice and guyed cellular antenna towers shall be permitted in any zone except for residential zones.

**20-5(b) Lattice and Guyed Cellular Antenna Towers** constructed in an agricultural zone shall be located a minimum distance of not less than 250 feet from all existing residential structures. Distance shall be measured from the base of the tower to the nearest wall of the residential structure.

**20-5(c) Setbacks** for all structures constructed in connection with guyed or lattice cellular antenna towers, except fences and/or guy wires, shall be a minimum distance from the property line or lease line equal to at least one-half (1/2) the height of the tower, but not less than fifty (50) feet. All structures constructed in connection with monopole or alternative cellular antenna tower shall comply with the applicable setback requirements established for other structures within the applicable zoning district. Alternative cellular antenna towers that are to be located as part of a utility service facility (e.g. power pole or telephone pole) shall comply with setback requirements applicable to such utility service facilities, if any.

**20-5(d) Height.** A cellular antenna tower, or alternative antenna tower structure, may be constructed to a maximum height of two hundred (200) feet regardless of the maximum height requirements listed in the specific zoning district. This also applies to any tower taller than fifteen (15) feet constructed on the top of another building or structure, with the height being the overall height of building/structure and tower together, measured from the grade to the highest point. The planning commission may allow antennas greater than two hundred (200) feet in height upon review of the applicant's justification that the additional height meets the criteria identified in Subsection 20-6.

**20-5(e) The Cellular Antenna Tower shall be Constructed** in compliance with the current ANSI/EIA/TIA 222-F standards and other applicable state standards.

**20-5(f) Illumination.** Cellular antenna towers shall not be illuminated, except in accordance with other state or federal regulations.

**20-5(g) The Site shall be Unstaffed.** Personnel may periodically visit the site for maintenance, equipment modification, or repairs. To accommodate such visits, ingress/egress shall be only from approved access points.

**20-5(h) Woven Wire or Chain Link** (eighty (80) percent open) or solid fences made from wood or other materials (less than fifty (50) percent open) shall be used to enclose the site. Such fences shall not be more than eight (8) feet in height, and may be located within the front, side, or rear yard. The use of barbed wire or sharp pointed fences shall be prohibited in or along any boundary adjoining residential or MHP zones.

**20-5(i) Screening** shall be provided by evergreen trees, with a minimum height of six (6) feet, planted in a staggered pattern at a maximum distance of fifteen (15) feet on center. The screening shall be placed in an area between the property line, or lease line, and a ten (10) foot setback.

**20-5(j) Surfacing of All Driveways and Off-street Parking Areas** shall comply with the requirements of the applicable local zoning ordinance.

**20-5(k) Signs.** There shall be no signs permitted, except those displaying emergency information, owner contact information, warning or safety instructions, or signs that are required by a federal, state, or local agency. Such signs shall not exceed five (5) square feet in area.
20-5(l) **Number of Service Providers.** All new cellular antenna towers shall be designed and constructed to accommodate a minimum of three (3) service providers.

20-5(m) **Lease Agreements.** All option and site lease agreements shall not prohibit the possibility of co-location, and in the case of abandonment, shall include a method that the utility will follow in dismantling and removing the proposed cellular antenna tower including a timetable for removal.

20-5(n) **Approval of the Federal Aviation Administration (FAA) and the Kentucky Airport Zoning Commission (KAZC) or documentation where approval is not required** shall be submitted prior to the issuance of a building permit for the construction of the cellular antenna tower.

20-6 CRITERIA

20-6(a) **Approval or Disapproval** of the proposal shall be based upon an evaluation of the proposal’s agreement with the comprehensive plan and zoning regulations.

(1) The planning commission may require the applicant to make a reasonable attempt to co-locate additional transmitting or related equipment. The planning commission may provide the location of existing cellular antenna towers on which the commission deems the applicant can successfully co-locate its transmitting and related equipment. If the planning commission requires the applicant to attempt co-location, the applicant shall provide the planning commission with a statement indicating that the applicant has:

(a) Successfully attempted to co-locate on towers designed to host multiple wireless service providers' facilities or existing structures such as a telecommunications tower or another suitable structure capable of supporting the applicant's facilities, and that identifies the location of the tower or suitable structure on which the applicant will co-locate its transmission and related facilities; or

(b) Unsuccessfully attempted to co-locate on towers designed to host multiple wireless service provider's facilities or existing structures such as a telecommunications tower or another suitable structure capable of supporting the applicant's facilities and that:

1) Identifies the location of the towers or other structures on which the applicant attempted to co-locate; and

2) Lists the reasons why the co-location was unsuccessful in each instance.

(2) The planning commission may deny a uniform application to construct a cellular antenna tower based on an applicant's unwillingness to attempt to co-locate additional transmitting or related equipment on any new or existing towers or other structures.

(3) The planning commission shall not regulate the placement of a cellular antenna tower on the basis of the environmental effects of radio frequency emissions to the extent that the proposed facility complies with the regulations of the Federal Communications Commission concerning radio frequency emissions.

20-7 AMENDMENTS. Any amendments to plans, except for minor adjustments as determined by the planning commission, or its duly authorized representative, shall be made in accordance with the procedure required by Subsection 20-4(b), subject to the same limitations and requirements as those under which such plans were originally approved.
21.1 FINDINGS OF FACT. The following findings of fact are made:

21.11 The B-2 Central Business Zone is a generalized zone, which is intended to accommodate the existing and near-future development of the Central Business District. Although this zoning category establishes the general use entitlement for all properties in the B-2 category; Table 21.7 establishes the use standards by different “Overlay Character Districts” with the B-2 Zoning designation within Downtown Owensboro. In addition, all development standards are established by different “Overlay Character Districts” under this Article of the Owensboro Metropolitan Zoning Ordinance.

21.12 The Comprehensive Plan promotes adequate, attractive, and accessible shopping and service facilities for all segments of the community. (Goal 4.5.1) Objectives include revitalization and strengthening of older commercial areas, especially the downtown areas, as business and cultural centers, including the use of economic development incentives; promoting waterfront development to enhance recreation and tourism; developing strategies to promote and develop a convention center/sports complex in the downtown area.

21.13 The “Downtown Owensboro Action Plan” proposes a conceptual organization of the downtown area into four functional/physical districts. Areas in the plan identified as strong opportunity sites include, the southern (5th St) and northern (riverfront) edges of the study area, as well as along the Allen Street. These sites have excellent relationships to views, vistas, and adjacent neighborhoods.

21.14 The “Owensboro Riverfront Master Plan” (2001) prepared for the City of Owensboro promotes the Riverfront area of the Downtown as a major civic area, with active uses, additional entertainment facilities and events, specialty retail and restaurants and provides a market study that identifies riverfront development opportunities.

21.15 Downtown Owensboro Placemaking Initiative Master Plan (2009) commissioned by the Economic Development Corporation, prepared by the Gateway Planning Group, and adopted by the Owensboro Metropolitan Planning Commission as an amendment to the Comprehensive Plan. The Plan identifies adjacent development areas outside of the B-2 Central Business District as important for key development elements for a sustainable downtown. The Plan identifies distinct downtown neighborhoods of “Activity Areas”, each with its own development focus and character. The plan identifies key development opportunities in each downtown neighborhood that support the overall revitalization of downtown.


21.21 Establish Specific Standards. Creation of different character districts within the Downtown Overlay area will enable specific site and locational standards to be enumerated and applied. Such standards will promote the public welfare, will enhance the implementation of specific area studies, will promote walkable mixed use development and will promote the goals and objectives of the Comprehensive Plan. Creation of specific overlay districts for Downtown Owensboro will enable specific development standards that will result in implementing the vision for each Downtown neighborhood identified in the Comprehensive Plan and Downtown Master Plan.

21.22 Implement the Design Goals of the Downtown Master Plan. The overlay districts created are intended to facilitate pedestrian oriented, mixed-use urban development, providing shopping, employment, housing, and business and personal services. Downtown is intended to be the center of life in the community. This is achieved by promoting an efficient, compact land use pattern; encouraging pedestrian activity; reducing the reliance on private automobiles; promoting a more functional and attractive community through the use of recognized principles of urban design; and allowing developers flexibility in land use and site design. A high level of attention to site and building design is required to promote an attractive Downtown.

21.23 Historic Preservation is a matter of public policy, while revitalization of the downtown area is a high priority, it must be accomplished in a manner that
preserves and perpetuates the history and heritage of this community. It is the city’s goal to enhance the attractiveness of the city’s inner core to residents, tourists and visitors and serve as a support and stimulus to business and industry. It is further declared as a matter of public policy that government needs to forge a partnership with affected property owners to ensure the health, prosperity, safety and economic well-being of the community as a whole. Federal, state and local governments have passed laws to protect and preserve historic downtown properties through the development of incentives, including the National Historic Preservation Act of 1966 and Chapter 2, Article V, Section 2-355 of the Owensboro Municipal Code. This Article supports the Zuchelli-Hunter Master Plan for the downtown previously adopted by the city and the more recent 2009 Downtown Owensboro Initiative Master Plan, adopts the design guidelines prepared by Downtown Owensboro, Inc. as design standards, reinforces the positive urban design and historic features of the River Park Center Complex, and stabilizes downtown property values.

21.24 Economic Development. The Downtown Overlay District and corresponding development standards are created to support economic development, sustainable tax base, and job creation by establishing adjacency predictability of private development that supports and leverages public investment in Downtown Owensboro.

21.3 ESTABLISHMENT OF THE DOWNTOWN OVERLAY DISTRICT. Building form, site development, and design standards contained within each overlay district are those activities that will promote or enhance the development of a specific area of Downtown Owensboro in response to the Comprehensive Plan goals and objectives and recommendations of 2009 Downtown Owensboro Illustrative Master Plan and Report.

21.31 Downtown Overlay District Regulating Plan. The Downtown Overlay District Regulating Plan shall establish standards in addition to the official zoning map for Downtown Owensboro. It shall establish the development standards for all lots within Downtown Owensboro as identified with the boundary indicated on the plan.

a. Overlay Character Districts – Downtown Owensboro is further distinguished into “Character Districts”. A Character District is intended to create a distinct urban form different from other Character Districts. Each Character District shall establish use and building standards including height, bulk, building and parking location, and functional design of buildings on all lots within that Character District. The Regulating Plan classifies all lots within Downtown Owensboro into one of eight Character Districts. The different Character Districts are based on historic and regional architectural traditions and development intent to create a built environment that is consistent with the vision for Downtown.

b. Street Designations – The Street Designations shall designate special streets within Downtown where specific standards apply.

c. Special Requirements – The Special Requirements shall designate or recommend site specific requirements for some unique sites within Downtown.

21.32 Downtown Overlay District Ordinance Text. The Downtown Overlay District text (the text portion of this Ordinance) shall enumerate the development standards with text and graphics including Character Districts, Special Frontage, building form, civic space, landscape, architectural, signage, lighting, and all related standards for all public and private development.

21.33 Development Standards. The development standards under Article 8.5 and Article 13 of the Owensboro Metropolitan Zoning Ordinance, as amended, shall not apply to properties within the Downtown Overlay District except as specifically referenced herein. Development standards not addressed in this Article shall be governed by the Owensboro Metropolitan Zoning Ordinance to the extent they are not in conflict with the intent of the Downtown Overlay District. Uses within the B-2 zone located in the Downtown Overlay District boundary shall be as permitted by Article 21.7 of this ordinance.

21.4 REGULATIONS IN OVERLAY DISTRICTS. The regulations adopted under this chapter relating to each Downtown Overlay District created include the following:

21.41 Definition of terms used and the specific uses to be principally permitted, or conditionally permitted within the Downtown Overlay District.

21.42 Schedule of uses permitted principally, conditionally, or accessorily within each Downtown
Overlay Character District with the B-2 zoning designation. For uses permitted in all other zoning districts within the Downtown Overlay District boundary, please refer to Article 8.

21.43 Site, design, and locational standards such as:

a. Building form standards such as setbacks and height requirements;

b. Landscape buffer and fencing requirements;

c. Sign Standards;

d. Access design requirements and limitations;

e. Off-street parking requirements;

f. Landscaping and Private Open Space standards

g. Street design standards

21.44 Historic Preservation and specific Building Design Standards as may be applicable to each character district.

21.45 Operational Standards. Performance standards may be established relating to those aspects of the activity which must be controlled to protect the public health, safety, or welfare such as:

a. noise, air, water and soil pollution on other areas;

b. stormwater drainage, flood plain or erosion control problems; and

c. other operational requirements which are necessary and reasonable to make such activity compatible with neighboring land uses likely to be affected by such activity.

21.5 DEFINITIONS. The following definitions shall apply to uses and to other terms used in this Article only. For terms not specifically defined under this subsection, Article 14 Definitions shall apply.

Arcade: is a portion of the main façade of the building is at or near the front property line and a colonnade supports the upper floors of the building. Arcades are intended for buildings with ground floor commercial or retail uses and the arcade may be one or two stories.

Attics/Mezzanines: is the interior part of a building contained within a pitched roof structure or a partial story between two main stories of a building.

Auto-Related Sales and Service Uses: are establishments that provide retail sales and services related to automobiles including, but not limited to, cars, tires, batteries, gasoline, etc.

Build-to Line: the line at which the principal building’s front and/or side façades shall be built.

Build-to Zone: the area within which the principal building’s front and/or side façades are to be built.

Building Form Standards: the standards established for each Character District that specifies the height, bulk, orientation, and elements for all new construction and redevelopment.

Building Frontage: the percentage of the building’s front façade that is required to be located at the front Build-to Line or Zone as a proportion of the lot’s width along that public street. Parks, plazas, squares, improved courtyards, and pedestrian breezeway frontages shall be considered as buildings for the calculation of building frontage.

Image showing how a lot’s building frontage is calculated.
Certificate of Appropriateness (COA): is the official document issued by the Zoning Administrator after recommendation by the Downtown Design Administrator authorizing proposed work to buildings within all the Downtown Overlay District.

Civic/Open Space: means publicly accessible open space in the form of parks, paseos, courtyards, forecourts, plazas, greens, pocket parks, playgrounds, etc. They may be privately or publicly owned. For all residential uses, privately accessible open spaces such as courtyards, porches, and balconies may also be considered as Civic/Open Space for the purposes of this ordinance.

Square means a civic/open space available for unstructured recreation and civic purposes. A square is spatially defined by buildings. Its landscape shall consist of landscaping, hardscaping, water features, pathways, and pedestrian amenities arranged in formal and informal patterns. Squares shall be located at the intersection of important streets.

Plaza means a primarily hardscaped civic/open space with formal landscaping, available for civic purposes and commercial activities. A plaza shall be spatially defined by buildings.

Playground means a civic/open space designed and equipped for children’s recreation. A playground may be fenced and may include an open shelter. Playgrounds may be located within residential areas and may be placed within a block. They may be included in other open spaces.

Cottage Manufacturing: includes small scale assembly and light manufacturing of commodities (incl. electronics) fully enclosed within the building (no greater than 10,000 sq.ft.) without producing any noise, noxious odors, gas, or other pollutants. This category shall include workshops and studios for cottage industries such as pottery, glass-blowing, metal working, screen printing, weaving, etc.

Design Exception: shall be any request to amend any standard other than a dimensional standard (height, width, length of structure and size of yards and open space required) within Article 21.

Downtown Design Administrator (DDA): shall serve as the person appointed by the City Manager to coordinate the review process for applications for compliance with Article 21 of the Owensboro Metropolitan Zoning Ordinance and to make recommendations to the Zoning Administrator on COA approvals.

Downtown Design Coordination Committee (DDCC): is a committee composed of key city, county, OMPC, and other public entity staff to provide a coordinated and centralized technical review process to ensure compliance with all applicable regulations for development within the Downtown Overlay District boundary.

Downtown Overlay District: is the overlay district designation that applies area specific development and design standards for Downtown Owensboro in addition to zoning in order to implement the Downtown Owensboro Master Plan. It is composed of several “Character Districts” to implement the design goals of the Downtown Owensboro Master Plan.

Downtown Overlay District Regulating Plan (Regulating Plan): is a regulatory set of maps that is adopted for Downtown Owensboro in addition to the Zoning map and shows the Character Districts, Civic Spaces, location of Special Frontages, Streets, and Special Requirements applicable to the area subject to the standards in this Article.

Encroachment: any structural or non-structural element such as a sign, awning, canopy, terrace, or balcony, that breaks the plane of a vertical or horizontal regulatory limit, extending into a Setback, into the Public R-O-W, or above a height limit.

Gallery: is an extension of the main façade of the building that is at or near the front property line and the gallery may overlap the public sidewalk.

Historic Building: is a building that has been designated as a historic landmark by local, state, or federal government.

Hotel, full-service: these establishments shall be defined as buildings with habitable rooms or suites which are reserved for transient guests who rent the rooms or suites on a daily basis, and with: (i) a minimum area of 200 square feet in each guestroom;
(ii) (a) a full service restaurant with full kitchen facilities providing service to the general public; or 
(b) a concessionaire of the management for room service delivery; and 
(iii) on-site staff required seven (7) days a week, twenty-four (24) hours per day.

Illustrative Master Plan: is the building scale master plan that provides the guidance for future development and redevelopment of downtown Owensboro. It indicates the general location of buildings, uses, streets, open spaces, and parking within downtown Owensboro.

Institutional Uses: are uses that are related to non-profit organizations dedicated to religious or social functions.

Live-Work Unit: is a dwelling unit that is also used for work purposes, provided that the ‘work’ component is restricted to the uses of professional office, artist’s workshop, studio, or other similar uses and is located on the street level. The ‘live’ component may be located on the street level (behind the work component) or any other level of the building. Live/work unit is distinguished from a home occupation otherwise defined by this ordinance in that the work use is not required to be incidental to the dwelling unit, non-resident employees may be present on the premises and customers may be served on the site.

Living Fence: shall be a Street Screen composed of landscaping in the form of vegetation.

Major Civic Venue: shall be any large public gathering place including major sports arena, stadia, convention facilities, etc. Typically such facilities occupy more than one downtown block and may incorporate more than one use on the site.

Overlay Character District: each Overlay Character District is intended to create a distinct urban form different from other Character Districts.

