

ORDINANCE 14-2025

AN ORDINANCE APPROVING AND ADOPTING TEXT AMENDMENTS TO THE OWENSBORO METROPOLITAN ZONING ORDINANCE FOR THE CITIES OF OWENSBORO AND WHITESVILLE, AND DAVIESS COUNTY, REGARDING REVISIONS TO ARTICLE 8 - SCHEDULE OF ZONES, SPECIFICALLY REGARDING SHOPS OF SPECIAL TRADE AND GENERAL CONTRACTORS.

WHEREAS, the Owensboro Metropolitan Planning Commission met in regular session on August 14, 2025, and proposed amendments to the text of the Zoning Ordinance for the cities of Owensboro and Whitesville, and Daviess County regarding revisions to Article 8; and

WHEREAS, by vote of 7-0 in favor of the amendment of Article 8, the Owensboro Metropolitan Planning Commission has recommended that the proposed text amendments to the Owensboro Metropolitan Zoning Ordinance be approved as being in compliance with the goals and objectives of the adopted Comprehensive Plan and be submitted to the Owensboro Board of Commissioners, Whitesville City Commission, and Daviess County Fiscal Court for approval and adoption by the legislative bodies. Findings of fact in support of adoption of the proposed revisions to the Owensboro Metropolitan Zoning Ordinance are as follows:

This amendment to Article 8 will:

1. Help maintain Daviess County as a viable economic unit;
2. Promote regional development to enhance economic benefits for citizens of Daviess County;

3. Promote a diversity of desirable industrial activities for a broad and stable economic base;
4. Create policies for regulating land use activities that are not overburdensome while still protecting the public health, safety and welfare of the community;
5. This amendment to Article 8 will accommodate all intensities of land use activity;
6. Promote adequate, attractive and accessible industrial facilities; and
7. Disperse industrial activities to better utilize transportation systems.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF OWENSBORO, KENTUCKY, AS FOLLOWS:

Section 1. That the statements recited in the preamble hereinabove, upon which the adoption of this ordinance is predicated, are hereby adopted and incorporated by reference, as if fully set forth herein.

Section 2. That text amendments to the Owensboro Metropolitan Zoning Ordinance for the cities of Owensboro and Whitesville, and Daviess County, regarding revisions to Appendix F of the Owensboro Municipal Code pertaining to Article 8 – Schedule of Zones, specifically regarding shops of special trade and general contractors, shall be the same and are hereby approved and adopted, as more particularly set out in the attached Exhibit A, which is incorporated by reference as if fully set forth herein.

Section 3. That the attached amendments to the Zoning Ordinance shall be kept on file and available for public inspection in the office of the Owensboro Metropolitan Planning Commission.

Section 4. All prior ordinances or parts thereof, in conflict with the provisions of this ordinance, are to the extent of any such conflict, hereby repealed.

Section 5. This ordinance shall become effective upon its adoption and publication according to law.

INTRODUCED AND PUBLICLY READ ON FIRST READING, this 2nd day of September, 2025.

PUBLICLY READ AND FINALLY APPROVED ON SECOND READING, this 16th day of September, 2025.

Thomas H. Watson, Mayor

ATTEST:

Beth Davis, City Clerk

Consent

**CITY OF OWENSBORO
AGENDA REQUEST AND SUMMARY
COVER SHEET**

Item No.

TITLE
Amendments to the text of Article 8 of the Zoning Ordinance



MEETING OF CITY COMMISSION ON:
BUDGET <i>(State any budget consequences):</i> N/A

SUMMARY AND BACKGROUND <i>(Continue on additional sheet, if necessary):</i>
The Owensboro Metropolitan Planning Commission met in regular session on August 14, 2025, to consider an amendments to the text of the Zoning Ordinance for Owensboro, Whitesville and Daviess County, Kentucky, regarding revisions to Article 8 – Schedule of Zones specifically regarding shops of special trade and general contractors. By a vote of 7-0 the Owensboro Metropolitan Planning Commission has recommended that the proposed text amendment be approved in that the proposal is in compliance with the adopted Comprehensive Plan (see attached Findings of Facts and staff report).
Check if continued on next page <input type="checkbox"/>

RECOMMENDATION OR ACTION REQUESTED <i>(State the action requested or recommended):</i>
Approve text amendment to Article 8 of the Zoning Ordinance.

ATTACHMENTS <i>(10 copies for agenda packets)</i>	Check if no attachments	<input type="checkbox"/>
OMPC Recommendation, Staff Report, Transcript Video of the OMPC proceedings are available upon request		

Note: All City Commission Agenda items submitted by staff, including appropriate backup materials, must be approved and submitted to the City Clerk not later than noon Thursdays preceding Tuesday, 6:30 p.m. meetings.

Submitted by	Dept. Head Approval	City Attorney Approval	City Manager Approval
			

ZONING TEXT AMENDMENT

Subject: Amendment to the text of Article 8 of the Zoning Ordinance

RECOMMENDATION of the Owensboro Metropolitan Planning Commission, Owensboro, Kentucky

Having considered the above matter at a Public Hearing on **August 14, 2025**

and having voted **7 to 0**

to submit this Recommendation to the **Owensboro City Commission**

the Owensboro Metropolitan Planning Commission hereby recommends **APPROVAL**

of this proposal, based on the following Purposes and Findings of Fact.

FINDINGS OF FACT

1. This amendment to Article 8 will help maintain Daviess County as a viable economic unit;
2. This amendment to Article 8 will promote regional development to enhance economic benefits for citizens of Daviess County;
3. This amendment to Article 8 will promote a diversity of desirable industrial activities for a broad and stable economic base;
4. This amendment to Article 8 will create policies for regulating land use activities that are not overburdensome while still protecting the public health, safety and welfare of the community;
5. This amendment to Article 8 will accommodate all intensities of land use activity;
6. This amendment to Article 8 will promote adequate, attractive and accessible industrial facilities; and,
7. This amendment to Article 8 will disperse industrial activities to better utilize transportation systems.

ATTEST: August 15, 2025



Executive Director, Brian R. Howard, AICP

ENCLOSURES

Staff Report, Proposed Text Amendment, Transcript, meeting video available upon request.

Background

This proposed revision to Article 8 of the Owensboro Metropolitan Zoning Ordinance is related to shops of special trade and general contractors. Shops of special trade and general contractors are currently allowed in the B-5 Business/Industrial, I-1 Light Industrial and I-2 Heavy Industrial zones, this amendment would allow the use in the B-3 Highway Business Center and B-4 General Business zoning classifications with an approved Conditional Use Permit.

Proposed Text Amendments

See the attached draft of the proposed Article 8 revisions.

Conclusions

The purpose of revising Article 8 is to be better equipped to address any future needs of the community.

