

Article amendments approved unless noted:	OMPC	Owensboro	Daviess Co.	Whitesville
Revised zoning ordinance	08-Sep-1979	14-Mar-1980	27-Dec-1979	07-Apr-1980
Surgical centers, medical clinics	08-Mar-1980	22-Feb-1980	08-Apr-1980	07-Apr-1980
Political signs, collector streets	17-Apr-1981	22-May-1981	26-Apr-1981	06-Jul-1981
Manufactured housing & housing park classifications	11-Sep-1982	09-Nov-1982	19-Oct-1982	16-Nov-1982
Sign definitions moved to Article 9	11-Feb-1988	15-Mar-1988	20-Jul-1988	11-Oct-1988
Automobile body shops	15-Nov-1990	not adopted	26-Dec-1990	not adopted
Parking floor area	09-May-1991	04-Jun-1991	25-Jun-1991	no action
Bed and breakfast homes	09-Feb-1995	21-Mar-1995	15-Nov-1995	?
Parking space, removed dimensions from definition {14.86}	18-Apr-1996	21-May-1996	22-May-1996	?
"Individual storage" defined (mini-warehouses, proposed by Daviess Co.) {14.21A, 14.47A, 14.77, 14.108A}	14-Nov-1996 denied	not applic.	12-Feb-1997 approved	not applic.
"Landscaping services" defined {14.54A}	13-Nov-1997	06-Jan-1998	23-Dec-1997	?
2003 Review Committee: Clarified definition of floor area to advise that floor area not used in calculating lot coverage {14.39}; revised manufactured home definitions to be in accordance with KRS 100.348 and KRS 227.550 and consistent with the Kentucky Manufactured Housing Institute definitions {14.752}; added definition of "Persons with Disabilities", "Residential Care Facility" and "Residential Care Services" as defined in KRS 100.982 {14.87A, 14.88A, 14.88B}.	11-Dec-2003	02-Mar-2004	05-Feb-2004	06-Apr-2004
Add definition of "dormitory", "rehabilitation home", "rehabilitation facility", "seasonal farm worker housing" and "transitional home"	10-Mar-2005	17-May-2005	5-May-2005	
Revised definitions, added new definitions, eliminated enumeration of definitions	8-July-2010	3-Aug-2010	19-Aug-10	
Updated agritourism; added brewery, distillery, micro-brewery, micro-distillery, outdoor display and outdoor storage	11-May-2017	15-Aug-2017	01-Jun-2017	14-Jun-2017
Updated home occupation, added distilled spirits, home occupation-conditionally permitted, indoor individual storage, and solar energy systems brewery, distillery, micro-brewery, micro-distillery, outdoor display and outdoor storage	11-Apr-2019	07-May-2019	02-May-2019	28-May-2019
Updated solar energy systems to make Level 3 SES Conditionally Permitted in A-R, A-U, I-1 and I-2 zoning classifications only.	10-Feb-2022	15-Mar-2022	08-Mar-2022	01-Mar-2022
Medical Cannabis	8-Aug-2024	3-Sept-2024	16-Sept-2024	

**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.** Is any activity that is carried out on a farm, ranch, agricultural operation, horticultural operation, or agribusiness operation and allows or invites participants to view or participate in activities for recreational, entertainment, or educational purposes. Qualifying activities may include farming, ranching, historic, cultural, civic, or ceremonial activities, including but not limited to weddings and ancillary events; harvest-your –own operations; farmers’ markets; or natural resource-based activities. The activities may qualify as agritourism activities whether or not a participant pays to view or to participate in the activity.

**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.

**BREWERY.** Industrial facility that manufactures, blends, ferments, processes, packages and distributes alcoholic beverages.

**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 METRO- POLITAN 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.

**DISTILLERY.** Industrial facility that manufactures, blends, ferments, processes, packages and distributes alcoholic beverages.

**DISTILLED SPIRITS.** An alcoholic beverage that is obtained by distillation from wine, fermented fruit or plant juice or from a starch material that has first been brewed, having an alcoholic content higher than that of beer or wine.

**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 – ACCESSORY USE.** 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.

**HOME OCCUPATION – CONDITIONALLY PERMITTED USE.** Occupations include but are not limited to barber shops and beauty parlors, boutiques, school tutors, musical instructors, small tradesman whom store limited supplies in a detached structure, but only when said conditionally permitted occupations are performed under the following conditions: (1) The use is clearly incidental and secondary to use for dwelling purposes; (2) An active business license is on file with the appropriate jurisdiction; (3) If operation from a detached structure, the floor area utilized from business related purposes shall not exceed four hundred (400) square feet. ; (4) Up to one (1)

non-resident employee may be allowed to report to the site; (5) Customers shall be allowed at the residence; (6) Parking requirements will be dependent on the specific use and in accordance with Article 13 of this ordinance, all parking shall be off-street; (7) The use does not require external alteration of the dwelling; (8) The use does not adversely affect the uses principally permitted in the immediate neighborhood by excessive traffic generation or noise; (9) A floor plan and site plan shall be submitted as part of the conditional use permit application demonstrating compliance with these requirements, and; (10) The OMBA may waive any of the requirements listed herein or revoke the conditional use permit if any conditions set forth are violated.