Owensboro Historic Preservation Board (HPB): is a Citizen Board appointed by the Owensboro Board of Commissioners per Chapter 2, Article V, Section 2-355 of the Owensboro Municipal Code. The HPB will be the final authority on Historic Preservation and Design Standards unless otherwise specified in this Article.

Paseo: is a public right-of-way or open space dedicated to pedestrian movement located between buildings or along alleys.

Should: If the term “should” appears in a design standard, compliance is strongly encouraged, but is not required.

Sign, Building Blade: is a pedestrian-oriented sign that is affixed perpendicular to the corner of a building or along the front façade of a building above the ground floor to provide identification for the whole building.

Sign, Tenant Blade: is a smaller pedestrian-oriented sign that is affixed perpendicular to the building façade under a canopy or awning or immediately over a tenant space and provides identification for individual tenants within a building.

Sign, Freestanding: shall include both permanent and temporary signs placed within a building’s front yard. Freestanding signs may be Pole or Monument Signs.

Sign, Marquee: is a sign structure placed over the entrance to a theatre or other public gathering venue. It has signage stating either the name of the establishment or, in the case of theatres or other public venues, the name of the event, artist, and other details of the event appearing at that venue. The marquee is often identifiable by a surrounding cache of light bulbs, usually yellow or white, that flash intermittently or as chasing lights. Marquee signs may often be combined with Building Blade signs.
Special Frontage Requirements: are standards applied to certain properties as indicated in the Regulating Plan in order to address specific requirements and transitions based on street frontage and adjacency in addition to or in lieu of the underlying Character District standards.

Street Screen: a freestanding wall or living fence built along the frontage line or in line with the building façade along the street. It may mask an internal court, a parking lot or a loading/service area from view or provide privacy to a side yard and/or strengthen the spatial definition of the public realm.

Street Type: is a specific designation for streets in the Downtown Overlay District that establish a certain character and cross-sections to improve walkability within downtown.

Street Wall: is the existence of a continuous “wall” along a public street with buildings placed immediately adjacent to the street/sidewalk.

21.6 DOWNTOWN OVERLAY DISTRICT REGULATING PLAN. The Downtown Overlay District Regulating Plan for Owensboro is hereby adopted. The standards in this Article shall apply mandatorily to all properties within the boundaries of the Downtown Overlay District Regulating Plan.

21.61 Overlay Character Districts Established. The following Overlay Character Districts are established. The boundaries of the specific Character Districts are established in the Downtown Overlay District Regulating Plan.

a. Historic Core: The Historic Core District is intended to preserve and enhance the existing National Register Historic District along 2nd and 3rd Streets. Development standards in this Overlay District discourage demolition of existing historic buildings while requiring new buildings and changes to existing buildings to be consistent with the historic architectural traditions of the area.
b. Downtown Core: The Downtown Core District is intended to encourage redevelopment of the areas immediately west and south of the Historic Core. The development emphasis in this district will be to reinforce the pedestrian orientation and street walls along 2nd, 3rd, and Frederica Streets.

c. Riverfront Core: The Riverfront Core District is intended to encourage development of mixed use, pedestrian-oriented development along Veterans Boulevard immediately adjacent to Smothers Park and the Ohio River.

d. Riverfront Edge: The Riverfront Edge District is intended to encourage residential, recreational, and appropriate community uses along the Ohio River immediately east and west of the Riverfront Core District.

e. Riverfront Paseo: The Riverfront Paseo District is intended to encourage development and redevelopment along a pedestrian alley linking the Courthouse Square between Second Street and Veterans Boulevard to the Riverfront.

f. Downtown Transition: The Downtown Transition District is intended to provide for a wide range of appropriate commercial (retail, office, light industrial, and live-work) and residential transitions between the Downtown Core and neighborhoods to the west and east.

g. Frederica Boulevard: The Frederica Boulevard District is intended to support development along Frederica Street as a major transportation corridor with distinct nodes of development at key intersections.

h. Downtown Campus: The Downtown Campus District is intended to support the development of a cohesive Breckinridge University campus along Frederica Street and provide appropriate transitions to adjoining neighborhoods.

i. Neighborhood: The Neighborhood District is intended to protect existing neighborhoods that are immediately adjacent to Downtown from the higher intensity development within the Downtown Core and Transition Districts.

21.62 Street Designations Established. The Regulating Plan shall establish the following Street Designations.

a. Type “A” Streets Established – Type “A” Streets are intended to be the primary pedestrian streets and buildings along Type “A” Streets shall be held to the highest standard of pedestrian-oriented design. The major Type “A” Streets are Veterans Blvd from St. Elizabeth to Daviess Street, Second Street from St. Elizabeth to Clay Street, Third Street from Frederica Street to Daviess Street, and Frederica Street from Veterans Blvd. to 5th Street. The north-south streets around the County Courthouse are also designated as Type “A” Streets.

b. Type “B” Streets Established – Type “B” Streets are intended to balance pedestrian orientation with automobile orientation and buildings along Type “B” Streets may be permitted to accommodate some service and auto-related functions. All streets (except alleys) within the Downtown Overlay that are not designated Type “A” Streets shall be considered as Type B Streets.

21.63 Special Requirements. The Regulating Plan shall establish the following Special Requirements.

a. Designated Access and Views to River – This designation is intended to identify locations where new and existing streets and/or development shall be required to provide access and views to the river.

b. Recommended Access and Views to River - This designation is intended to identify locations where new and existing streets and/or development are recommended to provide access and views to the river.

c. Recommended Terminated Vistas – This requirement identifies locations that terminate key streets or view corridors. At these locations, special attention should be given to the design of new buildings and sites to take advantage of the key location.

d. Designated Civic/Open Space - The Designated Civic/Open Space requirement shall be the location of existing and proposed civic/open spaces (including parks, plazas, paseos, and squares).

e. Recommended Civic/Open Space - The Recommended Civic/Open Space designation shall indicate the locations of desired civic and open spaces (including parks, plazas, paseos and squares) to implement the Downtown Master Plan.
f. Designated Civic Building Sites - The Designated Civic Building Sites shall be the location of existing and proposed civic buildings (public and community buildings).

g. Recommended Civic Building Sites - The Recommended Civic Building Sites designation shall indicate the locations of desired civic buildings (public and community buildings) to implement the Downtown Master Plan.

h. Recommended Civic Venue Sites – The Recommended Civic Venue Sites designation shall indicate the locations of desired major civic venues such as the convention center and the multi-purpose outdoor events center.

i. Recommended Street Network - The Recommended Street Network indicates the streets needed to implement the Downtown Master Plan. Their location shall be guided by Regulating Plan and their design shall be guided by the standards in Appendix A of Article 21.
## 21.7 SCHEDULE OF USES BY CHARACTER DISTRICT FOR B-2 ZONED PROPERTY

<table>
<thead>
<tr>
<th>Character District</th>
<th>Use</th>
<th>HC/DТ-C/RF-C/RF-P</th>
<th>DT-Е</th>
<th>DT-T</th>
<th>FB</th>
<th>DT-Campus</th>
<th>N</th>
</tr>
</thead>
</table>
### A RESIDENTIAL
1A Bed and breakfast home | P | P | P | P |
1B Boarding or lodging house | C/6a | C/6a | C/6a | C/6a |
2Dwelling: Accessory | P | P | P | P |
3Dwelling: Multi-family (any floor) | P | P | P | P |
3A Dwelling: Upper floor multi-family only | P | P | P | P | P |
4Dwelling: Single-family detached | P | P | P | P |
5Dwelling: Townhouse | P | P | P | P |
6Dwelling: Two-family | P | P | P | P |
6A Residential Care Facilities | C/6a | C/6a | C/6a | C/6a |
7Fraternity or sorority house, dormitory | C/6a | C/6a | C/6a | C/6a |
7A Seasonal farm worker housing | A/5 | A/5 | A/5 | A/5 |
9 Keeping of roomers or boarders by a resident family | A/6 | A/6 | A/6 | A/6 |
10A Manufactured Home, Class 1 (see Section 14.7521) | P/7 | P/7 | P/7 | P/7 |
10B Manufactured Home, Class 2 (see Section 14.7522) | C/7 | C/7 | C/7 | C/7 |
10C Manufactured Home, Class 3 (see Section 14.7523) | C/7 | C/7 | C/7 | C/7 |
11Motel | P | P | P | P | P |
12Planned residential development project | P/8 | P/8 | P/8 | P/8 |
13Live-Work unit | P | P | P | P | P |
### B ASSEMBLY
1Amusements, indoor | P/9 | P/9 | P/9 | P/9 | P/9 |
2Amusements, outdoor | C/10 | C/10 | C/10 | C/10 | C/10 |
3Child day-care centers, child nurseries, adult day care centers | C | C | C | C | C | C |
4Churches, Sunday schools, parish houses | P | C | P | P | P | C |
<table>
<thead>
<tr>
<th>Use</th>
<th>Character District</th>
</tr>
</thead>
<tbody>
<tr>
<td>5 Circuses and carnivals, temporary</td>
<td>A/11 A/11 A/11 A/11 A/11 A/11</td>
</tr>
<tr>
<td>6 Civic center, auditorium, exhibition halls, amphitheater</td>
<td>P P P P P</td>
</tr>
<tr>
<td>7 Community centers, public</td>
<td>P C C P P C</td>
</tr>
<tr>
<td>8 Libraries, museums, art galleries, reading rooms</td>
<td>P P P P P C</td>
</tr>
<tr>
<td>9 Passenger transportation terminals</td>
<td>P P P</td>
</tr>
<tr>
<td>10 Philanthropic institutions and clubs</td>
<td>P P P P</td>
</tr>
<tr>
<td>11 Recreational activities, indoor</td>
<td>P P P P</td>
</tr>
<tr>
<td>12 Restaurants, cocktail lounges, night clubs</td>
<td>P P P P</td>
</tr>
<tr>
<td>13 Restaurants, drive-in, drive through windows subject to Articles 21.8 and 21.9</td>
<td>P P P</td>
</tr>
<tr>
<td>14 Schools, colleges, studios; academic, technical, vocational or professional, private elementary and secondary schools</td>
<td>P C P P P C</td>
</tr>
<tr>
<td>15 Sidewalk cafe</td>
<td>P P P P C</td>
</tr>
<tr>
<td>16 Any ASSEMBLY USES above deemed to be adult entertainment establishments (only Owensboro, Unincorporated Daviess County)</td>
<td>P/47</td>
</tr>
<tr>
<td>17 Public auction houses</td>
<td></td>
</tr>
</tbody>
</table>

**C INSTITUTIONAL**

<table>
<thead>
<tr>
<th>Use</th>
<th>Character District</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Hospitals; surgical centers; convalescent and rest homes; orphanages, rehabilitation facilities, assisted living facilities</td>
<td>C C C</td>
</tr>
<tr>
<td>2 Penal or correctional institution</td>
<td></td>
</tr>
</tbody>
</table>

**D BUSINESS**

<table>
<thead>
<tr>
<th>Use</th>
<th>Character District</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Banks, credit agencies, security and commodity and loan companies and holding and investment companies; without drive-in facilities</td>
<td>P P P</td>
</tr>
<tr>
<td>1A Banks, credit agencies, security and commodity and loan companies and holding and investment companies; without drive-in facilities; with drive-in facilities subject to Articles 21.8 and 21.9</td>
<td>P P P</td>
</tr>
<tr>
<td>2 Computer and data processing centers</td>
<td>P P P P</td>
</tr>
<tr>
<td>3 Hair styling, beauty and barber shops, tanning salons</td>
<td>P P P P</td>
</tr>
<tr>
<td>4 Home appliance and computer repair</td>
<td>P P P</td>
</tr>
<tr>
<td>5 Home occupation</td>
<td>A A A</td>
</tr>
<tr>
<td>6 Medical and dental offices, clinics and laboratories</td>
<td>P P P</td>
</tr>
<tr>
<td>7 Offices for business, professional, governmental, civic, social, fraternal, political, religious and charitable organizations</td>
<td>P P P</td>
</tr>
<tr>
<td>8 Office projects, professional</td>
<td>P P P</td>
</tr>
<tr>
<td>9 Pawnshops</td>
<td>P P P</td>
</tr>
<tr>
<td>10 Research, development and testing laboratories or centers</td>
<td>P P P</td>
</tr>
<tr>
<td>11 Shoe repair</td>
<td>P P P</td>
</tr>
<tr>
<td>12 Telephone exchanges, radio and television studios</td>
<td>P P P</td>
</tr>
<tr>
<td>13 Ticket and travel agencies</td>
<td>P P P</td>
</tr>
</tbody>
</table>
### Use Character District

<table>
<thead>
<tr>
<th>Use</th>
<th>Character District</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>HC/DT-C/RF-C/RF-P</strong></td>
<td>RF-E</td>
</tr>
<tr>
<td>14 Quick copy services, not utilizing offset printing methods</td>
<td>P</td>
</tr>
<tr>
<td>15 Live-work unit</td>
<td>P</td>
</tr>
<tr>
<td>91 Any BUSINESS USES above deemed to be adult entertainment establishments (only Owensboro, Unincorporated Daviess County)</td>
<td>P/47</td>
</tr>
</tbody>
</table>

### E MERCANTILE

<table>
<thead>
<tr>
<th>Use</th>
<th>Character District</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Farmers market</td>
<td>P</td>
</tr>
<tr>
<td>2 Retail sale of food products</td>
<td>P/16</td>
</tr>
<tr>
<td>3 Retail sale of merchandise</td>
<td>P/17</td>
</tr>
<tr>
<td>4 Retail sale of plant, nursery or greenhouse products (no outdoor storage)</td>
<td>P/18</td>
</tr>
<tr>
<td>5 Produce stands</td>
<td>P</td>
</tr>
<tr>
<td>6 Sale of feed, grain or other agricultural supplies</td>
<td>P</td>
</tr>
<tr>
<td>7 Wholesale supply establishment</td>
<td>P</td>
</tr>
<tr>
<td>8 Convenience stores without fuel stations</td>
<td>P</td>
</tr>
<tr>
<td>8A Convenience stores with fuel stations</td>
<td>P</td>
</tr>
<tr>
<td>9 Home improvement centers with no outdoor storage</td>
<td>P</td>
</tr>
<tr>
<td>10 Home improvement centers with outdoor storage</td>
<td>P</td>
</tr>
<tr>
<td>91 Any MERCANTILE USES above deemed to be adult entertainment establishments (only Owensboro, Unincorporated Daviess County)</td>
<td>P/47</td>
</tr>
</tbody>
</table>

### F AUTOMOBILE AND TRUCK RELATED

<table>
<thead>
<tr>
<th>Use</th>
<th>Character District</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Automobile or boat rental</td>
<td>P/21</td>
</tr>
<tr>
<td>2 Automobile or other vehicle sales lot, establishment</td>
<td>P/21</td>
</tr>
<tr>
<td>3 Automobile, motorcycle or other vehicle race tracks</td>
<td>P/21</td>
</tr>
<tr>
<td>4 Automobile service/fuel stations, with or without convenience stores</td>
<td>P/21</td>
</tr>
<tr>
<td>5 Automobile and truck repair, major</td>
<td>P/21</td>
</tr>
<tr>
<td>5A Automobile body shop (only Unincorp. Daviess Co.)</td>
<td>P/21</td>
</tr>
<tr>
<td>6 Automobile and truck repair, minor</td>
<td>P</td>
</tr>
<tr>
<td>7 Car-wash; self-serve or automatic subject to Articles 21.8 and 21.9</td>
<td>P/25</td>
</tr>
<tr>
<td>8 Loading and unloading facilities</td>
<td>A</td>
</tr>
<tr>
<td>9 Parking areas, private garages</td>
<td>A</td>
</tr>
<tr>
<td>10 Parking areas or structures subject to Articles 21.8 and 21.9</td>
<td>P</td>
</tr>
<tr>
<td>11 Parking lots or structures subject to Articles 21.8 and 21.9</td>
<td>P</td>
</tr>
<tr>
<td>12 Tire re-treading and recapping</td>
<td></td>
</tr>
<tr>
<td>13 Truck rental</td>
<td></td>
</tr>
<tr>
<td>14 Truck terminals and freight yards</td>
<td></td>
</tr>
<tr>
<td>15 Taxi cab or limousine service</td>
<td></td>
</tr>
<tr>
<td>16 Automobile auction facilities</td>
<td></td>
</tr>
</tbody>
</table>
### Use Character District