The proposed text amendment is supported by the following goals and objectives of the Comprehensive Plan:

- Economy and Employment, Goal 3.1 – Maintain Daviess County as a viable economic unit.
- Economy and Employment, Objective 3.1.3 – Promote regional development to enhance economic benefits for citizens of Daviess County.
- Economy and Employment, Objective 3.1.4 – Promote a diversity of desirable industrial activities for a broad and stable economic base.
- Economy and Employment, Objective 3.1.11 - Endeavor to create policies for regulating land use activities that are not overburdensome while still protecting the public health, safety and welfare of the community.
- Land Use, Objective 4.1.2 – Accommodate all intensities of land use activity.
- Land Use, Goal 4.14 – Promote adequate, attractive, and accessible industrial facilities.
- Land Use, Objective 4.14.2 – Disperse industrial activities to better utilize transportation systems.

Findings of Fact

The staff recommends approval of the proposed text amendments to Article 8 because the proposal is in compliance with the community's adopted

Comprehensive Plan. The findings supporting this recommendation follow:

1. This amendment to Article 8 will help maintain Daviess County as a viable economic unit;
2. This amendment to Article 8 will promote regional development to enhance economic benefits for citizens of Daviess County;
3. This amendment to Article 8 will promote a diversity of desirable industrial activities for a broad and stable economic base;
4. This amendment to Article 8 will create policies for regulating land use activities that are not overburdensome while still protecting the public health, safety and welfare of the community;
5. This amendment to Article 8 will accommodate all intensities of land use activity;
6. This amendment to Article 8 will promote adequate, attractive and accessible industrial facilities; and,
7. This amendment to Article 8 will disperse industrial activities to better utilize transportation systems.

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, amendments	08-Mar-1980	22-Feb-1980	08-Apr-1980	07-Apr-1980
Mobile homes prohibited in City of Owensboro residential zones	12-Apr-1980	23-May-1980	not applic.	not applic.
Day care, A-R conditional uses, business & industrial yards, residential zero setback, duplex splitting, major street map	17-Apr-1981	22-May-1981	26-Apr-1981	06-Jul-1981
Manufactured housing classifications	11-Sep-1982	09-Nov-1982	19-Oct-1982	16-Nov-1982
Public utility facilities, extraction of petroleum, hazardous waste disposal	12-Jan-1984	06-Mar-1984	22-Feb-1984	?
Automobile body shops	15-Nov-1990	not adopted	26-Dec-1990	not adopted
Adult entertainment establishments	10-Feb-1994	15-Mar-1994	30-Mar-1994	?
Bed and breakfast homes	09-Feb-1995	21-Mar-1995	15-Nov-1995	?
Comprehensive Plan standards for building setbacks & reformat of site development requirements tables {8.5}; major streets map with updated functional classifications {8.6}	18-Apr-1996	21-May-1996	22-May-1996	?
New land use category: "individual storage" (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}	14-Nov-1996 denied	not applic.	12-Feb-1997 approved	not applic.
Replace use "horticultural services" with use "landscaping services"; 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}	13-Nov-1997	06-Jan-98	23-Dec-1997	?
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 subsection {8.165, 8.166}; added new B-5 zone to table and denoted its principal, conditional, and accessory uses; increased number of access 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; delete differences between uses located in Owensboro, Whitesville and unincorporated Daviess County with the exception of individual storage units & automobile body shops that are conditionally permitted in B-4 and B-5 zones in unincorporated Daviess County only; added "Residential Care Facilities" as a permitted use in all residential zones as required by KRS 100.982-100.984; changed Manufactured Home classes from A, B, C, D to 1, 2, 3 to match new definitions proposed in Article 14 {8.2 table}; added use listings or special conditions for adult day care centers, drive through window private elementary and secondary schools, public auction houses, assisted living facilities, video arcades, bingo halls, movie theaters, indoor parking places, gaming places, health spas, fitness centers, martial arts facilities, gymnastics and cheerleading instructional facilities, aerobics and weight training facilities, tanning salons, computer repair, quick copy services, convenience stores, home improvement centers, taxi cab or limousine service, automobile auction facilities, sand or gravel quarry, furniture repair and upholstery, furniture restoration and refinishing, animal race tracks, pet grooming, pet training, taxidermy, dry cleaning or laundry drop-off/pick-up stations, bus terminals, amusement parks, water parks, driving ranges, batting cages {8.2 table, 8.4}; clarified exemption from local land use regulations for municipal, county, state, federal and public school board uses per KRS 100.1 and requirement for public facilities review by OMPC {8.4 (39), (40)}; changed definition of lot coverage to include total coverage of all principal & accessory buildings, increased minimum lot size to 0.75 acres in all zones where sanitary sewer is not available (A-R zone retained 1.00 acre minimum increased maximum lot coverage to 50% in A-U, A-R, R-1A, R-1B, R-1C, R-1T, R-2MF, R-3MF, and R-4DT zones and in B-4 and B-5 zones when they adjoin Res., MHP or P-I zones {8.5}).	11-Dec-2003	02-Mar-2004	05-Feb-2004	06-Apr-2004
Revisions associated with adoption of Article 21 Central Business Overlay Districts to 8.2 Zones and Uses table	13-Jan-2005	15-Feb-2005	3-May-2005	?
Revisions associated with adoption of Group Housing Criteria to 8.2 Zones and Uses Table and 8.4 Detailed Uses and Special Conditions	10-Mar-2005	17-May-2005	5-May-2005	?
Landscaping Services conditionally permitted in B-3 and B-4 zones	08-Mar-2007	17-April-2007	03-May-2007	03-April-2007
Limited retail uses conditionally permitted in A-U zones	10-July-2008	19-Aug-2008	07-Aug-2008	?
Revisions to reference new regulations contained in Article 21 relative to properties within Downtown Overlay Districts	10-Sep-2009	20-Oct-2009		
Revisions to include additional uses and to revise light and heavy industrial permitted uses	08-July-2010	3-Aug-2010	19-Aug-2010	
Revisions related to distilleries, breweries, as well as hotels, restaurants and cocktail lounges when associated with a statewide or nationally accredited distillery or brewery	11-May-2017	15-Aug-2017	1-Jun-2017	14-Jun-2017
Revisions related to Home Occupations, Distillery/Brewery, Agriculture, Horticulture or Silviculture Industries, Solar Energy Systems, Indoor Individual Storage, and Storage of Distilled Spirits	11-Arp-2019	07-May-2019	02-May-2019	28-May-2019
Revisions related to Solar Energy Systems	10-Feb-2022	15-Mar-2022	08-Mar-2022	01-Mar-2022
Revisions related to Dwelling: Accessory /2A, Agriculture, Horticulture or Silviculture Industries, and Storage of Distilled Spirits	13-July-2023	15-Aug-2023	24-Aug-2023	10-Aug-2023
Medical Cannabis	08-Aug-2024	03-Spet-2024	16-Spet-2024	
Revisions related to Solar Energy Systems	09-Jan-2025	04-Mar-2025	06-Mar-2025	04-Feb-2025

