

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
2003 Review Committee: No changes	11-Dec-2003	02-Mar-2004	05-Feb-2004	06-Apr-2004

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

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

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

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or in any way impair or interfere with any existing provisions of law, ordinance or order, except those specifically repealed under Section 1.5, or with any rules, regulations or permits previously adopted or issued, or which shall be adopted or issued pursuant to law relating to the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

buildings or requires greater lot areas, larger yards, courts, or other open spaces than are imposed or required by such existing provisions of law, ordinance or order, or by such rules, regulations or permits, or by such private restrictions, the provisions of this Zoning Ordinance shall control.

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

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

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

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

**1.8 RECORDING.** A copy of this Ordinance shall be filed in the Office of the Daviess County Court Clerk.