CITY OF JEFFERSONTOWN
JEFFERSON COUNTY, KENTUCKY

ORDINANCE NO. 1238, SERIES 2008

AN ORDINANCE RELATING TO AMENDMENT OF ORDINANCE NO. 1185, SERIES 2004, AND ADOPTING AN AMENDMENT TO CHAPTER 4, PART 2 OF THE LAND DEVELOPMENT CODE TO CREATE A CONDITIONAL USE PERMIT FOR OUTDOOR ALCOHOL SALES AND CONSUMPTION FOR RESTAURANTS LOCATED WITHIN THE C-1 COMMERCIAL ZONING DISTRICT

WHEREAS, the City of Jeffersontown's Technical Review Committee has reviewed the record as transmitted from the Louisville Metro Planning Commission: Case No. 10414; and,

WHEREAS, the City Council of the City of Jeffersontown recognizes a need to promote economic development opportunities for business attraction and expansion; and,

WHEREAS, the City Council of the City of Jeffersontown finds that the proposed amendment to Chapter 4, Part 2 of the LDC is in conformance with the comprehensive plan because this amendment is in compliance with the following comprehensive plan guidelines, and,

WHEREAS, the City Council of the City of Jeffersontown further finds that the proposal meets **Guideline 3** regarding **Compatibility,** because the proposal ensures that land uses and transportation facilities are located, designed and constructed to be compatible with nearby land uses and to minimize impacts to residential areas, schools ~~and other sensitive areas in the community; and,~~

WHEREAS, the City Council of the City of Jeffersontown further finds that the proposed amendment allows for the addition of compatible uses with an appropriate public review process to ensure that new development does not create adverse conditions for the adjacent uses; and,

WHEREAS, the City Council of the City of Jeffersontown further finds that the proposal meets **Guideline 6** regarding **Economic Growth and Sustainability,** because the proposal provides a positive culture for attracting and sustaining business within the City of Jeffersontown and Jefferson County, and provides for economic development opportunities in a manner that is compatible to surrounding less intense development activity; and,

WHEREAS, the City Council of the City of Jeffersontown finds that based upon testimony and evidence submitted during the public hearing, Land Development and Transportation Committee review, the staff report and the file of the case that the proposal is in conformance with all other applicable guidelines of the Comprehensive Plan; and,

WHEREAS, the City Council of the City of Jeffersontown has reviewed the record made by the Planning Commission in Case No. 10414 and concurs in and adopts the findings and recommendations of the Planning Commission and desires to adopt the proposed amendments to Chapter 4, Part 2 of the Land Development Code;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Jeffersontown, Kentucky that the City Council does hereby AMEND Chapter 4, Part 2 of the Land Development Code, as adopted by Ordinance No. 1185, Series 2004, to state in its entirety by adding thereto the following:

4.2.41 Outdoor Alcohol Sales and Consumption for a Restaurant in the C-1 Zoning District

Outdoor alcohol sales and consumption for a restaurant may be permitted in the C-1 zoning district upon the granting of conditional use permit and compliance with the listed requirements.

A. All outdoor areas for the sale and consumption of alcohol must have designated boundaries.

B. Outdoor dining areas within the public right-of-way must receive approval from the City of Jeffersontown, Kentucky, and shall be designed in accordance with City's standards.

C. Outdoor dining areas within the public right-of-way shall contain a physical barrier that is at least three feet in height. The barrier should be designed to permit existing legal access from building to the adjacent public right-of-way.

D. Outdoor dining areas that include the sale and consumption of alcohol within 50 feet of a residentially zoned or used property shall provide a six foot continuous screen as part of the designated boundary for the areas of the outdoor area within 50 feet of residentially used or zoned property. The continuous screen shall be in conformance with Chapter 10, Part 4 (Implementation Standards).

E. This conditional use permit shall be limited to restaurant uses in the C-1 that hold the following types of ABC licenses:

1. Restaurant liquor and wine license by the drink for 100 plus seats
2. Restaurant wine license by the drink for restaurants with seating for 50 and receives at lease 70 percent gross receipts from food sales

F. The use of outdoor dining areas for the sale and consumption of alcohol shall cease by 1 A.M.

G. The board may require additional and more restrictive requirements than those listed above based on the conditions of the specific location and the characteristics of the specific restaurant.

INTRODUCED AND READ AT A MEETING OF THE CITY COUNCIL OF THE CITY OF JEFFERSONTOWN, KENTUCKY AT A MEETING HELD ON THE 2nd DAY OF JUNE, 2008.

READ, PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF JEFFERSONTOWN, KENTUCKY AT A MEETING HELD ON THE 18 DAY OF MAY, 2008.

VETOED:

CLAY S. FOREMAN, MAYOR

DATE: _____

APPROVED:

CLAY S. FOREMAN, MAYOR

DATE: 6-18-08

ATTEST:

JIM LEIDGEN, CITY CLERK

CITY OF JEFFERSONTOWN
JEFFERSON COUNTY, KENTUCKY

ORDINANCE NO. 1215, SERIES 2006

AN ORDINANCE RELATING TO THE AMENDMENT OF ORDINANCE NO. 1185, SERIES 2004 RELATING TO THE LAND DEVELOPMENT CODE FOR JEFFERSON COUNTY AS IT RELATES TO MOTOR VEHICLE PARKING AND LOADING STANDARDS IN THE CITY OF JEFFERSONTOWN, KENTUCKY.

WHEREAS, the City Council, City of Jeffersontown, Kentucky desires to provide relief in the town center for the minimum on-site parking requirement, and

WHEREAS, the City Council recognizes that current town layout and some existing businesses and structures do not provide for on-sight parking for the various uses associated with C-1 and C-2 downtown commercial type uses,

WHEREAS, the City Council desires to encourage additional economic development activity in the town center in an effort to create additional jobs and residential support services and to promote a climate that will build upon Jeffersontown's unique history while achieving increased entertainment and tourism activities in the town center.

WHEREAS, the City Council has adopted the "Downtown Parking and Access Management Plan" that recommends looking for increased opportunities for public parking spaces both on-street and off-street to accommodate existing development activity as well as future economic development opportunities, and

WHEREAS, the City Council desires to amend the Motor Vehicle Parking an Loading Standards of the Louisville Metro Land Development Code to allow for increased credit for on-street parking and off-street public parking lots, and

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

SECTION 1.

Section 9.1.10 Credit for On-Street Parking Spaces <u>or public parking lots</u>

Legal on-street parking spaces <u>or public parking lots</u> may be used to satisfy the minimum parking space requirements of this Part. The use of on-street parking spaces <u>or public parking lots</u> to satisfy the minimum parking space requirements of this Part, however, in no way limits the use of said parking spaces to customers, employees or visitors of that particular use. Such parking spaces shall be available to the general public. The use of this provision shall be in accordance with the following:

A. Credit for on-street parking spaces <u>or public parking lots</u> may be given only in the Neighborhood, Traditional Neighborhood, Traditional Marketplace Corridor, Traditional Workplace, Town Center, Downtown and Village Form Districts.

B. Any on-street parking space <u>or public parking lot</u> used in this manner must be located on a public street <u>or a public parking lot</u> directly abutting and on the same side of the street as the development site.

C. On-street parking spaces or public parking lots whose use is governed by parking meters or by peak hour parking restrictions may not be used to satisfy the minimum parking requirements of residential uses, but may be used for all other uses as long as the restricted hours of use do not overlap with the land use's peak hours of operation. Bus stops, clear zones adjacent to curb cuts and other areas in which parking is prohibited shall not be included in the calculation of on-street parking spaces.

D. On-street parking spaces or public parking lots that are not directly abutting the development site may be counted towards the minimum parking space required~~ments~~ only if the on-street parking spaces or public parking lot intended to serve customers, clientele, employees or staff are located within 1,000 feet of the buildings or uses requiring the parking and do not cross more then four lanes of traffic. The 1,000 feet requirements shall be measured by the shortest walking distance (using sidewalks and designated crosswalks) from the nearest point of the property on which the parking spaces are located, to the nearest point of the property on which the use is located and which the parking is intended to serve. A parking study shall be submitted in accordance with Section 9.1.17 and approved by the City of Jeffersontown. ~~specifically authorized by a Parking Waiver.~~

E. For the purposes of this section an on-street parking space shall be a minimum of 20 feet in length. Fractional spaces less than .8 (16 feet) shall not be counted as a parking space.

SECTION 2.

Section 9.1.17 Parking Studies

~~A. When Required. A Parking Study shall be required when any of the following occurs:~~

1. An applicant wishes to utilize the Joint Use Parking provisions described in Section 9.1.6.

2. An applicant requests a General Parking Waiver to allow the provision of less parking spaces than are required by this Part.

3. An applicant requests a General Parking Waiver to allow the provision of more parking spaces than is allowed by this Part.

4. An applicant wishes to use on-street parking spaces or public parking lots that are not directly adjacent to or abutting the development site ~~or parking spaces in a public parking lot~~ to meet the minimum number of parking spaces required by this Part.

5. The Planning Director, upon consultation with the Director of Works and the agency responsible for approval of off-street parking facilities, requests a Parking Study due to unusual circumstances on or near the site.

B. Content.

Item 1 and 2 below

A Parking Study submitted to satisfy the requirements of this Part shall include the following information based upon the reason the Parking Study is required. The Planning Director, upon consultation with the Director of Works, and the agency responsible for approval of off-street parking facilities, may waive any of these required contents or require additional information depending upon the specifics of the application. The Parking Study shall be reviewed by, and must be acceptable to the Planning Director, upon consultation with the Director of Works and the agency responsible for approval of off-street parking facilities.

Item 3 below

A Parking Study submitted to satisfy the requirements of this Part shall include the following information based upon the reason the Parking Study is required. The Planning Director, upon consultation with the Director of Works, City of Jeffersontown and the agency responsible for approval of off-street parking facilities, may waive any of these required contents or require additional information depending upon the specifics of the application. The Parking Study shall be reviewed by the Planning Director, upon consultation with the Director of Metro Works, City of Jeffersontown and the agency responsible for approval of off-street parking facilities and make a recommendation of action to the City of Jeffersontown.

3. Parking Study ~~Waivers~~ for Use of On-Street Parking Spaces Not Adjacent to Site or Spaces Located in Public Parking Lots

a. A map depicting the site and all lots, uses, streets, and alleys adjacent to on-street parking spaces proposed to be used to satisfy the minimum parking space requirements of this Part. The map should also depict the on-street parking spaces or public parking lot and should be drawn to scale and include a north arrow; and

b. The results of at least three separate site surveys, conducted on different days, that depict the usage of the existing on-street parking spaces or public parking lot during the peak hour of usage and four hours before and after that time. Site surveys are not needed for any portion of the period four hours before and after the peak hour in which the use is not in operation. One of the days surveyed should be the peak day or busiest day in the vicinity, if one can be determined for the specific use(s); and

c. Any other information requested by the Planning Director, ~~or the~~ Director of Metro Works and the City of Jeffersontown.

d. A map showing the location of on-street and off-street parking spaces used in the parking study. The map shall clearly delineate the location and number of spaces used in the study.

SECTION 3. This ordinance shall become effective immediately upon its passage and publication.

Introduced and read at a meeting of the City Council of the City of Jeffersontown, Kentucky at a meeting held on the 19th day of April, 2005.

Following a second reading, passed and approved by the City Council of Jeffersontown, Kentucky this 2nd day of May, 2006.

VETOED:

CLAY S. FOREMAN, MAYOR

DATE

APPROVED:

CLAY S. FOREMAN, MAYOR

May 2nd 2006

DATE

ATTEST:

JIM LEIDGEN, CITY CLERK

Changes noted in Red

CITY OF JEFFERSONTOWN, KENTUCKY
JEFFERSON COUNTY, KENTUCKY

ORDINANCE NO. 1185 , SERIES 2004

AN ORDINANCE RELATING TO ADOPTION AND AMENDMENT OF THE LAND DEVELOPMENT CODE FOR ALL OF JEFFERSON COUNTY, KENTUCKY

WHEREAS, the Department of Planning and Design Services of the Louisville Metro Planning Commission has forwarded to the Jeffersontown City Council its complete Land Development Code, for all of Jefferson County, Kentucky; and,

WHEREAS, the Planning and Zoning Committee of the Jeffersontown City Council has reviewed same and recommended adoption, with certain amendments; and,

WHEREAS, the Jeffersontown, Kentucky Planning and Zoning Committee has favorably reported this Ordinance to the City Council.

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

SECTION I. The Land Development Code for all of Jefferson County, Kentucky as promulgated by the Department of Planning and Design Services of the Louisville Metro Planning Commission is hereby adopted and incorporated by reference as if completely rewritten herein, with the following exceptions, to-wit:

FINDINGS:

2.4.3 C-1 Commercial District

The following provisions shall apply in the C-1 Commercial District unless otherwise provided in these regulations:

A. PERMITTED USES:

Automobile rental agencies with no more than ~~25~~ 10 rental passenger vehicles stored on site, and no more than two service bays for cleaning or maintenance, and having no repair or storage/dispensing of fuel

2.4.4 C-2 Commercial District

The following provisions shall apply in the C-2 Commercial District unless otherwise provided in these regulations.

A. PERMITTED USES:

All uses permitted in the C-1 Commercial District are allowed in the C-2 Commercial District as well as the following uses:

~~Boat Storage~~

Chapter 4 Generally Applicable Development Standards

Conditional Uses

~~4.2.1213 Commercial Animal Feeding Yards (including hogs, chickens, and other animals as determined by the Board of Zoning Adjustment)~~

~~Commercial Animal Feeding Yards may be allowed in M-2 and M-3 Zoning Districts upon the granting of a Conditional Use Permit and compliance with the listed requirements.~~

~~A. All buildings, structures, pens, and yards shall be at least 100 feet from all property lines.~~
~~B. Adequate water supply shall be available to maintain the premises in a sanitary condition.~~
~~C. The applicant shall demonstrate adequate provisions to prevent surface water quality impacts due to animal wastes.~~

Accessory Uses and Miscellaneous Standards

Section 4.4.1 (A) Adult Entertainment Activities
Please add "escort services" as one of the following activities.

Section 4.4.3B 2-Location 4th Paragraph.
Please add the language "appropriate" before Public Works Department.

4.4.5 HOME OCCUPATIONS

K. License Registration of Home Occupations.

Prior to the establishment of any home occupation that (i) serves customers, clients or pupils at

the site, or (ii) has one or more non-resident employees, the proprietor shall register the occupation. Day care centers as a home
occupation shall require a home occupation registration. The registration shall not be transferable and shall not run with
the land; it shall terminate upon sale or transfer of the property to a new owner or tenant. The Planning Director shall maintain records of registered home occupations. The registration form shall be the basis for determining compliance with the requirements of this section 4.4.5. Home occupation proprietors shall be responsible for updating their registration forms, at such time as their operations change from the activities described in the registration documents. Any home occupation meeting either criteria (i) or (ii) above that was
established before the effective date of this Section shall have one year from the effective date of this Section to register the home occupation. Upon registration of a
home occupation the Planning Director shall transmit a copy of said registration
to the City of Jeffersontown.

Chapter 4 Part 5

Part 5 Alternative Development Incentives

* The City of Jeffersontown has not adopted this section of the Land Development Code at this time.

Chapter 5 Form District Regulations

Part 4 Residential Site Design Standards
Section 5.4.2 Suburban Form District
Revise language as follows:

D. Accessory Structures

1. 1. Maximum Size - The maximum building footprint for an accessory structures for single family residential buildings shall not exceed ~~1,000~~ 750 square feet for first floor and not to exceed 1,000 square feet total in two story structure. The maximum height of accessory structures shall not exceed the height of the principal structure. Accessory structures with building footprint greater than 1,000 square feet may be permitted in accordance with Section 4.3.5.*
Multiple accessory structures are allowed, subject to the limits established in paragraph 3.b, below.

3. Accessory Structures/Uses in a Required Rear or Side Yard – Accessory structures and uses for residential buildings may be permitted in a required side or rear yard setback when the following standards are met:

a. The minimum setback from a rear property line shall be 5 feet. The minimum setback from side property lines shall be ~~2~~ 3 feet, except that accessory structures and uses shall observe the same setback from street side property lines as required for principal structures. Parking areas shall be at least 5 feet from the required rear property line. Parking is permitted within required side yards.*

Part 5 Non-Residential/Mixed Use Site Design Standards
Section 5.5.1 Traditional Form District Design Standards
Revise language as follows:

A. General Site Design Standards (Downtown Form District excluded)

1. Building Location and Orientation

a. Principal building entrances shall face the primary street serving the development or shall be oriented toward a focal point such as a landscaped public square, plaza or similar formal public open space. Entrances to principal buildings may be located in a manner that promotes safe and efficient movement of pedestrian access relative to all modals of transportation (i.e. vehicular, pedestrian, bicycle etc.). All structures that are located along the primary street serving the development shall also have doors or windows facing the primary street (see b. Below for lots with more than one street frontage). Principal buildings shall be parallel to the primary street. If the prevalent (more than 50%) orientation of buildings on the block is at an angle to the street, the new building's orientation shall be the same as other buildings. The walls of buildings on corners should be parallel to the streets.