Revisions to Shops of special trade and general contractors

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:

Article	
3	General Zone and District Regulations
10	Planned Residential Development Project
13	Off-Street Parking, Loading and Unloading Areas
14	Definitions
15	Business and Professional/Service Areas
16	Development Plans
17	Landscape and Land-Use Buffers

8.2 ZONES AND USES TABLE

<p>P = PRINCIPALLY PERMITTED USES: Uses listed and other uses (not otherwise listed in table) substantially similar to those listed are deemed permitted.</p> <p>C = CONDITIONALLY PERMITTED USES: Uses which are permitted only with Board of Adjustment approval.</p> <p>A = ACCESSORY USES: Uses and structures permitted which are customarily accessory, clearly incidental and subordinate to permitted uses.</p>	<p>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.</p> <p>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.</p>
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ZONES													USES
A-R A-U	R-1A R-1B R-1C	R-1T	R-2MF	R-3MF	R-4DT	P-1	B-1	B-2 ¹	B-3 B-4	B-5	I-1	I-2	
													A RESIDENTIAL
C/1	C/1	C/1			C/1								1A Bed and breakfast home
				C/6a	C/6a								1B Boarding or lodging house
			P	P	P	A/2A	A/2A	A/2A, P/3	A/2A	A/2B	A/2B	A/2B	2 Dwelling: Accessory
P	P	P			P								3 Dwelling: Multi-family
		P/4											4 Dwelling: Single-family detached
			P	P	P								5 Dwelling: Townhouse
	P	P	P	P	P								6 Dwelling: Two-family
													6A Residential Care Facilities
				C/6a	C/6a			C/ 6a	C/6a	C/6a			7 Fraternity or sorority house, dormitory, other group housing such as rehabilitation and transitional homes
C/6b				C/6a	C/6a								7A Seasonal farm worker housing
	A/5	A/5	A/5	A/5	A/5			A/5					8 Guest quarters
A	A/6	A/6	A/6	A/6	A/6			A/6					9 Keeping of roomers or boarders by a resident family
P/7	P/7	P/7			P/7								10A Manufactured Home, Class 1 (see Section 14)
P/7	C/7	C/7			C/7								10B Manufactured Home, Class 2 (see Section 14)
P/7													10C Manufactured Home, Class 3 (see Section 14)
								P	P	P	C/55	C/55	11 Motel or hotel
	P/8		P/8	P/8	P/8								12 Planned residential development project
													B ASSEMBLY
								P/9	P/9	P/9	C/9		1 Amusements, indoor
									P/10	P/10			2 Amusements, outdoor
C	C	C	C	C	C	C	C	C	C	A	A	A	3 Child day-care centers, child nurseries, adult day care centers
C	C	C	C	C	C	P	C	P	P	P			4 Churches, Sunday schools, parish houses
A/11	A/11	A/11	A/11	A/11	A/11	A/11	A/11	A/11	A/11	A/11	A/11	A/11	5 Circuses and carnivals, temporary
								P					6 Civic center, auditorium, exhibition halls, amphitheater
C	C	C	C	C	C	P	C	P	P	P			7 Community centers, public
C	C	C	C	C	C	P	C	P	P	P			8 Libraries, museums, art galleries, reading rooms
								C	P	P			9 Passenger transportation terminals
C/12				C/12	C/12	P/12	C	P	P	P			10 Philanthropic institutions and clubs
C/13	C/13	C/13	C/13	C/13	C/13	C/13	C	C/13	P/13	P/13	C/13	C/13	11 Recreational activities, indoor
								C/14	P/14	P/14	C/55	C/55	12 Cocktail lounges, night clubs
								P/15	P/15	P/15	C/55	C/55	13 Restaurants, including drive-in, drive through windows
C	C	C	C	C	C	P		P	P	P			14 Schools, colleges, academic, technical, vocational or professional, private elementary and secondary schools
C	C	C	C	C	C	P	P	P	P	P			14A Photography, art, and music studios
								A					15 Sidewalk cafe
								P/47	P/47	P/47			16 Any ASSEMBLY USES above deemed to be adult entertainment establishments (<i>only Owensboro, Unincorporated Daviess County</i>)
									P/52	P	P		17 Public auction houses
									P	P	C	C	18 Banquet Halls

¹ 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.

/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 four [4]) 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. An unlimited number of dwelling units may be located within the principal building when the dwelling units are located above the principally permitted use(s) provided the principally permitted use(s) occupies the entire first floor of the building, the first floor shall be at least five thousand (5,000) square feet in size and sanitary sewer service shall be available to the property.

/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 will 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.

/17. See under *BUSINESS USES (D) table*.

/52. Except for live animal auctions or vehicle auctions.

/55. In conjunction with a distillery or brewery that has obtained, or intends to obtain, a statewide or national accreditation within the distilling or brewing industries.

P = PRINCIPALLY PERMITTED USES: Uses listed and other uses (not otherwise listed in table) substantially similar to those listed are deemed permitted.		<p>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.</p> <p>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</p>											
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.													
ZONES													USES
A-R A-U	R-1A R-1B R-1C	R-1T	R-2MF	R-3MF	R-4DT	P-1	B-1	B-2 ²	B-3 B-4	B-5	I-1	I-2	
													C INSTITUTIONAL
C				C	C	C		C	C	C			1 Hospitals; surgical centers; convalescent and rest homes; orphanages, rehabilitation facilities, assisted living facilities
C										C	C	C	2 Penal or correctional institution
													D BUSINESS
						P	P	P	P	P			1 Banks, credit agencies, security and commodity and loan companies and holding and investment companies; with or without drive-in facilities
						P		P	P	P	P	P	2 Computer ,data and business processing centers, and call centers
C/46						P	P	P	P	P			3 Hair styling, beauty and barber shops, tanning salons, nail salons, piercing or tattoo parlors
C/46							P	P	P	P	P	P	4 Home appliance and computer repair
A	A	A	A	A	A								5 Home occupation – Accessory Use
C	C	C	C	C	C			P	P	P			5a Home occupation – Conditionally Permitted Use
						P		P	P	P			6 Medical and dental offices, clinics and laboratories
A						P		P	P	P	A	A	7 Offices for business, professional, governmental, civic, social, fraternal, political, religious and charitable organizations
						P		P	P	P			8 Office projects, professional
								P	P	P			9 Pawnshops
						P		P	P	P			10 Research, development and testing laboratories or centers
							P	P	P	P			11 Shoe repair
						P		P	P	P			12 Telephone exchanges, radio and television studios
						P		P	P	P			13 Ticket and travel agencies
						P	P	P	P	P			14 Quick copy services, not utilizing offset printing methods
								P/47	P/47	P/47			15Any BUSINESS USES above deemed to be adult entertainment establishments (<i>only Owensboro, Unincorporated Daviess County</i>)
													E MERCANTILE
C							P	P	P	P			1 Farmers market
C/45							P/16	P/16	P/16	P/16	A/55	A/55	2 Retail sale of food products
							P/17	P/17	P/17	P/17	A/55	A/55	3 Retail sale of merchandise
							P	P	P	P			3A Vendor stands
A							P/18	P/18	P/18	P/18			4 Retail sale of plant, nursery or greenhouse products
A/19													5 Produce stands
C/53										P/53	P/53	P/53	6 Sale of feed, grain or other agricultural supplies
									P/20	P/20	P/20	P/20	7 Wholesale supply establishment
							P/21	P/21	P/21	P/21			8 Convenience stores with or without fuel stations
									P	P	P		9 Big box home improvement retailer
								P/47	P/47	P/47			10Any MERCANTILE USES above deemed to be adult entertainment establishments (<i>only Owensboro, Unincorporated Daviess County</i>)