<table>
<thead>
<tr>
<th>Use</th>
<th>Character District</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>HC/DT-C/RF-C/RF-P</td>
</tr>
<tr>
<td><strong>G INDUSTRIAL</strong></td>
<td></td>
</tr>
<tr>
<td>1 Contractor equipment dealer</td>
<td></td>
</tr>
<tr>
<td>2 Dairy or other food product bottling plants</td>
<td></td>
</tr>
<tr>
<td>3 Extraction of crude petroleum, natural gas</td>
<td></td>
</tr>
<tr>
<td>3A Quarrying of sand, gravel, etc.</td>
<td></td>
</tr>
<tr>
<td>4 Heavy industrial uses, conditional</td>
<td></td>
</tr>
<tr>
<td>5 Heavy industrial uses, principal</td>
<td></td>
</tr>
<tr>
<td>6 Ice plant</td>
<td></td>
</tr>
<tr>
<td>7 Machine, welding and other metal work shops (no outdoor equipment or storage)</td>
<td></td>
</tr>
<tr>
<td>8 Manufacturing and assembling, light</td>
<td></td>
</tr>
<tr>
<td>9 Manufacturing, compounding, assembling, processing, packaging and certain other industrial uses</td>
<td></td>
</tr>
<tr>
<td>10 Making of articles to be sold at retail on the premises</td>
<td></td>
</tr>
<tr>
<td>11 Printing, publishing, lithographing, blueprinting</td>
<td></td>
</tr>
<tr>
<td>12 Sale of manufactured goods</td>
<td></td>
</tr>
<tr>
<td>13 Shops of special trade and general contractors (no outdoor storage)</td>
<td></td>
</tr>
<tr>
<td>14 Furniture repair and upholstery</td>
<td></td>
</tr>
<tr>
<td>15 Furniture restoration and refinishing</td>
<td></td>
</tr>
<tr>
<td>16 Cottage Manufacturing</td>
<td></td>
</tr>
<tr>
<td><strong>H Agriculture:</strong></td>
<td></td>
</tr>
<tr>
<td>1 Agricultural structures, stables</td>
<td></td>
</tr>
<tr>
<td>2 Dairying and stock-raising</td>
<td></td>
</tr>
<tr>
<td>3 Farming</td>
<td></td>
</tr>
<tr>
<td>4 Farm equipment dealer</td>
<td></td>
</tr>
<tr>
<td>5 Forestry</td>
<td></td>
</tr>
<tr>
<td>6 Grain drying</td>
<td></td>
</tr>
<tr>
<td>7 Horse sales establishment</td>
<td></td>
</tr>
<tr>
<td>8 Landscaping services</td>
<td></td>
</tr>
<tr>
<td>9 Community gardens</td>
<td></td>
</tr>
<tr>
<td><strong>I Animal related:</strong></td>
<td></td>
</tr>
<tr>
<td>1 Animal burial grounds</td>
<td></td>
</tr>
<tr>
<td>1A Animal race tracks</td>
<td></td>
</tr>
<tr>
<td>2 Animal hospital or clinic (no kennel facilities)</td>
<td></td>
</tr>
<tr>
<td>2A Pet grooming</td>
<td></td>
</tr>
<tr>
<td>2B Pet training</td>
<td></td>
</tr>
<tr>
<td>3 Hunting, fishing, trapping, game preserves</td>
<td></td>
</tr>
<tr>
<td>3A Taxidermy</td>
<td></td>
</tr>
<tr>
<td>4 Kennel, commercial</td>
<td></td>
</tr>
<tr>
<td>5 Kennel, non-commercial</td>
<td></td>
</tr>
<tr>
<td>6 Veterinarian office</td>
<td></td>
</tr>
<tr>
<td><strong>J Personal service:</strong></td>
<td></td>
</tr>
<tr>
<td>1 Cemetery, mausoleum, columbarium, crematory</td>
<td></td>
</tr>
<tr>
<td>2 Funeral home</td>
<td></td>
</tr>
<tr>
<td>3 Laundry, clothes cleaning</td>
<td></td>
</tr>
</tbody>
</table>

10/09 21-13
Use | Character District
--- | ---
3A Dry cleaning or laundry drop off and pick up stations with or without drive-through windows, where no cleaning of garments occurs on site subject to Articles 21.8 and 21.9 | P | P | P | P | P
4 Pharmaceuticals and medical supplies, sale of | P | P | P
5 Retail sales or personal services | P | P | P | P | P

K Public and semi-public:
1 Airport
2 Land fill
3 Municipal, county, state, public school or federal buildings and uses | P | P | P | P
4 Public utility facilities not otherwise permitted within this table and not excepted by Article 3 herein | C | C | C | C | C
5 Bus terminals | C | C | C
6 Radio or TV transmitting or relay facilities including line of sight relays
7 Recreational uses, major outdoor subject to Article 21.9 | P | P | C
8 Recreational uses, accessory outdoor | A/43 | A/43 | A/43 | A/43 | A/43 | A/43

L Storage:
1 Storage, outdoor
2 Storage (incidental) for retail sales establishment | A | A | A | A | A | A
3 Storage sheds | A
4 Storage for wholesale supply establishment
5 Storage yards for delivery vehicles
6 Warehouse
6A Warehouse with no outdoor storage, no larger than 10,000 sq. ft. per building per lot | P
7 Individual Storage
21.8 OVERLAY DISTRICT BUILDING FORM & DEVELOPMENT STANDARDS

21.81 Historic Core Overlay District

HISTORIC CORE Character District

Note: this map is for reference only. Refer to the Regulating Plan for Special Requirements.
21.81 (a) Building Placement

**Legend**
- Property Line
- Build-to Zone
- Build-to Line
- Building Area

(i) **Build-to Line/Zone (BTL/Z)**
(Distance from property line to edge of the zone)

<table>
<thead>
<tr>
<th>Description</th>
<th>Requirement</th>
<th>Diagram</th>
</tr>
</thead>
<tbody>
<tr>
<td>Front (Type “A” Street / Civic Space) (see #15)</td>
<td>0’</td>
<td>A</td>
</tr>
<tr>
<td>Front (Type “B” Street) (see #15)</td>
<td>0’ – 6’</td>
<td>B</td>
</tr>
</tbody>
</table>

(ii) **Setback**

<table>
<thead>
<tr>
<th>Description</th>
<th>Requirement</th>
<th>Diagram</th>
</tr>
</thead>
<tbody>
<tr>
<td>Front (Type “A” Street / Civic Space) (see #15)</td>
<td>0’ (min. and max)</td>
<td>A</td>
</tr>
<tr>
<td>Front (Type “B” Street) (see #15)</td>
<td>0’ (min.) 6’ (max.)</td>
<td>B</td>
</tr>
<tr>
<td>Side</td>
<td>0’ min.; (see #2)</td>
<td>C</td>
</tr>
<tr>
<td>Rear</td>
<td>5’ min.</td>
<td>D</td>
</tr>
</tbody>
</table>

(iii) **Building Form**

<table>
<thead>
<tr>
<th>Description</th>
<th>Requirement</th>
<th>Diagram</th>
</tr>
</thead>
<tbody>
<tr>
<td>Building Frontage required along “Type A” street/civic space BTZ</td>
<td>95% (min.) (see #3)</td>
<td>E</td>
</tr>
<tr>
<td>Building Frontage required along “Type B” street BTZ</td>
<td>70% (min.) (see #3)</td>
<td>F</td>
</tr>
</tbody>
</table>

21.81 (b) Height

(i) **Building minimum**
1 stories min. | K
(ii) **Building maximum**
5 stories (see #5 and #6) | K
(iii) **First floor to floor height**
Match adjoining historic building (if any) or no less than 15’ (see #4) | M
(iv) **Upper floor(s) height**
10’ min. | N

21.81 (c) Commercial Frontage Requirements

(i) Ground floor uses, to a minimum depth of 25’, along all streets designated as Type “A” in the Historic Core shall be limited to commercial (retail, restaurant, and office), art/dance/music studio, or civic uses only. Residential and lodging uses may be located behind or above the commercial use. Existing institutional uses are exempt from this standard. However, no new institutional uses shall be permitted on the ground floor of Type “A” Streets.
21.81 (d) Parking

**Legend**

- Property Line
- Below Grade Parking Area
- At/Above Grade Parking Area
- Building Footprint

**Legend**

- Property Line
- Encroachment Area

**(i) Location (distance from property line)**

**At & Above Grade Parking**

- Front setback (Type “A” Street) Shall be located behind the principal building
- Side setback: 0’ min.
- Type “B” Street setback: Min. of 3’ behind the building facade along that street
- Rear setback: 0’ min.

**Below Grade Parking**

- Allowed up to R-O-W/Property Line
- Allowed below Civic Space if providing public parking

**(ii) Required Parking Spaces**

- No required parking for all uses

**Notes**

1. Area between the building and the edge of the BTZ at the public sidewalk shall be paved to be flush with the sidewalk.
2. Side setbacks shall be based on minimum fire separation required between buildings, if applicable.
3. Corner building street facades must be built to the BTZ for a minimum of 25’ from the corner along both streets or the width of the corner lot, whichever is less. Recessed entrances are permitted as long as the upper floors meet the build-to zone or build-to-line standards.
4. First floor heights shall not apply to parking structures.
5. Attics and mezzanines less than 7’ (avg.) height shall not be counted as a story.
6. Corner buildings may exceed the maximum building height by 15% for 20% of the building’s frontage along each corresponding street façade.

21.81 (e) Encroachments (see #13)

**Legend**

- **Type “A” Street / Civic Space (Front)** 50% of the depth of the sidewalk or 6’ (whichever is greater)
- **Type “B” Street (Side)** 6’ max
- **Rear** 3’ max.

**Notes**

7. All buildings in the Historic Core shall meet the Historic Preservation Standards & Guidelines in Section 21.8(h).
8. Any frontage along a public street (except alleys) not defined by a building at the BTZ shall be defined by a 4’ high Street Screen.
9. Parking driveway width 24’ max. (at the throat)
10. Driveways shall not be located on a Type “A” Street unless the property has no feasible access to either a Type “B” Street or a vehicular alley.
11. Shared driveways and cross access easements are encouraged between lots to minimize curb cuts.
12. Article 13.1 of the Owensboro Metropolitan Zoning Ordinance shall apply for design of off-street parking areas.
13. Canopies, awnings, signs, galleries, and balconies may encroach over the BTZ and setback areas as indicated in the shaded areas as long as the vertical clearance is a minimum of 8’ from the finished sidewalk elevation. In no case shall an encroachment be located over an on-street parking or travel lane. All encroachments over the public R-O-W shall meet standards in Article 21.142(m).
14. Ground and roof mounted mechanical equipment shall be screened from direct ground level view from adjoining public rights-of-way. In addition to a parapet wall no higher than 42”, the perimeter of any visible roof mounted mechanical equipment shall be circumscribed by a wall or permanent screen that is at least as tall as the equipment itself.
15. Setbacks and build-to lines on recessed entries and arcade buildings shall be measured from the front of façade with the recessed entry or arcade.
16. Off-street loading and unloading shall be located along Type “B” Streets or alleys only unless the property has no feasible access to either a Type “B” Street or vehicular alley.
21.81 (g) Historic Preservation Standards

(i) Applicability

These standards shall apply to all building demolitions, renovations and reconstruction to the exterior facades of existing buildings within the Historic Core Overlay District. These standards shall also apply to additions to existing buildings and new construction within the Historic Core Overlay District.

Demolitions of existing buildings shall require a Demolition Permit to be obtained from City only after review and approval by the Owensboro Historic Preservation Board (HPB). Appeals to the Demolition review may be made to the Circuit Court of Daviess County.

All renovations and reconstructions of building exteriors within this District shall be required to obtain a Certificate of Appropriateness prior to building permit application or commencing the work. The Certificate of Appropriateness may be approved administratively by the Zoning Administrator after compliance review by the Downtown Design Administrator and appealed to the Historic Preservation Board.

The following activities (regardless of whether they require building permits) shall require a Certificate of Appropriateness:

i. Additions to existing historic structures; or new buildings or outbuildings on sites containing historic structures.

ii. Removal and replacement of any architectural detailing.

iii. Construction of roof top additions or decks.

iv. Alteration of accessory structures such as garages.

v. Installation of exterior access stairs.

vi. Window or door replacement with or without alteration of the openings.

vii. Installation of antennas and satellite receiving dishes that are visible from adjoining public rights-of-way (except alleys).

viii. Masonry work; including without exception, spall repair, pointing, sandblasting, chemical cleaning; or surface refinishing.

ix. Installation or alteration of any new exterior sign, or alteration of any sign contributing to the significance of a structure.

x. Site features other than vegetation, including without exception fencing, lighting and lighting fixtures, paving and grading.

The following activities shall not require a Certificate of Appropriateness:

a. Work which consists solely of ordinary maintenance;

b. Emergency repairs of a temporary nature to remedy problems determined by an outside agency that threaten life, health or safety; or,

c. Alteration of interior space and finishes of a historic building (Secretary of the Interior Standards may still apply for interior renovations).

(ii) Demolitions

Demolitions of existing building within the Historic Core Overlay District shall only be permitted after review and approval by the Owensboro Historic Preservation Board after a duly advertised Public Hearing. All applications for demolitions shall be reviewed by the Downtown Design Administrator and recommendations shall be forwarded to the HPB.

If an application for demolition is denied, it may be appealed to the Circuit Court of Daviess County. All appeals shall be taken in the Circuit Court within thirty (30) days after the action or decisions of the Historic Preservation Board and all decisions which have not been appealed within thirty (30) days shall become final. After the appeal is taken, the procedure shall be governed by the rules of civil procedure. When an appeal has been filed, the Clerk of the Circuit Court shall issue a summons to all parties and shall cause it to be delivered for service as in any other law action.

A building permit to demolish a building that has been approved for demolition by the HPB may only be granted after the approval of a building permit for new construction on the same property as the building to be demolished, unless the building has been deemed as a public hazard or attractive nuisance.

In reviewing and considering applications for building demolitions, the Downtown Design Administrator and the HPB shall consider the following:

a. The public’s interest in the preservation of the cultural resource.

b. Whether the building is locally or Nationally designated as a landmark.

c. The age of the cultural resource, its uniqueness or uncommon design, texture, and/or material and its ability to be reproduced without unreasonable difficulty and/or expense.

d. The ability of the cultural resource to help preserve and protect a historic place or prehistoric site or area of historic interest in the City.

e. The ability of the cultural resource to promote the general welfare of the City by:
   1) Encouraging the study of American History, architecture and design;
   2) Developing an understanding of the importance and value of the American culture and heritage; and
   3) Making the City a more attractive and desirable place in which to live.

f. Whether the building is being demolished for new construction on the same site which is more economically feasible than restoring the existing structure.

An application for demolition may only be approved by the HPB if:

a. A building or part of a building is structurally unstable or in a stage of advanced deterioration and has been deemed by the City as a hazard to public safety or an attractive nuisance; or

b. A building or part of a building is structurally unstable or in a stage of advanced deterioration and a technical report has been prepared by an architect or professional engineer experienced in rehabilitation of historic structures detailing the building’s structural soundness and suitability for rehabilitation including the nature and extent of the specific problems and reasonable cost estimates to rectify them. In addition the following shall be required:
   • A financial report is submitted with the application detailing the costs of rehabilitation, and evidencing that the existing improvement is incapable of reasonable use or producing an economic return, and
   • Demolition application is submitted with complete plans for the new development proposed on the site, together with a timetable and a budget for both the demolition and the reconstruction, as well as satisfactory evidence that adequate financing is available.

(iii) Renovation of Existing Buildings

The following standards shall apply in reviewing and approving applications for Certificates of Appropriateness for renovation of existing buildings within the Historic Core Overlay District.

Photographs used in this section are for illustration purposes only. Specifically, they are intended to show how the standards would apply when buildings are renovated and do not impose any requirements on existing buildings.
a. **Historic Façade.** Maintain the original character of the façade of historic building.

b. **Horizontal Alignment.** Reinforce the established horizontal lines of facades on the block. Restore or recreate the historic horizontal alignment of architectural features such as cornices, window sills and parapets.

c. **Storefronts.** Storefront buildings should maintain the original size, shape, and design of the storefront opening. Large ground floor windows shall be maintained and darkly tinted or mirrored glass is not permitted. Doors shall use painted frames and unfinished aluminum or stainless steel frames are not permitted. Window and door frames may be metal with anodized or painted finish or varnished or painted wood. Residential type of opaque and paneled doors shall not be permitted.

d. **Recessed Entrances.** Maintain traditional recessed storefront entrances where they exist.

e. **Storefront Kickplates.** Maintain and/or restore kickplate below storefront windows. Appropriate kickplate materials include painted wood, glazed tile, or painted metal in muted tones.

f. **Façade Elements.** Preserve primary façade elements and building materials. If the original façade has been concealed, it shall be uncovered. If portions of the original building material must be replaced, duplicate the material used or use a similar material to the original. Use of “barn” wood or other boarded surfaces which are inconsistent with the original building design shall not be permitted. Materials that are similar in texture, pattern, and color to those of the dominant brick work found in historic buildings shall be required.

g. **Original Ornamentation.** Preserve and restore original ornamentation and details of the façade using photographic and other evidence.

h. **Upper Story Windows.** Along street facing facades, preserve the size and shape of upper story windows. Reopen any blocked upper story windows. Maintain the original spacing of windows.

i. **Window Materials.** Aluminum tube type windows shall not be permitted along any street facing facades.

Solid vinyl windows are only permitted as long as the window has a minimum frame depth of 4-1/2”, is a color other than pure white, and is fabricated to fit the original window opening size.
Vinyl clad wood windows may be permitted as long as they are not pure white in color.

j. Transom. Preserve the original transom, if it exists. The transom shall be clear glass or shall be used for a sign or decorative panel.

k. Storefront Doors. Maintain and repair the original door or replace with a door of similar design and materials. Standard aluminum and glass commercial doors are permitted but the frames shall be painted in dark colors. Replacement doors shall be commercial type doors and shall not be of residential proportions or design.

l. Building Colors. Building color scheme shall visually link the building with others in the area. The colors chosen should relate to the established masonry tones within the Historic Core. If brick or masonry is exposed, it shall not be painted. Existing buildings of painted brick shall be repainted and paint removal is not permitted unless approved under the Secretary of the Interior standards for rehabilitation of historic buildings.

The following shall only be recommendations to follow to develop appropriate building color palettes:

Three color are sufficient to highlight any façade:

Base Color – is that on the upper walls and piers flanking the storefront. This shall be natural masonry or painted to look as natural as possible.

Major Trim – is the color that defines the decorative elements of the building, tying together the upper façade trim and the storefront. The trim color should complement the base color. Major trim elements include the building cornice, storefront cornice, window frames, sills and hoods, and storefront frame, columns, and bulkheads (kickplate).

Minor Trim – should enhance the color scheme established by the base and major trim. Often a darker shade of the major trim is used to highlight the window sashes, doors, and selective cornice and bulkhead details.

(iv) New Construction and Additions to Existing Buildings

Article 21.9 shall apply to the design of new buildings and additions to existing buildings.
21.82 Downtown Core Overlay District

DOWNTOWN CORE Character District

Note: this map is for reference only. Refer to the Regulating Plan for Special Requirements.
**21.82 (a) Building Placement**

(i) **Build-to Zone (BTZ)**
(Distance from property line to edge of the zone)
- Front (Type “A” Street / Civic Space) 0’ – 6’ (see #1)
- Front (Secondary Street) 0’ – 6’ (see #1)

(ii) **Setback**
- Front (Type “A” Street / Civic Space) 0’ (min.) – 6’ (max.)
- Front (Secondary Street) 0’ (min.) – 6’ (max.)
- Side 0’ min. (see #2)
- Rear 5’ min.