Part 5 Non-Residential/Mixed Use Site Design Standards
Section 5.5.2 Suburban Form District Design Standards
Revise language as follows:

A. Building Location and Orientation

1. Principal buildings and building entrances on a site shall have entrances and glazing, display windows or windows affording views into the business which face the abutting public street serving the development In the alternative, principal buildings and entrances

shall be oriented toward a focal point. Entrances to principal buildings may be located in a manner that promotes safe and efficient movement of pedestrian access relative to all modals of transportation (i.e. vehicular, pedestrian, bicycle etc.). Structures located at a street corner may have a single entrance, located at the corner of the building. Buildings with frontage on two streets shall have consistent building design and materials on each façade. Internally oriented structures closest to the public street(s) serving the development shall also have doors or windows facing the street.

Chapter 6 Mobility Standards

Part 2 Streets and Rights-of-Way

6.2.6 Requirements for Specific Types of Streets and Alleys

A. Minimum Requirements - New streets shall provide right-of-way and improvements specified in the following table, according to the functional class of the street and the form district in which it is located, subject to the following exception:

1. Sidewalks shall not be required on lots that are five acres or greater in area and developed for single family residential uses unless they connect with existing sidewalks.

~~**Fee in Lieu Option** - The Director of Works or designee may allow the payment in lieu of sidewalk construction upon a finding that construction of a sidewalk is not appropriate due to one of the following:~~
~~1. Sidewalks construction is impracticable due to topographical conditions or narrow right-of-way; or~~
~~2. A determination by the Director of Works or designee that sidewalks do not exist in the area and there is not a likelihood for sidewalks to be constructed in the future. Amount of fee shall be set by Metro Public Works based on average sidewalk construction. All fees paid shall be used for sidewalk construction within the same Metro Council District. It should be noted that payment of a fee in lieu of sidewalk construction is an option available to developers that must be approved by the Director of Works. Applicants retain the right to request a sidewalk waiver; in no case shall the Planning Commission or Director of Works require the payment of a fee in lieu of sidewalk construction.~~

Chapter 7 Subdivision Regulations

Part 2 Procedures for Major Subdivisions

7.2.20 Preliminary Plan Approval Process

B. Distribution of Plan - Upon receipt of the preliminary plan, the Division shall submit copies to the City of Jeffersontown, interested public agencies and utility companies
and shall obtain a written report or approval on the plan from each such agency and the City of Jeffersontown.~~or company~~. Notice of the proposed subdivision and date for
the Technical Review Committee (TRC) meeting shall be provided to adjoining property owners. (Note: Subdivisions contiguous to the City of Jeffersontown shall also
be distributed as noted above.)

7.2.30 Construction Plan

C. Submission to Other Agencies - The subdivider shall submit that part of the construction plan as required for approval or comment to interested agencies which shall consist of the following:

1. Director of Works
2. Metropolitan Sewer District
3. The fire chief of the district having jurisdiction over property
4. Health Department
5. Utilities providing water, gas, electricity, and telephone service
6. If the proposed subdivision abuts on a street maintained by the Commonwealth of Kentucky, then to the district engineer for the Kentucky Department of Transportation.
7. If the proposed subdivision is located wholly, partially or connecting to streets within the City of Jeffersontown then submit to the Director of Planning and Design for the City of Jeffersontown.

Part 8 Minor Subdivisions

7.8.11 Agency Review

The subdivider shall submit to the following agencies copies of the minor subdivision plat for approval. Approval shall be in the form of a stamp from the appropriate agency on the back of the plat. Agency review will include the following:

A. Appropriate agency responsible for transportation review for the subject property. If located within the City of Jeffersontown and the criteria of Section 7.8.12 H is not met then approval from the City of Jeffersontown is required.

7.8.14 Approval and Recording of Plat

If approved and all conditions are met, the Director or any authorized staff member shall complete and sign the Certificate of Approval located on the face of the plat. Approval shall be valid for one year. During this period the approved minor subdivision plat shall be recorded in the office of the Clerk, Jefferson County, Kentucky. Plats located within the City of Jeffersontown and have dedicated additional rights-of-way shall be transmitted to the City upon approval.

Chapter 8 Business Regulations

(NOTE: "The City of Jeffersontown has a sign regulation ordinance and it shall be inserted in this section and utilized as it exist or as it maybe amended. ")

Chapter 11 Development Review Procedures

PART 1 ADMINISTRATIVE OFFICIALS

11.4.5 Public Hearing

D. Following the public hearing, the Planning Commission shall make a recommendation regarding the appropriateness of the Zoning District or Form District Map Amendment to the legislative body with zoning authority over the property in question. In addition, the Planning Commission shall by separate vote, recommend ~~approve~~ approval, rejection or defer action on the development plan submitted and
considered in conjunction with the proposed Zoning or Form District Map Amendment to the City of Jeffersontown.

11.4.7 Plan Certain Developments

A. Designation of Binding Elements

The Planning Commission or Legislative Body with zoning authority shall designate, at the time of approval or amendment of any development plan, those elements, provisions and restrictions of the approved plan, including a time period for development plan expiration, that shall be an integral and permanent

part of the development plan and thereby binding on the use and development of the subject property. Binding elements approved as part of any development plan shall be applicable to all development plans subsequently prepared for a subject property, and shall be binding upon the future use and development of said property. The Planning Commission shall make a recommendation regarding the appropriateness of any waivers of said binding elements to the City of Jeffersontown. ~~unless specifically waived by the Planning Commission~~.

PART 6 DEVELOPMENT PLANS

11.6.2 Category 1 Review Procedure

Prior to issuance of building permits, the Jeffersontown ~~local~~ building inspector ~~official~~ shall assure the plan is in compliance with the applicable provisions of this code and all binding elements
and conditions of approval. These provisions include but are not limited to: allowable uses; yard and setback requirements; height; landscaping; environmental assessment; and parking. In cases in which the building official has reason to question the development plan's compliance with any provision of the Land Development Code, applicable binding elements and conditions of approval, the building official may forward the development plan to the Planning Director for a review and action on the plan.

11.6.3 Category 2 Review Procedure

A. Application for Planning Director Approval

Applications for Category 2 development approval shall be submitted on forms supplied by the department. Applications shall be signed by the property owner or his/her agent and filed with Planning and Design Services. Applications shall be accompanied by supporting material determined appropriate by the Planning Director and by the appropriate fee. The list of required supporting materials shall be available from the offices of Planning and Design Services. Failure to submit all required material may result in delay of the application review. At a minimum, the application shall be accompanied by a development plan of sufficient detail to demonstrate to the Planning Director that the proposed development is in compliance with the applicable requirements of these regulations and any applicable binding elements or conditions of approval.
The Planning Director shall recommend approval to the City of Jeffersontown if ~~approve~~ the proposed development is in ~~if it~~ complies with the requirements of this code; associated binding elements, if any; and other applicable law. In cases in which the Planning Director has reason to question
the development plan's compliance with any provision of the Land Development Code, applicable binding elements and conditions of approval, the Director may

forward the development plan to the Planning Commission, or designated committee thereof, for review and action on the plan. The Planning Commission shall by separate vote, recommend approval, rejection or defer action on the development plan submitted and considered to the City of Jeffersontown.

B. Issuance of Building Permits

In addition to those materials required by the appropriate building code, applications for permit for construction activity meeting the Category 2 thresholds shall be accompanied by a development plan which has been approved by the Planning Director and the City of Jeffersontown. Building permits for Category 2 development shall be issued only in conformance with the development plan approved by the Planning Director and the City of Jeffersontown and any applicable binding elements or conditions of approval of a district development plan.

11.6.4 Category 3 Review Procedure

A. Commission Approval Required

In addition to those materials required by the appropriate building code, applications for permit for construction activity meeting the Category 3 thresholds shall be accompanied by a development plan which has been approved by the Planning Commission and the City of Jeffersontown under the Community Design Review Procedure outlined below. The Planning Commission may delegate this review process to a Committee of the Commission. The Technical Review Committee process defined in Chapter 7 shall satisfy the Community Design Review Process required for subdivisions that meet the threshold established in the form district regulations.

B. Community Design Review Process

3. Review Session – Review of and action on the proposal shall take place in a public meeting before the Planning Commission or Committee thereof. No less than ten (10) calendar days prior to an original or continued review session date, the applicant shall submit original or revised development plans, studies, reports, etc. which have been prepared in response to comments received during the review process. This section does not preclude the applicant from presenting, at the review session, changes to the plan in response to concerns of the neighbors, agency review staff or the Planning Commission. The Planning Commission or designated Committee shall

recommend approval to the City of Jeffersontown if ~~approve~~ the proposed development ~~if it~~ complies with the requirements of this code; associated binding elements, if any; and other applicable law.

C. Issuance of Building Permits

In addition to those materials required by the appropriate building code, applications for permit for construction activity meeting the Category 3 thresholds shall be accompanied by a development plan which has been approved by the Planning Director and the City of Jeffersontown. Building permits for Category 3 development shall be issued only in conformance with the development plan approved by the Planning
Director and the City of Jeffersontown, and any applicable binding elements or conditions of approval of a
district development plan.

PART 7 APPEALS
11.7.1 Planning Commission Review of Staff Determinations

A. Applicability – When the Planning Director, Director of Works or Local Building Official (Building Inspector within the City of Jeffersontown) is authorized by this Land Development Code to take action on a proposal on behalf of the Planning Commission, such action may be appealed to
the Planning Commission by filing an appeal no later than ten (10) calendar days after the date of the action. All actions which have not been appealed to the Planning Commission within ten (10) calendar days shall not be subject to further administrative review or appeal.

B. Notice – Notice of the appeal shall be given to the applicant (if not the appellant) and all first tier property owners at least seven (7) calendar days prior to the meeting at which the Planning Commission will consider the appeal.

C. Delegation to Committee – The Planning Commission may delegate the authority to consider ~~and take final actions on~~ appeals to its Land Development and Transportation Committee or other such Committee of the Commission duly created under the By-Laws of the Commission. The Planning Commission shall make a recommendation regarding the appropriateness of any appeals to the City of Jeffersontown.

~~11.7.4 Legislative Body Review of Commission Action on Development Plans~~

~~A. Applicability – Planning Commission approval or denial of any development plan for developments except Category 1 developments (as defined in Section 11.6.1) may be reviewed by the legislative body having zoning authority over the property in question, if the legislative body determines that such a review is warranted. Any such review shall be conducted as a public hearing. Initial review of Planning Director actions on plans for Category 2 development shall be by the Planning Commission in accordance with Section 11.7.1.~~

~~B. Initiation of Review – The owner(s) of the subject property or any aggrieved party may request a hearing before the legislative body by submitting a written letter to the appropriate legislative body stating the reason(s) why such a review is warranted. The legislative body with zoning authority over the subject site may initiate the review on its own by resolution. Such letter shall be filed with the appropriate legislative body or resolution adopted within fifteen (15) calendar days after the date the minutes of the Planning Commission are approved reflecting its action regarding said development plan. The legislative body shall forward a copy of said letter or resolution to the owner of the subject property, if the owner is not the applicant for the review. A copy of said letter or resolution shall also be forwarded by the legislative body to the Planning Commission.~~

~~C. Notice – If the legislative body determines that a review regarding the development plan is warranted, it shall, by letter, notify the following of the date, time, place and subject of the public hearing, and of the right of the public to inspect the subject plans in the office of Planning and Design Services, and the right of the public to comment at the public hearing on the proposed development:~~

~~1. The Planning Commission~~
~~2. All parties of record to any Planning Commission hearing previously held regarding the subject plan; and~~
~~3. All owners of property adjoining the subject property or directly across the street from the subject property.~~

~~D. Public Hearing – The public hearing shall include a presentation by a staff member of the Planning Commission stating the reason(s) for action. In addition, any applicant for review of the Planning Commission's action pertaining to the plan shall state why he/she believes the Planning Commission's action was not justified. The legislative body may hear any other such witnesses and review any other evidence at the hearing it deems appropriate.~~

~~E. Legislative Action – If the legislative body, subsequent to the public hearing agrees with the Planning Commission's action, it shall so indicate by resolution. If the legislative body disagrees with the Planning Commission's action, it may adopt a resolution directing the Planning Commission to alter its action in accordance with whatever directions and conditions the legislative body so indicates. A copy of all such resolutions shall be forwarded, by the legislative~~

~~body to the Planning Commission.~~

~~F. Planning Commission Action – If the legislative body directs the Planning Commission by resolution to alter its action in a specified manner, the Planning Commission shall do so in accordance with said resolutions at its next regularly scheduled meeting. If the Planning Commission fails to comply, the alterations regarding the development plan specified by said resolutions shall become effective upon the adjournment of said meeting.~~

PART 8 WAIVERS

11.8.5 Findings Necessary for Granting of Waiver or Modification

The Planning Commission may recommend approveal to the City of Jeffersontown of any waivers or modifications of standards upon a finding that:

11.8.7 Delegation to Committee
The Planning Commission may delegate the authority to consider ~~and take final actions on~~ modifications or waivers to its Land Development and Transportation Committee or other such Committee of the Commission duly created under the By-Laws of the Commission. Committee decisions may be appealed to the Commission. The Planning Commission shall make a recommendation regarding the appropriateness of any waivers or modifications to the City of Jeffersontown.

FORM DISTRICT BOUNDARIES:

The Department of Planning and Design Services transmittal of its form district boundaries was received, and amended in accordance with exhibit A attached hereto.

SECTION III. That all ordinances, or parts of ordinances, in conflict with this ordinance, are hereby repealed.

SECTION IV. That this ordinance shall become effective upon its passage and publication.

Introduced and read at a meeting of the City Council of the City of Jeffersontown, Kentucky at a meeting held on the 5th day of April, 2004.

Read, passed and approved by the City Council of the City of Jeffersontown, Kentucky at a meeting held on the 7th day of April, 2004.

VETOED:

CLAY S. FOREMAN, MAYOR

APPROVED:

CLAY S. FOREMAN, MAYOR

ATTEST:

JIM LEIDGEN, CITY CLERK

LAND DEVELOPMENT CODE

for all of

LOUISVILLE - JEFFERSON COUNTY
KENTUCKY

July 2004

CORNERSTONE
2 0 2 0

LOUISVILLE METRO DEPARTMENT OF PLANNING AND DESIGN SERVICES

Louisville Metro Planning Commission

PHONE 502-574-6230 FAX 502-574-8129
http://www.loukymetro.org/Department/PlanDesign/ldc.asp

Editor's Notes:

1. This Land Development Code is also available on the Internet: www.loukymetro.org choose "Departments" then "Planning and Design Services" then "New Land Development Code."

2. Refer to Appendix 1A for information on the version of development regulations in effect in jurisdictions other than Louisville Metro, the City of Jeffersontown, the City of Shively, the City of Middletown and the City of Lyndon.

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Note: Location of Planning and Design Services offices is expected to change in 2004, please check web-site or phone for current location.

Land Development Code

Table of Contents

			Page Number
Chapter 1	**General Provisions**		
	Part 1	**Introduction**	**1.1-1**
	Part 2	**Definitions**	**1.2-1**
	Part 3	**Nonconformance**	**1.3-1**
	Part 4	**Maintenance of Common Open Space and Common Facilities**	**1.4-1**
	Appendix 1A	*LDC Adoption Status*	*1A-1*
	Appendix 1B	*Jeffersontown Ordinance No. 1185, Series 2004*	*1B-1*
	Appendix 1C	*Middletown Ordinance No. 04-04*	*1C-1*
Chapter 2	**Zoning Districts Density, Intensity, and Land Use**		
	Part 1	**General Provisions** Establishment of Districts and Zoning Map, Conformance with Zoning Regulations, Unclassified Land, Density Calculation	**2.1-1**
	Part 2	**Residential Zoning Districts (R-R – R 8A)**	**2.2-1**
	Part 3	**Office/Residential Zoning Districts (OR, OR-1, OR-2, OR-3, OTF)**	**2.3-1**
	Part 4	**Commercial Zoning Districts (C-N, C-R, C-1, C-2, C-3, C-M)**	**2.4-1**
	Part 5	**Industrial Zoning Districts (M-1, M-2, M-3)**	**2.5-1**

Chapter 2 (*cont.*)	**Part 6**	**Special Purpose Districts (EZ-1, PRO, PEC, W-1, W-2, W-3)**	**2.6-1**
	Part 7	**Planned Development (PD) Districts**	**2.7-1**
	2.7.1	Planned Village Development District	2.7-1
	2.7.2	Planned Transit Development District	2.7-26
	2.7.3	Planned Residential Development District	2.7-44
	2.7.4	Traditional Neighborhood Zoning District	2.7-47
	Appendix 2A	*Zoning District Uses Table*	*2A-1*
	Appendix 2B	*Old Louisville/Limerick TNZD Plan Report Excerpt*	*2B-1*
Chapter 3	**Special Districts**		
	Part 1	Floyds Fork Special District ***(reserved)***[*] **Development Review Overlay District and Floyds Fork DRO Guidelines**	**3.1-1**
	Part 2	Jefferson Forest Special District ***(reserved)***	**3.2-1**
	Part 3	Ohio River Corridor Special District ***(reserved)***	**3.3-1**
	Part 4	Tyler Rural Settlement Special District ***(reserved)***	**3.4-1**
	Appendix 3A	*Bardstown Road/Baxter Avenue Corridor Review Overlay District*	*3A-1*
	Appendix 3B	*Downtown Overlay District*	*3B-1*
	Appendix 3C	*Waterfront Review Overlay District*	*3C-1*
Chapter 4	**Generally Applicable Development Standards**		
	Part 1	**General Compatibility Standards**	**4.1-1**

[*] "Reserved portions of the Land Development Code will be drafted and presented for adoption as part of the next phase of the Land Development Code.

