

**JUNE 13, 2024**

**6122 MAIN STREET**

**ZONE CHANGE**

<b>From:</b> B-4 General Business	
<b>To:</b> R-1B Single Family Residential	
<b>Proposed Use:</b> Single Family Residential	
<b>Acreage:</b> 0.280	
<b>Applicant:</b> Joe Bishop (2406.2297)	
<b>Surrounding Zoning Classifications:</b>	
<b>North:</b> B-4	<b>South:</b> B-4
<b>East:</b> R-1A	<b>West:</b> A-U

**Proposed Zone & Land Use Plan**

The applicant is seeking an R-1B Single Family Residential zone. The subject property is located in a Rural Community Plan Area, where rural small-lot residential uses are appropriate in general locations.

**SPECIFIC LAND USE CRITERIA**

**(a) Separate lots fronting on public roads or streets –**

Each dwelling should be located on its own individual lot that fronts on a public road or street. New subdivision streets should be constructed to urban specifications, including curbs and gutters.

**(b) Lot sizes adequate for septic tank systems –**

Lots should be large enough in size to assure satisfactory operation of conventional septic tank systems as regulated by state law.

**Planning Staff Review**

**GENERAL LAND USE CRITERIA**

**Environment**

- It appears that the subject property is not located in a wetlands area per the US Department of Agriculture Soil Conservation Service map dated March 6, 1990.
- The subject property is not located in a special flood hazard area per FIRM Map 21059CO230 D.
- It appears that the subject property is not designated as prime agricultural farmland per the US Department of Agriculture Soil Conservation Service map dated March 1980.
- The developer is responsible for obtaining permits from the Division of Water, The Army Corp of Engineers, FEMA, the EPA, the OMPC building/electrical/HVAC division or other state and federal agencies as may be applicable.

**Urban Services**

Electricity and water are available to subject property. Sanitary sewage disposal is accomplished by an existing on-site septic system.

**Development Patterns**

The subject property is an existing 0.28-acre parcel that is zoned B-4 General Business; however, it has always been utilized residentially. The applicant wishes to tear down the existing home on the property and replace it with a new residence. With this modification, the site loses its legal non-conformity and, as a result, the applicant is proposing to rezone the property to R-1B Single Family Residential.

The subject property is adjoined by B-4 General Business zoning to the north (previously a market store) and to the south (legal non-conforming residential use). To the west, across Back Drive, is a farm zoned A-U Urban Agriculture. The properties to the east, across Main Street, are zoned R-1A Single Family Residential and are used appropriately. Although the subject property adjoins R-1A zoning, the applicant contends that the R-1B zone is most appropriate because the lot is 60-feet wide (the minimum lot width in the R-1B zone, compared to 75-feet required in an R-1A zone). Additionally, there is existing R-1B zoning two lots south.

It should be noted that, if approved, this proposal creates a situation in which unlike zones adjoin one another. As such, the subject property shall be responsible for maintaining a 10-foot wide landscaping easement consisting of a 6-foot tall continuous element and 1-tree per 40-linear-feet where adjoining B-4 General Business zoning.

Any future changes to the property shall comply with applicable portions of the Owensboro Metropolitan Zoning Ordinance and Subdivision Regulations. Before any construction activity takes place on the property, the OMPC Building, Electrical and HVAC department shall be contacted regarding any necessary permits, inspections and certificates of occupancy and compliance.

**SPECIFIC LAND USE CRITERIA**

The proposal is in compliance with the community's adopted Comprehensive Plan. The subject property has road frontage along public roads, Main Street and Back Drive. Although the property does not meet the typically required lot-size for properties utilizing a septic tank system, the subject property is an existing lot of record that has historically been used residentially and has an existing septic system in operation. The proposal is a logical expansion of residential zoning to the east, across Main Street; however, the proposed R-1B zone is more appropriate than the adjoining R-1A zone due to the existing lot's limited available road frontage.

**Planning Staff Recommendations**

The planning staff recommends approval subject to the findings of fact that follow:

**Findings of Fact:**

1. Staff recommends approval because the proposal is in compliance with the community's adopted Comprehensive Plan;
2. The subject property is located in a Rural Community Plan Area, where rural small-lot residential uses are appropriate in general locations;
3. The subject property has road frontage along public roads, Main Street and Back Drive;
4. At 0.280 acres, the subject property does not meet the typically required lot-size for properties utilizing a septic tank system; however, the property is an existing lot of record that has historically been utilized residentially with an existing septic system in operation;
5. The proposal is a logical expansion of residential zoning to the east, across Main Street; and,
6. The proposed R-1B zoning is more appropriate than the adjoining R-1A zoning due to the existing lot's limited available road frontage.