(iii) **Building Form**
- Building Frontage required along “Type A” street/civic space BTZ 95% (min.) (see #3)
- Building Frontage required along “Type B” street BTZ 70% (min.) (see #3)

**21.82 (b) Height**

(i) Building minimum 1 stories min.
(ii) Building maximum 6 stories (see #4 and # 5)
(iii) First floor to floor height 15’ min.
(iv) Upper floor(s) height 10’ min.

**21.82 (c) Special Requirements**

Ground floor uses, to a minimum depth of 25’, along all streets designated as Type “A” in the Downtown Core shall be limited to commercial (retail, restaurant, or office) or civic uses only. Residential and lodging rooms may be located behind or above the commercial use. Existing institutional uses are exempt from this standard. However, no new institutional uses shall be permitted on the ground floor of Type “A” Streets.
21.82 (d) Parking

Legend

- Property Line
- Below & Above Grade Parking Area
- At Grade Parking Area

1. Location (distance from property line)

At Grade Parking

<table>
<thead>
<tr>
<th>Location (distance from property line)</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Front setback</td>
<td>Shall be located behind the principal structure on the lot</td>
</tr>
<tr>
<td>Side setback</td>
<td>0’ min.</td>
</tr>
<tr>
<td>Type “B” Street setback</td>
<td>Min. of 3’ behind the building facade along that street</td>
</tr>
<tr>
<td>Rear setback</td>
<td>0’ min.</td>
</tr>
</tbody>
</table>

Below and Above Grade Parking

Allowed up to R-O-W/Property Line
Allowed below Civic Space if providing public parking

2. Required Parking Spaces

No required parking for all uses

21.82 (e) Historic Preservation

Any changes to historic building facades or demolition of or additions to historic buildings in the Downtown Core shall meet the standards established in Article 21.81 (g).

21.82 (f) Encroachments (see #11)

Legend

- Property Line
- Encroachment Area

(i) Location

<table>
<thead>
<tr>
<th>Type “A” Street / Civic Space (Front)</th>
<th>50% of the depth of the sidewalk or 6’ (whichever is greater)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Type “B” street (Side)</td>
<td>6’ max</td>
</tr>
<tr>
<td>Rear</td>
<td>3’ max.</td>
</tr>
</tbody>
</table>

21.82 (g) Applicability

Building Form and Development Standards in this Article shall apply to new construction, additions, or substantial modifications that exceed the threshold established under Article 21.142 (o) Non Conforming Buildings and Uses except as specified under Historic Preservation in 21.82 (e).

Notes

#1 – Area between the building and the edge of the BTZ at the public sidewalk shall be paved to be flush with the sidewalk.
#2 – Side setbacks shall be based on minimum fire separation required between buildings, if applicable.
#3 – Corner building street facades must be built to the BTZ for a minimum of 25’ from the corner along both streets or the width of the corner lot, whichever is less. Recessed entrances are permitted as long as the upper floors meet the building-to-zone requirements.
#4 – Attics and mezzanines less than 7’ (avg.) height shall not be counted as a story.
#5 – Corner buildings may exceed the maximum building height by 15% for 20% of the building’s frontage along each corresponding street façade.
#6 – Any frontage along a public street (except alleys) not defined by a building at the BTZ shall be defined by a 4’ high Street Screen.

#7 – Parking driveway width 24’ max.

#8 – Driveways shall not be located on a Type “A” Street unless the property has no feasible access to either a Type “B” Street or a vehicular alley.

#9 – Shared driveways and cross access easements are encouraged between lots to minimize curb cuts.

#10 – Article 13.1 of the Owensboro Metropolitan Zoning Ordinance shall apply for design of off-street parking areas.

#11 – Canopies, awnings, signs, galleries, and balconies may encroach over the BTZ and setback areas as indicated in the shaded areas as long as the vertical clearance is a minimum of 8’ from the finished sidewalk elevation. In no case shall an encroachment be located over an on-street parking or travel lane. All encroachments over the public R-O-W shall meet standards in Article 21.142(m).

#12 – Setbacks and build-to lines on recessed entries, stoops, and arcade buildings shall be measured from the front of the façade with the recessed entry or arcade.

#13 – Ground and roof mounted mechanical equipment shall be screened from direct ground level view from adjoining public rights-of-way. In addition to a parapet wall no higher than 42”, the perimeter of any visible roof mounted mechanical equipment shall be circumscribed by a wall or permanent screen that is at least as tall as the equipment itself.

#14 – Off-street loading and unloading shall be located along Type “B” Streets or alleys only unless the property has no feasible access to either a Type “B” Street or vehicular alley.
21.83 Riverfront Core Overlay District

RIVERFRONT CORE Character District

Note: this map is for reference only. Refer to the Regulating Plan for Special Requirements.
21.83 (a) Building Placement

(i) Build-to Zone (BTZ) (Distance from property line to edge of the zone)
- Front (along Veterans Blvd.) 10’ – 15’ (see #1)
- Front (all other streets) 5’ – 10’ (see #1)

(ii) Setback
- Front (Veterans Blvd.) 10’ min. (see #1)
- Front (all other streets) 5’ min. (see #1)
- Side 0’ min. (see #2)
- Rear 5’ min.

(iii) Building Form
- Building Frontage required along “Type A” street/civic space BTZ 95% (min.) (see #3)
- Building Frontage required along “Type B” street BTZ 70% (min.) (see #3)

21.83 (b) Height

(i) Building minimum 2 stories min.
(ii) Building maximum 8 stories (see #4 and #6)
(iii) First floor to floor height 15’ min.
(iv) Upper floor(s) height 10’ min.

21.73 (c) Special Requirements

Ground floor uses, to a minimum depth of 25’, along Veterans Blvd from Frederica Blvd. to Daviess Street shall be limited to commercial uses (retail, restaurant, or office) or art/dance/music studio uses only. Residential, lodging rooms, and institutional uses may be located behind or above the commercial use.
21.83 (d) Parking

(i) Location (distance from property line)

- **At and Above Grade Parking**
  - Front setback: Shall be located behind the principal structure on the lot
  - Side setback: 0’ min.
  - Type "B" Street setback: 3’ min. behind the building facade along that street
  - Rear setback: 0’ min.

- **Below Grade Parking**
  - Allowed up to R-O-W/Property Line
  - Allowed below Civic Space if providing public parking

(ii) Required Parking Spaces

No required parking for all uses

21.83 (e) Historic Preservation

Any changes to historic building facades or demolition of or additions to historic buildings in the Riverfront Core shall meet the standards established in Article 21.81 (g).

21.83 (f) Encroachments (see#11)

(i) Location

- Type “A” Street / Civic Space (Front): 50% of the depth of the sidewalk or 6’ (whichever is greater)
- Type “B” street (Side): 4’ max
- Rear: 3’ max.

21.83 (g) Applicability

Building Form and Development Standards in this Article shall apply to new construction, additions, or substantial modifications that exceed the threshold established under Article 21.142 (o) except as specified under Historic Preservation in 21.83 (e).

Notes

#1 – Front setback area shall be paved flush to match the existing sidewalk along Veterans Blvd. Pavement materials shall, at a minimum, match the color of the pavers used on the sidewalk on Veterans Blvd.

#2 – Side setbacks shall be based on minimum fire separation required between buildings, if applicable.

#3 – Corner building street facades must be built to the BTZ for a minimum of 25’ from the corner along both streets or the width of the corner lot, whichever is less. Recessed entrances are permitted as long as the upper floors meet the build-to zone requirements.

#4 – Attics and mezzanines less than 7’ (avg.) height shall not be counted as a story.

#5 – Any frontage along a public street (except alleys) not defined by a building at the BTZ shall be defined by a 4’ high Street Screen.

#6 – Corner buildings may exceed the maximum building height by 15% for 20% of the building’s frontage along each corresponding street façade.
#7 – Parking driveway width  24’ max.

#8 - Driveways shall not be located on a Type “A” Street unless the property has no feasible access to a either a Type “B” Street or a vehicular alley.

#9 – Shared driveways and cross access easements are encouraged between lots to minimize curb cuts.

#10 – Article 13.1 of the Owensboro Metropolitan Zoning Ordinance shall apply for design of off-street parking areas.

#11 – Canopies, awnings, signs, galleries, and balconies may encroach over the BTZ and setback areas as indicated in the shaded areas as long as the vertical clearance is a minimum of 8’ from the finished sidewalk elevation. In no case shall an encroachment be located over an on-street parking or travel lane. All encroachments over the public R-O-W shall meet standards in Article 21.142(m).

#12 – Ground and roof mounted mechanical equipment shall be screened from direct ground level view from adjoining public rights-of-way. In addition to a parapet wall no higher than 42”, the perimeter of any visible roof mounted mechanical equipment shall be circumscribed by a wall or permanent screen that is at least as tall as the equipment itself.

#13 – Setbacks and build-to lines on recessed entries, stoops, and arcade buildings shall be measured from the front of the façade with the recessed entry or arcade.

#14 – Off street loading and unloading shall be located along Type “B” Streets or alleys only unless the property has no feasible access to either a Type “B” Street or vehicular alley.
21.84 Riverfront Paseo Overlay District

Note: this map is for reference only. Refer to the Regulating Plan for Special Requirements.
**21.84 (a) Building Placement**

**Legend**
- Property Line
- Setback Line
- Build-to Zone
- Building Area

(i) **Build-to Zone (BTZ)** (Distance from property line to edge of the zone)
- Front (along Veterans Blvd.) 10’ – 15’ (see #1)  
- Any façade along Paseo 10’ – 15’
- Front (along Second, Frederica, and St. Ann Streets) 0’ – 6’

(ii) **Setback**
- Front (Veterans Blvd.) 10’ min. (see #1) 15’ max (see #1)
- Any façade along Paseo (measured from center line of paseo) 15’ (min.) 20’ (max.)
- Front (all other streets) 0’ min. (see #1) 6’ max. (see #1)
- Side 0’ min. (see #2)
- Corner setback at Veterans Blvd. and Paseo 30’ min (from Veterans Blvd.) (see #1)  
  20’ min (from centerline of Paseo) (see #1)
- Corner setback at Second Street and Paseo 10’ min (from Second St.) (see #1)  
  20’ min (from centerline of Paseo) (see #1)

(iii) **Building Form**
- Building Frontage required along Veterans Blvd. and Second Street BTZ 90% (min.) (see #3)
- Building Frontage required along Frederica and St. Ann Streets BTZ 40% (min.) (see #3)
- Building Frontage required along Paseo BTZ 40% (min) (see #3)

**21.84 (b) Height**

(i) **Building minimum**
- 2 stories min. along Veterans Blvd. frontage; 1 story along all other frontages

(ii) **Building maximum**
- 4 stories (see #4 and #6)

(iii) **Building stepback required at the 4th floor (along Paseo only)**
- 12’ min.

(iv) **First floor to floor height**
- 15’ min.

(v) **Upper floor(s) height**
- 10’ min.

**21.84 (c) Special Requirements**

Ground floor uses, to a minimum depth of 25’, along Veterans Blvd from Frederica Blvd. to Daviess Street shall be limited to commercial uses (retail, restaurant, or office) or art/dance/music studio uses only. Residential, lodging rooms, and institutional uses may be located behind or above the commercial use.
21.84 (d) Parking

**Location (distance from property line)**

- **At and Above Grade Parking**
  - Front setback: Shall be located behind the principal structure on the lot
  - Side setback: 0’ min.
  - Setback from Frederica and St. Ann Streets: 6’ min.
  - Paseo setback: 12’ min.

- **Below Grade Parking**
  - Allowed up to R-O-W/Property Line
  - Allowed below Civic Space if providing public parking

(ii) **Required Parking Spaces**

No required parking for all uses

21.84 (f) Encroachments (see #11)

(i) **Location**

- Veterans Blvd (any facade): 6’ max. (over the setback area only)
- Second Street (any facade): 50% of the depth of the sidewalk or 6’ (whichever is greater)
- Over Paseo (any facade): 3’ max. into the setback area only
- Over Frederica and St. Ann Streets: 50% of the depth of the sidewalk or 6’ (whichever is greater)

21.84 (g) Applicability

Building Form and Development Standards in this Article shall apply to new construction, additions, or substantial modifications that exceed the threshold established under Article 21.142 (o) except as specified under Historic Preservation in 21.84 (e).

Notes

#1 - Front setback area shall be paved flush to match the existing sidewalk along Veterans Drive unless providing terraced café seating as defined below. Pavement materials shall, at a minimum, match the color of the pavers used on the sidewalk along Veterans Blvd. In order to accommodate grade changes along the paseo and Frederica St., elevated terraces for the purposes of outdoor café seating may be permitted to encroach a maximum of 6’ into the required setback along the Veterans Blvd and Frederica Street frontages. Terraced café seating shall be elevated no more than 42” above the finished sidewalk grade.

#2 - Side setbacks shall be based on minimum fire separation required between buildings, if applicable.

#3 - Corner building street facades must be built to the BTZ for a minimum of 25’ from the corner along both streets or the width of the corner lot, whichever is less. Recessed entrances are permitted as long as the upper floors meet the build-to zone requirements.

**Legend**

- Property Line
- Below Grade Parking Area
- At/Above Grade Parking Area
- Building Footprint

**Notes**

- #1 - Front setback area shall be paved flush to match the existing sidewalk along Veterans Drive unless providing terraced café seating as defined below. Pavement materials shall, at a minimum, match the color of the pavers used on the sidewalk along Veterans Blvd. In order to accommodate grade changes along the paseo and Frederica St., elevated terraces for the purposes of outdoor café seating may be permitted to encroach a maximum of 6’ into the required setback along the Veterans Blvd and Frederica Street frontages. Terraced café seating shall be elevated no more than 42” above the finished sidewalk grade.

- #2 - Side setbacks shall be based on minimum fire separation required between buildings, if applicable.

- #3 - Corner building street facades must be built to the BTZ for a minimum of 25’ from the corner along both streets or the width of the corner lot, whichever is less. Recessed entrances are permitted as long as the upper floors meet the build-to zone requirements.
#4 – The maximum building height may only be 4 stories if the 4th story is setback from the 3rd floor building façade by a minimum of 12’ along its paseo frontage. Attics and mezzanines less than 7’ (avg.) height shall not be counted as a story.

#5 – Any frontage along a public street not defined by a building at the BTZ shall be defined by a 4’ Street Screen. Any frontage along any paseo not defined by a building at the BTZ shall be defined by a 5’ high brick masonry wall.

#6 – Corner buildings may exceed the maximum building height by 15% for 20% of the building’s frontage along each corresponding street façade.

#7 – Parking driveway width 24’ max.

#8 – No driveways shall be permitted along Veterans Blvd and Second Street unless the property has no feasible access to either Frederica or St. Ann Streets.

#9 – Shared driveways and cross access easements are encouraged between lots to minimize curb cuts along Frederica and St. Ann Streets.

#10 – Article 13.1 of the Owensboro Metropolitan Zoning Ordinance shall apply for design of off-street parking areas.

#11 – Canopies, awnings, signs, galleries, and balconies may encroach over the BTZ and setback areas as indicated in the shaded areas as long as the vertical clearance is a minimum of 8’ from the finished sidewalk elevation. In no case shall an encroachment be located over an on-street parking or travel lane. Any elevated terraces for the purposes of outdoor café seating shall not exceed the allowable encroachments along that particular street frontage. All encroachments over the public R-O-W shall meet standards in Article 21.142(m).

#12 – Ground and roof mounted mechanical equipment shall be screened from direct ground level view from adjoining public rights-of-way. In addition to a parapet wall no higher than 42”, the perimeter of any visible roof mounted mechanical equipment shall be circumscribed by a wall or permanent screen that is at least as tall as the equipment itself.

#13 – Setbacks and build-to lines on recessed entries, stoops, and arcade buildings shall be measured from the front of the façade with the recessed entry or arcade.

#14 – Off street loading and unloading shall be located along Frederica Street or St. Ann Street frontages only unless the property has no feasible access to either Frederica or St. Ann Streets.
21.85 Riverfront Edge Overlay District

RIVERFRONT EDGE Character District

Note: this map is for reference only. Refer to the Regulating Plan for Special Requirements.
21.85 (a) Building Placement

(i) **Build-to Zone (BTZ)**
(Distance from property line to edge of the zone)

**Legend**
- Property Line
- **Build-to Zone**
- **Building Area**

**Lots with Public Street Frontage**
- Front (Type “A” Street or Civic/Open Space) (corner lot) 0’ – 15’
- Front (Type “A” Street or Civic/Open Space) (interior lot) 5’ – 15’
- Front (Type “B” Street) 0’ – 15’

**Ohio River Frontage**
- Edges of Ohio River (measured from edge of the river bank) 15’ – 30’
- All street frontages 0’ – 15’

(ii) **Setback**
- Front (Type “A” Street or Civic/Open Space) (corner lot) 0’ (min.) 15’ (max.)
- Front (Type “A” Street or Civic/Open Space) (interior lot) 5’ (min.) 15’ (max.)
- Front (Type “B” Street) 0’ (min.) 15’ (max.)

(iii) **Building Form**
- Building Frontage required along “Type A” street/civic space BTZ 70% (min.)
- Building Frontage required along “Type B” street BTZ 50% (min.)

21.85 (b) Height

(i) Building maximum 6 stories (see #3 and #4)

(ii) Min. ground floor elevation (residential uses only)
- 18” min. above sidewalk (for buildings setback 10’ or less)
- None for buildings setback 10’ or more

(iii) First floor to floor height
- 15’ min. for commercial
- 10’ min. for residential

(iv) Upper floor(s) height
- 9’ min.

21.85 (c) Block and Lot Standards

Block face dimensions 400 ft. (maximum)
- This standard shall not apply to blocks with major civic venues.

Lot Width 300 ft. (max.)
Lot Depth 200 ft. (max.)

21.85 (d) Special Requirements

All properties with Street Frontage (excluding alleys) shall provide pedestrian access along the street in the form of a public sidewalk of a minimum width of 6’.