Chapter 4 (*cont.*)	4.1.1	Blasting ***(reserved)***	*reserved*
	4.1.2	Factory Built Housing	4.1-1
	4.1.3	Lighting	4.1-4
	4.1.4	Noise ***(reserved)***	*reserved*
	4.1.5	Odor ***(reserved)***	*reserved*
	4.1.6	Operating Hours	4.1-12
	Part 2	**Conditional Use**	**4.2-1**
	Part 3	**Permitted Uses with Special Standards**	**4.3-1**
	Part 4	**Accessory Uses and Miscellaneous Standards**	**4.4-1**
	4.4.1	Adult Entertainment	4.4-1
	4.4.2	Antenna Towers for Cellular Telecommunications Services or Personal Communications Services	4.4-2
	4.4.3	Fences, Walls and Signature Entrances	4.4-12
	4.4.4	Garage Sales	4.4-21
	4.4.5	Home Occupations	4.4-21
	4.4.6	Inactive Cemeteries	4.4-26
	4.4.7	Minor Earth Excavations	4.4-29
	4.4.8	Outdoor Sales, Displays and Storage	4.4-30
	4.4.9	Refuse Disposal Containers	4.4-35
	4.4.10	Swimming Pools	4.4-35
	Part 5	**Alternative Development Incentives**	**4.5-1**
	Part 6	**Development on Sites with Environmental Constraints**	**4.6-1**
	Part 7	**Development on Steep Slopes**	**4.7-1**
	Part 8	**Waterways and Wetlands Protection**	**4.8-1**
	Part 9	Karst ***(reserved)***	*reserved*
	Part 10	**Community Facilities Review**	**4.10-1**

Chapter 4 (*cont.*)	*Appendix 4A*	*Examples of Acceptable Luminaires*	*4A-1*
	Appendix 4B	*Approximate Lumens Output for Various Lamps*	*4B-1*
	Appendix 4C	*Sample Light Readings*	*4C-1*
	Appendix 4D	*Illuminating Engineering Society of North America (IESNA) Maintained Horizontal Illuminance Recommendations*	*4D-1*
	Appendix 4E	*Recreational Facilities Standards*	*4E-1*
	Appendix 4F	*Conditional Use Table*	*4F-1*
	Appendix 4G	*Floodplain Management*	*4G-1*
	Appendix 4H	*Erosion Prevention and Sediment Control*	*4H-1*
Chapter 5	**Form Districts**		
	Part 1	**General Provisions**	**5.1-1**
	Part 2	**Traditional Form Districts**	**5.2-1**
	Part 3	**Suburban Form Districts**	**5.3-1**
	Part 4	**Residential Site Design Standards**	**5.4-1**
	Part 5	**Non-Residential/Mixed Use Site Design Standards**	**5.5-1**
	Part 6	**Building Design Standards**	**5.6-1**
	Part 7	**Transition Standards**	**5.7-1**
	Part 8	**Streets and Road-Side Design Standards**	**5.8-1**
	Part 9	**Transit and Connection Standards**	**5.9-1**
	Part 10	**Traffic Impacts**	**5.10-1**
	Part 11	**Accessory Structure Standards**	**5.11-1**

	Part 12	**Form District Open Space Standards**	**5.12-1**
	Part 13	**Master Plan Requirement**	**5.13-1**
Chapter 6	**Mobility Standards**		
	Part 1	**Access Management**	**6.1-1**
	Part 2	**Streets and Rights-of-Way**	**6.2-1**
	Part 3	**Street Name Change, Street Closing, Street Naming and Site Addressing**	**6.3-1**
	Part 4	**Design Standards for Transit**	**6.4-1**
	Part 5	**Traffic and Air Quality Assessment**	**6.5-1**
	Appendix 6A	*Access Management Design Manual*	*6A-1*
	Appendix 6B	*National Emergency Number Association Recommended Abbreviations for Streets and Thoroughfares*	*6B-1*
	Appendix 6C	*Jefferson County Addressing Manual*	*6C-1*
	Appendix 6D	*Louisville Metro Code of Ordinances 97.010 – 97.015 Display of Address Numbers*	*6D-1*
	Appendix 6E	*Guidelines for Traffic Impact Studies and Air Quality Analysis*	*6E-1*
Chapter 7	**Subdivision Regulations**		
	Part 1	**General Provisions and Definitions**	**7.1-1**
	Part 2	**Procedures for Major Subdivisions**	**7.2-1**
	Part 3	**Standards of Designs for Major Subdivisions**	**7.3-1**
	Part 4	**Minimum Improvements for Major Subdivisions**	**7.4-1**
	Part 5	**Preliminary Plan for Major Subdivisions**	**7.5-1**
	Part 6	**Construction Plan for Major Subdivisions**	**7.6-1**

	Part 7	Record Plat for Major Subdivisions	7.7-1
	Part 8	Minor Subdivisions	7.8-1
	Part 9	Standard Certificate Form	7.9-1
	Part 10	Enforcement	7.10-1

Chapter 8	Sign Regulations		
	Part 1	General Provisions	8.1-1
	Part 2	Residential/Office Signs	8.2-1
	Part 3	Business Signs	8.3-1
	Part 4	Outdoor Advertising Signs	8.4-1
	Part 5	Portable Signs	8.5-1
	Part 6	Signs Along Special Roadway Corridors	8.6-1
Chapter 9	Parking and Loading		9.1-1
	Part 1	Motor Vehicle Parking Standards	9.1-1
	Part 2	Bicycle Parking Standards	9.2-1
	Appendix 9A	*Bicycle Parking Design Manual, 2002*	*9A-1*
Chapter 10	Tree Canopy, Landscaping and Open Space		
	Part 1	Tree Canopy	10.1-1
	Part 2	Landscape Design	10.2-1
	Part 3	Parkway and Scenic Corridor Development Standards	10.3-1
	Part 4	Implementation Standards	10.4-1
	Part 5	Open Space Standards	10.5-1
	Part 6	Streetscape Master Plan	10.6-1
	Appendix 10A	*Preferred Plant List*	*10A-1*

	Appendix 10B	*Prohibited Plant List*	*10B-1*
	Appendix 10C	*Parkway, Gene Snyder Freeway, Olmsted Parkway and Scenic Corridor Maps*	*10C-1*
Chapter 11	**Development Review Procedures**		
	Part 1	**Administrative Officials**	**11.1-1**
	Part 2	**Subdivisions**	**11.2-1**
	Part 3	**Planned Developments**	**11.3-1**
	Part 4	**Zoning and Form District Map Amendments**	**11.4-1**
	Part 5A	**Conditional Use Permits**	**11.5-1**
	Part 5B	**Variances**	**11.5-3**
	Part 6	**Development Plans**	**11.6-1**
	Part 7	**Appeals**	**11.7-1**
	Part 8	**Waivers**	**11.8-1**
	Part 9	**Fees**	**11.9-1**
	Part 10	**Enforcement**	**11.10-1**

Chapter 1	**General Provisions**		
	Part 1	**Introduction**	**1.1-1**
	Part 2	**Definitions**	**1.2-2**
	Part 3	**Nonconformance**	**1.3-1**
	Part 4	**Maintenance of Common Open Space and Common Facilities**	**1.4-1**
	Appendix 1A	*LDC Adoption Status*	*1A-1*
	Appendix 1B	*Jeffersontown Ordinance No. 1185, Series 2004*	*1B-1*
	Appendix 1C	*Middletown Ordinance No. 04-04*	*1C-1*

Part 1 Introduction

1.1.1 Title

This Code shall be titled the "Land Development Code for All of Jefferson County, Kentucky". When subsequently used within this Code, unless indicated otherwise, the terms LDC, code, ordinance or article shall refer to the Land Development Code for Jefferson County.

1.1.2 Planning Unit Defined

The Land Development Code shall be applicable throughout the Louisville and Jefferson County Planning Unit. Pursuant to KRS 100.137, all incorporated and unincorporated areas of Jefferson County shall be a part of said Planning Unit. All cities of the first through fourth classes shall have zoning authority over the areas within their respective jurisdictions. Jefferson County Fiscal Court (or the Greater Louisville consolidated local government after January, 2003) shall have zoning authority over all other areas in Jefferson County, including cities of the fifth and sixth classes.

1.1.3 Relationship to the Comprehensive Plan

The regulations and requirements herein set forth have been established in accordance with a comprehensive plan with reasonable consideration, among other things, to the prevailing land uses, growth characteristics and the character of the respective districts and their peculiar suitability for particular uses and to encourage the most appropriate use of land throughout the planning unit. Specifically, this Code provides regulations to implement applicable goals, objectives, guidelines and policies of the adopted Comprehensive Plan. References to the individual goals, objectives, guidelines and policies are contained in the various Chapters of this Code.

1.1.4 Legislative Authority

The legislative authority for the zoning and subdivision regulations of this Land Development Code is KRS Chapter 100 which provides the authority to counties, cities, and consolidated local governments to establish, coordinate and enforce zoning, subdivision and other regulations associated with the use, design, operation and impact of land use activities. Appendices to this Code contain ordinances adopted pursuant to statutory authority other than KRS Chapter 100; they are included herein for the user's convenience.

1.1.5 Legislative Purpose and Intent

The provisions of this Code are intended to be the minimum requirements to promote the public health, safety, comfort, good order, appearance, morals and general welfare; to conserve the taxable value of land and buildings and to protect the character and maintain the stability of residential, business and industrial areas within the planning unit and to promote the orderly and beneficial development of such areas.

Among other purposes, this Code is intended to provide adequate light, air, privacy and convenience of access to property; to avoid undue concentration of population by regulating and limiting the height and bulk of buildings; to regulate

the size and open spaces surrounding buildings; to establish building lines; to divide the planning unit into use districts restricting and regulating therein the construction, reconstruction, alteration and use of buildings, structures and land for residence, business, industrial and other specified uses; to divide the planning unit into form districts to ensure appropriate site and community design to protect the character of neighborhoods and shopping areas and ensure compatible development; to limit congestion in the public streets by providing off-street parking of motor vehicles; to preserve the natural environment, the value of land, buildings and structures; to facilitate adequate provision for traffic, transportation, water, sewerage, schools, parks and other public requirements; and to define the powers and duties of the administrative officers, Boards and Commissions provided herein.

1.1.6 General Effect

No building, structure, or land located within the planning unit shall hereafter be used or occupied, and no building, structure, or part thereof shall hereafter be erected, constructed, reconstructed, located, moved or structurally altered except in conformity with the regulations herein specified for the zoning and form district in which it is located, and in conformity with all other applicable provisions of this Code.

1.1.7 Relationship to Other Ordinances

Reserved

1.1.8 Transition Standards[1]

A. Development Plans

The provisions of this Land Development Code shall apply to all Development Plans (general and detailed) and Revised Development Plans (general and detailed) filed on or after March 1, 2003 (LDC effective date)*. Plans filed with a complete application prior to March 1, 2003 (LDC effective date)* shall be reviewed for compliance with the Development Code as in effect at the time of filing.

Approved Development Plans that will expire before September 1, 2003 (LDC effective date + six months)* shall be deemed to expire one hundred eighty (180) days after the expiration date of the Development Plan.

No extensions of the expiration dates of Development Plans approved prior to March 1, 2003 (LDC effective date)* shall be granted by the Planning Commission.

NOTE: Binding elements on Development Plans shall remain applicable to the subject property after the Development Plan expires. Binding elements may be amended by the Planning Commission in accordance with Chapter 11.

[1] See Appendix 1C for changes to this section in effect for the City of Middletown.

B. Permits

1. Building permits, site disturbance permits, and other permits issued prior to March 1, 2003 (LDC effective date)* shall continue to be valid for the period stated on the permit and/or as may be provided for by law applicable at the time of permit issuance; the activity authorized by such permit(s) shall be governed by the development code applicable at the time of permit issuance even if such permit authorizes activities that would not comply with this Land Development Code.

2. Building permits, site disturbance permits, and other permits requested on or after March 1, 2003 (LDC effective date)* shall be issued only if the proposed construction or site disturbance conforms with the provisions of this Land Development Code.

   Exception: Building permits, site disturbance permits, and other permits shall be issued to allow the development of an approved detailed Development Plan that was approved prior to the effective date of this Land Development Code, provided the Plan has not expired at the time the permit request is made.

NOTE: Transition standards applicable to subdivisions are located in Section 7.1.90.

1.1.9 Severability

If any phrase, clause, sentence, provision, paragraph, section, or part of these regulations shall be judicially declared to be invalid or unconstitutional, the remaining phrases, clauses, sentences, provisions, paragraphs, sections, or parts thereof shall not be affected thereby, but shall remain in full force and effect.

**Effective date in jurisdictions other than Louisville Metro varies, refer to Appendix 1A or inquire with the applicable jurisdiction.*

1.2.1 Interpretations Generally

For the purpose of Chapters 1 through 11, certain words, terms and symbols are to be interpreted as follows, unless the context clearly indicates otherwise:

Tense: Number -Words used in the present tense can include the future; words in the masculine gender can include the feminine and neuter, and vice versa; words in the singular number can include the plural; and words in the plural can include the singular, unless the obvious construction of the wording indicates otherwise.

Shall; Should; May; Includes -The word "shall" is mandatory; the word "should" is directive but not necessarily mandatory; the word "may" is permissive. The word "includes" shall not limit a term to the specific examples, but is intended to extend its meaning to all other instances or circumstances of like kind or character.

Measurement of Distances -Unless otherwise specified, all distances shall be measured horizontally and at right angles to the line in relation to which the distance is specified.

Scholar's Margin Text, Figures and Illustrations -Any chart or graphic presentation in Chapters 1 through 10 which is specifically designated as a "Figure" shall be deemed to be a part of the text of the Chapters and controlling on all development. Wherever illustrations are not specifically so designated, they are provided only as aids to the user of the Chapters and shall not be deemed a part of its text. Text and illustrations located in the "scholar's margin" are also provided only as aids to the user of the Chapters and shall not be deemed a part of its text.

Conflicts -The particular shall control the general. In case of any difference of meaning or implication between the text of these zoning regulations and any caption, figure, illustration, summary table, or illustrative table, the text shall control.

Interpretation of Undefined Terms -Terms not otherwise defined herein shall be interpreted first by reference to the adopted Comprehensive Plan, if specifically defined therein; secondly, by reference to generally accepted engineering, planning, or other and otherwise according to common usage, unless the context clearly indicates otherwise.

1.2.2 Definitions

For the purposes of Chapters 1 through 11 the following terms, phrases, words and their derivations shall have the meaning contained herein, except where the context clearly requires otherwise.

ADT (Average Daily Traffic) -The average number of vehicles per day that pass over a given point.

Abandoned Vehicle - Any automobile or other machine used for transport or part or parts thereof which is left upon public property andwhich is towed at public expense and thereafter unclaimed for a period of thirty (30) days, or which is left upon private property under circumstances which indicate an intent of the owner to discard it.

Abandonment - The cessation of the use of real property under circumstances which do not manifest an intent to continue said use or to resume said use within a reasonable time. The cessation of a use of real property for less than one year shall be rebuttably presumed to not constitute abandonment and the cessation of a use of real property for a year or more shall be rebuttably presumed to be unreasonable and an abandonment of use.

Abutting (Real Property) - Touching at a point or along a border; contiguous. However, these terms shall not be deemed to include parcels which are across the street or alley from each other.

Access -A way or means of approach to provide vehicular or pedestrian physical entrance to a property.

Access Class -A set of minimum connection, median, and signal spacing standards associated with the function of a particular road, which has the purpose of regulating and determining safe and adequate access to and from the roadway system.

Access Management Standards - Local public safety or public works regulations that control vehicular movement between streets and abutting private land uses, including curb cut size, location and spacing standards, raised medians and raised traffic islands; regulations prohibiting left and/ or right turns into or out of driveways and/ or streets; curb parking restrictions; grade separations; and circumstances requiring the construction of frontage roads.