**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..

**INDOOR INDIVIDUAL STORAGE.** A fully enclosed and conditioned 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.

**MEDICAL CANNABIS.** As defined in KRS 218B.010: (a) means marijuana as defined in KRS 218A.010 when cultivated, harvested, processed, produced, transported, dispensed, distributed, sold, possessed, or used in accordance with KRS 218B; (b) includes medicinal cannabis products and raw plant material; and (c) does not include industrial hemp or industrial hemp products as defined in KRS 260.850

**MEDICAL CANNABIS CULTIVATOR.** A Business that plants, raises, harvests, trims, and cures raw plant material in an indoor facility, licensed as such under KRS 218B.080, 218B.085, and 218B.090.

- (1) Medical Cannabis Cultivator Tiers.
- (a) Tier I: Total indoor growth area not to exceed two thousand five hundred (2,500) square feet.
  - (b) Tier II: Total indoor growth area not to exceed ten thousand (10,000) square feet.
  - (c) Tier III: Total indoor growth area not to exceed twenty-five thousand (25,000) square feet.
  - (d) Tier IV: Total indoor growth area not to exceed fifty thousand (50,000) square feet.

**MEDICAL CANNABIS DISPENSARY.** A business that purchases and sells finished products to medical cannabis cardholders, licensed as such under KRS 218B.080, 218B.085, and 218B.090.

**MEDICAL CANNABIS PRACTITIONER.** As defined in KRS 218B.010, a physician or an advanced practice registered nurse who is authorized to prescribe controlled substances under KRS 314.042, who is authorized by his or her state licensing board to provide written certifications pursuant to KRS 218B.050.

**MEDICAL CANNABIS PROCESSOR.** A business that processes and packages raw plant material into usable product formats, licensed as such under KRS 218B.080, 218B.085, and 218B.090.

**MEDICAL CANNABIS PRODUCER.** A Business that acts as both medical cannabis cultivators and medical cannabis processors, licensed as such under KRS 218B.080, 218B.085, and 218B.090.

**MEDICAL CANNABIS SAFETY COMPLIANCE FACILITY.** A facility involved in contamination and purity testing of raw plant material and medical cannabis products, licensed as such under KRS 218B.080, 218B.085, and 218B.090.

**MERCHANDISE.** *(only Unincorporated Daviess County)* The commodities or goods that are sold in a business.

**MICRO-BREWER/MICRO-DISTILLERY.** A limited production facility that manufactures and produces alcoholic beverages in conjunction with a restaurant, bar, or retail sales. The alcohol production portion of the facility shall be limited to a maximum of 5,000 square feet. Similar to a Cocktail Lounge/Night Club.

**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 ADVERTISING DISPLAYS.** 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.*

**OUTDOOR DISPLAY.** Placement of any items outside a building on concrete or asphalt surfaces in a commercial or industrial zone for the purpose of sales or rental, including but not limited to: vehicles, garden supplies, tires, boats, farm equipment, motor homes, playground equipment, storage sheds and carports. All vehicular use areas shall be paved and vehicular use area screening shall be installed along all public right-of-way and where adjoining residential property in accordance with all applicable provisions of the Zoning Ordinance.

**OUTDOOR STORAGE.** The keeping or stockpiling of any goods, equipment, merchandise, commodities, or any other item outside of a completely enclosed building in a commercial or industrial zone for any length of time. Outdoor storage areas shall be enclosed on all sides (including gates) by a continuous solid wall or fence not less than six (6) feet in height. Paving is not required within an outdoor storage area, but a durable surface such as gravel must be in place.

**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 its 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. (*Sign definitions, see Article 9*)

**SOLAR ENERGY SYSTEM (SES).** The components and subsystems required to convert solar energy into electric energy suitable for use. The area of the system includes all the land inside the perimeter of the system, which extends to any fencing.

For the purposes of these zoning regulations, solar energy systems are divided into three (3) classes.

(a) **Level 1 Solar Energy System.** A roof mounted system on any code compliant structure or any ground mounted system on an area of up to fifty (50) percent of the footprint of the primary structure on the parcel but not more than one (1) acre and not more than twenty (20) feet tall or any building integrated system (i.e. shingle, hanging solar, canopy, etc.)

(b) **Level 2 Solar Energy System.** Any ground mounted system not included in a Level 1 SES and meets the following area restrictions:

- (1) In an agricultural zone the area of the SES shall not exceed one half (1/2) acre in size
- (2) In a residential zone the area of the SES shall not exceed one half (1/2) acre in size
- (3) In a professional/service or business zone the SES shall not exceed ten (10) acres in size and shall require a conditional use permit
- (4) In an industrial zone an SES of any size shall require a conditional use permit

(c) **Level 3 Solar Energy System.** Any system that does not satisfy the parameters for a Level 1 or Level 2 SES. Level 3 Solar Energy Systems shall require a Conditional Use Permit in the A-R Rural Agriculture, A-U Urban Agriculture, I-1 Light Industrial and I-2 Heavy Industrial zones and shall be prohibited in all other zones.

**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 sidewalls 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 PROFESSION- AL/  
SERVICE.** The P-1 Zone.

**ZONE, RESIDENTIAL.** An R-1A, R-1B, R-1C, R-1T, R-2MF, R-3MF, or R-4DT zone.