All properties with frontage along the Ohio River shall provide access along the riverfront in the form of a public sidewalk of a minimum width of 12’ unless the same is provided within a designated public easement or right-of-way along that lot front.
### 21.85 (e) Parking

#### Legend
- Property Line
- Building Footprint
- At/Above Grade Parking Area

#### (i) Location (distance from property line)

<table>
<thead>
<tr>
<th>Type</th>
<th>Location/Minimum</th>
</tr>
</thead>
<tbody>
<tr>
<td>Front setback</td>
<td>behind the principal structure on the lot</td>
</tr>
<tr>
<td>Side setback</td>
<td>0’ min.</td>
</tr>
<tr>
<td>Type “B” Street setback</td>
<td>3’ min. behind the building facade along that street</td>
</tr>
<tr>
<td>Rear setback</td>
<td>0’ min.</td>
</tr>
</tbody>
</table>

#### Below Grade Parking
- Allowed up to R-O-W/Property Line
- Allowed below Civic Space if providing public parking

### Notes
1. Side setbacks shall be based on minimum fire separation required between buildings, if applicable.
2. Corner building street facades must be built to the BTZ for a minimum of 25’ from the corner along both streets or the width of the corner lot, whichever is less. Recessed entrances are permitted as long as the upper floors meet the build-to zone requirements.
3. Attics and mezzanines less than 7’ (avg.) height shall not be counted as a story.
4. Corner buildings may exceed the maximum building height by 15% for 20% of the building’s frontage along each corresponding street façade.
5. Parking driveway width 24’ max.
6. Driveways shall not be located on a Type “A” Street unless the property has no feasible access to either a Type “B” Street or a vehicular alley.
7. Shared driveways and cross access easements are encouraged between lots to minimize curb cuts.
8. Article 13.1 of the Owensboro Metropolitan Zoning Ordinance shall apply only for design of off-street parking areas.
9. Any frontage along a public street (except alleys) defined by a surface parking lot at the BTZ shall be defined by a 4’ high Street Screen.
10. Ground and roof mounted mechanical equipment shall be screened from direct ground level view from adjoining public rights-of-way. In addition to a parapet wall no higher than 42”, the perimeter of any visible roof mounted mechanical equipment shall be circumscribed by a wall or permanent screen that is at least as tall as the equipment itself.
11. Setbacks and build-to lines on recessed entries, stoops, and arcade buildings shall be measured from the front of the façade with the recessed entry or arcade.
12. Off-street loading and unloading shall be located along Type “B” Streets or alleys only unless the property has no feasible access to either a Type “B” Street or vehicular alley.
21.86 Downtown Transition Overlay District

DOWNTOWN TRANSITION Character District

Note: this map is for reference only. Refer to the Regulating Plan for Special Requirements.
### 21.86 (a) Building Placement

**Legend**
- Property Line
- Setback Line
- Build-to Zone
- Building Area

#### (i) Build-to Zone (BTZ)
(Distance from property line to edge of the zone)

<table>
<thead>
<tr>
<th>Lots with Public Street Frontage</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Front (Type “A” Street or Civic/Open Space)</td>
<td>0’ – 15’</td>
</tr>
<tr>
<td>Front (Type “B” Street)</td>
<td>0’ – 15’</td>
</tr>
</tbody>
</table>

#### (ii) Setback

<table>
<thead>
<tr>
<th>Front (Type “A” Street or Civic/Open Space)</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>0’ (min.)</td>
<td>A</td>
</tr>
<tr>
<td>15’ (max.)</td>
<td>B</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Front (Type “B” Street)</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>0’ (min.)</td>
<td>B</td>
</tr>
<tr>
<td>15’ (max.)</td>
<td>B</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Rear</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>5’ min.</td>
<td>D</td>
</tr>
</tbody>
</table>

#### (iii) Building Form

**Building Frontage required along “Type A” street/civic space BTZ**
- 70% (min.) (see #2) | E

**Building Frontage required along “Type B” street BTZ**
- 50% (min.) (see #2) | F

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### 21.86 (b) Height

(i) Building maximum 4 stories (see # 3 and #4) | K

(ii) Min. ground floor elevation
- 18” min. above sidewalk (for buildings setback 10’ or less)
- None for buildings setback 10’ or more

(iii) First floor to floor height
- 15’ min. for commercial
- 10’ min. for residential | M
**ARTICLE 21**

**DOWNTOWN OVERLAY DISTRICT**

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**21.86 (c) Parking**

<table>
<thead>
<tr>
<th>Location (distance from property line)</th>
<th>At and Above Grade Parking</th>
</tr>
</thead>
<tbody>
<tr>
<td>Front setback</td>
<td>Shall be located behind the principal structure on the lot</td>
</tr>
<tr>
<td>Side setback</td>
<td>0’ min.</td>
</tr>
<tr>
<td>Type “B” Street setback</td>
<td>3’ min. behind the building facade along that street</td>
</tr>
<tr>
<td>Rear setback</td>
<td>0’ min.</td>
</tr>
</tbody>
</table>

**Below Grade Parking**

- Allowed up to R-O-W/Property Line
- Allowed below Civic Space if providing public parking

**21.86 (d) Historic Preservation**

Any changes to historic building facades or demolition of or additions to historic buildings in the Downtown Transition shall meet the standards established in Article 21.81 (g).

**21.86 (e) Encroachments**

Canopies, signs, awnings, galleries, and balconies may encroach over the sidewalk as long as the vertical clearance is a minimum of 8 ft. and the encroachment does not exceed 50% of the required sidewalk width or 6’ (whichever is greater). In no case shall an encroachment be located over an on-street parking or travel lane. All encroachments over the public R-O-W shall meet standards in Article 21.142(m).

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**21.75 (f) Applicability**

Building Form and Development Standards in this Article shall apply to new construction, additions, or substantial modifications that exceed the threshold established under Article 21.142 (o) except as specified under Historic Preservation in 21.86 (d).

**Notes**

1. Side setbacks shall be based on minimum fire separation required between buildings, if applicable.
2. Corner building street facades must be built to the BTZ for a minimum of 25’ from the corner along both streets or the width of the corner lot, whichever is less. Recessed entrances are permitted as long as the upper levels meet the build-to zone requirements.
3. Attics and mezzanines less than 7’ (avg.) height shall not be counted as a story.
4. Corner buildings may exceed the maximum building height by 15% for 20% of the building’s frontage along each corresponding street façade.

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**Legend**

- Property Line
- Building Footprint
- At/Above Grade Parking Area

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**#5 – Parking driveway width 24’ max.**

**Notes**

1. Driveways shall not be located on a Type “A” Street unless the property has no feasible access to either a Type “B” street or vehicular alley.
2. Shared driveways and cross access easements are encouraged between lots to minimize curb cuts.
3. Parking may be provided off-site within 1,200 feet or based on a shared plan approved by the Downtown Design Administrator.
4. Article 13.1 of the Owensboro Metropolitan Zoning Ordinance shall apply for design of off-street parking areas.
5. Any frontage along a public street (except alleys) defined by a surface parking lot at the BTZ shall be defined by a 4’ high Street Screen.
6. Ground and roof mounted mechanical equipment shall be screened from direct ground level view from adjoining public rights-of-way. In addition to a parapet wall no higher than 42”, the perimeter of any visible roof mounted mechanical equipment shall be circumscribed by a wall or permanent screen that is at least as tall as the equipment itself.
7. Setbacks and build-to lines on recessed entries, stoops, and arcade buildings shall be measured from the front of the façade with the recessed entry or arcade.
21.87  Frederica Boulevard Overlay District

Note: this map is for reference only. Refer to the Regulating Plan for Special Requirements.
OWLBSBO METROPOLITAN ZONING ORDINANCE

ARTICLE 21
DOWNTOWN OVERLAY DISTRICT

21.87 (a) Building Placement

(i) Build-to Zone (BTZ) (Distance from property line to edge of the zone)

Front (Type “A” Street / Civic Space) 0’ – 15’ (see #1)

Front (Secondary Street) 0’ – 15’ (see #1)

(ii) Setback

Front (Type “A” Street / Civic Space) 0’ (min.) 15’ (max.)

Front (Secondary Street) 0’ (min.) 15’ (max.)

Side 0’ min. (see #2)

Rear 5’ min.

(iii) Building Form

Building Frontage required along “Type A” street/civic space BTZ 70% (min.) (see #3)

Building Frontage required along “Type B” street BTZ 50% (min.) (see #3)

21.87 (b) Height

(i) Building maximum 6 stories (see #4 and # 5)

(ii) Min. ground floor elevation (residential uses only) 18” min. above sidewalk (for buildings setback 10’ or less) None for buildings setback 10’ or more

(iii) First floor to floor height 15’ min. for commercial 10’ min. for residential

Legend

Property Line Setback Line
Build-to Zone Building Area

Frederica Boulevard
**21.87 (c) Parking**

<table>
<thead>
<tr>
<th>Location (distance from property line)</th>
<th>Legend</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>At Grade Parking</strong></td>
<td></td>
</tr>
<tr>
<td>Front setback</td>
<td>![O]</td>
</tr>
<tr>
<td>Side setback</td>
<td>![P]</td>
</tr>
<tr>
<td>Type “B” Street setback</td>
<td>![Q]</td>
</tr>
<tr>
<td>Rear setback</td>
<td>![R]</td>
</tr>
</tbody>
</table>

### (i) Location (distance from property line)

- **At Grade Parking**
  - Shall be located behind the principal structure on the lot

### Below and Above Grade Parking

- Allowed up to R-O-W/Property Line
- Allowed below Civic Space if providing public parking

### (ii) Required Parking Spaces

Number of parking spaces required shall either meet the standard below or as required by the underlying zoning district, whichever is the lesser of the two.

- **All Commercial Uses**: 1 space per every 300 sq.ft. of floor area
- **Residential Uses**: 1 space per residential unit
- **Civic or Religious Uses**: 1 space per 500 sq.ft. of floor area

### 21.87 (d) Historic Preservation

Any changes to historic building facades or demolition of or additions to historic buildings in the Frederica Boulevard Character District shall meet the standards established in Article 21.81 (g).

### 21.87 (e) Encroachments

Canopies, signs, awnings, galleries, and balconies may encroach over the sidewalk as long as the vertical clearance is a minimum of 8 ft. and the encroachment does not exceed 50% of the required sidewalk width or 6’ (whichever is greater). In no case shall an encroachment be located over an on-street parking or travel lane. All encroachments over the public R-O-W shall meet standards in Article 21.142 (m).

### 21.87 (f) Applicability

Building Form and Development Standards in this Article shall apply to new construction, additions, or substantial modifications that exceed the threshold established under Article 21.142(o) except as specified under Historic Preservation in 21.87 (d).

### Notes

- #1 – Area between the building and the edge of the BTZ at the public sidewalk shall be paved to be flush with the sidewalk.
- #2 – Side setbacks shall be based on minimum fire separation required between buildings, if applicable.
- #3 – Corner building street facades must be built to the BTZ for a minimum of 25’ from the corner along both streets or the width of the corner lot, whichever is less. Recessed entrances are permitted as long as the upper floors meet the build-to zone requirements.
- #4 – Attics and mezzanines less than 7’ (avg.) height shall not be counted as a story.
- #5 – Corner buildings may exceed the maximum building height by 15% for 20% of the building’s frontage along each corresponding street façade.
- #6 – Any frontage along a public street (except alleys) defined by a surface parking lot at the BTZ shall be defined by a 4’ high Street Screen.
- #7 – Parking driveway width 24’ max.
- #8 – Driveways shall not be located on a Type “A” Street unless the property has no feasible access to either a Type “B” street or vehicular alley.
- #9 – Shared driveways and cross access easements are encouraged between lots to minimize curb cuts.
- #10 – Parking may be provided off-site within 1,200 feet or based on a shared plan approved by the Downtown Design Administrator.
- #11 – Article 13.1 of the Owensboro Metropolitan Zoning Ordinance shall apply for design of off-street parking areas.
- #12 – Ground and roof mounted mechanical equipment shall be screened from direct ground level view from adjoining public rights-of-way. In addition to a parapet wall no higher than 42”, the perimeter of any visible roof mounted mechanical equipment shall be circumscribed by a wall or permanent screen that is at least as tall as the equipment itself.
- #13 – Off-street loading and unloading shall be located along Type “B” Streets or alleys only unless the property has no feasible access to either a Type “B” Street or vehicular alley.
- #14 – Setbacks and build-to lines on recessed entries, stoops, and arcade buildings shall be measured from the front of the façade with the recessed entry or arcade.

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**Frederica Boulevard**
21.88 Downtown Campus Overlay District

Note: this map is for reference only. Refer to the Regulating Plan for Special Requirements.
21.88 (a) Building Placement

(i) Build-to Zone (BTZ) (Distance from property line to edge of the zone)
- Front (Frederica Street): 0’ – 20’
- Front (all other streets): 0’ – 20’

(ii) Setback
- Front (Frederica Street): 0’ (min.); 20’ (max)
- Front (all other streets): 0’ min. (see #1)
- Side: 0’ min. (see #1)
- Rear: 0’ min.

(iii) Building Form
- Building Frontage required along “Type A” street/civic space/Campus Walkway BTZ: 70% (min.) (see #4)
- Building Frontage required along “Type B” street BTZ: 50% (min.) (see #4)

21.88 (b) Height

(i) Building maximum: 6 stories (see #2 and #3)

(ii) Min. ground floor elevation (residential uses only): 18” min. above sidewalk (for buildings setback 10’ or less); None for buildings setback 10’ or more

(iii) First floor to floor height: 15’ min. for commercial; 10’ min. for residential
21.88 (c) Parking

(i) Location (distance from property line)

At Grade Parking

Front setback

Shall be located behind the principal structure on the lot

Side setback

0’ min.

Type “B” Street setback

3’ min. behind the building facade along that street

Rear setback

0’ min.

Below and Above Grade Parking

Allowed up to R-O-W/Property Line

Allowed below Civic Space if providing public parking

(ii) Required Parking Spaces

Number of parking spaces required shall either meet the standard below or as required by the underlying zoning district, whichever is the lesser of the two.

All Commercial Uses

1 space per every 300 sq.ft. of floor area

Residential Uses

0.5 space per residential unit

Campus, Civic or Religious Uses

1 space per 500 sq.ft. of floor area

21.88 (f) Applicability

Building Form and Development Standards in this Article shall apply to new construction, additions, or substantial modifications that exceed the threshold established under Article 21.142(o) except as specified under Historic Preservation in 21.88 (d).

Notes

#1 – Side setbacks shall be based on minimum fire separation required between buildings, if applicable.

#2 – Attics and mezzanines less than 7’ (avg.) height shall not be counted as a story.

#3 – Corner buildings may exceed the maximum building height by 15% for 20% of the building’s frontage along each corresponding street facade.

#4 – Corner building street facades must be built to the BTZ for a minimum of 25’ from the corner along both streets or the width of the corner lot, whichever is less. Recessed entrances are permitted as long as the upper levels meet the build-to zone requirements.

#5 – Any frontage along a public street (except alleys) defined by a surface parking lot at the BTZ shall be defined by a 4’ high Street Screen.

#6 – Parking driveway width

24’ max.

#7 – Driveways shall not be located on a Type “A” Street unless the property has no feasible access to either a Type “B” street or vehicular alley.

#8 – Shared driveways and cross access easements are encouraged between lots to minimize curb cuts.

#9 – Parking may be provided off-site within 1,200 feet or based on a shared plan approved by the Downtown Design Administrator.

#10 – Article 13.1 of the Owensboro Metropolitan Zoning Ordinance shall apply for design of off-street parking areas.

#11 - Ground and roof mounted mechanical equipment shall be screened from direct ground level view from adjoining public rights-of-way. In addition to a parapet wall no higher than 42”, the perimeter of any visible roof mounted mechanical equipment shall be circumscribed by a wall or permanent screen that is at least as tall as the equipment itself.

#12 – Setbacks and build-to lines on recessed entries, stoops, and arcade buildings shall be measured from the front of façade with the recessed entry or arcade.

#13 – Off-street loading and unloading shall be located along Type “B” Streets or alleys only unless the property has no feasible access to either a Type “B” Street or vehicular alley.

21.88 (d) Historic Preservation

Any changes to historic building facades or demolition of or additions to historic buildings in the Downtown Campus Character District shall meet the standards established in Article 21.81 (g).

21.88 (e) Encroachments

Canopies, signs, awnings, galleries, and balconies may encroach over the sidewalk as long as the vertical clearance is a minimum of 8 ft. and the encroachment does not exceed 50% of the required sidewalk width or 6’ wide (whichever is greater). In no case shall an encroachment be located over an on-street parking or travel lane. All encroachments over the public R-O-W shall meet standards in Article 21.142(m).
21.89 Neighborhood Overlay District

Note: this map is for reference only. Refer to the Regulating Plan for Special Requirements.
### 21.89 (a) Building Placement

**Corner Lots:**
- Front ("Type A" Street/Civic/Open Space): 0’ – 10’
- Front ("Type B" Street): 0’ – 10’
- Width of corner lot build-to zone (both Type A and Type B Streets): 25’ (min.) 50’ (max.)

**Interior Lots:**
- Front ("Type A" Street/Open/Civic Space): 5’ – 20’
- Front ("Type B" Street): 5’ – 20’

### 21.89 (b) Height

(i) **Building maximum**
- 3 stories

(ii) **Accessory building max.**
- 2 stories

(iii) **Min. ground floor elevation**
- (residential uses only)
- 18” min. above sidewalk (for buildings setback 10’ or less)
- None for buildings setback 10’ or more

(iv) **First floor to floor height**
- 15 ft. min. for commercial
- 10 ft. min. for residential

### 21.89 (c) Encroachments

Corner Lots: Canopies, signs, awnings, galleries, and balconies may encroach over the R-O-W/sidewalk as long as the vertical clearance is a minimum of 8 ft. and the encroachment does not exceed 50% of the required sidewalk width. In no case shall an encroachment be located over an on-street parking or travel lane.

Interior lots: Porches, stoops, awnings, signs, galleries, balconies, bay windows and other architectural features may encroach into required yards, provided they do not encroach over the front property line.

All encroachments over the public R-O-W shall meet standards in Article 21.142(m).
21.89 (d) Parking

Key

- Property Line
- Parking Area

(i) Location (distance from property line)

<table>
<thead>
<tr>
<th>Setback Type</th>
<th>Distance (min.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Front setback</td>
<td>25 ft.</td>
</tr>
<tr>
<td>Side setback</td>
<td>0 ft.</td>
</tr>
<tr>
<td>Secondary street</td>
<td>10 ft.</td>
</tr>
<tr>
<td>Rear setback</td>
<td>5 ft.</td>
</tr>
</tbody>
</table>

(ii) Required Spaces

Number of parking spaces required shall either meet the standard below or as required by the underlying zoning district, whichever is the lesser of the two.