Accessory Apartment -A secondary residence located on the same parcel as a single family dwelling. The accessory apartment may be located in the same structure as the principal residence, or in a separate building. There shall be no more than two adults residing in the accessory apartment. The accessory apartment shall not constitute a dwelling unit for purposes of calculating permissible density, but shall be considered in calculating the permissible floor area.

Accessory Service Use -A use which is subordinate in purpose, area and extent to the principal use served; contributes primarily to the comfort and convenience of the owners, occupants, employees, customers, or visitors of the principal use; is located within the building housing the principal use served; and is otherwise allowed by the provisions of Chapters 1 through 11.

Accessory Structure/ Use Area - In the context of the Traditional Neighborhood Form, the Accessory Structure/ Use Area lies between the Private Yard Area and the alley or rear property boundary. Most commonly used for off-street parking, accessory structures such as carriage houses and garages and as access for the property from the alley or secondary street.

Accessory Use or Structure -A use or structure which is clearly incidental to, customarily found in association with, and serves a principal use; is subordinate in purpose, area, or extent to the principal use served; and is located on the same building site as the principal use.

> This term shall be deemed to include accessory service uses, accessory private garages, home occupations, accessory tennis courts, accessory parking facilities, ground-mounted satellite dish antennas and solar energy systems which have the purpose of providing energy for heating and cooling of the principal use. Under no circumstances will uses appropriate only in the M-3 zone be allowed in the M-1 and M-2 zones as accessory uses.

Acre -A measure of land area containing 43,560 square feet.

Adjacent (also "Adjoining" and "Adjoin") - Abutting properties (those touching at a point or along a border) as well as those separated bystreets or alleys.

Adult Amusement Arcade -An establishment having as one of its principal uses one or more of the following: customer-operated motion picture devices, peep shows, viewing areas, and/ or similar devices either coin, token or slug operated or which, in consideration of an entrance fee, display material distinguished or characterized by an emphasis on depictions of sexual activities, as hereinafter defined, or which offer male or female persons exposed to the view of the customer the bare female breast below a point immediately above the top of the areola, human genitals, pubic region or buttocks, even if partially or completely covered by translucent material, or human or simulated male genitals in a discernible turgid state, even if completely or opaquely covered. *

Adult Book Store -An establishment having as one of its principal uses the sale, rent or display of pictures, books, periodicals, magazines, appliances and similar material which are distinguished or characterized by their emphasis on depictions of sexual activities *

Adult Entertainment Activity - Any one or more of the following uses; Adult Amusement Arcade, Adult Bookstore, Adult Entertainment Provider, Adult Motion Picture Theater, Adult Stage Show Theater, Adult Video Cassette or DVD Rental Center, Cabaret, Commercial Sexual Entertainment Center, Self-Designated Adult Entertainment Center, Taxi Dance Hall or Adult Massage Parlor.*

Adult Entertainment Provider -A commercial establishment, such as a hotel or motel, which in addition to its primary business purpose of providing services unrelated to depictions of sexual activities as herein defined, makes entertainment (either live or on film or video or other recordings) available to its customers, and such entertainment has as a dominant theme or is characterized or distinguished by an emphasis on matter depicting, describing or relating to sexual activities, if such establishment advertises the availability of such adult entertainment at its establishment. The advertisement of such materials shall not include the posting of a card or handbill on or near a television set in a hotel or motel room advising room guests that such adult movies are available upon request of the guest, or advertising informing the public of the availability of commercial cable channel.*

Adult Motion Picture Theater -An establishment having or advertising as having as one of its principal uses the presentation of motion pictures, slide projections and other similar material having as a dominant theme or characterized or distinguished by an emphasis on matter depicting, describing or relating to sexual activities, as hereinafter defined, for observation by persons therein.

Adult Stage Show Theater -An establishment having as one of its principal uses the presentation of live performances of humans or animals having as a dominant theme or characterized or distinguished by an emphasis on matter depicting or relating to sexual activities, as hereinafter defined, for observation by persons therein.

Adult Video Cassette or DVD Rental Center – A commercial establishment which has as one of its principal business uses the rental or sale of video casettes, DVDs, or other video recordings which depict material distinguished or characterized by an emphasis on depictions of sexual activities. *

Agricultural Dwellings -Dwellings only in connection with bona fide agricultural operations, or as living quarters for bona fide caretakers and/ or for watchmen and their families.

Agricultural Land -A tract of land on which an agricultural use is conducted.

Agricultural Use – Use of a tract of land of at least five (5) contiguous acres for the production of agricultural or horticultural crops, including but not limited to livestock, livestock products, poultry, poultry products, grain, hay, pastures, soybeans, tobacco, timber, orchard fruits, vegetables, flowers, or ornamental plants, including provision for dwellings for persons and their families who are engaged in the above agricultural use on the tract, but not including residential building development for sale or lease to the public, and shall also include, regardless of the size of the tract of land used, small wineries licensed under KRS 243.155, and farm wineries licensed under the provisions of KRS 243.156.

Aircraft -This term includes balloons, airplanes, helicopters, gliders and every other vehicle used for navigation through the air.

Alley -A way, other than a street, that is open to common use; and affords a secondary means of vehicular access to adjoining or adjacent property

Alternative Cellular Antenna Tower: means man-made trees, clock towers, bell towers, steeples, light poles and similar alternative-design mounting structures that accommodate, camouflage, or conceal the presence of cellular antennas or cellular antenna towers and that are constructed primarily for the purpose of accommodating cellular antennas or cellular antenna towers or are reconstructed for the purpose of accommodating cellular antennas or cellular antenna towers. This does not include existing structures erected for another primary purpose, but which subsequently have cellular antennas attached to or located within them, without any reconstruction of the original structure.

Ambient Air Quality Standards - Standards pertaining to the maximum permitted concentration of identified chemicals or other substances in the air. "Ambient" air quality standards refer to the presence of such chemicals or substances in the air surrounding or in the vicinity of a presumed source of emission of such chemicals or substances.

Ambient Noise Level - The background noise level determined to be associated with a given environment arising from noise from all sources excluding the particular noise source which is to be assessed in the context of a proposed or existing land use or development.

Antenna - The transmitting, receiving, or other equipment used to support cellular telecommunications service or personal communications service. (See also "Cellular antenna tower")

Apartment (or Apartment House) -see “Dwelling, Multifamily.”

Apartment Hotel -A building designed for or containing both apartments and hotel accommodations.

Arcade -An arcade shall mean a continuous roofed area not used for vehicular circulation or parking, with a range of openings or arches carried on piers or columns and open on one or more sides, unobstructed to a height of not less than ten feet and accessible to persons using the site. Such area shall be no smaller than 500 square feet, including portions occupied by building columns, and shall have a minimum horizontal dimension of ten feet.

Assisted Living Residence – A residential development providing assistance to residents not including health services associated with “Health Facilities” as defined in KRS 216B.015.

Attached Dwelling -see “Dwelling, Attached.”

Automobile - see "Vehicle, Passenger."

Automobile Repair Garage: A commercial establishment conducting repair and maintenance of automobiles including tune-ups, oil changes, tire replacement and puncture repair, brake repair, brake drum turning, muffler repair and similar operations, body work, auto painting, major overhauling, tire re-treading, or the heavy grinding or milling of auto parts Retail sale of fuel, motor oil or accessories is also permitted.

Automobile Service Station -A commercial establishment supplying motor fuel or lubricating oil; or conducting minor repair and routine maintenance of automobiles including tune-ups, oil changes, tire replacement and puncture repair, brake repair, brake drum turning provided that no more than two brake lathes are present on site, muffler repair and similar operations, but not including body work, auto painting, major overhauling, tire re-treading, or the heavy grinding or milling of auto parts (e. g. head grinding, block re-boring, or similar activities which typically take place within a machine shop.) For the purpose of this definition a "Major Overhaul" is considered one in which the engine, transmission, or other major component of the vehicle's mechanical system is removed entirely from the automobile.

Average Daily Traffic (ADT) -The average number of vehicles per day that pass over a given point.

Awning -see Chapter 8.

Backlit Awning -(Reserved)

Bakeries -Establishments primarily engaged in the retail sale of bakery products. The products may be purchased from others or made on the premises.

Bank -Business establishment that provides financial services, including uses known as a savings and loan, credit union, loan company or investment company.

Barber Shops and Beauty Salons - Establishments for either men or women or both men and women primarily engaged in furnishing beauty, grooming or hairdressing services.

Basement -An area below the first floor, having its floor subgrade below ground level on all sides but no more than one-half of its height abovegrade, used for storage space by occupants of the building, janitor or watchman quarters, or other utilities common to the rest of the building. A basement used for the above purposes shall not be counted as a story.

Basement (Finished) - A basement (or a portion of a basement) in or for which the distance between the floor and the ceiling is at least seven feet, the floor is covered by wood, tile, brick or carpeting, electrical wiring is provided and hidden from view such as by placement behind walls or above ceiling tiles, and from which furnaces and water heaters are screened from view.

Bed and Breakfast Inn - The use of a residential structure by a resident thereof as a small inn which provides eight (8) or fewer temporary rooms (not including kitchen facilities) for hire to short term guests, and includes a breakfast for the guest or guests at a daily fixed price for the room and breakfast.

Berm (or Earth Mound) -Earth contoured so as to form a mound above the general elevation of the adjacent ground or surface.

Bicycle Lane -A portion of a roadway which has been designated by striping, signing and pavement markings for the preferential or exclusive use of bicycles.

Bicycle Path -A bikeway physically separated from motorized vehicular traffic by an open space or barrier. located either within the highway right of way or within an independent right of way. *See also "Shared Use Path"*

Billboard -(Refer to Chapter 8.)

Block -One or more lots existing within well-defined and fixed boundaries, usually being an area surrounded by streets or other physical barriers.

Block Face - The frontage on a public street located between intersecting public streets.

Blue Line Stream, Solid -A steam defined and designated as such on 7 1/ 2 minute quadrangle topographic maps published by the U. S. Geologic Survey.

Blue Line Stream, Intermittent -A steam defined and designated as such on 7 1/ 2 minute quadrangle topographic maps published by the U. S. Geologic Survey.

Board of Adjustment -The Louisville or Jefferson County Board of Zoning Adjustment, or successor body.

Boarding and Lodging House - Use of a residential structure by an occupant thereof to provide, for compensation and by prearrangement for definite periods, meals or lodging or both are provided for no more than 8 persons not members of the provider's family, and not constituting a bed and breakfast inn. (See "family".)

Brownfield -Potential development site that has existing public water and sewers but has some level of environmental impediment to re-development.

Buffer (or Buffering) -Man-made or natural materials or open space having the effect of ameliorating the adverse effects of a land use upon adjoining or nearby land uses and enhancing the compatibility of the use with such adjoining or nearby land uses.

Buffer yard -A unit of land, together with a specified type and amount of planting and any structures thereon, which may be required between land uses to eliminate or minimize conflicts between land uses.

Build-To-Line – The line at which construction of a building façade is to occur on a lot, running parallel to the front property line without setback, and thus ensuring a uniform (or more or less even) building façade line on the street.

Buildable Area - The portion of a lot not included within the required setback lines or other required open space areas.

Buildable Width -The width of that part of a lot between the required side yard lines.

Building -Any permanent structures designed or built for the support, shelter or protection of persons, animals, chattel or property of any kind. This term includes mobile homes, but does not include awnings, canopies, or similar structures. In these regulations reference to buildings includes structures.

Building Envelope -The specific area(s) of a lot, lots, or development site within which the proposed development (including buildings, accessory structures, and driveways) may be constructed and within which all development activity shall be contained.

Building Height -The vertical distance from the ground level to the highest point of a structure. (Refer to section 5.1.7 K for height measurement procedures.)

Building Limit Line-A line delineating the buildable area of the lot, that may correspond with or be more restrictive than the required yards of the applicable form district.

Building Official -The Chief Building Official of Jefferson County, City of Louisville or other municipality with authority to issue building permits.

Building Permit -Any building or construction permit required under the Building Code in effect for the applicable jurisdiction.

Building Plane -An exterior flat or level surface of a building, such as a building wall.

Building Restriction Line -A line following the rear of any required yard setback, establishing the minimum allowable distance between the nearest portion of any building and the lot line when measured perpendicularly thereto. When a proposed right-of-way line or street centerline setback is shown in the Major Thoroughfare Plan, the Building Restriction Line is determined by combining all applicable right-of-way line requirements and specific yard requirements.

Building Site -Any group of one or more lot(s) or parcel(s) occupied or intended for development as a unit, whether or not as part of a larger Development Site.

Business and Career Schools -A post-secondary educational institution for office-type careers that utilizes only such equipment as is customary to such office use.

Cabaret -An establishment which features one of its principal uses entertainers and/ or waiters and/ or bartenders, male or female impersonators and/ or persons, either male or female, who expose at any time to public view of the patrons of said establishment the bare female breast below a point immediately above the top of the areola, human genitals, pubic region or buttocks, even if partially or completely covered by translucent material, and/ or human or simulated male genitals in a discernible turgid state, even if completely and opaquely covered.

Caliper -The diameter of a tree trunk, measured 6 inches above the ground for newly installed trees and at 4 feet-6 inches above the ground (breast height) for existing trees.

Camping Areas -Establishments primarily engaged in providing overnight or short-term sites for recreational vehicles, trailers, campers or tents.

Canopy, Building - A rigid multi-sided structure covered with fabric, metal or other material and supported by a building at one or more points and by columns or posts at the other points.

Cardinal Point -One of the four principal compass points - North, South, East or West.

Carpool -A vehicle that is used primarily to convey a group of two or more employees between home and work.

Carport -A permanent roofed structure with not more than three enclosed sides used or intended to be used for automobile parking.

Car Wash -An establishment for the washing, cleaning, waxing and polishing of the exterior surface of passenger vehicles; and for the incidental cleaning and vacuuming of the interior passenger sections.

Cellular Antenna Tower: means a tower constructed for, or an existing facility that has been adapted for, the location of transmission or related equipment to be used in the provision of cellular telecommunications services or personal communications services.

Cellular Telecommunications Service - means a retail telecommunications service that uses radio signals transmitted through cell sites and mobile switching stations.

Certificate of Appropriateness -A certificate issued by the approving authority upon approval of the exterior architectural features of any new building construction or alterations to an existing building located within a designated historic district.

Channelization - The alteration of a watercourse involving a significant change in the channel cross-section or channel materials.

Chemicals -Including acetylene, acids and derivatives, alcohol (industrial), ammonia, aniline dyes, carbide, caustic soda, cellulose and cellulose storage, chlorine, cleaning and polishing preparation (non-soap), dressings and blackings, creosote, dyestuff, exterminating agents and poisons, hydrogen and oxygen, plastic materials and synthetic resins, potash, pyroxylin, tar products, turpentine and resin, solvent-extracting.

Child Care Center - See "Day Care Center."

Church Building - Any building and the grounds of a building used by an association of persons for religious worship and associated buildings and grounds used for instruction regarding the tradition and tenets of a religious faith or for offices of persons engaged in the faith based activities of the religion or for social and recreational purposes or child care centers, or as a meeting hall. Such buildings and grounds may not also be used for retail sales or other merchandising purposes, except that such buildings and grounds may be used for church bazaars and suppers. No such building or portion of a building may be used primarily as a commercial theater, except that occasional plays or pageants for which a price of admission is charged may be held. Synagogues, temples and mosques are considered church buildings for purposes of this Land Development Code.

Civic Building -A building that houses a civic use.

Civic Use -Buildings and facilities owned, operated or reserved by a corporation or association of persons for civic, social, fraternal or recreational purposes and not operated or maintained primarily for profit.

Clinic -A facility which provides treatment which requires observation and recovery normally lasting 1 to 5 hours, for illness, injury, abnormality or pregnancy. Such facilities may also provide examination, diagnosis, ambulatory care and outpatient services, but do not provide overnight care. This term includes drug clinics.

Clubhouse -A private facility that restricts access to club members and/ or charges dues to members

Clubs -See "Private Non-Profit Club" and "Private Proprietary Club."

Cluster Development - An approach to land development whereby the spacing between buildings is reduced and provision is made for common open space, recreational land use or for the non-development of environmentally constrained portion of the land under development, resulting in smaller lot sizes per building but in little or no net change in the number of buildings per acre for the development as a whole.

Co-Location - means locating two or more transmission antennas or related equipment on the same cellular antenna tower.

Commercial Greenhouses/Plant Nurseries –One or more enclosed structures or outdoor areas, or combination thereof, used to grow and display landscape, indoor or aquatic plants for retail or wholesale sale; sale and display of landscape related materials are permitted only as an accessory use.

Commercial Lake -A lake or pond located on private property where a fee is charged for fishing, boating, swimming, and where fishing supplies, equipment, bait and food or drink may be sold as an accessory use, for the convenience of persons using the lake.

Commercial Sexual Entertainment Center -Any commercial establishment not otherwise described herein which makes available material, services or entertainment appealing to adult sexual interests, including but not limited to a "bath house", "swingers club" or similar establishment if the establishment or its entertainment, services or goods are advertised by or on behalf of the establishment in a manner patently designed to appeal to such adult sexual interests.