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, or any child daycare center, or 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.

/55. See ASSEMBLY USES (B) table.

8.2 ZONES AND USES TABLE

<p>P = PRINCIPALLY PERMITTED USES: Uses listed and other uses (not otherwise listed in table) substantially similar to those listed are deemed permitted.</p> <p>C = CONDITIONALLY PERMITTED USES: Uses which are permitted only with Board of Adjustment approval.</p> <p>A = ACCESSORY USES: Uses and structures permitted which are customarily accessory, clearly incidental and subordinate to permitted uses.</p>	<p>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).</p> <p>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.</p> <p>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.</p>
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ZONES														USES
A-R A-U	R-1A R-1B R-1C	R-1T	R-2MF	R-3MF	R-4DT	P-1	B-1	B-2 ³	B-3 B-4	B-5	I-1	I-2		
														F VEHICLE AND TRUCK RELATED
								P/21	P	P				1 Vehicle boat rental
									P/22	P/22				2 Vehicle sales lot, establishment
C/23														3 Vehicle race tracks
							P/21	P/21	P/21	P/21				4 Vehicle service/fuel stations, with or without convenience stores
									A/24	P	P	P		5 Vehicle repair, major
									C/24A	P	P	P		5A Vehicle body shop
							P	P	P	P	P	P		6 Vehicle repair, minor
							P	P	P	P	P	P		6A Vehicle detail shop
							A/25	A/25	P/25	P/25	P/25	P/25		7 Car-wash; self-serve or automatic
A				A	A	A	A	A	A	A	A	A		8 Loading and unloading facilities
A	A	A	A	A	A	A								9 Parking areas, private garages
	A	A	A	A	A	A	A	P	A	A	A	A		10 Parking areas or structures
						C	C	P	P	P	P	P		11 Parking lots or structures
										P	P	P		12 Tire re-treading and recapping
												C/27		12A Tire recycling collection center
									A	A	A	A		13 Truck rental
										P	P	P		14 Truck terminals and freight yards
									P	P				15 Taxi cab or limousine service
										P	P			16 Vehicle auction facilities
												C/27		17 Vehicle impound yards or vehicle salvage yards
														G INDUSTRIAL
										P/26	P/26	P/26		1 Contractor equipment dealer
											P	P		1A Lumber and construction material yards
										P	P	P		2 Dairy or other food product bottling plants
P										C	C	P		3 Extraction of crude petroleum, natural gas
C										C	C	C		3A Quarrying of sand, gravel, etc.
												C/27		4 Heavy industrial uses, conditional
												C/27		4A Salvage yards
												C/27		4B Refuse yards or landfills
												P/28		5 Heavy industrial uses, principal
P/54										P	P	P		5A Processing timber for firewood
										P	P	P		6 Ice plant
										P	P	P		7 Machine, welding and other metal work shops
										P	P	P		8 Manufacturing, compounding, processing, packaging and assembling, light
						A		A	A	P	P	P		9 Medical waste disposal
A/30							A/30	A/30	A/30	A/30				10 Making of articles to be sold at retail on the premises
						A	A	P	P	P	P	P		11 Printing, publishing, lithographing, blueprinting
										A	A	A		12 Sale of manufactured goods
									C/31	P/31	P/31	P/31		13 Shops of special trade and general contractors
							A/49	A/49	A/49	P	P	P		14 Furniture repair and upholstery
C/46										P	P	P		15 Furniture restoration and refinishing
										P	P	P		16 Recycling Collection centers
											P/27	P/27		17 Distillery/Brewery

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.

/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 an I-1 or A-R Zone, with the exception of hazardous materials stored in conjunction with the sale of feed, fertilizer or other agricultural products which shall be allowed as accessory use to the business provided buffer distances as described in note 53 are met.

/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; upholstery; 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.

8.2 ZONES AND USES TABLE

<p>P = PRINCIPALLY PERMITTED USES: Uses listed and other uses (not otherwise listed in table) substantially similar to those listed are deemed permitted.</p> <p>C = CONDITIONALLY PERMITTED USES: Uses which are permitted only with Board of Adjustment approval.</p> <p>A = ACCESSORY USES: Uses and structures permitted which are customarily accessory, clearly incidental and subordinate to permitted uses.</p>	<p>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).</p> <p>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.</p> <p>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.</p>
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ZONES													USES
A-R A-U	R-1A R-1B R-1C	R-1T	R-2MF	R-3MF	R-4DT	P-1	B-1	B-2 ⁴	B-3 B-4	B-5	I-1	I-2	
													H Agriculture:
A													1 Agricultural structures, stables
P													2 Dairying and stock-raising
P	P	P	P	P	P								3 Farming
										P/32	P/32	P/32	4 Farm equipment dealer
P										C/33	C/33	C/33	5 Forestry
C													6 Grain drying
C/33a									C/33a	P	P	P	7 Livestock sales and auction
C													8 Landscaping services
C/58													9 Agri-tourism
													10 Agriculture, Horticulture or Silviculture Industries
													I Animal related:
C/34													1 Animal burial grounds
C/50													1A Animal race tracks
									P/35	P/35	P/35	P/35	2 Animal hospital or clinic
							P/51	P/51	P	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							P	P	P	P			3A Taxidermy
P/35									P/35	P/35	P/35	P/35	4 Kennel, commercial
A	A	A	A	A	A				P/35	P/35	P/35	P/35	5 Kennel, non-commercial
													6 Veterinarian office
													J Personal service:
C				C					C	C	C	C	1 Cemetery, mausoleum, columbarium, crematory
C						C		P	P	P			2 Funeral home, with or without crematory
							P/36	P/36	P/36	P/36	P/36	P/36	3 Laundry, clothes cleaning
						P	P	P	P	P	P	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
						A	P	P	P	P			4 Pharmaceuticals and medical supplies, sale of
						A/37	P	P	P	P	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	P/40	P/40	P/40	P/40	P/40	P/40	P/40	P/40	P/40	P/40	3 Municipal, county, state, public school or federal buildings and uses
C	C	C	C	C	C	C	C	C	C	C	C	C	4 Public utility facilities not otherwise permitted within this table and not excepted by Article 3 herein
								C	C	C			5 Bus terminals
C													6 Radio or TV transmitting or relay facilities including line of sight relays
P/59	P/59	P/59	P/59	P/59	P/59	P/59	P/59	P/59	P/59	P/59	P/59	P/59	7 Level 1 Solar Energy System (SES)
P/59	P/59	P/59	P/59	P/59	P/59	C/59	C/59	C/59	C/59	C/59	C/59	C/59	7a Level 2 Solar Energy System (SES)
C/59											C/59	C/59	7b Level 3 Solar Energy System (SES)
C/42	C/42	C/42	C/42	C/42	C/42	C/42	C/42	C/42	C/42	C/42	C/42	C/42	8 Recreational uses, major outdoor
A/43	A/43	A/43	A/43	A/43	A/43	A/43	A/43	A/43	A/43	A/43	A/43	A/43	9 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