All uses (except residential uses)
- Uses under 3,000 sq.ft.  No off-street parking req’d
- Uses over 3,000 sq.ft.  1 space/300 sq.ft.

Residential uses
- 1 space/unit;
- 0.5 space/studio

21.89 (e) Historic Preservation

Any changes to historic building facades or demolition of or additions to historic buildings in the Neighborhood Character District shall meet the standards established in Article 21.71 (g).

21.89 (f) Applicability

Building Form and Development Standards in this Article shall apply to new construction, additions, or substantial modifications that exceed the threshold established under Article 21.142 (o) except as specified under Historic Preservation in 21.89 (e).

21.89 (g) Residential Transition Standards

The following applies to all buildings located adjacent to an existing, single-family detached residential use.

<table>
<thead>
<tr>
<th>Transition Area</th>
<th>15 ft. (min.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Max. Building Height at within Transition Area</td>
<td>2 stories</td>
</tr>
</tbody>
</table>
- A 6 ft. high fence shall be installed at the property line adjacent to the existing residential use.

Notes

#1 – Side setbacks shall be based on minimum fire separation required between buildings, if applicable
#2 – Corner building street facades must be built to the BTZ for a minimum of 25’ from the corner along both streets or the width of the corner lot, whichever is less.
#3 – Attics and mezzanines less than 7 ft. (avg.) height shall not be counted as a story.
#4 – Mansard roofs are not permitted.
#5 – Any frontage along a public street (except alleys) defined by a surface parking lot at the BTZ shall be defined by a 4 ft. Street Screen built within the BTZ.
#6 – Parking driveway width  24 ft. max.
#7 – On corner lots, driveway shall not be located on a Type “A” Street unless the property has no feasible access to either a Type “B” street or vehicular alley.
#8 – Shared driveways and cross access easements are encouraged between lots to minimize curb cuts.
#9 – Article 13.1 of the City of Owensboro Zoning Ordinance shall apply for design of off-street parking areas.
#10 – Ground and roof mounted mechanical equipment shall be screened from direct ground level view from adjoining public rights-of-way or single-family residential uses. In addition to a parapet wall no higher than 42 in., the perimeter of any visible roof mounted mechanical equipment shall be circumscribed by a screen that is at least as tall as the equipment itself.
#11 – Building mass shall be stepped down when it is adjacent to any existing single-family detached residential use.
#12 – Off-street loading and unloading shall be located along Type “B” Streets or alleys only unless the property has no feasible access to either a Type “B” Street or vehicular alley.
21.9 Building Design Standards

Photographs used in this section are for illustration and informational purposes only. Specifically, they are intended to show how the standards would apply.

21.91 General to all Overlay Character Districts

a. Building Orientation

Buildings shall be oriented towards Type “A” Streets, where the lot has frontage along Type “A” Streets. All other buildings shall be oriented towards Type “B” Streets or Civic Spaces.

Primary entrances to buildings shall be located on the street along which the building is oriented. At intersections, corner buildings may have their primary entrances oriented at an angle to the intersection.

All primary entrances shall be oriented to the public sidewalk for ease of pedestrian access. Secondary and service entrances may be located from internal parking areas or alleys.

![Figure showing required building orientation and location of primary entrances](image)

b. Design of Parking Structures

All frontages of parking structures located on Type “A” Streets shall be lined by active commercial uses on the ground floor to a minimum depth of 25’.

Parking structure facades on all public streets (except alleys) shall be designed with both vertical (façade rhythm of 20’ – 30’) and horizontal (aligning with horizontal elements in the block) articulation.

Where above ground structured parking is located at the perimeter of a building; it shall be screened in such a way that cars are not visible from adjacent buildings or the street on all parking levels. Parking garage ramps shall not be visible from any public street. Ideally, ramps should not be located along the perimeter of the parking structure. Architectural screens shall be used to articulate the façade, hide parked vehicles, and shield lighting.

![Images showing appropriate design of Parking Structures](image)

c. Design of Automobile Related Building and Site Elements

Drive-through lanes for commercial uses shall not be located along or visible from any Type “A” Street. Along Type “B” Streets, no more than two drive-through lanes shall be permitted along that lot’s street frontage. Drive-through lanes shall be hidden behind a Street Screen along the Type “B” street frontage. There shall be no limit to the number of drive-through lanes located along alleys.

All off-street loading, unloading, and trash pick up areas shall be located along alleys or Type “B” Streets only unless permitted in the specific overlay district building form and development standards in 21.8. Any off-street loading, unloading, or trash pick up areas shall be screened using a 5’ (min.) high Street Screen at the BTZ.

d. Design of Major Civic Venues

Two major civic venues have been identified in the Downtown Master Plan and locations have been recommended in the Downtown Overlay Regulating Plan. One such venue is the Convention Center and the other is the multi-purpose outdoor events center. The following standards provide guidance on the design of these large-scale venues to appropriately address transition and impact on Downtown streetscape.

The large-scaled buildings shall be articulated horizontally and vertically with architectural elements to break the mass of the structure down.

All frontages along Type “A” Streets shall be lined by active commercial uses on the ground floor to a minimum depth of 25’.

Major entrances and exits shall be clearly marked and shall front on plazas and wide sidewalks that allow pedestrians safe ingress and egress into the building.

Major entrances and key street intersections, including locations recommended for vista terminations, shall be emphasized with vertical elements that create a unique identity to the venue.

Public street frontages shall not be blank walls. Windows, changing building materials, arcades, building articulation, and other architectural elements shall be used to add interest at the street level.

![Images of appropriately scaled and designed major Civic Venues](image)
21.92 Specific to Historic Core (new construction and additions only), Downtown Core, Riverfront Core, Riverfront Paseo, and Frederica Boulevard Overlay Character Districts

a. Roof Form
Buildings shall be simple, rectilinear forms with flat or low pitched roofs with parapets. Mansard roofs shall be prohibited.

b. Façade Composition
Buildings shall maintain the traditionally prevalent façade rhythm of 20’ – 30’. This rhythm may be expressed by changing materials, or color, or by using design elements such as fenestration, columns and pilasters, or by varying the setback of portions of the building façade.

Corner emphasizing architectural features, pedimented gabled parapets, cornices, awnings, blade signs, arcades, colonnades and balconies should be used along commercial storefronts to add pedestrian interest.

Buildings with architectural features and storefront elements that add interest along the street.

Building facades shall be designed with a distinct base, middle, and top.

For retail storefront buildings, a transom, display window area, and bulkhead at the base shall be utilized.

Images showing appropriate window designs and proportions for new construction.

All ground floor front facades for commercial and mixed use buildings along all streets shall have transparent storefront windows covering no less than 65% of the façade area. Each upper floor of the same building façades facing a street or plaza shall contain transparent windows covering at least 35% of the façade area. All other street facing side facades (except alleys), shall have transparent windows covering at least 30% of the façade area for all floors.

Images showing appropriate storefront display windows with transparency.
First floor store front windows shall NOT be of a residential type (double hung or casement). First floor windows shall NOT be reflective, tinted or mirrored glass.

d. Building Materials

Historic Core Character District: At least 75% of each street facing façade (except alleys) of all new buildings (excluding doors and windows) shall be externally finished with the traditionally used material of masonry (brick, stone, marble, granite, etc.). Additions to existing buildings, to the extent possible, shall match the existing external finish materials and corresponding proportions of the same.

All other non-traditional materials will be considered on a case-by-case basis and may only be approved by the HPB. When any other materials are used, they should appear similar in character to those used traditionally. Such alternative materials should also have demonstrated durability.

Downtown Core, Riverfront Core, and Frederica Boulevard Overlay Districts: At least 75% of each street facing (except alleys) façade, of all new buildings (excluding doors and windows) shall be finished in one or more of the following materials:
- Masonry (brick, stone, cast stone, rock, marble, granite, or glass block).
- Pre-cast concrete panels made to look like stone.

Additions to existing buildings, to the extent possible, shall match the existing external finish materials and corresponding proportions of the same.

Other materials will be considered as primary building materials on a case-by-case basis and may only be approved by the HPB.

No more than 25% of each street facing façade shall use accent materials such as wood, architect metal panel, split-face concrete block, tile, stucco, or Exterior Insulating Finishing System (EIFS).

Images showing appropriate building materials within the Downtown Core.

Side facades and rear facades (that front on alleys and/or no public streets) shall be of a similar finished quality and color that blend with the front of the building. In addition to the primary and accent façade materials listed above, rear facades may be painted EIFS or painted concrete block matching the same color of the rest of the building if the rear façade faces an alley or is not viewable from a public street or right-of-way.

Images showing the side and rear façades buildings finished to match the color and materials of the front facades.

Roofing materials visible from any public right-of-way: copper, factory finished standing seam metal, slate, synthetic slate, or similar materials.

Images showing appropriate massing and scale for Residential Buildings.

21.93 Specific to Riverfront Edge, Downtown Transition, and Downtown Campus Overlay Character District

a. Building Orientation

Garages for Residential Buildings shall be located on alleys at the rear of residential buildings; pull-through garages are allowed if the garage door is set back behind the rear façade of the main structure. If front-loaded garages or carports are utilized on residential uses, the garages and carports shall be no greater than 12 feet wide and set back at least 20 feet measured from the face of the main structure closest to the garage/carport or rotated 90 degrees with windows on the wall facing the street.

All garage doors shall be divided into single bays separated by at least a 16-inch pier or column. Front-loaded garages on residential lots less than 40 feet wide shall not be allowed. Town homes and courtyard apartments shall utilize rear-loaded garages.

b. Building Massing and Scale

Commercial and Mixed Use Buildings shall be simple, rectilinear forms with flat or low pitched roofs with parapets.

Residential Buildings shall have relatively flat fronts and simple roofs with most building wing articulations set at the rear of the structure. Window projections, stoops, porches, balconies, and similar extensions are exempt from this standard.

Gable roofs, if provided for residential buildings, shall have a minimum pitch of 5/12. When hipped roofs are used, the minimum pitch shall be 5/12. Other roof types shall be appropriate to the architectural style of the building. Porch roofs may be a minimum pitch of 3/12.

Mansard roofs shall be prohibited.
c. Façade Composition

Buildings shall maintain the traditionally prevalent façade rhythm of 20’ – 30’ or multiples thereof.

This rhythm may be expressed by changing materials, or color, or by using design elements such as columns and pilasters, or by varying the setback of portions of the building façade.

Commercial and Mixed use building façades shall be designed with a distinct base, middle, and top and shall maintain the alignment of horizontal elements along the block.

For retail storefronts, a transom, display window area, and bulkhead at the base shall be utilized.

Awnings, blade signs, arcades, colonnades, café seating, and balconies should be used along commercial storefronts to add pedestrian interest.

Porches, stoops, eaves, and balconies should be added along residential facades to add pedestrian interest along the street.

If the residential building is setback less than 10’ from the front property line, the grade of the slab or first floor elevation shall be elevated at least 18 inches above the grade of the sidewalk. If the residential structure is setback 10’ or more from the front property line and is not elevated above the grade of the sidewalk, a 3’ high fence shall be provided at the front property line. Chain link fences shall not be permitted along the front property line in any Overlay District. Plastic vinyl fences shall also not be permitted in the Riverfront Edge and Urban Campus Overlay Districts.

d. Windows and Doors

Windows and doors shall be vertically oriented.

Windows may have jack arch, keystone arch, flat arch, or ornamental arches.

All ground floor front building facades for commercial and mixed use buildings along all streets shall have transparent storefront windows covering no less than 65% of the façade area. Each upper floor of the same building façades facing a street or plaza shall contain transparent windows covering at least 35% of the façade area. All other street facing side facades (except alleys), shall have transparent windows covering at least 30% of the façade area for all floors.

All building facades of residential buildings facing on all streets or civic / open spaces, except alleys, shall have transparent windows covering at least 30% of each façade.

e. Building Materials

Commercial and Mixed Use Buildings: The following materials shall NOT be permitted on any façade:

- Use of lap or shingle siding of any material including wood, vinyl, cementious, or painted or corrugated metal, or roofing materials.

At least 60% of the street facing (except alleys) facades of all new buildings (excluding doors and windows) shall be finished in one or more of the following materials:

- Masonry (brick, stone, terra cotta, cast stone, rock, marble, granite, glass block and/or tile).
- Split face concrete block or pre-cast, or poured in place concrete.
- Cementitious-fiber clapboard (not sheet) with at least a 50-year warranty may only be used on the upper floors.
- Tilt-up concrete panels that have a grid like appearance
- Architectural metal panels

Other materials will be considered as primary building materials on a case-by-case basis and may only be approved by the HPB.

No more than 40% of the street facing facades shall use accent materials such as wood, metal, stucco, or Exterior Insulating Finishing System (EIFS).

Side facades and rear facades (that do not front on any streets) shall be of finished quality and of the same color and materials that blend with the front of the building. Rear facades may be painted EIFS or painted concrete block matching the same color of the rest of the building if the rear façade faces an alley or is not viewable from a public street or right-of-way.

Residential Buildings: The following shall be permitted finishes for all street fronting facades (except alleys) of residential buildings. No more than three different materials shall be used on any single facade:

- Cementitious-fiber clapboard (not sheet) with at least a 50-year warranty;
- Lap-sided wood;
- Masonry (brick; stone; man-made stone, or stucco utilizing a three-step process).
- Vinyl siding (permitted in Downtown Transition Character District only)
- Architectural metal panels
The following may only be allowed up to 40% as an accent material:
- Exterior Insulating Finishing System (EIFS) or similar material over a cementitious base, rock, glass block and tile.

Side and rear facades shall be of finished quality and of the same color and materials that blend with the front of the building.

Roofing materials (visible from any public right-of-way): copper, factory finished painted metal, slate, synthetic slate, terra cotta, and asphalt shingles.

21.94 Specific to Neighborhood Overlay Character District

a. Building Orientation

Garages for Residential Buildings shall be located on alleys at the rear of residential buildings; pull-through garages are allowed if the garage door is set back behind the rear façade of the main structure. If front-loaded garages or carports are utilized on residential uses, the garages and carports shall be no greater than 12 feet wide and set back at least 20 feet measured from the face of the main structure closest to the garage/carport or rotated 90 degrees with windows on the wall facing the street. On corner lots, the garage may be rotated with windows facing the primary street with driveway access from the secondary street.

All garage doors shall be divided into single bays separated by at least a 16-inch pier or column. Front-loaded garages on residential lots less than 40 feet wide shall not be allowed. Town homes and courtyard apartments shall utilize rear-loaded garages.

Residential Buildings shall have relatively flat fronts and simple roofs with most building wing articulations set at the rear of the structure. Window projections, stoops, porches, balconies, and similar extensions are exempt from this standard.

Gable roofs, if provided for residential buildings, shall have a minimum pitch of 5/12. When hipped roofs are used, the minimum pitch shall be 5/12. Other roof types shall be appropriate to the architectural style of the building. Porch roofs may be a minimum pitch of 3/12.

Mansard roofs shall be prohibited.

On residential buildings, at least one of the following shall be utilized: porches, stoops, bay windows, balconies, masonry clad chimneys, attached pergolas or colonnades. Those architectural elements may encroach beyond the setback line.

If the residential structure is setback less than 10’ from the front property line, the grade of the slab or first floor elevation shall be at least 18 inches above the grade of the sidewalk. If the residential structure is setback 10’ or more from the front property line and is not elevated above the grade of the sidewalk, a 3’ high fence shall be provided at the front property line. Chain link fences shall not be permitted along the front property line.

Architectural embellishments that add visual interest to the roofs, such as dormers and masonry chimneys may be provided.

All new residential buildings shall have windows or doors covering no less than 30% of all street facing façades.

If window shutters are used they shall be approximately half the window width and the same height of the associated opening (including casing for masonry walls; not including casing for siding walls). All shutters shall be louvered, paneled, or constructed of boards as appropriate to the style of the building.

b. Façade Composition

The following shall be permitted finishes for all street fronting facades (except alleys) of residential buildings. No more than three different materials shall be used on any single facade:
- Cementitious-fiber clapboard (not sheet) with at least a 50-year warranty;
- Lap-sided wood;
- Masonry (brick; stone; man-made stone, or stucco utilizing a three-step process);
- Vinyl siding
- Architectural metal panels

The following may only be allowed up to 40% as an accent material:
- Exterior Insulating Finishing System (EIFS), or similar material over a cementitious base, rock, glass block and tile.

Side and rear facades shall be of finished quality and of the same color and materials that blend with the front of the building.

Roofing materials (visible from any public right-of-way): copper, factory finished painted metal, slate, synthetic slate, terra cotta, and asphalt shingles.
21.10 STREET STANDARDS

21.101 Generally: Streets in Downtown Owensboro need to support the overall goal of a mixed use, compact, pedestrian oriented district. They should balance all forms of mobility while maximizing convenience for residents and visitors. The standards in this section shall apply to new and substantially reconstructed streets within Downtown Owensboro.

In addition to retaining the existing street network, the Regulating Plan designates additional recommended streets within Downtown Owensboro. Appendix A of Article 21 establishes the standards that will guide the design of these streets based on the desired pedestrian-oriented outcomes. Site specific conditions and development intent may require these cross sections to be modified. These standards are meant to address vehicular lane width, parkway widths, R-O-W widths, number of travel lanes, on-street parking, and pedestrian accommodation.

21.11 LANDSCAPE STANDARDS (ON PRIVATE PROPERTY)

21.111 Canopy Trees. All surface parking lots that accommodate more than 10 cars shall be required to plant one canopy tree and three shrubs per every 1,000 sq. ft. of paved area.

21.112 Planting Area. Trees and shrubs shall be planted in landscape islands no smaller than 200 sq. ft. each. In addition, each tree shall be required a minimum of 36 sq. ft. of planting area. Trees and shrubs shall be selected from available native species and be drought and disease tolerant.