Commission -The Louisville and Jefferson County Planning Commission or its successor.

Common Area -Any part of a development owned, designed and intended to be used in common by the owners, residents or tenants of the development. These areas may contain such complementary structures and improvements as are necessary and appropriate for the benefit and enjoyment of the owners, residents, or tenants.

Common Improvements - See "Common Facility."

Common Facility: Any facility or facilities owned in common by owners of lots in a development, including but not limited to private roads, signature walls and entrances, fences, clubhouses, tennis courts, drainage facilities, landscaped areas, and other common structures and areas.

Common Open Space - see “Open Space, Common.”

Community Facility -A building , structure or land area owned or leased and operated by a governmental agency to provide a governmental or utility service to the public.

Community Center -A facility that is available for public use as a meeting place or for recreation that does not limit access only to members and does not charge membership dues

Community Residence -A residence licensed by the Commonwealth of Kentucky Department for Human Resources, operated and maintained to provide a homelike setting for developmentally disabled individuals (see definition), having only one kitchen and only one dining area (both of which must be common to the residence), not adjacent to or part of an institutional campus, operated by a sponsoring agency or individual for individuals who shall participate in community activities and use community resources, where there are not more than eight persons who are not related to any other resident by blood, legal adoption or marriage.

Compensatory Storage - An artificially excavated holding basin to provide for stormwater during a peak storm period and which is required in the regulatory floodplain to compensate for anticipated additional runoff caused by filling and/ or construction.

Concept Plan -A preliminary presentation and attendant documentation of a proposed subdivision or development plan of sufficient accuracy to be used for the purpose of discussion and classification.

Conditional Use - A use specifically named in the Land Development Code which may be limited to specific locations and/ or by the requirement that certain conditions be met. Such conditions may be set forth generally in the zoning regulations and/ or may be specifically established on a case-by-case basis by the Commission or board of adjustment. Such conditions may include limitations on the hours of operation and other time limitations, and other requirements of a continuing nature as well as requirements which are made a condition precedent to the construction of a building or the commencement of a use.

Conditional Use Permit -Legal authorization to undertake a conditional use, issued by the Planning Official pursuant to authorization by the Board of Zoning Adjustment or Planning Commission. The authorization consists of two (2) parts: (a) A statement of the factual determination by the Board of Zoning Adjustment or Planning Commission which justifies the issuance of the permit; and (b) A statement of the specific conditions which must be met in order for the use to be permitted.

Condominium -A building, or group of buildings, in which dwelling units, offices, or floor area are owned individually, and the structure, common areas, and facilities are owned by all the owners on a proportional, undivided basis.

Connection (Vehicular) -A driveway, street, turnout, or other means of providing for property access to or from controlled access facilities. For the purpose of access, two one-way connections to a property may constitute a single connection.

Connection Spacing, Minimum -The minimum allowable distance between connections, measured from the closest edge of pavement of the first connection to the closest edge of the second connection along the right-of-way line. Where the right-of-way or connection is skewed or offset, this distance can be measured along the traveled way.

Conservation Easement - A non-possessory interest of a holder in real property imposing limitations or affirmative obligations, the purposes of which include retaining or protecting natural, scenic, or open space values of real property, assuring its availability for agricultural, recreational, or open space use, protecting natural resources, maintaining or enhancing air or water quality, or preserving historical, architectural, archaeological, or cultural aspects of real property.

NOTE: Definition is from KRS 382.810 to 382.860, Refer to state and federal statutes concerning requirements and incentives relating to conservation easements.

Conservation Use -Uses within land and water areas designated for the purpose of conserving or protecting natural resources or environmental quality such as open space, nature study, passive recreation, wildlife habitat, nature preserve, wetlands protection and mitigation areas and other similar uses. In order to accomplish this objective, the following uses shall be permitted:

A. Public passive parks;

B. Public lands designated for open space or conservation;

C. Open Space buffers between incompatible uses;

D. Private recreational or open space lands which have had development rights conveyed to the public, or for which a covenant is executed insuring that only open space or passive
park uses shall be permitted;

E. Water conservation areas, potable water well fields, retention/ detention ponds and other stormwater control structures, and public improvements that may be approved by the affected Public Works Official as long as the Conservation Area is not detrimentally impacted; and

F. Single-family dwellings and customary accessory buildings.

Construction Cost, Total -The sum of direct and indirect costs of building a development. Direct costs shall include the cost of land preparation, structure (including fixtures), tenant improvements, parking and vehicular use areas, landscaping, and irrigation. Direct costs do not include the cost of land, demolition of existing structures, furniture, or equipment. Indirect costs include non-construction expenses such as architectural, engineering, surveying, appraisal, and legal fees, construction interest, permit fees, impact fees, and sales and marketing expenses.

Construction Easement -A temporary easement designed to accommodate grading, sloping and other construction related activities outside a permanently dedicated right-of-way or easement.

Construction Limits Line -A line delineating that portion of a site that will be impacted during construction.

Construction Plans -The maps or drawings prepared for a subdivision plat or development plan and showing the specific location and design of improvements to be installed for the subdivision or development plan in accordance with the requirements of this Code.

Contiguous -See “Abutting.”

Convenience Store -Any retail establishment offering for sale prepackaged food products, beverages, household items, newspapers and magazines, and sandwiches and other freshly prepared foods, such as salads, for off-site consumption. Also includes the term Convenience Grocery when the maximum floor area is equal to or less than 3,200 square feet.

Conveyance Zone -see “Local Regulatory Conveyance Zone.”

Country Club -A privately managed recreational facility located on not less than 75 acres of land, and having such features as a golf course, tennis courts, swimming pools, bridle trails, and the like.

Court -An open space which may or may not have direct street access, and around which is arranged a single building or a group of related buildings.

Court, Inner -That portion of a lot unoccupied by any part of a building, surrounded on all sides by walls, or by walls and a lot line.

Court, Outer -That portion of a lot unoccupied by any part of a building, opening onto a street, alley, or yard.

Corner Lot -A lot fronting on two streets at their point of intersection.

Critical Facility -Any facility which, if unusable or unreachable because of flooding would seriously and adversely affect the health and safety of the public, to include (but without limiting effect hospitals, nursing homes, and housing likely to contain occupants not sufficiently mobile to avoid injury or death unaided during a flood; police stations, fire stations, emergency vehicle and emergency equipment storage facilities, and emergency operations centers likely to be called upon before, during and after a flood; public and private utility facilities important to maintaining or restoring normal services before, during and after a flood; and those structures or facilities which produce, use or store highly volatile, flammable, explosive, toxic, and/ or water reactive materials.

Curb -The stone or concrete boundary at the edge of the pavement of a street, which also usually includes gutters.

Curvilinear - Formed or characterized by curved patterns; when used with reference to street pattern, the term is used to refer to a typical suburban street layout in contrast to the geometric grid layout of streets and alleys which often characterize urban neighborhoods.

Curvilinear Street System -A pattern of streets that is curved.

Day Care Center -Any facility whatsoever which cares for more than eight clients not related to the operator by blood, marriage, adoption or foster care responsibility and usually under 18 years old, away from the client's own home, for periods of less than twenty-four hours per day per client. Occasional extended stays may also be provided. Such facilities may be for profit or non-profit. This term includes Adult Day Care Center, Child Care Centers, Nursery Schools and Kindergartens, when not accessory to an elementary school; but does not include Group Care Facilities, Residential Social Service Facilities, any center under the jurisdiction of the State Board of Education, any private school except those solely below first-grade level or any center operated by a religious institution on the same lot as the religious assembly structure.

Deceleration Lane -An added roadway lane that permits vehicles to slow down and leave the main vehicle stream.

Dedicate -To set aside property for use by the public, usually for a particular purpose such as a right-of-way of a park.

Density -The number of residential dwelling units per acre of land, determined by dividing the number of dwelling units by the area of the Development Site.

Department Store -Retail stores generally carrying a general line of apparel, such as suits, coats, dresses, and furnishings; home furnishings, such as furniture, floor coverings, curtains, draperies, linens and major household appliances; and housewares, such as table and kitchen appliances, dishes and utensils.

Detailed Development Plan -see “Development Plan, Detailed.”

Developer -Any person or legal entity which undertakes development pursuant to Chapter 1 through 11.

Development -Except where the context otherwise requires, "development" shall mean the performance of any man-made change to improved or unimproved real estate including, but not limited to, building or mining, dredging, filling, grading, paving, excavating, or drilling operations; the permanent storage of materials and equipment; the making of any material change in the use or appearance of any structure or land; the division of land into two or more parcels; and any construction of improvements or clearing or the alteration of land from a natural state to facilitate a residential, commercial, business, industrial, or public use.

Development Plan -written and graphic material for the provision of a development, including any or all of the following: location and bulk of buildings and other structures, intensity of use, density of development, streets, ways, parking facilities, signs, drainage of surface water, access points, a plan for screening or buffering, utilities, existing man-made and natural conditions, and all other conditions agreed to by the applicant.

Development Plan, Detailed -Development plan that depicts specific location and type of proposed improvements, in adequate detail to determine compliance with specific standards of the LDC. According to characteristics of the site, proposed development and form district in which it is located, the plan will define property lines and required setbacks; zoning and form district classification, existing uses and improvements situated on adjacent properties; tree canopy and required screening, buffering and landscaping; limits of disturbance; location of curb cuts, parking and pedestrian circulation; building footprint, number of stories and use; façade design and building materials; and other features required by the Land Development Code or binding elements.

Development Plan, General -Development plan that depicts essential features of a development proposal and its relation to its surroundings. It includes at a minimum boundaries of the site, preservation areas/ areas proposed not to be disturbed, intensity/ density of the use or range of uses proposed for the site, and relationship to adjacent properties.

Development Site -The property under consideration for a development, which may contain one or more Building Sites.

Developmentally Disabled Individual -An individual having a disability attributable to mental retardation, cerebral palsy, epilepsy, autism (or dyslexia resulting from these), or to any other conditions closely related to mental retardation in terms of intellectual and adaptive problems.

Dimensional Variance - An act of the Planning Commission or Board of Zoning Adjustment granting departure from the terms of the form district regulations pertaining to height or width of structures and size of yards and open spaces, where such departure meets the requirements of KRS 100.

Direct Light -light emitted directly from the lamp, off of the reflector or reflector diffuser, or through the refractor or diffuser lens, of a luminaire.

Director of Housing -The Director of Housing and Urban Development in the City of Louisville, if the proposed development is in the City of Louisville; or the Director of Human Services if it is located elsewhere in Jefferson County, or any successor agencies.

Director of Works - Director of Department of Public Works of the City of Louisville or Jefferson County Public Works and Transportation Department, or of the Consolidated Local Government as the case may apply; or the director of the successor department, as designated by the Metro Mayor. This term shall also include staff persons to whom the Director delegates authority to act on the Director's behalf.

Display Window - A window that is in the transparent area of storefronts used to display goods, merchandise, announcements, and other information relevant to the function of the establishment using the space related to display window. The display window is typically the area between the bulkhead and the transom of the building's first floor facade.

Diversity Units –Four price levels of housing unit qualify as housing diversity units. Level 1 units shall mean residential dwellings that shall be sold for a total price no greater than 2.5 times the current low-moderate income limit for a given household size; Level 2 units shall mean residential dwelling units that shall be sold for a total price no greater than 2.75 times the current low-moderate income limit; level 3 units shall mean a residential dwelling that shall be sold for a total price no greater than 3.0 times the current low-moderate income limit for a given household size; Level 4 units shall mean a residential dwelling units that shall be sold for a total price no greater than 3.25 times the current low-moderate income limit for a given household size. (See definition for a given household size.) Sales price restrictions are applicable to sale to initial occupant only. Household sizes shall be translated into house sizes as follows: one and two person households: 1 bedroom; three persons: 2 bedrooms; four persons: 3 bedrooms; five or more persons: 4 bedrooms.

Dredge and Fill -A process that creates land by dredging material from the bottom of a body of water and depositing this material on land usually adjacent to the water.

Dripline -The area circumscribed on the ground by a vertical line extended from the outermost extremities of a tree's branches to the ground.

Drive-In Facility -Any use which by design, physical facilities, service or procedure encourages or permits customers to receive services, obtain goods or be entertained while remaining in their motor vehicles. This term includes "drive-thru" and "drive-up" facilities.

Driveway -A private roadway providing access to a street or highway.

Driveway Approach -That portion of the driveway within the street right-of-way between the curb and the property line, including the sidewalk section.

Drop Lens - see "Sag Lens"

Duplex -see "Dwelling, Two Family"

Dwelling -A building or portion thereof designed and used exclusively for residential occupancy. This term does not include hotels or motels.

Dwelling, Attached -A dwelling which has at least its own front yard and is attached to abutting dwellings by approved masonry party or partition walls, thus creating distinct and non-communicating one and two family dwellings. This term includes such terms as townhouse, rowhouse, maisonette, etc.

Dwelling, Model -A residential structure used for demonstration or sales purposes within a residential development under active development, open to the public for sales purposes, and not occupied as a dwelling unit.

Dwelling, Multi-family -Any group of three or more dwelling units occupying a single lot, whether composed of one or more than one principal building. However, this term shall not include attached dwellings. This term shall include the following:

A. Efficiency Apartment -A dwelling unit consisting of not more than one habitable room together with kitchenette and sanitary facilities.

B. Studio Apartment -A dwelling unit consisting of not more than one habitable room together with kitchenette and sanitary facilities, but having a partial separation within the room for the sleeping area.

Dwelling, Semi-Detached - Two dwellings with a single party wall common to both.

Dwelling, Single Family (or One Family) -A dwelling designed for and occupied exclusively by one family. This term includes Conventional, Average-Lot, Clustered and Zero-Lot-Line one family dwellings.

Dwelling, Two Family (or Duplex) -Any group of two dwelling units occupying a single lot or building site, whether composed of one or more than one principal building. This term includes Conventional, Average-Lot, Clustered and Zero-Lot-Line two family dwellings.

Dwelling Unit -Either a single room or two or more connected rooms sold or leased as a unit and intended for occupancy for no less than thirty (30) consecutive days or more by one family, and which at a minimum contains cooking, toilet and bathing facilities which are accessed independently from any similar such facilities in the same building. This term does not include hotel or motel rooms, extended stay lodging facilities, nursing home rooms, or assisted living units.

Easement -An authorization grant by a property owner for the use by another of any designated part of his property for a clearly specified purpose(s).

Easement, Drainage -The lands required for the installation of storm water sewers or drainage ditches, or required along a natural stream or watercourse for preserving the channel and providing for the flow of water therein to safeguard the public against flood damage.

Educational Institution -A college or university giving general academic instruction equivalent to the standards prescribed by the laws of the Commonwealth of Kentucky.

Elevated Building -A non-basement building built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns (posts and piers), shear walls, or breakaway walls.

Encroachment -Any structure or vehicle occupying, projecting into or obstructing any portion of a designated public right-of-way, yard, floodplain or floodway, buffer yard, landscaped area or any other designated area in which the structure which is not permitted by Chapters 1 through 9, including but not limited to: building or other materials, all or portions of permanent or temporary buildings or other structures, fences and ornamental structures, and where appropriate to the context, vehicles; but excluding federally approved mailboxes where permitted and approved driveways as permitted under Chapter 6.

Encroachment, Vehicular -The projection of a motor vehicle into a landscaped area and where appropriate to the context right-of-way.

Engineer -A person currently registered and licensed to practice civil engineering by the Kentucky State Board of Registration for Professional Engineers and Land Surveyors.

Erect -To build, construct, reconstruct, alter, relocate, raise, assemble, attach, hand, place, suspend or affix and shall also include the painting of wall signs.

Establishment – A business entity or endeavor, fixed, mobile or traveling, including its owners, operators, directors, shareholders, partners, employees and possessions.*

Excavation -Removal or recovery by any means whatsoever of soil, rock, minerals, mineral substances, or organic substances, other than vegetation, from water or land, on or beneath the surface thereof, or beneath the land surface, whether exposed or submerged.

Existing (Use, Structure or Activity) -Any use, structure or activity in legal existence on or before the original effective date of a regulation or standard contained in Chapters 1 to 10. When referring to a Mobile Home Park or Mobile Home Subdivision, this term shall mean that the construction of facilities for servicing the lot on which the Mobile Home is to be affixed (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) is completed before the original effective date of the regulation or standard.

Expansion (of a Use, Structure or Activity) -Any increase in the amount of floor area or building site area for an existing use, structure or activity. When referring to Mobile Home Park or Mobile Home Subdivision, this term shall include the preparation of additional sites by the construction of facilities for servicing the lots on which the mobile homes are to be affixed (including the installation of utilities, either final site grading or pouring of concrete pads, or the construction of streets).

Expressway -A highway for through traffic, with full control of access and grade separations at intersections; includes routes known as "freeway."

Extended Stay Lodging - Accommodations for persons away from their permanent place of residence, which are available on a daily or weekly basis and may include kitchen facilities.