<p>P = PRINCIPALLY PERMITTED USES: Uses listed and other uses (not otherwise listed in table) substantially similar to those listed are deemed permitted.</p> <p>C = CONDITIONALLY PERMITTED USES: Uses which are permitted only with Board of Adjustment approval.</p> <p>A = ACCESSORY USES: Uses and structures permitted which are customarily accessory, clearly incidental and subordinate to permitted uses.</p>	<p>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).</p> <p>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.</p> <p>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.</p>
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ZONES													USES
A-R A-U	R-1A R-1B R-1C	R-1T	R-2MF	R-3MF	R-4DT	P-1	B-1	B-2 ⁵	B-3 B-4	B-5	I-1	I-2	
									A/44	A/44	A/44	A/44	L Storage:
							A	A	A	A			1 Storage, outdoor
													2 Storage (incidental) for retail sales establishment
A	A	A	A	A	A								3 Storage sheds
									A/20	A/20	A/20	A/20	4 Storage for wholesale supply establishment
							A	A	A	A	A	A	5 Storage yards for delivery vehicles
										P	P	P	6 Warehouse
									C/48	P/48	P/48	P/48	7 Individual Storage
										C	C	C	8 Storage facilities, including outdoor storage for merchandise or operable, licensed, vehicles
									C/56	P/56	P/56	P/56	9 Indoor Individual Storage
P/57													10 Storage of Distilled Spirits, principal
C/57													10a Storage of Distilled Spirits, conditional
													M Medical Cannabis
P/61											P/61	P/61	1 Medical Cannabis Cultivator
									P/60	P/60			2 Medical Cannabis Dispensary
											P/61	P/61	3 Medical Cannabis Processor
											P/61	P/61	4 Medical Cannabis Producer
						P/61			P/61	P/61	P/61	P/61	5 Medical Cannabis Safety Compliance Facility

⁵ 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. Tree 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.

/56. Indoor individual storage uses may be conditionally permitted in the B-3 and B-4 zones. Indoor individual storage uses are principally permitted in B-5, I-1 and I-2 zones.

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

In the B-3 and B-4 zones, conditionally permitted indoor individual storage uses also shall be subject to the following restrictions:

- a. Indoor individual storage shall be limited to the adaptive reuse of an existing retail storefront of not less than 10,000 square feet in size.
- b. Structures to be used as indoor individual storage units shall be fully conditioned and enclosed.
- c. Screening and landscaping shall be required as per Article 17 of this Zoning Ordinance.
- d. Outdoor storage shall be prohibited on the same property as the indoor individual storage structure(s). This shall include vehicles, boats, personal items, etc.
- e. All uses other than indoor individual storage shall be prohibited within structures while those structures are being used for individual storage, except for those accessory uses that are clearly incidental to and would also be permitted in a B-4 zone.
- f. The Owner of the indoor 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

/57. Storage of distilled spirits shall be permitted in the A-R and A-U zones only on tracts of at least one hundred (100) acres in size.

Storage of distilled spirits shall be conditionally permitted in the A-R and A-U zones on tracts of at least twenty (20) acres in size.

Prior to the approval of a conditional use permit hereunder, the OMBA must consider the impact of the proposed use upon surrounding properties and insure that the character of the area is protected. This type of establishment shall not be considered as altering the agricultural or residential character of its particular area and shall not be justification for zoning map amendments.

In the A-R and A-U zones, permitted and conditionally permitted storage of distilled spirits also shall be subject to the following restrictions:

- a. The construction type shall be limited to rack supported structures or pallet storage structures constructed in accordance with the requirements of the current edition of the Kentucky Building Code.
- b. The size, height and separation of any single structure shall be in accordance with the requirements of the current edition of the Kentucky Building Code.
- c. The structures shall be used for the storage of distilled spirits only; any change in the product/material stored shall deem the conditional use permit null and void.
- d. All structures shall be set back at least 200 feet from all property boundaries.

e. All structures shall be located at least 750 feet from any principal structure on an adjoining property; this may be waived if the applicant provides a sworn affidavit from the owner of said structure that he/she is agreeable to the waiver.

f. At least twenty-five (25) percent of the property shall be dedicated to agricultural uses as defined in KRS 100 and/or left as open/natural space.

g. As part of the application process, the property owner shall agree that if the use ever exceeds the conditions of an approved permit, the property owner must take the necessary steps to come into compliance, cease operations, and/or relocate to an appropriately zoned location.

/58. Agriculture, Horticulture and Silviculture Industries shall be Conditionally Permitted in A-R and A-U zones located outside of the Urban Service area on parcels of at least twenty-five (25) acres in size. This type of use shall not be considered as altering the agriculture or residential character of its particular area and shall not be justification for zoning map amendments. Conditionally permitted agriculture, horticulture and silviculture industries shall be subject to the following restrictions:

- a. Any structure associated with the use shall not exceed twenty thousand (20,000) square feet in size and all structures associated with the use shall not exceed fifty thousand (50,000) square feet in total.
- b. The operation must not employ more than thirty (30) persons unless it is located on a road that is classified as a State Primary or State Secondary route or has any section classified as such, no operation shall employ more than one hundred (100) persons.
- c. The operation shall be limited to agriculture, horticulture or silviculture activities and their related accessory uses.
- d. The applicant must submit a full scope of work along with the conditional use permit application showing the operation is limited in size and scope as to not cause a negative impact or nuisance to neighboring properties. If at any time that scope of work changes or any conditions set forth with the approved conditional use permit are not met, the conditional use permit shall be revoked and the operation shall cease.

e. All applicable building codes for commercial/industrial structures shall be followed. The OMPC Building, Electrical, HVAC department shall be contacted regarding any required permits or inspections prior to any construction activity taking place.