21.113 Streetscreen. All lot frontages along a public street (except alleys and highways) not defined by a building at the Build-to Zone may plant a 2 ft. high (min.) living fence as the required Street Screen. Such a living fence shall be composed of shrubs planted at 2 ft. on center and 2 ft. high when planted. Shrubs shall be selected from available native species and be drought and disease tolerant. The required Street Screen shall be located within the build-to zone along the corresponding street frontage.

21.114 Maintenance. Maintenance of all landscape materials shall meet the requirements under Article 17 of the Owensboro Metropolitan Zoning Ordinance.

21.12 CIVIC/OPEN SPACE STANDARDS

21.121 Location. The location, scale, and design of Civic/Open Spaces in Downtown Owensboro shall be based on the Illustrative Master Plan.

21.122 Types of Civic Space. Squares, parks, and greens are appropriate in any Overlay District. Paseos and Plazas may serve as open spaces and shall only be appropriate in the Downtown Core, Riverfront Core, Riverfront Paseo, and Historic Overlay Districts.

21.123 Private Open Space. All new development within Downtown Owensboro shall provide usable private Civic/Open Space. Table 21.12a establishes the types of private open spaces permitted in Downtown. Table 21.12b establishes the appropriate Private open space type by Overlay Character District.

21.13 SIGNAGE STANDARDS

21.131 Signage. Except as specifically listed below, all other signage and sign standards must comply with Article 9 of the Owensboro Metropolitan Zoning Ordinance, as amended.

21.132 Applicable Standards. For conforming uses and new signs for non-conforming uses, the standards in Table 21.13 shall apply and sign permits may be approved administratively unless specifically noted in this section.

21.133 Master Sign Plans. An applicant has the option to establish unique sign standards including size, color, type, design, and location based upon specific performance and development criteria through a Master Sign Plan in lieu of meeting standards in Table 21.13. Such a Master Sign Plan shall be subject to approval of the Owensboro Historic Preservation Board (HPB). Non conforming signs shall meet Article 21.142 (o) of the Owensboro Metropolitan Zoning Ordinance.

21.134 Prohibited Signs. The following types of signs shall be prohibited in Downtown Owensboro:
   a. Animated sign
   b. Temporary Streamer signs
   c. Permanent yard signs (with the exception of Pole and Monument Signs as permitted in Table 21.13)
### Table 21.12a Residential Private Open Space Types

<table>
<thead>
<tr>
<th>PRIVATE OPEN SPACE (balconies, bay windows and terraces)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>GROUP 1</strong></td>
</tr>
<tr>
<td><strong>Bay Window</strong>: Projecting window unit that has windows on three sides.</td>
</tr>
<tr>
<td><strong>French Balcony</strong>: In-swinging French doors with &quot;flush&quot; mounted guardrail. In-swinging French doors. Guardrail may be mounted to exterior wall or between wall jambs. Railing to be semi-open.</td>
</tr>
<tr>
<td><strong>Terrace</strong>: Guardrail may be solid parapet wall or semi-open metal design.</td>
</tr>
<tr>
<td><strong>GROUP 2</strong></td>
</tr>
<tr>
<td><strong>Semi-recessed balcony</strong>: balcony partially recessed into building mass. Railing to be semi-open type.</td>
</tr>
<tr>
<td><strong>Recessed balcony</strong>: balcony fully recessed into building mass.</td>
</tr>
<tr>
<td><strong>Projecting metal balcony</strong>: Structural support and guardrails to be painted steel. Round or square columns (or combination thereof) required at outside corners of balconies. Permitted, but not required at inside corners (next to building wall).</td>
</tr>
</tbody>
</table>
PRIVATE OPEN SPACE (balconies, bay windows and terraces)

NOT PERMITTED

Cantilevered slab balcony:
Balconies that protrude from the building without any visible support as shown in illustration shall not be permitted in any district.

General Notes:
1. Illustrations are only examples. Exact door, window and transom configurations may be different based on building facade design. Elements may be stacked vertically or grouped side by side as suited to building design and other requirements of these standards.
2. Semi-open guardrails refer to railings that incorporate horizontal and vertical bars and balusters, open mesh, or decorative metal designs that allow at least partial viewing through the railing, and comply with the applicable building code.

Table 21.12b Residential Private Open Space Requirement by Character District

<table>
<thead>
<tr>
<th>Private Open Space Type</th>
<th>Group 1</th>
<th>Group 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Downtown Overlay District</td>
<td>Permitted, not required</td>
<td>Permitted on Type “B” Streets only; not required</td>
</tr>
<tr>
<td>Historic Core</td>
<td>Permitted, not required</td>
<td>Permit, not required</td>
</tr>
<tr>
<td>Downtown Core</td>
<td>Permitted, not required</td>
<td>Permit, not required</td>
</tr>
<tr>
<td>Riverfront Core/Riverfront Paseo/Riverfront Edge</td>
<td>Required as follows:</td>
<td>Permit, not required</td>
</tr>
<tr>
<td>• Each dwelling unit up to 900 SF shall have a Private Open Space component from Group 1 or 2.</td>
<td>Permit, not required</td>
<td></td>
</tr>
<tr>
<td>• Each dwelling unit over 900 SF shall have a Private Open Space component from Group 2.</td>
<td>Permit, not required</td>
<td></td>
</tr>
<tr>
<td>Transit Boulevard</td>
<td>Permitted, not required</td>
<td>Permit, not required</td>
</tr>
<tr>
<td>Transition</td>
<td>Permitted, not required</td>
<td>Permit, not required</td>
</tr>
<tr>
<td>Neighborhood</td>
<td>Permitted, not required</td>
<td>Permit, not required</td>
</tr>
<tr>
<td>Urban Campus</td>
<td>Permitted, not required</td>
<td>Permit, not required</td>
</tr>
</tbody>
</table>

Table 21.13 Sign Standards by Character District

<table>
<thead>
<tr>
<th>Character District</th>
<th>Historic Core</th>
<th>DT Core</th>
<th>RF Core</th>
<th>RF Edge</th>
<th>RF Paseo</th>
<th>Fred. Corridor/DT Transition</th>
<th>Neighborhood</th>
<th>DT Campus</th>
<th>Standard</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) Building Signs</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>(commercial and institutional uses only)</td>
<td>P</td>
<td>P</td>
<td>• For all ground floor commercial uses (retail, office, and restaurant): One sign per tenant space; area to be calculated at 1.5 sq. ft. per linear foot of public street frontage for the tenant space with a maximum of 100 sq. ft. • Second and upper floor commercial uses may also be permitted one second floor wall sign per tenant space per public street frontage; area to be calculated at 1.5 sq. ft. per linear foot of second or upper floor frontage along that public street with a maximum of 125 sq. ft. • Institutional uses (non-profits and churches): One sign per tenant space; area to be calculated at 1.5 sq. ft. per linear foot of public street frontage with a maximum of 100 sq. ft. • Live-Work and Home occupations: One sign limited to an area of 20 sq. ft. max. • Building sign may encroach a maximum of 12” on to a sidewalk while maintaining a vertical clearance of 8 ft. from the finished sidewalk. • Building signs may be internally or externally lit. • In the Neighborhood District, wall signs are only permitted for commercial and institutional uses (including the “work” component of live-work uses). • Changeable copy signs shall not be permitted with the following exceptions: o Institutional and educational uses may be permitted to have a nonflashing changeable copy sign subject to the sign area and number limitations above. o Marquee signs as permitted below.</td>
</tr>
<tr>
<td>Character District</td>
<td>Historic Core</td>
<td>DT Core</td>
<td>RF Core</td>
<td>RF Edge</td>
<td>RF Paseo</td>
<td>Fred. Corridor/DT Transition</td>
<td>Neighborhood</td>
<td>DT Campus</td>
<td>Standard</td>
</tr>
<tr>
<td>-------------------</td>
<td>--------------</td>
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<td>---------</td>
<td>---------</td>
<td>---------</td>
<td>-----------------------------</td>
<td>--------------</td>
<td>----------</td>
<td>----------</td>
</tr>
<tr>
<td>(2) Monument Signs</td>
<td>NP</td>
<td>NP</td>
<td>P</td>
<td>NP</td>
<td>NP</td>
<td>P</td>
<td>P</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
|                   |              |         |         |         |         | Frederica Corridor/DT Transition District: One monument sign per lot per street frontage (no more than 2 per lot separated by at least 100 ft.) limited to a maximum of 75 sq. ft. per sign face and 6 ft. max. height. 
|                   |              |         |         |         |         | Downtown Campus: Two monument signs per building limited to a maximum of 60 sq. ft. per sign face and 6 ft. max. height. |
| (3) Pole Signs    | NP           | NP      | P (commercial and institutional uses only) | NP      | P       | • One pole sign per lot  
|                   |              |         |         |         |         | • Maximum area = 80 sq.ft. per sign face  
|                   |              |         |         |         |         | • Maximum height (measured to the top of the sign) = 15 feet  
|                   |              |         |         |         |         | • Message boards may be electronic or non-electronic. Electronic message boards shall be non-flashing. |
| (4) Building Blade Signs | P           | P       | P (commercial uses only) | P (commercial uses only) | P (comm. uses only) | • One per building (commercial and mixed use buildings only)  
|                   |              |         |         |         |         | • Area = 30 sq. ft. maximum per sign face  
|                   |              |         |         |         |         | • May encroach a maximum of 6 ft. over a public sidewalk, but shall not encroach over any parking or travel lane.  
|                   |              |         |         |         |         | • Building blade signs may be attached to the building at the corners of building or along any street facing façade above the first floor façade. |
| (5) Tenant Blade Signs | P           | P       | P (commercial uses only) | P (commercial uses only) | P (comm. uses only) | • One per commercial tenant space (retail, office, or restaurant use)  
|                   |              |         |         |         |         | • Area = 16 sq.ft. maximum per sign face  
|                   |              |         |         |         |         | • May encroach a maximum of 3 ft. over a public sidewalk, but shall not encroach over any parking or travel lane.  
|                   |              |         |         |         |         | • Tenant blade signs shall be oriented perpendicular to the building façade and hung under the soffit of an arcade or under a canopy/awning or attached to the building façade immediately over the ground floor tenant space while maintaining a vertical clearance of 8 ft. from the finished sidewalk. |
| (6) Marquee Signs | P            | P       | NP      | NP      | P       | • Permitted for theatres, auditoriums, and other public gathering venues of 100 persons or more  
|                   |              |         |         |         |         | • Marquee signs shall be attached to the building or located above or below a canopy only  
|                   |              |         |         |         |         | • Area = 100 sq.ft. maximum  
|                   |              |         |         |         |         | • Message board may be changeable copy (electronic and non-electronic). Electronic message boards shall be non-flashing. |
| (7) Sandwich board signs | P           | P       | P       | P       | P       | • Permitted only for retail, service, or restaurant uses  
|                   |              |         |         |         |         | • Limited to 12 sq. ft. per sign face per storefront;  
|                   |              |         |         |         |         | • Sign may not exceed 5 ft. in height.  
|                   |              |         |         |         |         | • A minimum of 6 ft. of sidewalk shall remain clear.  
|                   |              |         |         |         |         | • Chalkboards may be used for daily changing of messages. Readerboards (electronic and non-electronic) shall be prohibited.  
|                   |              |         |         |         |         | • Sign shall be removed every day after the business is closed. |
| (8) Light Pole Banners | P           | P       | P       | P       | P       | • 10 sq. ft. per sign face.  
|                   |              |         |         |         |         | • Limited to one per light pole  
|                   |              |         |         |         |         | • All light pole banners shall be approved by the appropriate utility company prior approval by the DDA  
|                   |              |         |         |         |         | • Light pole banners shall be limited to publicize community-wide events, festivals, holiday celebrations, public art, and other city sponsored events. |
| (9) Directory signs | P            | P       | P       | P       | P       | • Shall be allowed for all multi-tenant commercial and mixed use buildings only  
|                   |              |         |         |         |         | • One directory sign per multi-tenant building limited to 12 sq. ft. in area  
|                   |              |         |         |         |         | • Design of the sign shall be integral to the façade on which the sign is to be affixed. |
ARTICLE 21
DOWNTOWN OVERLAY DISTRICT

21.14 ADMINISTRATION

21.141. Generally. This section sets forth the provisions for reviewing and approving development applications within Downtown Owensboro. The intent is to ensure that all development and redevelopment is consistent with the provisions of this ordinance and the Downtown Illustrative Master Plan. All sections of this ordinance shall be applied during the review process.


a. Certificate of Appropriateness Required. All applications for development and redevelopment within the Downtown Overlay District shall require a Certificate of Appropriateness prior to issuance of a building permit including:

i. Additions to existing structures; or new buildings or outbuildings.
ii. Changes to any street facing facades (except alleys).
iii. Demolition of any building or portion of any building within the Downtown Overlay District.
iv. Construction of roof top additions or decks.
v. Alteration of accessory structures such as garages.
vi. Installation of exterior access stairs.
vii. Installation of antennas and satellite receiving dishes that are visible from adjoining public rights-of-way (except alleys).
viii. Installation or alteration of any exterior sign, or alteration of any sign contributing to the significance of a structure.
ix. Site features other than vegetation, including without exception fencing, lighting and lighting fixtures, paving and grading.

b. Downtown Design Administrator. The Downtown Design Administrator shall be responsible for the following:

i. Reviewing all applications for development as required by this Article;
ii. Making recommendations on the application and interpretation of regulations, standards, and requirements of this Article;
iii. Requiring the applicant to submit any additional information that may be reasonably necessary to review and determine whether the proposed development complies with the requirements of this Article;
iv. Review and recommend to the Zoning Administrator for final approval on the issuance of the Certificate of Appropriateness for all applications that comply with Article 21 after review and preliminary recommendation by the Downtown Development Coordination Committee;
v. The Downtown Design Administrator and the Zoning Administrator shall not be authorized to waive or vary requirements of the Article or any other Article in the Owensboro Metropolitan Zoning Ordinance;
vi. Support the HPB in its efforts;
vii. Advise and assist property owners and other persons, including neighborhood or business organizations interested in historic preservation and/or Downtown Development; and
viii. Forward any applications to the HPB for design exceptions, additional design direction or appeal of final decision of the Zoning Administrator for any reason.

c. COA Application Requirements. An application for a Certificate of Appropriateness shall require the following:

The applicant shall prepare a site plan demonstrating compliance with the District’s standards and Illustrative Master Plan for administrative review. A site plan application shall include the following:

i. Map(s) and/or reports that include the following information (maps drawn to an appropriate scale):

1) Title block containing the name of the site plan, type of application, name and address of the applicant, plan preparer, and owner and a written and graphic scale.

2) Location of the subject property including delineation of underlying zoning, Character Districts, required and recommended streets (if any), and any special frontage requirements (if any).
3) When subdivision of land is required, the layout of proposed blocks, lots, streets, easements, alleys, and trails, if any, consistent with this ordinance and other city ordinances and plans;

4) the location of all physical improvements, both existing and proposed, including but not limited to buildings, sidewalks, driveways, parking, landscaping, open space, etc.

5) All proposed uses on the property and/or buildings.

6) Street designation along all public frontages of the property and compliance with the building form and development standards for the specific Character District the property is located in.

7) Screening, landscaping, and private open space provision as required by this Article.

8) Site plans, building plans, architectural elevations and renderings of proposed building(s) including demonstration of compliance with Building Design Standards.

9) Any other information that may be reasonably necessary to review and determine whether the proposed development complies with Article 21.

d. Downtown Development Coordination Committee (DDCC). A Downtown Development Coordination Committee shall be established to provide a coordinated and centralized technical review process to ensure compliance with all applicable regulations including Article 21. In addition to the Downtown Design Administrator, the committee shall include representation from:

i. City Engineer
ii. Zoning Administrator
iii. Building Division of the OMPC
iv. Executive Director for Downtown Development
v. Community Development
vi. Fire/Police
vii. Any other agency as required by the project

e. Role of the DDCC. The Downtown Design Administrator shall convene a meeting of the DDCC within three (3) weeks of a complete application for Certificate of Appropriateness with any associated site plan for all development within the Downtown Overlay District. Minor modifications to building facades or applications for a sign permit may be exempt from this requirement.

Any applicant or the DDA may also request a meeting of the DDCC to review a pre-proposal request in order to clarify application requirements.

f. DDCC Meetings. The DDA shall be the chair of the DDCC and shall be responsible for routing all applications for Certificate of Appropriateness and associated site plans to the members of the DDCC. The City Manager or designee shall adopt appropriate rules and regulations for the conduct of the DDCC including requirements to maintain meeting minutes, notes, and plan review feedback procedures to the applicant.

g. COA Approvals. All COA applications that meet the standards for development in Article 21 and other applicable development standards may be approved administratively by the Zoning Administrator based on review and recommendation of the Downtown Design Administrator and the DDCC. Approval of the COA does not constitute approval of a building permit for construction. An applicant may submit plans for building permit approval concurrently with the COA application. However, no building permit application may be approved prior to COA approval.

h. Demolitions. All applications for demolition of buildings or portions of buildings within the Downtown Overlay District (except buildings within the Historic Core or historic buildings within the Downtown Overlay District which shall be governed by Article 21.81(g)) shall require the approval of a Certificate of Appropriateness prior to issuance of a demolition permit by the City. In reviewing a Certificate of Appropriateness for a demolition, the following shall be considered:

i. The public’s interest in the preservation of the cultural resource.
ii. Whether the building has the potential to be a historic building.

iii. The age of the cultural resource, its uniqueness or uncommon design, texture, and/or material and its ability to be reproduced without unreasonable difficulty and/or expense.

iv. The ability of the cultural resource to help preserve and protect a historic place or prehistoric site or area of historic interest in the City.

v. The ability of the cultural resource to promote the general welfare of the City by:
   4) Encouraging the study of American History, architecture and design;
   5) Developing an understanding of the importance and value of the American culture and heritage; and
   6) Making the City a more attractive and desirable place in which to live.

vi. Whether the building is being demolished for new construction on the same site which is more economically feasible than restoring the existing structure.