Exterior Features -Includes the architectural style, general design and general arrangement of the exterior of a building or other structure, the kind and texture of the building material and the type and style of all windows, doors, light fixtures, signs, other appurtenant fixtures and other features of the building site such as trees, parking, sidewalks, etc.

Facade -Each exterior wall plane of a structure as seen from one side or view.

Family -•One or more persons occupying premises and living as one housekeeping unit using one kitchen, and distinguished from a group occupying a boarding and lodging house, fraternity or sorority house, a club, hotel, or motel.

Factory Built Housing - A building or structure designed and intended as a single family dwelling unit and fabricated in an off-site manufacturing facility for installation or assembly at the building site as a permanent structure with transport features, if any, removed, and that meets the additional standards specified in section 4.1.3 of this Land Development Code. This term includes “manufactured homes” and “modular homes” as defined in the 2002 Kentucky Residential Code or successor.

Family Care Home (Mini-Home) -A home licensed by the Commonwealth of Kentucky operated and maintained to provide 24 hour protection and personal care services for residential accommodations for three individuals or less who are not related within the third degree of consanguinity to the licensee and who because of impaired capacity for self care elect or require a protective environment but do not have an illness, injury, or disability for which constant medical care and skilled nursing services are required.

F. E. M. A. -The U. S. Federal Emergency Management Agency or any successor agency.

Fence -Any construction of wood, metal, wire mesh, masonry, or other material, erected for the purpose of assuring privacy or protection, but excluding shrubbery and plantings.

Fill -Sand, gravel, earth, or other materials of any composition whatsoever placed or deposited by humans.

Filtered View - The establishment or maintenance of woody vegetation of sufficient density to partially screen structures and maintain a natural ridgeline silhouette against the sky. The vegetation need not be so dense as to completely obscure visibility of structures.

Final Subdivision Plat -see "Plat, Record."

Finished Elevation -The proposed elevation of the land surface of a site after completion of all site preparation work.

Fire Protection District - Any lawfully created agency established for the ostensible purpose of fire suppression and enforcement of laws and regulations related to fire prevention, protection and suppression.

Fixture -the assembly that houses the lamp or lamps and can include all or some of the following parts: a housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirror, and/ or a refractor or lens.

Flag Lot -see "Lot, Flag."

Flood or Flooding -A general and temporary condition of partial or complete inundation of normally dry land areas from either the overflow of inland waters or the unusual and rapid accumulation or runoff of surface water from any source.

Flood, Local Regulatory -The flood having a one-percent (1%) likelihood of being equaled or exceeded in any given year based on a fully developed watershed.

Flood Elevation, Local Regulatory Base -Height of the local regulatory flood expressed as feet above mean sea level (National Geodetic Vertical Datum 1929). This is determined by hydraulic calculations using the runoff from a fully developed watershed using as the basis for calculation a methodology approved by the administering agency which includes storm duration estimates and using zoning maps current as of the time of the calculation, provided that in calculating runoff potential for publicly owned property dedicated to public open space, for existing cemeteries, for existing 18 hole or larger regulation golf courses and for land prohibited from development by ordinance of Jefferson County or one of the municipalities within its boundaries, the actual use rather than the designated zoning category on the zoning maps shall be used.

Flood Light -a form of lighting fixture designed to direct the output of a contained lamp in a more-or-less specific direction, utilizing reflecting or refracting elements located external to the lamp.

Flood Plain Board -The Board of the Louisville and Jefferson County Metropolitan Sewer District.

Floodplain, Local Regulatory -Any stream course or normally dry land area susceptible to being partially or completely inundated by the overflow of water from sources of public water or by the unusual and rapid accumulation or runoff of public surface waters and subject to a local regulatory flood.

Floodplain Permit -The approval required by Part C of Chapter 157 of the Jefferson County Cod e of Ordinances.

Floodplain Storage Compensation -An artificially excavated, hydraulically equivalent volume of floodplain storage sufficient to offset a reduction in floodplain storage resulting from filling or construction within the local regulatory floodplain. Such floodplain storage compensation shall be within the same watershed and shall be provided on the same property or at an alternative site if the administering agency so approves.

Floodproof or Floodproofing -Any combination of structural and non-structural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floor Area - Total area within a building, measured from the exterior walls of the building, and equal to the sum of the number of square feet on each of the floors of the building. The number of square feet in an attic shall be counted to the extent that the height of the attic story is equal to or greater than seven feet; and the number of square feet in a finished basement shall be included, but the number of square feet in a basement other than a finished basement shall not be included (See "Basement, Finished".) Accessory portions of a building such as non-enclosed porches, garages, carports and uncovered steps or fire escapes are not included.

Floor Area Ratio - The number of interior square feet contained in a building (See "Floor Area") divided by the number of square feet contained within the fixed boundaries of the building lot.

Footcandle -the unit of illuminance on a surface one square foot in area on which there is a uniformly distributed flux of one lumen, or the illuminance produced on a surface all points of which are at a distance of one foot from a directionally uniform point source of one candela.

Form District – An area with distinct boundaries, delineated on the Zoning District Map to which a set of regulations governing the pattern and form of development and redevelopment applies.

Front Door -The entrance into the principal building on the building site facing the street.

Front Property Line -The shortest lot line which coincides with the right-of-way of a street or square. In the case of a lot abutting upon only one street the front property line is the line parallel to and common with the edge of the right-of-way. In the case of a corner lot, that part of the building lot having the narrowest frontage on any street shall be considered the front line.

Fully Developed Watershed - A condition of a watershed which most accurately reflects the ultimate land use of the watershed and its potential to cause runoff.

Fully-Shielded Light Fixture (also known as Full-cutoff) - a lighting fixture constructed in such a manner that all light emitted by the fixture, either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any part of the luminaire, is projected below the horizontal and meets IESNA criteria for fully-shielded (or full-cutoff) fixtures. Any structural part of the light fixture controlling light emissions must be permanently affixed.

Functionally Dependent Facility -A use, structure, activity or facility which, in the judgment of the administering agency (MSD) cannot perform its essential project purpose unless it is located or carried out in close proximity to water. The term does not include long-term storage, manufacture, sales, service or residential facilities.

Funeral Home -A building used for the preparation of the deceased for burial, for the display of the deceased, and for ceremonies connected therewith before burial or cremation.

Garage, Parking or Storage -A building or portion thereof, designed or used exclusively for storage of motor-driven vehicles, and at which motor fuels and oils may be sold, but where motor-driven vehicles are not equipped, repaired, or sold.

Garage or Yard Sale -The sale of goods from residential premises as an accessory use of property that are no longer needed or used at the site of the sale, whether advertised in local media, by signs, or otherwise as a garage sale, yard sale, household sale, moving sale, barn sale or other sale, accomplished by direct sale; or The sale, at the seller's place of residence, of all or part of the household goods or items, in conjunction with vacating the residential premises by the seller or the seller's estate, whether accomplished by direct sale or auction; or Sales conducted by civic groups, school groups, church groups, charitable or fraternal organizations and other non-profit organizations if such sale is held on the organization's premises.

General Development Plan: see "Development Plan, General."

Glare -light emitting from a luminaire with an intensity great enough to reduce a viewer's ability to see, and in extreme cases causing momentary blindness.

Grade -The average elevation of the finished ground surface; when determining height of structures, it is the average elevation at the outside of a fence or wall, or at the outside walls of a building.

Grading -Any stripping, cutting, filling, or stockpiling of earth or land, including the land in its cut or filled condition, to create new grades.

Green -An open space, available for unstructured recreation. The green is surrounded by roadways or the fronts of buildings and, consist of grassy areas and trees.

Greenway - A linear open space at least 50 feet wide or other width as established by a legislatively adopted greenways plan, along either a natural corridor such as a riverfront, stream valley or ridge line, or along a railroad right-of-way converted to recreational use, a canal, scenic road or other route managed for public use including wildlife habitat. Greenways typically link parks, nature preserves, cultural features or historic sites with each other or with populated areas.

Grid Street Pattern -A street system that creates similar size blocks and four-way intersections. Grid street pattern is common in older neighborhoods and traditional development forms. A standard grid pattern is characterized by straight streets, 90 degree intersections and rectangular blocks. In a modified grid, a connected system of curvilinear streets may be replace the more formal grid pattern, to insure compatibility with adjacent development and to address physical features of the site.

Gross Acreage -The total land area of a building or development site, including property that may be dedicated for right-of-way or other public improvements during the development process.

Gross Floor Area - see "Floor Area."

Gross Leasable Area -The total floor area for which the tenant pays rent and that is designed for the tenant's occupancy and exclusive use. Gross leasable area does not include public or common areas, such as utility rooms, stairwells and shared corridors.

Ground Cover -Plants, other than turfgrass, normally reaching an average maximum height of twenty four inches (24") at maturity.

Groundwater -The supply of freshwater under the ground surface in an aquifer or geologic formation that forms the natural reservoir for potable water.

Hedge -A series of shrubs planted in a manner so as to form a continuous visual screen.

Height (of a Building or Structure) -see "Building Height."

Height (of an Antenna Tower) -The distance from the anchored base of the tower, whether on the top of another building or at grade, to the highest point of the structure, including any attachments to the structure such as an antenna.

Height of Luminaire -The height of a luminaire shall be the vertical distance from the ground directly below the centerline of the luminaire to the lowest direct-light-emitting part of the luminaire.

Historic District -An area designated by a local government or Historic Commission or Board which includes or encompasses such historic sites, landmarks, buildings, signs appurtenances, structures, or objects as may be determined to be appropriate for historic preservation.

Historic Landmark -Any site, building, or structure of particular historic or aesthetic significance to a city, county, state or the nation. Landmarks include sites, buildings or structures where cultural, political, spiritual, economic, social or artistic history of the community, state or nation is reflected or exemplified or which are identified with historic personages or with important events in local, state or national history, or which embody the distinguishing characteristics of an architectural specimen, inherently valuable for a representation of a period, style, or method of construction, or a notable work of construction, or a notable work by a master designer or architect.

Holder - Either:

1. A governmental body empowered to hold an interest in real property under the laws of this state or the United States; or

2. A charitable corporation, charitable association, or charitable trust, the purposes or powers of which include retaining or protecting the natural, scenic, or open space values of real property, assuring the availability of real property for agricultural, forest, recreational, or open space use, protecting natural resources, maintaining or enhancing air or water quality, or preserving the historical, architectural, archaeological, or cultural aspects of real property.

Home for the Infirm and Aged -Any institution, however named, maintained for the care or treatment of individuals unrelated to the owner or operator, who by reason of their age, infirmity, acute or chronic illness, or by reason of physical or mental handicap require more care than does a normal person.

Home Occupation[1] -An occupation, trade, business or profession conducted within a dwelling unit or a structure accessory to a dwelling unit by an individual or group of individuals who are residents of the dwelling unit. This use shall be clearly incidental and secondary to the primary use as a residence. (see Chapter 4, Part 4)

Hospital -A facility licensed and regulated by the Commonwealth of Kentucky, which provides diagnosis, acute and post-acute care and treatment of illness, injury, abnormality or pregnancy. Such facilities usually include clinical laboratory services, X-ray services, surgery, obstetric care, etc. This term includes the following types of facilities: mental institutions and sanitariums; mental health receiving centers; and detoxification centers.

[1] See Appendix 1C for changes to this definition in effect for the City of Middletown.

Hotel - A building used for temporary fee-based occupancy of a room or suite of rooms and which contains no fewer than six (6) such separate rooms or suites and which has a registration desk.

Human scale -The proportional relationship of a particular building, structure, or streetscape element to the human form and function.

Impervious Surface - Any material that substantially reduces or prevents the infiltration of storm water into the soil. Impervious surface shall include graveled driveways and parking areas.

Impervious Surface Area -The area of ground covered by any part of a building, street, vehicular use area, or any other structure, improvement, facility or material which prevents or severely restricts natural percolation of moisture. This includes all asphalt and brick surfaces, and areas devoted to any outdoor storage and/ or display of materials and merchandise, but does not include residential accessory swimming pools. Gravel surfaces shall be considered impervious when used for a vehicular use area, and porous otherwise. Unpaved vehicular use areas shall also be considered impervious, except those designated and approved for occasional vehicular use only. Wooden patios under Chapter 8 shall be considered pervious.

Impervious Surface Ratio - The ratio of land area covered by an impervious surface to total land area.

Infill Development - Development that occurs on vacant or underutilized land in an area within which a majority of the land is developed or in use. (Refer to form district regulations for specific definitions and criteria relating to infill.)

Improvements (or Site Improvements) -Any grading, filling, or excavation of unimproved property; additions or alterations to existing buildings or other structures requiring alterations to the ground; the construction of new buildings or other structures, including parking lots; and street pavements, curbs and gutters, sidewalks, alley pavements, walkway pavements, water mains, sanitary sewers, storm sewers or
drains, street names, signs, landscaping, permanent reference monuments (PRM's), permanent control points (PCP's), or any other improvement required by Chapters 1 through 10.

Indirect Light -direct light that has been reflected or has scattered off of other surfaces.

Infrastructure -Facilities and services needed to sustain industry, residential, commercial and all other land use activities.

Interior Landscaping Area (ILA) - An interior landscaping area (ILA) is a peninsular or island-shaped planting area, located within a vehicle use area, with the express purpose of mitigating the environmental and visual effects of a VUA.

Irrigation System -An artificial watering system designed to transport and distribute water to plants.

Junk Yard -Any property, premises or place of business, including, but not limited to, auto salvage and auto crushing enterprises, maintained, operated, or used for storing, keeping, buying or selling of five (5) or more junked, wrecked, or non-operative automobiles, vehicles, machines, appliances and other similar scrap or salvage materials, scrap copper, brass, rope, rags, batteries, rubber debris, iron, steel or other scrap or ferrous or non-ferrous material. This term shall include used car parts dealers. However, this term shall not include a scrap metal processing facility or any facility regulated by Chapter 51 of the Jefferson County Code of Ordinances [solid waste].

Karst – Reserved.

Kennel, Commercial -Any lot, structure, premises, or establishment where one or more dogs or cats are kept for commercial purposes such as where dogs and/ or puppies or cats and/ or kittens are kept for the primary purpose of breeding, buying, selling, boarding, grooming, or training of such animals.

Kennel, Non-Commercial -Any facilities at, in or adjoining a private residence where dogs or cats are kept strictly as family pets or are kept for the hobby of the householder in using then for hunting or practice tracking or for exhibiting them in dog shows or field or obedience trials or for guarding or protecting the householder's property. The raising of three or fewer litters at the facility in a twelve month period and the sale of three or fewer litters of pups and/ or kittens in a twelve month period by the keeper of a non-commercial kennel does not change the character of the facilities so as to make them a commercial kennel.

Ldn -Day/ night average sound level, which is the twenty-four hour average sound level in decibels obtained after the addition of ten decibels to the night-time sound level measured from 10: 00 P. M. to 7: 00 A. M.

LG& E - Louisville Gas and Electric Company, or its successor.

Lamp -the component of a luminaire that produces the actual light.

Land Clearing -Removal of all trees and/ or vegetation from the land surface to mineral soil.

Land Disturbance -Any activities that change or disturb the natural surface of the land such as clearing, removal of tree canopy, grading, excavating, filling, and storing or stockpiling of material.

Land Disturbing Activity - All construction, demolition, reconstruction modification, extension, or expansion of structures or parking areas, placement of fill, dumping, storage of earthen materials, excavation, land clearing, clear-cutting, tree and vegetation removal, grading, grubbing or any similar activity or combination thereof that changes the natural cover or topography creating the potential for erosion and contribution to sediment.

Land Use -A description of how land is occupied or utilized. The terms "land use" and "use of land" shall be deemed also to include building use and use of building.

Landfill -A disposal site in which refuse and earth, or other suitable cover material, are deposited and compacted in alternative layers of specified depth in accordance with an approved plan.

Landing Area -The area of an airport used for the landing, taking off and taxiing of aircraft.

Land Surveyor -A person currently registered and licensed to practice land surveying by the Kentucky State Board of Registration for Professional Engineers and Land Surveyors.

Landscape Buffer Area (LBA) - Area that must be set aside, free from development, to accommodate required landscape and buffering materials. No buildings or structures except fences, walls, or those structures attendant to public utility service shall be allowed within the required LBA.

Landscaping - Treatment of land comprising a building site or easement which consists of, but is not limited to, the use of grass, ground covers, shrubs, vines, hedges, trees, berms and architectural landscape features and material, for the visual and functional purposes of the site.

Landscaping Lighting -type of outdoor lighting used to illuminate landscaping areas (flower beds, trees, vegetation) and other aesthetic features on a parcel (flag poles, etc.).

Laundry, Self-Service -A business that provides self-service dry cleaning, washing, drying, or ironing machines for hire, to be used by customers on the premises.

Light Trespass -the shining of light produced by a luminaire beyond the boundaries of the property on which it is located.