/59. Solar Energy Systems (SES) shall comply with the following criteria:

In Unincorporated Daviess County A temporary moratorium shall be in place until March 1, 2026, to adequately make the changes as indicated herein. The Board of Adjustments shall not accept, process, or approve any applications for conditional use permits associated with the installation and business of wind and/or solar energy for the installation and business of wind and/or solar energy. The Planning and Zoning Commission shall not accept, process, or approve any applications for a zone change, conditional use permit, preliminary plat, or final development plan associated with the installation and business of wind and/or solar energy for the installation and business of wind and/or solar energy.

- a. The height of any ground mounted SES shall not exceed twenty (20) feet as measured from the highest natural grade below each solar panel (excludes utility poles and antennas constructed for the project)

b. Setback requirements for Level 1 and Level 2 SES shall be in compliance with the zoning classification for the parcel.

c. Setback requirements for Level 3 SES shall be as follows:

In the City of Owensboro and the City of Whitesville: (1) All equipment shall be at least seventy-five (75) feet from the perimeter property lines of the project area. Non-participating landowners may waive this setback; (2) No interior property line setbacks shall be required if the project spans multiple contiguous properties, and; (3) All equipment (unless otherwise mentioned) shall be located at least one hundred fifty (150) feet from any residential structure; (4) All inverters shall be located at least four hundred fifty (450) feet from any residential structure; and, (5) All equipment (unless otherwise mentioned) shall be located at least five hundred (500) feet from any county park.

In unincorporated Daviess County: (1) All equipment shall be at least one thousand (1,000) feet from the perimeter property lines of the project area. Non-participating landowners may waive this setback; (2) No interior property line setbacks shall be required if the project spans multiple contiguous properties, and; (3) All equipment (unless otherwise mentioned) shall be located at least one thousand (1,000) feet from any residential structure; (4) All inverters shall be located at least one thousand (1,000) feet from any residential structure; and, (5) All equipment (unless otherwise mentioned) shall be located at least one thousand (1,000) feet from any county park.

d. All Level 3 SES shall be screened with an 8' tall fence and a double row of staggered pines planted 15' on center from any public right-of-way or adjacent residential use. The pine trees shall be located outside of the fence. The use of barbed wire or sharp pointed fences shall be prohibited in or along any boundary adjoining residential or MHP zones. Screening shall be installed by the start of commercial operation and shall be maintained until the decommissioning of the SES is completed. All unhealthy, dead, or noncompliant plantings shall be repaired or replaced within ninety (90) days of such occurrence.

e. 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 5 square feet in area.

f. Lighting shall be prohibited except that required by federal or state regulations.

g. Decommissioning of Level 3 SES shall be as follows:

1. The applicant shall provide security in the form of a performance bond or Irrevocable Letter of Credit in the amount of one hundred ten percent (110%) of the projected Decommissioning Cost [see 59. g. 2. (5)], if the Decommissioning Cost is a positive number, securing Owner's decommissioning obligations. The form and content of surety shall be in accordance with the requirements of KRS 278.706(2)(m)(5) and shall name Daviess County Fiscal Court as secondary beneficiary. The Decommissioning Security shall be delivered to the County Judge/Executive of the Daviess County Fiscal Court and the owner shall provide a copy to the planning director. The surety instrument shall be provided prior to commencement of construction. The Decommissioning Security shall be issued for a period of not less than five (5) years. The surety instrument shall be updated and revised in conjunction with a resubmitted decommissioning plan not less than once every five (5) years. A surety instrument shall be

continuously maintained by the applicant, their successors in interest and/or assigns, until such time as the Large-Scale SES is decommissioned and all disturbed areas are reclaimed, revegetated, and restored.

2. A decommissioning plan shall be submitted at the time of application by the party responsible for decommissioning and the land owner and must include the following: (1) Defined conditions upon which the decommissioning will be initiated. i.e. there has been no power production for 12 months, the land lease has ended, or succession of use of abandoned facility, etc.; (2) Removal of all non-utility owned equipment, conduit, structures, fencing, roads, and foundations; (3) Restoration of the property to its original condition prior to development of the SES; (4) The estimated salvage value of the SES; (5) The estimated cost to decommission the SES and restore the subject property minus the estimated salvage value of the SES is the Decommissioning Cost; (6) The time frame for completion of decommissioning activities; (7) the party currently responsible for decommissioning, and; (8) Plans for updating the decommissioning plan.

3. The applicant shall be responsible for a decommissioning plan, prepared by a registered professional engineer familiar with the decommissioning process of a Level SES, at the expense of the applicant, and updated not less than once every five (5) years, containing the following: (1) The anticipated life of the project and defined conditions upon which decommissioning will be initiated; (2) The estimated decommissioning costs, including removal of the Solar Energy System and related foundations, pads, underground collector lines and roads, transmission lines, and the revegetation and restoration of the property, including soils, to its original condition and all calculations supporting the decommissioning estimate; (3) The manner in which the project will be decommissioned, including provision and a timetable (such timetable not to exceed five (5) years) for the removal of all structures and foundations, and for the revegetation and restoration of the property to its original condition; (4) A copy of any contract containing specific agreements regarding decommissioning; and, (5) The manner of SES component disposal including the estimated recycled value of components.

h. The total number of acres of "prime farmland" (outside Special Flood Hazard Area Zone A) in the unincorporated areas of the county which are permitted to allow Level 3 SES shall be limited to one thousand two hundred (1,200) acres as determined and tracked by Daviess County Fiscal Court. No permits shall be authorized once the total number of permitted acres has been allotted. "Prime farmland" means a map unit identified by the Natural Resources Conservation Service of the United States Department of Agriculture as having the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops and is available for these uses.

/60. Medical Cannabis Dispensary shall comply with the following criteria:

a. A Medical Cannabis Dispensary shall not be located within one thousand (1,000) feet of an existing primary or secondary school or daycare for children as measured in a straight line from parcel boundary to parcel boundary. This separation is required by KRS and is not subject to relief by a dimensional variance.

b. A Medical Cannabis Dispensary shall not be located closer than one (1) mile from another approved Medical Cannabis Dispensary and in unincorporated Daviess County shall be limited to one per Rural Community.

c. All business activity must occur indoors, is not permitted in a mobile or temporary building/structure and shall comply with all regulations of KRS and KAR related to Medical Cannabis.

d. The hours of operation for a Dispensary shall be no earlier than eight (8) A.M. and no later than eight (8) P.M.

e. A Medical Cannabis Dispensary shall not be located at the same site and location used for growing, cultivating, or processing medicinal cannabis or in the same office space as a Medicinal Cannabis Practitioner or other physician.

f. A Medical Cannabis Dispensary shall be permitted one (1) monument or pole mounted sign. The sign may be illuminated, but may not be animated, electronic changeable copy, or digital. The sign height shall not exceed thirty (30) feet and the sign face shall not exceed one hundred fifty (150) square feet. Temporary, wall mounted, and window signs are prohibited,

g. A Medical Cannabis Dispensary shall not operate until it has been issued a license from the Commonwealth of Kentucky pursuant to KRS.

h. A Medical Cannabis Dispensary is not permitted within the Downtown Overlay Districts as determined by Article 21 of this Zoning Ordinance.