A COA for demolition may only be approved by the appropriate authority on recommendation by the DDA if:

i. A building or part of a building is deemed as not being historically significant to Owensboro’s cultural roots;

ii. The building can be replaced more economically by another that better supports the goals of the Downtown Master Plan;

iii. A building or part of a building is structurally unstable or in a stage of advanced deterioration and has been deemed by the City as a hazard to public safety or an attractive nuisance;

iv. The demolition will not significantly impact adjoining properties or the integrity of Downtown Owensboro;

v. The costs of rehabilitation are prohibitive and evidence is presented that the existing improvement is incapable of reasonable use or producing an economic return.

All applications that do not meet the above criteria shall be forwarded to the HPB for a final decision on the demolition application.

i. Appeals and Design Exceptions. Any decision of the Zoning Administrator or requests for Design Exceptions to standards in Article 21 may be appealed to the Owensboro Historic Preservation Board within 30 days of such a decision in writing by the Zoning Administrator. All requests for appeals or Design Exceptions shall be heard by the HPB within 30 days of such a request or at the next available regularly scheduled meeting of the HPB, whichever occurs first. Appeals of decisions of the HPB shall be made to Circuit Court of Daviess County. All appeals shall be taken in the Circuit Court within thirty (30) days after the action or decisions of the Historic Preservation Board and all decisions which have not been appealed within thirty (30) days shall become final. After the appeal is taken, the procedure shall be governed by the rules of civil procedure. When an appeal has been filed, the Clerk of the Circuit Court shall issue a summons to all parties and shall cause it to be delivered for service as in any other law action.

j. HPB Review Considerations: In providing design direction and clarification, reviewing major civic venue projects, Design Exception requests or hearing appeals, the Historic Preservation Board shall use the following criteria:

i. the goals and intent of Downtown Master Plan;

ii. whether the proposal fits the adjoining design context by providing appropriate transitions;

iii. extent to which the application provides public benefits such as usable civic and open spaces, livable streets, structured and/or shared parking, and linkages to transit;

iv. does not hinder future opportunities for higher intensity downtown development; and

v. considerations of health and welfare of the general public

k. Plats. In addition to the requirements of this Article, all requirements for subdivision and plat approval as established in Owensboro Metropolitan Subdivision Regulations shall also apply based on the type of development.

l. Variances. All final decisions on variances shall be made by the Board of Adjustment with specific jurisdiction over the Downtown Overlay District area. If the Board of Adjustment has
jurisdiction over the entire Owensboro Metropolitan Planning area, then all variances shall be considered by the Board of Adjustment only after a recommendation on the requested variance by the HPB.

m. Encroachments. Before a permit is issued for any encroachment onto a public right-of-way, approval by the City of Owensboro, or its designee, shall be submitted in writing and shall include:
   i. A statement that allows the Zoning Administrator or designee to issue a permit for encroachment to be placed within the public right-of-way, and
   ii. A written statement from the landowner holding the legislative body, the Zoning Administrator or designee, the City, and the OMPC harmless from the placement of the encroachment within the right-of-way.

n. Major Civic Venues. Major civic venues as defined by this Article may only be permitted if the Certificate of Appropriateness is approved after review and approval by the Historic Preservation Board based on a recommendation by the Downtown Design Administrator.

o. Non-Conforming Buildings, Uses, and Signs:
   i. Regardless of transfer of ownership, existing Non-Conforming Buildings with a Non-Conforming Use that do not conform to the provisions of this Article may continue as they are until:
      1) the building is reconstructed or substantially modified such that the collective reconstructions or modifications within any continuous three (3) year period are valued at more than either $50,000 or a total of fifty (50) % of the assessed value of the structure in the most recently certified tax rolls, whichever is greater; or
      2) any building façade on a designated Type “A” Street is changed. These may include changes to architectural elements, sidewalks, windows, doors, or any other feature that alters that façade (excluding façade colors, window/glass replacement and maintenance of existing signage).
   ii. Regardless of transfer of ownership, existing non-conforming buildings that do not conform to the provisions of this Article may change use within the same building, provided the new use is permitted in Table 21.7 in this Article until:
      1) the building is reconstructed or substantially modified such that the collective reconstructions or modifications within any continuous three (3) year period are valued at more than either $50,000 or a total of fifty (50) % of the assessed value of the structure in the most recently certified tax rolls, whichever is greater;
      2) any building façade on a designated Type “A” Street is changed. These may include changes to architectural elements, sidewalks, windows, doors, or any other feature that alters that façade (excluding façade colors, window/glass replacement and maintenance of existing signage).
   iii. Regardless of transfer of ownership, existing Non-Conforming Signs that do not conform to the provisions of this Article may continue as they are until the sign is reconstructed or substantially modified such that the modifications are valued at more than fifty (50) % of the replacement value of the sign.
   iv. Regardless of transfer of ownership, existing Non-Conforming Buildings and Non-Conforming Uses that have lost their Non-Conforming status as determined by Article 4 may continue or change use within the same building, provided the new use is permitted in Table 21.7 of this Article, only with a successful administrative appeal by the Board of Adjustment with specific jurisdiction over the Downtown Overlay District area. If the Board of Adjustment has jurisdiction over the entire Metropolitan Planning area, then appeals to non-conforming use and building standards shall be considered by the Board of Adjustment only after a recommendation on the requested variance by the HPB.
   v. Any substantial reconstruction or modification of or change to a Type “A” Street façade of a non-conforming building or non-conforming sign shall meet the provisions of this Article unless a Design Exception and/or variance is granted by the HPB or the Board of Adjustment. In granting or denying Design Exception and/or Variance for such modifications, the
HPB and the Board of Adjustment shall evaluate the extent to which the proposed modifications result in greater or lesser conformance with the specifications of this Article and the extent to which the modifications meet the vision and intent of the Downtown Owensboro Master Plan.
Appendix A
Street and Streetscape Design

a. Generally: Streets in Downtown Owensboro need to support the overall goal of a mixed use, compact, pedestrian oriented district. They should balance all forms of mobility while maximizing convenience for residents and visitors. The standards in this section should apply to new and substantially reconstructed streets within Downtown Owensboro.

In addition to retaining the existing street network, the Regulating Plan designates additional recommended streets within Downtown Owensboro. This section specifies the typical configuration of streets within Downtown. The specifications address vehicular lane width, parkway widths, R-O-W widths, number of travel lanes, on-street parking, and pedestrian accommodation.

b. Street Types Established. Table 1 below and associated cross sections establish the cross sections for each street type. The cross sections may be adjusted to fit existing contexts and design goals with the approval of the City Engineer. In addition, the proposed cross sections may be adjusted to meet the needs of the Uniform Fire Code as adopted by the City.

<table>
<thead>
<tr>
<th>Street Type</th>
<th>R-O-W (Recommended minimum)</th>
<th>Number of Lanes (max.)</th>
<th>Lane Widths</th>
<th>On-Street Parking</th>
<th>Sidewalk Width (min.)</th>
<th>Parkway/ Tree Well</th>
</tr>
</thead>
<tbody>
<tr>
<td>Downtown Avenue</td>
<td>71'</td>
<td>2</td>
<td>11'</td>
<td>Yes, both sides, parallel or angled*</td>
<td>10’ clear</td>
<td>Tree wells/grates; (6’ X 6’)</td>
</tr>
<tr>
<td>Downtown Street</td>
<td>Existing or 61’ min.</td>
<td>2</td>
<td>10’</td>
<td>Yes, both sides, parallel</td>
<td>6’ clear</td>
<td>Tree wells; (6’ X 6’)</td>
</tr>
<tr>
<td>Neighborhood Avenue</td>
<td>Existing or 61’ min.</td>
<td>2</td>
<td>11’</td>
<td>Yes, both sides, parallel</td>
<td>6’ clear</td>
<td>Parkway; 6’ wide</td>
</tr>
<tr>
<td>Pedestrian Way</td>
<td>Existing or 61’ min.</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>8’ clear</td>
<td>30’ wide (max) parkway</td>
</tr>
<tr>
<td>Alley</td>
<td>Existing or 20’ min. 16’ pavement width</td>
<td>NA</td>
<td>16’</td>
<td>No</td>
<td>NA</td>
<td>NA</td>
</tr>
</tbody>
</table>

*Width of parallel parking lane is assumed at 8.5’

c. Street Cross Sections:

Downtown Avenue
OWENSBORO METROPOLITAN ZONING ORDINANCE

ARTICLE 21
DOWNTOWN OVERLAY DISTRICT

10/09 21-63

Downtown Street

R.O.W. - existing or min. 61'

See site dev. standards for setbacks or build-to zones

12' s.w. w/ tree wells varies
8'-6" parking
10'
10'
6'-6" parking
37' street width

Neighborhood Avenue

Swerving H1W - min. 61'

6' 5'
5' 5'
11'
11'
6' 6'
6'

90' s.w. width

Pedestrian Way

R.O.W. - See Neighborhood Street

Note: streetlights and trees align with Neighborhood Street

21' landscaped median
( or bio-swale)
6' s.w.
5' s.w.
36' (street width)
Downtown Alley

Streetscape & Landscape Standards
Streetscape standards should guide the design of all new and substantially reconstructed streets within Downtown Owensboro. Streetscape standards address all elements between the building face and edge of the curb. Typical streetscape elements addressed are street trees, lighting, street furniture and pedestrian amenities, and materials.

Street Trees (within public R-O-Ws):
i. Street trees should be provided on all streets (except on alleys).
ii. Street trees should be planted approximately 3 ft. behind the curb line.
iii. Spacing should be an average of no more than 30 ft. on center (measured per block face).
iv. The minimum caliper size for each tree should be 3 in. and a minimum of 12 ft. in height at planting. Each tree should be planted in a planting area no less than 36 sq. ft.
v. Species selected should be native, drought and disease tolerant.

Street Furniture, Lighting, and Materials:
i. Pedestrian scale lighting should be provided along all streets (except on alleys). They should be no taller than 15 ft.
ii. Street lights should be placed at no more than 50 ft. on center, approximately 3 ft. behind the curb line.
iii. The light standard selected should be compatible with the design of the street and buildings.
iv. Trash receptacles and bike racks should be provided along all Type “A” Streets. They should be located at an average of 100 ft. on center (measured per block face).
v. Street furniture and pedestrian amenities such as benches are recommended along all Type “A” Streets.
vi. Where provided, all street furniture shall be located in such a manner as to allow a clear sidewalk passageway of a minimum of 6 ft.
vii. Materials selected for paving and street furniture should be of durable quality and require minimal maintenance.
### Table 1

**Typical Application Process for Downtown Projects**

<table>
<thead>
<tr>
<th>Type of Request</th>
<th>Administrative Review</th>
<th>Administrative Decision (DDA)</th>
<th>HPB Decision</th>
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<th>Applicable Articles/Sections /Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Ordinary maintenance of existing building (historic and non-historic) (with no changes to the exterior)</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>• Interior changes may require building, electrical, and/or other city permits</td>
</tr>
<tr>
<td>2. Ordinary maintenance of historic buildings (with changes to the exterior)</td>
<td>Yes</td>
<td>Yes</td>
<td>Appeal</td>
<td>NA</td>
<td>NA</td>
<td>• Article 21.81(h)</td>
</tr>
<tr>
<td>3. Ordinary maintenance of non-historic buildings (with changes to the exterior)</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>• Interior changes may require building, electrical, and/or other city permits</td>
</tr>
</tbody>
</table>
| 4. Renovation or alteration of a building interior with no exterior façade changes in all Character Districts | Yes                   | Yes                           | Appeal       | NA           | NA                  | • Article 4 shall apply if the structure is non-conforming  
  • Interior changes may require building, electrical, and/or other city permits |
| 5. Renovation, alteration or addition to a building in the Historic Core         | Yes                   | Yes                           | Dim Var.     |              |                     | • Article 21.81 shall apply  
  • Certificate of Appropriateness req’d  
  • Certificate of Appropriateness may be administratively approved for all requests that meet Article 21.81  
  • Any decision on variances to dimensional elements limited to building height and building setbacks shall be made by the Board of Adjustment after a recommendation on the same by the HPB  
  • Decision on all other applications that do not meet Article 21 (except dimensional variances) shall be made by the HPB after Administrative Review and recommendation to the HPB  
  • Decision of the HPB on such requests shall be final |
| 6. Construction of a new building within the Historic Core                      | Yes                   | Rec. Only                     | Yes          |              |                     | • Article 21.81(h) shall apply  
  • HPB approval is required prior to application to the City Property Maintenance Department for a building permit for demolition  
  • HPB makes a final decision on the request after a duly advertised Public Hearing on the request  
  • Appeals to the decision of the HPB shall be made to the Circuit Court of Daviess County |
| 7. Demolition of a building within the Historic Core                             | Yes                   | Rec. Only                     | Yes          |              |                     | • Article 21 shall apply  
  • Certificate of Appropriateness  
  • Certificate of Appropriateness may be administratively approved for all requests that meet Article 21  
  • Any decision on variances to dimensional elements limited to building height and building setbacks shall be made by the Board of Adjustment after a recommendation on the same by the HPB  
  • Decision on all other applications that do not meet Article 21 (except dimensional variances) shall be made by the HPB after Administrative Review and recommendation to the HPB  
  • Decision of the HPB on such requests shall be final |
| 8. Renovation, alteration, or addition to a building in any Character District other than the Historic Core | Yes                   | Yes                           | Appeal       | Dim. Var.    |                     | • Article 21 shall apply  
  • Certificate of Appropriateness  
  • Certificate of Appropriateness may be administratively approved for all requests that meet Article 21  
  • Any decision on variances to dimensional elements limited to building height and building setbacks shall be made by the Board of Adjustment after a recommendation on the same by the HPB  
  • Decision on all other applications that do not meet Article 21 (except dimensional variances) shall be made by the HPB after Administrative Review and recommendation to the HPB  
  • Decision of the HPB on such requests shall be final |
| 9. Construction of a new building within any Character District other than the Historic Core | Yes                   | Yes                           | Appeal       | NA           | NA                  | • Article 21.8 shall apply  
  • Appeals are heard by the HPB  
  • Requires demolition permit from the City. |
| 10. Demolition of a building within any character district other than the Historic Core | Yes                   | Yes                           | Appeal       | NA           | NA                  | • Article 21.8 shall apply  
  • Appeals are heard by the HPB  
  • Requires demolition permit from the City. |
# Article 21

## Downtown Overlay District

### Type of Request

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<thead>
<tr>
<th>Type of Request</th>
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<td>11. Construction of a parking garage within any Character District</td>
<td>Yes</td>
<td>Yes</td>
<td>Appeal</td>
<td>Dim. Var.</td>
<td></td>
<td>• Article 21.8 Overlay District Building Form and Development Standards shall apply&lt;br&gt;• Article 21.9 Building Design Standards shall apply&lt;br&gt;• Certificate of Appropriateness req’d&lt;br&gt;• Certificate of Appropriateness may be administratively approved for all requests that meet Article 21&lt;br&gt;• Any decision on variances to dimensional elements limited to building height and building setbacks shall be made by the Board of Adjustment after a recommendation on the same by the HPB&lt;br&gt;• Decision on all other applications that do not meet Article 21 (except dimensional variances) shall be made by the HPB after Administrative Review and recommendation to the HPB&lt;br&gt;• Decision of the HPB on such requests shall be final and may be appealed to the Circuit Court of Daviess County</td>
</tr>
<tr>
<td>12. Construction of a new surface parking lot or expansion of an existing surface parking lot</td>
<td>Yes</td>
<td>Yes</td>
<td>Appeal</td>
<td>Dim. Var.</td>
<td></td>
<td>• Article 21.8 Overlay District Building Form and Development Standards shall apply&lt;br&gt;• Article 21.9 shall apply&lt;br&gt;• Certificate of Appropriateness req’d&lt;br&gt;• Certificate of Appropriateness may be administratively approved for all requests that meet Article 21&lt;br&gt;• Any decision on variances to dimensional elements limited to building height and building setbacks shall be made by the Board of Adjustment after a recommendation on the same by the HPB&lt;br&gt;• Decision on all other applications that do not meet Article 21 (except dimensional variances) shall be made by the HPB after Administrative Review and recommendation to the HPB&lt;br&gt;• Decision of the HPB on such requests shall be final and may be appealed to the Circuit Court of Daviess County</td>
</tr>
<tr>
<td>13. Construction of a Major Civic Venue as identified in the Illustrative Master Plan and the Regulating Plan</td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
<td>Dim. Var.</td>
<td></td>
<td>• Articles 21.8 and 21.9 shall apply&lt;br&gt;• Final decision on Civic Venue applications shall be made by the Historic Preservation Board subject the any dimensional variances that are required to be approved by the Board of Adjustment</td>
</tr>
</tbody>
</table>
| 14. Change of use within an existing non-conforming building or structure (with no exterior façade changes) | Yes                   | Yes                           |              |              |                     | • Article 21.142(o) shall apply                                                                 |}
| 15. New sign or alter an existing sign within any Character District            | Yes                   | Yes                           | Appeal       | Dim. Var.     |                     | • Article 21.13 and 21.142 shall apply<br>• Sign permits shall required for all new and altered signs within any character district<br>• Sign permits may be approved administratively for all signs that meet Article 21.13<br>• Decision on all Design Exceptions to standards in Article 21 (except dimensional variances) shall be made by the HPB after Administrative Review and recommendation to the HPB<br>• Decision of the HPB on such requests shall be final and may be appealed to the Circuit Court of Daviess County |
| 16. Master Sign Plan approval                                                   | Yes                   | No                            | Yes          | Dim. Var.     |                     |                                                                                                     |
### Type of Request

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</thead>
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<tr>
<td>17. Request to change Overlay Character District</td>
<td>Yes</td>
<td>No</td>
<td>NA</td>
<td>NA</td>
<td>Yes</td>
<td>• All requests to change the Overlay Character District shall be processed as a text amendment to the Owensboro Metropolitan Zoning Ordinance per Article 6</td>
</tr>
<tr>
<td>18. Request to change zoning to the B-2 District within the boundaries of Downtown Overlay District</td>
<td>Yes</td>
<td>No</td>
<td>NA</td>
<td>NA</td>
<td>Yes</td>
<td>• All requests to change the underlying zoning shall be processed as Zoning Map Amendment per Article 6</td>
</tr>
</tbody>
</table>