Live/ Work Unit -A mixed use structure held in single ownership and containing: (a) commercial or office use not to exceed more than 50 percent of the floor area of the building; and (b) residential use which shall include the balance of the remaining building floor area. Residential use may utilize up to 100 percent of the building floor area.

LOJIC (Louisville and Jefferson County Information Consortium) - The cooperative technological effort formally implemented by the City of Louisville, Jefferson County, Metropolitan Sewer District and the Property Valuation Administrator that is designed to coordinate all the agencies' traditional mapping efforts, from streets and streams and utility lines to land use zones.

Loading Area/ Space (or Berth) -Designated areas where trucks may load and unload cargo. Said areas shall be at least 10 feet by 50 feet with a minimum height clearance of 14 feet and shall have appropriate means of access. Such spaces are considered "on-street" if they are located on a dedicated street right-of-way and are considered "off-street" if they are not.

Local Regulatory Conveyance Zone -The channel of a river or solid blue line stream and the land adjacent to that river or stream which if unobstructed will discharge a local regulatory flood without cumulatively increasing the water surface elevation more than one tenth of one foot. The conveyance zone is determined by an equal loss of conveyance (at higher elevation) occurring on each side of the channel.

Local Regulatory Floodplain -see "Floodplain, Local Regulatory."

Lot - The smallest subdivision of land having fixed and described boundaries for purposes of conveyance of title, and (when part of a subdivision) having an assigned number or other designation through which it is identified.

Lot Area -The total land area within the fixed boundaries of a lot.

Lot, Corner -A lot whose lines are adjacent to two or more streets from their point of intersection.

Lot Depth, Mean -The mean distance from the front street line of the lot to its opposite rear line, measured in the mean general direction of the side lines of the lot.

Lot, Flag -A lot or building site which has a minimum frontage on a public or private street, the buildable area of which is reached via a private drive or lane, and whose width some distance back from the street boundary line meets all ordinance requirements.

Lot Frontage -The linear distance measured along the narrow dimension of a lot adjoining a street right-of-way.

Lot, Interior -A lot other than a corner lot.

Lot Line (or Property Line) -Any legal boundary of a lot. Where applicable, the lot line may coincide with the right-of-way line.

Lot, Dual Frontage or Through -An interior lot having frontage on two parallel or approximately parallel streets.

Lot Width, Mean -The mean distance from a side line of the lot to its opposite side line, measured in the mean general direction of the front and rear lines of the lot.

Note: Low-moderate income levels for the Louisville MSA are updated annually. This information is available from the US Dept. of Housing and Urban Development website. Refer to Section 8 income limits as posted at www.huduser.org /Datasets

Low-moderate Income -Annual gross income that is less than or equal to 80% of the median income for households of the same size in Jefferson County, as published annually by the US Department of Housing and Urban Development.

Lowest Adjacent Grade -The lowest natural elevation of the ground surface, prior to construction, next to the proposed walls of a building.

Lumen -A unit of luminous flux. One footcandle is one lumen per square foot. For the purposes of this Ordinance, the lumen-output values shall be the initial lumen output ratings of a lamp.

Luminaire -a complete lighting system, and includes a lamp or lamps and a fixture (See *Appendix 4A for examples of acceptable luminaires).*

Major Thoroughfare Plan - Includes a plan depicting all collectors, arterials, and limited access roads but does not include local roads.

Major Transit Corridor -Corridors that are served by public transit service seven days a week and with no more than 30 minute daytime headways on weekdays.

Manufacturing -The processing and converting of raw, unfinished, or finished materials or products, or any of these, into an article or substance of different character, or for use for a different purpose; also industries furnishing labor in the case of manufacturing or the refinishing of manufactured articles.

Map Amendment - A change in the boundaries of a form district, zoning district or other special district.

Marina -A facility for the storing, servicing, fueling, berthing, and securing of boats and that may include eating, sleeping, and retail facilities for owners, crews, and guests.

Marina and Boat Rental - A facility which allows the docking or temporary storage of boats, minor servicing and repair of boats while in the water, and retail sales not occupying more than 500 square feet.

Marina and Boat Rental, Commercial - A facility which allows the storage or docking of boats, minor servicing and repair of boats while in the water, the sale of fuel and supplies, lodging, food sales, and restaurant facilities.

Marquee -A permanent roof-like structure projecting beyond a building wall at an entrance to a building or extending along and projecting beyond the building's wall and generally designed and constructed to provide protection against the weather.

Massage Parlor -An establishment for treating the human body by rubbing, stroking, kneading, tapping or similar treatment with the hand or any other part of the human body which promotes its services in a manner designed to appeal to the patron's sexual interest. *

Massing -The width, volume and proportions of a building and its parts.

Materials – When used in the context of any Adult Entertainment Activity or Establishment, means any book, magazine, newspaper, or other printed or written matter, or any picture, drawing, photograph, motion picture, video cassette film or other pictorial representation or mechanical, chemical, or electrical reproduction or any other articles, equipment, machines, or materials.*

Meadow - An open space available for unstructured recreation. Its landscape is naturalistic consisting of native, herbaceous plants and requiring minimal maintenance.

Median, Non-Restrictive -A median or painted centerline which does not provide a physical barrier between center traffic turning lanes or traffic lanes traveling in opposite directions. This includes roadways with continuous center turn lanes and undivided roads.

Median, Restrictive -The portion of a divided roadway or divided driveway separating vehicular traffic traveling in opposite directions. Restrictive medians include physical barriers that prohibit movement of traffic across the median such as a concrete barrier, a raised concrete curb and/ or island, and a grassed or swaled median.

Median Opening, Directional -An opening in a restrictive median which provides for only U-turn and/ or left-turn movements.

Median Opening, Full -An opening in a restrictive median designed to allow all turning movements to take place from both the roadway and the adjacent connection.

Median Opening Spacing, Minimum -The minimum allowable spacing between openings in a restrictive median which allows space to cross the approaching traffic lanes to access property or to cross the median to travel in the opposite direction. The minimum spacing or distance is measured from centerline to centerline of the openings along the traveled way.

Medical Laboratory -Any institution, building, place or any other facility in which operations and procedures for the micro-biological, serological, chemical, hematological, immunohematological, biophysical, cytological, pathological or other methods of examination of tissues including blood, secretions and excretions of the human body are performed to obtain information in diagnosing, preventing or treating disease, or in which the results of any examination, determination or test are used as a basis for health advice. These activities include the diagnosis and identification of disease by the examination of tissues removed by surgery and also the determination of cause of death by the examination of tissues removed at autopsy.

See figure 8.1.1 for map of the Metropolitan Area

Meeting Hall -A building designed for public assembly.

Metropolitan Area An area within Jefferson County, Kentucky as shown on the attached map which is incorporated herein and said area being more particularly described as follows:

Beginning at a point in the centerline of Dixie Highway, said point being 2,000 feet Northeast of the centerline of the Snyder Freeway; thence with a line parallel to the centerline of the Snyder Freeway, if extended, North 64 degrees 32 minutes 19 seconds West crossing the Ohio River to the Kentucky State Line; thence Northeast with said state line to a point, said point being 2,000 feet South of the centerline of the Snyder Freeway if extended from its terminus at US Highway 42; thence with a line crossing the Ohio River and parallel to the centerline of the Snyder Freeway South 64 degrees 16 minutes 47 seconds East to a point in the east line of US 42, said point being 2,000 feet Southwest of the centerline of the Snyder Freeway; thence with a line 2,000 feet from the centerline of the Snyder Freeway, and parallel to same, southeast, south, southwest, west, southwest and west to the point of beginning.

Mini-Warehouse -A building or group of buildings in a controlled-access and fenced compound that contains varying sizes of individual compartmentalized stalls or lockers with access controlled by tenant for the storage of customer's goods or wares. An operation involving a security arrangement utilizing a warehouseman as provided for in Article 7 of KRS Chapter 355 is not a mini-warehouse.

Mobile Home -Any vehicle or similar portable structure used, or so constructed as to permit its being used as a conveyance upon the public streets or highways, and designed to permit occupancy thereof as a dwelling place for one or more persons, including camper or vacation trailers; or any structure fabricated in offsite manufacturing facility for installation or assembly at the building site as a permanent structure with transport features removed, bearing a seal certifying that it is built in compliance with the federal Manufactured Housing Construction and Safety Standards Code as set forth in the Code of Federal Regulations, title 24, Part 3280, 3282, 3283, and 42 USC 5401, et seq., and as mandated by the United States of America and as administered by the United States Department of Housing and Urban Development and commonly referred to as the HUD Code, but not meeting the additional standards as required in Section 4.1.2, Factory Built Housing.

Mobile Home Space - An area within a Mobile Home Park designed for the accommodation of one mobile home for the exclusive use of occupants.

Mobile Home Pad -That part of an individual mobile home space which has been reserved for the placement of the mobile home, appurtenant structure or additions thereto, including necessary electrical, plumbing and other utility installations.

Mobile Home Park -A parcel of land under a single ownership or management which has been planned and improved for the placement of mobile homes for non-transient occupancy and consisting of mobile home spaces for rent or sale.

Model Dwelling -see "Dwelling, Model."

Monument -A physical structure which marks the location of a corner or other survey point set in accordance with the Minimum Standards of Practice for Land Surveying adopted by the Kentucky State Board of Registration for Professional Engineers and Land Surveyors.

Motel -An establishment consisting of a group of attached or detached lodging units having bathrooms, used as individual sleeping units for ten or more persons, designed primarily for transient automobile travelers, and providing for accessory off-street parking facilities convenient to the lodging rooms and which may include one dwelling unit for a bona fide caretaker or operator. The term "motel" includes buildings designed as auto courts, tourist courts, motor lodges, autels, and similar terms.

Motor Vehicle -see "Vehicle."

MSD -Louisville and Jefferson County Metropolitan Sewer District, or its successor.

Multi-Family Dwelling -see "Dwelling, Multi-Family."

National Flood Insurance Program -The Federal program authorized by 42 United States Code 4001 et seq., making available flood insurance protection to property owners in flood prone areas, which availability is conditioned on the community's adoption and enforcement of flood plain management regulations meeting the minimum criteria set forth in the statute and the regulations.

Native Tree -Tree species indigenous to the area of Central Kentucky or more specifically, to the Jefferson County area.

Native Plant Community -An indigenous association of plants identified by one or more prominent species or a characteristic physical attribute.

Net acre -The total area of a development site excluding jurisdictional wetlands, slopes over 20%, and conveyance zones. *(This definition is only applicable in the PVD District.)*

Noise Sensitive Community Facilities -Uses generally attracting groups of people, that would be disrupted or substantially impaired by high noise levels. Noise sensitive community facilities include but are not limited to hospitals, schools and libraries.

Nonconformity (or Nonconforming) -An activity or a building, structure or a portion thereof which lawfully existed before the adoption or amendment of the zoning regulation, but which does not conform to all of the regulations contained in the zoning regulation which pertain to the zone in which it is located.

Non-Metropolitan Area - All the area within Jefferson County, Kentucky not described as a Metropolitan area.

Normal High Water Elevation -The landward edge of any natural surface water body during normal hydrological conditions.

Nursery School and/ or Kindergarten -Any place where children between the ages of two and five years come together for not less than two hours a day and not more than six hours, and wherein a supervised education is offered.

Nursing Home -Any institution, however named, maintained for the care or treatment of two or more individuals unrelated to the owner or operator or their spouses, employing nursing services or procedures in the care for such residents, that require treatment, judgment, technical knowledge, and skills beyond that which the untrained person possesses, where there are more than five persons who are not related to any other resident by blood, legal adoption or marriage.

Off-Street Loading - see "Loading Area/ Space (or Berth)."

Off-Street Parking Space - see "Parking Space."

One Hundred Year Flood -A flood resulting from a 100 year storm.

One Hundred Year Storm -A rainfall which, based on the period of record, may be expected to be equaled or exceeded on the average of at least once every 100 years. It does not imply that no greater flood is likely to occur, nor that such a flood will not happen more often than one every one hundred years.

Open Air Market -Any retailing use held in an open area or structure, whether periodically, occasionally or continuously, where one or more individual sellers offer goods or agricultural products for sale to the public. This term includes flea markets and fruit and vegetable stands, but does not include roadside agricultural stands.

Open Space - Any publicly dedicated or privately owned area of land or water that is permanently preserved and maintained. Such an area may be predominately in a natural condition or improved or modified for uses such as recreation, education, aesthetics, cultural or natural resource management or public health and safety.

Open Space, Common - Open space that is (1) owned in common and maintained by the owners of lots in a subdivision (i. e. a homeowners association), or (2) owned by a private individual or entity but managed and maintained for common use by residents, occupants or customers of the development. Common open space shall be preserved by either a conservation easement or deed of restriction.

Open Space, Private - Open space that is owned by a private individual or entity but is protected or maintained under a recorded conservation easement.

Open Space, Public - Open space that is accessible to the general public.

Outdoor Lighting -the night-time illumination of an outside area or object by any man-made device located outdoors that produces light by any means. This includes luminaires used to illuminate advertising signs, landscaping, architectural features, walkways, driveways and parking areas.

Outdoor Sales and Display -The placement of any items(s) outside a building in a nonresidential zoning district for the purpose of sale, rent or exhibit. (This shall not include outdoor dining and seating areas associated with a restaurant.)

Outdoor Storage -The keeping or stockpiling of any item(s) outside a building in a non-residential zoning district that is not directly accessible by the general public for more than twenty-four hours. The placement of moveable containers, including semi trailers and containerized freight boxes, for the purpose of storage of inventory on a temporary basis (not to exceed two months in any calendar year) shall be considered outdoor storage.

Outlot - A separate parcel, often within a larger commercial and/ or office development.

Owner -Any person, group of persons, partnership, corporation, or any other legal entity having legal title to or sufficient proprietary interest to undertake development pursuant to Chapters 1 through 10.

Parapet -A low, protective wall constructed as the continuation of the exterior wall of a building and placed along the perimeter of the roof of a building.

Parcel - See "Lot."

Park – A relatively large open space available for recreation and usually located at the edge of a development, neighborhood or village. It may be surrounded by roadways, the fronts of buildings, or the side or rear of publicly or privately owned lots. It is usually partially enfronted by buildings and has a landscape which may consist of natural areas, paved paths and trails, some open lawn, trees, recreational facilities and open shelters, and requires substantial maintenance.

Parking Aisle -An area within a parking facility intended to provide ingress and egress to parking spaces.

Parking Area (or Lot)-An area of land reserved for the purpose of vehicular storage. Such areas shall include parking spaces and vehicular maneuvering areas, but shall not include outdoor display or sales areas.

Parking Module -A standard arrangement of parking spaces containing two tiers of spaces served by a single parking aisle.

Parking Space -An enclosed or unenclosed surfaced area permanently reserved for the temporary storage of one automobile/ motor vehicle, and connected with a street or alley by a surfaced driveway which affords ingress and egress for automobiles/ motor vehicles. Such spaces are considered "on-street" if they are located on a dedicated street right-of-way and are considered "off-street" if they are not.

Parking, Joint Use - The sharing of a parking area or space for more than one establishment.

Parking, Shared -Joint use of a parking area or space for more than one establishment.

Passenger Vehicle -See "Vehicle."

Pavement Width -The width of the pavement of a street, as measured from edge to edge but excluding the curbs, if any.

Pedestrian Access -An improved surface which connects the public right-of-way with private property or a building entrance.

Pedestrian and Bicycle Corridor - A linear open space at least 30feet wide, containing a pathway for pedestrians and/ or bicycles and providing linkages within, between and among developments, neighborhoods and the community as a whole.

Pedestrian Way - A right-of-way, dedicated to or set aside for public use, which cuts across a block to facilitate pedestrian access to adjacent streets and properties.

Permitted Use -A use which is specifically authorized by right in a particular zoning district.

Person - Any individual, corporation, cooperative, partnership, firm, association, trust, estate, private institution, group, agency, or any legal successor, representative, agent, or agency thereof.

Person With a Disability - A person with a physical, emotional, or mental disability including but not limited to mental retardation, cerebral palsy, epilepsy, autism, deafness or hard of hearing, sight impairments, and orthopedic impairments, but not including convicted felons or misdemeanants on probation or parole or receiving supervision or rehabilitation services as a result of their prior conviction, or mentally ill persons who have pleaded guilty but mentally ill to a crime or not guilty by reason of insanity to a crime. "Person With a Disability" does not include persons with current, illegal use of or addiction to alcohol or any controlled substance as regulated under KRS Chapter 21 8A.

Personal communication service - has the meaning as defined in 47 U. S. C. sec. 332(c).

Phase -A designated portion of a larger development, which is to be constructed as a unit and which is do designed that it can stand on its own even if the other phases of the development are never constructed.

Plan Certain – The procedure associated with rezoning requests whereby the Planning Commission or legislative body may designate, at the time of approval of any development plan, elements and restrictions of the approved plan that are an integral part of the development plan and binding on the use and development of the subject property. (See Section 11.4.7).