/61. Medical Cannabis Cultivator, Processor, Producer, and Safety Compliance Facility shall comply with the following criteria:

a. A Medical Cannabis Cultivator shall be permitted in the A-R and A-U zones **only within Unincorporated Daviess County**.

b. A Medical Cannabis Cultivator, Processor, Producer or Safety Compliance Facility shall not be located within one thousand (1,000) feet of an existing primary or secondary school or daycare for children as measured in a straight line from parcel boundary to parcel boundary. This separation is required by KRS and is not subject to relief by a dimensional variance.

c. All business activity must occur indoors, is not permitted in a mobile or temporary building/structure and shall comply with all regulations of KRS and KAR related to Medical Cannabis.

d. The cultivation of medicinal cannabis is not permitted as part of any agriculture use allowed in this Zoning Ordinance unless otherwise exempted from local regulation by state law.

e. A Medical Cannabis Cultivator, Processor, Producer or Safety Compliance Facility shall be permitted one (1) monument or pole mounted sign. The sign may be illuminated, but may not be animated, electronic changeable copy, or digital. The sign height

shall not exceed thirty (30) feet and the sign face shall not exceed one hundred fifty (150) square feet. Temporary and wall mounted, and window signs are prohibited.

f. A Medical Cannabis Cultivator, Processor, or Producer shall not operate until it has been issued a license from the Commonwealth of Kentucky pursuant to KRS.

g. Medical Cannabis Cultivator, Processor, Producer or Safety Compliance Facility is not permitted within the Downtown Overlay Districts as determined by Article 21 of this Zoning Ordinance.

8.3 GENERAL INDEX.

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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		
8.5.2 A-U Urban Agriculture Zone		
(a) Minimum Lot Size		
A-R Zone	1.0 acre	
A-U Zone	0.5 acre	Where sanitary sewers are not available, the minimum lot size shall be 0.75 acres
(b) Minimum Lot Frontage	100'	at building setback line
(c) Minimum Front Yard or Street Yard		(See Section 8.6 for map of Major Streets)
Freeway, Expressway	20'	from lot line
Arterial Street (two-way)	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	60'	from street centerline or 25' from lot line, whichever is greater
Minor Collector or Local Street	60'	from street centerline or 25' from lot line, whichever is greater
Alley		(See interior side yard, interior rear yard)
(d) Minimum Interior Side Yard	10'	each side
(e) Minimum Interior Rear Yard	20'	
(f) Maximum Building Height	No limit	except for Kentucky Airport Zoning restrictions
(g) Minimum Useable Open Space	No limit	
(h) Maximum Lot Coverage	50%	
(i) Manufactured homes	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.	
(j) Manufactured homes	shall be underpinned with a solid form of permanent material placed between the ground and the bottom outside edge of the mobile home to shield against the element of weather and to conserve energy used for heating and cooling.	
(k) Agricultural land	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.	
(l) Building permits for accessory buildings	to store farm products and machinery on tracts of land ten (10) acres or more in size shall not be required.	
(m) Structures and/or buildings	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.	
8.5.3 I-1 Light Industrial Zone		
8.5.4 I-2 Heavy Industrial Zone		
(a) Minimum Lot Size	No limit	Where sanitary sewers are not available, the minimum lot size shall be 0.75 acres
(b) Minimum Lot Frontage	No limit	
(c) Minimum Front Yard or Street Yard [see (k) below]		(See Section 8.6 for map of Major Streets)
Freeway, Expressway	20'	from lot line
Arterial Street (two-way)	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	60'	from street centerline or 25' from lot line, whichever is greater
(Whitesville only)	75'	from street centerline or 25' from lot line, whichever is greater
Minor Collector or Local Street	25'	from lot line
Marginal Access Street	0'	from lot line
Alley		(See interior side yard, interior rear yard)
(d) Minimum Interior Side Yard [(see (k) below)]	20'	when adjoining any zone other than business or industrial
	No limit	when adjoining a business or industrial zone or a railroad siding
(e) Minimum Interior Rear Yard [see (k) below]	20'	when adjoining any zone other than business or industrial
	No limit	when adjoining a business or industrial zone or a railroad siding
(f) Maximum Building Height [see (k) below]	No limit	except for Kentucky Airport Zoning restrictions
(g) Minimum Useable Open Space [see (k) below]	No limit	
(h) Maximum Lot Coverage [see (k) below]	No limit	
(i) Certain uses	may require greater setbacks from particular non-compatible zones. See Section 8.4, #27 and #28.	
(j) All outdoor areas or yards	that are used for the storage of manufactured products, materials to be used in manufacturing, wholesale commodities, 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.	
(k)	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)

8.5.5 R-1A Single-Family Residential Zone		
8.5.6 R-1B Single-Family Residential Zone		
8.5.7 R-1C Single-Family Residential Zone		
8.5.8 R-1T Townhouse Zone		
(a) Minimum Lot Size		
R-1A Zone [see (j) below]	10,000sq'	except in a planned residential development project (see Art. 10)
R-1B Zone [see (j) below]	7,500sq'	"
R-1C Zone [(see (j) below]	5,000sq'	"
R-1T Zone [see (j) below]	2,000sq'	
(b) Minimum Lot Frontage		
R-1A Zone	75'	except in a planned residential development project (see Art. 10)
R-1B Zone	60'	"
R-1C Zone	50'	"
R-1T Zone [see (k) below]	18'	
(c) Minimum Front Yard or Street Yard		(See Section 8.6 for map of Major Streets)
Freeway, Expressway	20'	from lot line
Arterial Street (two-way)	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	60'	from street centerline or 25' from lot line, whichever is greater
Minor Collector or Local Street		
R-1A, R-1B, R-1C zones	25'	from lot line
If corner lots are back to back	15'	from side street lot line only
R-1T Zone [see (k) below]	10'	from lot line
Alley[see note (k) below]		(See interior side yard, interior rear yard)
(d) Minimum Interior Side Yard		
Regular Building		
R-1A Zone	10'	each side
R-1B, R-1C, R-1T zones	5'	each side
Adjoins R-1A, P-1, Agri. zone	10'	that side
Zero Setback Option (see [i] below)		
R-1A Zone	0'	one side along "internal line", 20' other side
R-1B, R-1C zones	0'	one side along "internal line", 10' other side
R-1T Zone [see (k) below]	0'	along "internal lines", 5' along "boundary lines"
Adjoins R-1A, P-1, Agri. zone	10'	that side
(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	
(h) Maximum Lot Coverage		
R-1A, R-1B, R-1C zones	50%	of total lot area
R-1T Zone [see (k) below]	50%	of total lot area
(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)		
Multi-Family (R-2MF Zone)	13,000sq'	except in a planned residential development project (see Art. 10)
(R-3MF, R-4DT zones)	6,500sq'	"
Two-Family (R-2MF Zone)	10,500sq'	"
(R-3MF, R-4DT zones)	6,000sq'	"
"Split Duplex" (R-2MF Zone)	5,250sq'	"
(R-3MF, R-4DT zones)	3,000sq'	"
Single-Family (only R-4DT Zone)	5,000sq'	"
(b) Minimum Lot Frontage		
Multi-Family (R-2MF Zone)	75'	except in a planned residential development project (see Art. 10)
(R-3MF, R-4DT zones)	70'	"
Two-Family (R-2MF Zone)	70'	"
(R-3MF, R-4DT zones)	60'	"
"Split Duplex" (R-2MF Zone)	35'	"
(R-3MF, R-4DT zones)	30'	"
Single-Family (only R-4DT Zone)	50'	"
(c) Minimum Front Yard or Street Yard (See Section 8.6 for map of Major Streets)		
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		
All Building Types	5'	each side
Adjoins R-1A, P-1, or Agri. zone	10'	that side
R-4DT Zone Zero Setback Option [see (k) below]		Same as for R-1C Zone (See Section 8.5.7) [see (k) below]
(e) Minimum Interior Rear Yard 20'		
(f) Maximum Building Height		
Multi-Family in R-4DT Zone [see (k) below]	36'	without increased minimum yard dimensions
Building taller than 36' [see (k) below]	3:1	height-to-yard ratio relative to all surrounding yards
All Other	36'	
(g) Minimum Useable Open Space		
Multi-Family [see (k) below]	30%	of lot area
All Other	No limit	
(h) Maximum Lot Coverage		
Multi-Family (R-2MF Zone)	50%	of total lot area with a floor area ratio of 0.25
(R-3MF Zone)	50%	of total lot area with a floor area ratio of 0.40
(R-4DT Zone) [see (k) below]	50%	of total lot area with a floor area ratio of 1.30
All Other	50%	of total lot area
(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		
(a) Minimum Lot Size		
P-1 Zone (see note [l] below)	7,500sq'	(For Professional Office Projects, see [j] below)
B-2 Zone (see note [l] below)	No limit	
(b) Minimum Lot Frontage		
P-1 Zone	60'	(For Professional Office Projects, see [j] below)
B-2 Zone	No limit	
(c) Minimum Front Yard or Street Yard		(See Section 8.6 for map of Major Streets)
P-1 Zone		
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
Marginal Access Street) [see (k) below]	0'	from lot line
Alley		(See interior side yard, interior rear yard)
B-2 Zone (existing buildings)) [see (k) below]	0'	
(New buildings, ground floor)) [see (k) below]	3'	"
(Floors above/below ground)) [see (k) below]	0'	"
(Along any alley)) [see (k) below]		(See interior side yard, interior rear yard)
(d) Minimum Interior Side Yard		
P-1 Zone) [see (k) below]	10'	each side (For Professional Office Projects, see [j] below)
B-2 Zone, when side yard adjoins...		
R-1A, P-1, or Agri. zone) [see (k) below]	10'	that side
Other Residential or MHP zone) [see (k) below]	5'	that side
Any other zone) [see (k) below]	No limit	
(e) Minimum Interior Rear Yard		
P-1 Zone) [see (k) below]	20'	(For Professional Office Projects, see [j] below)
B-2 Zone, when rear yard adjoins...		
Res., MHP, P-1, or Agri. zone) [see (k) below]	20'	
Any other zone) [see (k) below]	No limit	
(f) Maximum Building Height		
P-1 Zone[see note (k) below]	3:1	
B-2 Zone[see note (k) below]	No limit	
(g) Minimum Useable Open Space		
P-1 Zone	No limit	
B-2 Zone	No limit	
(h) Maximum Lot Coverage		
P-1 Zone) [see (k) below]	35%	of total lot area with a floor area ratio of 1.30 (See [j] below)
B-2 Zone) [see (k) below]	No limit	
(i) 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.		
(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)

8.5.14 B-1 Neighborhood Business Center Zone		
8.5.15 B-3 Highway Business Center Zone		
8.5.16 B-4 General Business Zone		
8.5.17 B-5 Business/Industrial Zone		
(a) Minimum Lot Size		
B-1 Zone (see note [m] below)	No limit	within a business center of 5 acres to 15 acres in size
B-3 Zone (see note [m] below)	No limit	within a business center of 15 acres or larger in size
B-4, B-5 Zone (see note [m] below)	No limit	
(b) Minimum Lot Frontage	No limit	
(c) Minimum Front Yard or Street Yard		(See Section 8.6 for map of Major Streets)
Freeway, Expressway	20'	from lot line
Arterial Street (two-way) [see note(k) below]	75'	from street centerline or 25' from lot line, whichever is greater
(Planned one-way) [see note (k) below]	60'	from street centerline or 25' from lot line, whichever is greater
Major Collector Street) [see note (k) below]	60'	from street centerline or 25' from lot line, whichever is greater
Minor Collector or Local Street) [see note (k) below]	25'	from lot line
Marginal Access Street[see note (k) below]	0'	from lot line
Alley [see note (k) below]		(See interior side yard, interior rear yard)
(d) Minimum Interior Side Yard		
When side yard adjoins...		
R-1A, P-1, or Agri. zone	10'	that side
Other Residential or MHP zone	5'	that side
Any other zone	No limit	
(e) Minimum Interior Rear Yard		
When rear yard adjoins...		
Res., MHP, P-1, or Agri. zone[see note (k) below]	20'	
Any other zone[see note (k) below]	No limit	
(f) Maximum Building Height [see note (k) below]	No limit	except for Kentucky Airport Zoning restrictions
(g) Minimum Useable Open Space	No limit	
(h) Maximum Lot Coverage		
B-1 Zone	35%	of total area of lot or tract in project development plan
B-3 Zone	25%	of total area of lot or tract in project development plan
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
Any other zone	No limit	
(i) 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.	
(j) 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.	
(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.	
(l)	All outdoor areas or yards 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.	
(m)	Where sanitary sewers are not available, the minimum lot size shall be 0.75 acres.	

8.6 MAP OF MAJOR STREETS

Major Street Setbacks and Buffers revised by TAC 04/07/2009