Planning Director-The Director of the Division of Planning and Design Services or its successor, or his/ her designee.

Planting, Site Specific -The selection of plant material that is best suited to withstand the physical growing and soil conditions which are found in a particular location and microclimate.

Planting Strip -A strip or border with grass or landscaping that separates the sidewalk from the street.

Plant Nursery -Wholesale establishments primarily engaged in the production of ornamental plants and other nursery products, such as bulbs, florists greens, flowers, shrubbery, vegetable seeds, plants, and sod.

Plat (or Subdivision Plat) -A map or delineated representation of the subdivision of lands, being a complete exact representation of the subdivision and other information in compliance with the requirement of all applicable sections of Chapters 7 and 9. This term includes Replats, Amended Plats and Revised Plats, as well as Minor and Major Plats.

Plat, Final (or Record) -The final map of all or a portion of the subdivision which is presented to the appropriate authority for final approval in accordance with Chapters 7 and 9 and which, if approved, shall be filed with the Clerk of the Jefferson County Court.

Plat, Major -see "Plat."

Plat, Minor -see "Plat."

Plat, Preliminary -The preliminary map indicating the proposed layout of the subdivision which is submitted for tentative approval and meeting the requirements of Chapters 7 and 9 relating to preliminary plats.

Plat, Record - see "Plat, Final."

Playground - A relatively small open space containing play equipment and areas for active recreation.

Plaza - An open space located at the intersection of streets, set aside for civic purposes and short term, incidental commercial activity such as a farmers market. It is surrounded by the fronts of buildings an/ or streets and its landscape consists of durable pavement and formally arranged trees and other landscape elements that require little maintenance.

Porch - An exterior appendage to a building, forming a covered approach to a doorway and which is not enclosed other than by porous screens.

Preliminary Plan - A drawing conforming to the requirements of Chapter 11 herein.

Preservation - The act or process of applying measures necessary to sustain the existing form, integrity and materials of an historic property, including preliminary measures to protect and stabilize the property and the ongoing maintenance and repair of historic features and sometimes including the limited and sensitive upgrading of mechanical, electrical and plumbing systems and other code-required upgrades necessary to make properties safe and functional.

Primary Façade - A side of a building that is visible from a public right-of-way or has the primary customer entrance. A building may have more than one primary façade when detail, materials and roof treatments are consistent with each other. Utility meters located on primary façades shall be screened from view.

Primary Street – The street with the highest functional class abutting a property. Where there is more than one street with the same functional class abutting a property, the Planning Director or designee shall determine the primary street for the site. There shall be only one primary street adjacent to a property.

Principal Structure -A structure or combination of structures of primary importance or function on a site. In general, the primary use of the site is carried out in a principal structure. The difference between a principal and accessory structure is determined by comparing the size, placement, and similarity of design, use of common building materials, and the orientation of the structures on a site.

Principal Structure Area -In the context of the Traditional Neighborhood Form, the area of the lot located between the Public Realm Area and the Private Yard Area and is occupied by one or more principal structures.

Principal Use -The primary or predominant use or structure of any lot, as distinguished from accessory uses and structures.

Principal Use – When used in the context of any Adult Entertainment Activity or Establishment, means a substantial or significant use, but not necessarily a majority of the business activity or stock in trade. In the context of any Adult Entertainment Activity or Establishment, Principal Use shall exist in the following circumstances:

(1) Where a business establishment dedicates, or permits the use of, at least twenty-five percent (25%) of the utilized square footage of its premises for adult entertainment activity; or

(2) Where at least twenty-five percent (25%) of the gross receipts of a business establishment, excluding food and beverage receipts, results from adult entertainment activity.

Private Non-Profit Club -Buildings and related facilities owned or operated by a corporation, association, person or persons, established for the enrichment and promotion of the social, educational, cultural or other interests of the members of an organization, which organization operates on a membership basis with pre-established formal written membership qualifications, required dues, regular meetings, and a constitution and by-laws, which buildings and facilities are not operated, used, or leased primarily for profit nor to render a service which is customarily carried on as a business.

Private Proprietary Club -Buildings and related facilities established for the recreational or other common interests of the members or users, which buildings and facilities are operated as a business, commercial activity, or for profit, but not including buildings and facilities established for activities listed in these regulations as adult entertainment activities.

Private Yard Area-In the context of the traditional form districts, the Private Yard Area is the area of the lot located between the Principal Structure Area and Accessory Structure/ Use Area. The Private Yard Area must be unenclosed and open to the sky except for permitted fences, decks, and small sheds. Sheds may not exceed 120 square feet. Unroofed pools, atriums, gardens, garden courts, walks, patios, and other similar uses are acceptable. No other uses may be located within this area, including off-street parking.

Property -A lot, parcel, or tract of land together with the building and structures located thereon.

Protected Waterway -

a. Any perennial stream or river (or portion thereof) that is portrayed as solid on the United States Geological Survey 7.5 minute quadrangle maps, of the most recent edition;

b. Wetlands greater than 0.1 acre and subject to federal jurisdiction of the U. S. Environmental Protection Agency and the Army Corps of Engineers;

c. Lakes with a permanent pool elevation greater than 3 acres in size if they constitute “waters of the Commonwealth” as defined in KRS 224; and

d. Other water bodies that have been designated through nomination and legislative approval. A water body may be nominated as a Protected Water Body by resolution of the legislative body(ies) or by resolution of the Planning Commission. The Planning Commission shall conduct a public hearing and recommend candidates for designation to the legislative body(ies) with jurisdictional control which shall have final designation authority.

Public Art - Includes, but is not limited to, that form of sculpture, mural or painting, water element, lighting, or other form of creative expression designed by and executed under the supervision of an artist which is viewable within an open space, upon a building or within a public right-of-way, subject to the approval of the Downtown Development Review Overlay District Committee (DDRO).

Public Entrance -An entrance to a structure that is maintained accessible to the public and free of encumbrances that might interfere with its use by the public.

Public Improvement - Any drainage ditch, roadway, parkway, sidewalk, pedestrian way, tree, lawn, off-street parking area, lot improvement, or other facility for which the local government may ultimately assume the responsibility for maintenance and operation.

Public Realm -In the context of the Traditional Neighborhood Form, the area of the lot occupied by the public right-of-way and the area in front of the principal structure or to the required principal structure setback/ build-to line.

Public Square -An open space, often an entire block, at the intersection of important streets, set aside for civic purposes and surrounded by the fronts of buildings, its landscape consisting of paved walks, lawns, trees and civic buildings, all formally disposed.

Public Utility -Any public or private utility, such as but not limited to, storm drainage, sanitary sewers, electric power, water service, gas service, or telephone line, whether underground or overhead.

Public Water -Water that flows from more than one property or from public lands or rights-of-way.

Qualified Acoustical Consultant -A person who, by reason of his/ her training and experience in the science and technology of acoustics and his/ her knowledge of construction methods and materials, is deemed by the Planning Official as qualified to pass judgment on acoustical designs, materials, and methods of construction for reduction of sound levels.

Qualified Buyer -The Metropolitan Housing Authority (City or County) or a person whose household income for the last two years was 100% or less of the median household income for Jefferson County as reported annually by HUD, or a corporation that has received low income housing tax credit to be applied toward the subject site.

Qualified Buyer Verification Form -A form, provided by the public agency handling Community Development and Home Funds and successor programs, that verifies that a person's household income for the past two years was 100% or less of the median household income for Jefferson County as reported annually by HUD.

Record Plat -A plat for recordation in the office of the County Clerk of Jefferson County and conforming to the requirements of Chapter 7 herein.

Recreation (Use), Outdoor -Any premises (whether public or private) where the principal use is the provision of outdoor amusements, sports, games, athletic facilities, or other outdoor recreational facilities and/ or services except golf courses.

Recreational Vehicle (RV) - see "Vehicle, Recreational."

Recreational Vehicle Park (or RV Park) -A parcel of land under single ownership, where sites are offered for rent for the temporary placement of recreational vehicles being used for travel, recreation or vacation purposes.

Recycling Collection Center -A facility used solely for the collection of recyclable materials, such as aluminum cans, paper, etc. and which is conducted solely within an enclosed non-permanent structure. Such facilities shall not be deemed to be a junk yard and are considered to be a light manufacturing and processing use.

Residential Care Facility - A residence operated and maintained by a sponsoring private or governmental agency to provide services in a homelike setting for persons with disabilities.

Regional Center Access Road - A private access easement serving internal circulation needs of multiple structures in the regional center form district. This type of roadway intersects with drive aisles that give access to parking spaces. It does not intersect with individual parking bays and does not give direct access to parking spaces.

Residual Tract -Any portion of five acres or more of a tract to be subdivided which portion is not required to be surveyed.

Restaurant - Commercial establishments, the main business of which is serving food, which may include the sale of alcoholic beverages.

Restoration - The act or process of accurately depicting the form, features, and character of a property as it appeared at a particular period of time by means of the removal of features from other periods in its history and the reconstruction of missing features from the restoration period, and including the limited and sensitive upgrading of mechanical, electrical and plumbing systems and other code-required work to make the property functional.

Restrictive Covenant -A provision in a deed limiting the use of property.

Resubdivision -Any change in a map of an approved or recorded subdivision plat that affects any street layout on the map or area reserved thereon for public use or any lot line, or that affects any map or plan legally recorded prior to the adoption of any regulations controlling subdivisions.

Right-of-Way - The streets, parkways, sidewalks, pathways and other land over which the public has a right of passage or land over which a rail line passes.

Right-of-Way Line -The lot line dividing a street and a lot. For public streets the right-of-way line shall be the existing lot line; for private streets the street line shall be the edge of the curb, or the edge of the legally described street, whichever is greater. However, on any streets exhibited in the Major Thoroughfare Plan, the right-of-way line shall be the street centerline setback line in such Plan, or the existing street curb line, whichever is the greater.

Riparian Area -land areas adjacent to a stream, wetlands, or other body of water that contain vegetation, habitats, and ecosystems associated with bodies of water or dependent on the flow of water in the adjacent stream, wetlands, or other water body. A riparian area will vary in width depending on the particular stream, wetlands, or other body of water.

Riparian Vegetation - Vegetation including trees, shrubs, and ground cover that occurs naturally in Jefferson County along streams. This vegetation provides stream bank stabilization, erosion control and filters surface drainage. Native species of trees that thrive in a riparian zone include but are not limited to sycamore, silver maple, box elder, white ash, American elm, sweet gum, black gum, pin oak, cottonwood, black willow or other willow species, river birch and ironwood. Native shrubs that thrive in the riparian zone include but are not limited to spicebush, witch-hazel, shrub dogwoods and false indigo.

Riprap - Natural rock material used to stabilize embankments.

Roof Line -The juncture of the roof and the perimeter wall of the structure.

Sag Lens (or Drop Lens) -a clear or prismatic refracting lens that extends below the lowest opaque portion of a light fixture.

Scale -The height, size and bulk of a structure compared to the height of adjacent buildings and to the height of a human and/ or the apparent height, size and bulk of the components of the facade compared to the apparent height, size and bulk of the structure.

Scenic Easement - See "Conservation Easement."

School -A facility used for education or instruction in any branch of knowledge, and including the following: elementary, middle and high schools, whether public or private; colleges, community colleges and universities; vocational and professional schools giving instruction in vocational, professional, technical, industrial, musical, dancing, dramatic, artistic, linguistic, scientific, religious or other special subjects. This term does not include child care centers if separate from elementary schools.

Screening -The use of solid fencing or dense vegetative plantings to visually block a particular use from an abutting or adjacent use. See also "Buffer."

Sediment -Solid material, mineral or organic, that is in suspension, is being transported, or has moved from its site of origin by water.

Sedimentation -The deposition of waterborne sediment into a body of running water, into a lake, on property other than the site of origin, or on public rights-of-way.

Self Designated Adult Entertainment Center - Any establishment which designates all or a portion of its premises as for adults only, or has a policy of excluding minors from its premises or from a portion of its premises or which advertises so as to convey the impression that the services, entertainment, matter, or goods available at the premises or at the portion of the premises designated for adults only are characterized or distinguished by depictions of sexual activities as defined in this section. *

Semi-pervious Paving System (or Porous Paving System) -A surfacing system composed of structural units with void areas filled with pervious materials such as sand or grass turf so that at least sixty-five percent of the surface area is permeable. A gravel base course provides storage as runoff infiltrates through the porous paving system into underlying permeable soils.

Sexual Activities – Partial or complete male and/or female nudity in conjunction with:

(1) Depiction of human genitals in a state of arousal;

(2) Acts of human masturbation, sexual intercourse or sodomy; or

(3) Holding or other erotic touching of human genitals, pubic region, buttocks or breasts.

Shared Use Path -A bikeway physically separated from motorized vehicular traffic by an open space or barrier and either within the highway right of way or within an independent right of way. Shared use paths may also be used by pedestrians, skaters, wheel chair users, joggers, and other non-motorized users.

Shielded (also known as cutoff) Light Fixture - A lighting fixture constructed in such a manner that no more than 2.5 percent of the lamp lumens, either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any part of the luminaire, are not emitted above the horizontal plane through the lowest direct-light-emitting part of the luminaire.

Shopping Center -A group of commercial uses planned, constructed and/ or managed as a total entity with unified design and customer and employee parking provided on-site.

Shopping Mall - A large enclosed building containing a group of commercial uses which share a designated enclosed walking area. Shopping malls may be planned, constructed and/ or managed as a total entity and have unified customer and employee parking provided on site.

Sign - Any device, structure, fixture, display, or placard using graphics, symbols, and written copy for the primary purpose of identifying, providing directions, or advertising any establishment, product, goods, place, activity, business, or service.

Sign Plan-A coordinated plan for developing signs for an individual building or a group of buildings.

Signature Entrance -Any wall(s), fence(s), guard house, or similar structures exceeding 4 feet in height, constructed at an entrance to a major single family subdivision or to a multi-family complex of five acres or more.

Sinkhole - A hole formed in soluble rock by the action of water, serving to conduct surface water to an underground passage and which is often observable as a depression in the ground surface. See "karst".

Site Plan - A plan or a plan revision for the lot upon which a proposed development is to be located.

Solar Collector -A device, or combination of devices, structure, or part of a device or structure that transforms direct solar energy into thermal, chemical, or electrical energy and that contributes significantly to a structure's energy supply.

Solar Energy System -A complete design or assembly consisting of a solar energy collector, an energy storage facility (where used), and components for the distribution of transformed energy (to the extent they cannot be used jointly with a conventional energy system.) Passive solar energy systems are included in this definition but not to the extent that they fulfill other functions such as structural and recreational.

Solid Waste Transfer Station -A facility, with all operations confined within an enclosed building, for the accumulation, sorting, storage and compaction of recyclable and/ or re-usable material, and for compaction and transfer of non-recyclable solid waste for ultimate disposal off the premises. Materials that may be recycled or processed are paper, cardboard, wall board, glass, plastic, insulation, dimensional lumber, metal beverage and food containers, and those materials whose manufacture, processing, treatment or storage are specifically permitted in the M-2 zone. Inoperable automobiles and trucks, automotive parts, steel barrels and drums, chemicals, toxic materials and hazardous wastes shall not be accumulated, sorted or stored at a solid waste transfer station; nor shall a solid waste transfer station be used for any part of a scrap metal or similar operation.

Sound Level -In decibels, the quantity measured by an instrument satisfying the requirements of the American Standard Specification for Type I Sound Level Meter. The sound level shall be the frequency weighted sound pressure level obtained with the frequency weighing "A" and the standardized dynamic characteristic "SLOW".

Sports Fields - An open space area specifically designed and equipped for large-scale structured recreation including but not limited to baseball, football and soccer.

Spotlight -a lighting assembly designed to direct the output of a contained lamp in a specific tightly focused direction (a beam) with a reflector located external to the lamp.

Square - An open space, often an entire block, at the intersection of important streets, set aside for civic purposes and surrounded by the fronts of buildings. Its landscape generally consists of paved walks, lawns, trees, and civic buildings, all formally arranged and requiring significant maintenance.

Stable, Private -A detached accessory building for the keeping of not more than two horses, owned by the occupant of the main building on a lot at least one acre in area provided, however, the capacity of the building may be increased if the lot whereon such building is located contains an additional twenty-five hundred (2500) square feet for each additional horse stabled.

Start of Construction -The first placement of permanent construction of a structure (other than a mobile home) on a site, such as the pouring of slabs or footings or any work beyond the stage of excavation, including the relocation of a structure. Permanent construction does not include the installation of streets and/ or walkways; nor does it include excavation for abasement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not as part of the principal structure. For a structure (other than a mobile home) without abasement or poured footings, the "start of construction" includes the first permanent framing or assembly of the structure or any part thereof on its piling or foundation. For mobile homes not within a mobile home park or mobile home subdivision, "start of construction" means the affixing of the mobile home to its permanent site. For mobile homes within mobile home parks, "start of construction" is the date on which the construction of facilities for servicing the site on which the mobile home is to be affixed (including, at a minimum, the construction of streets, either final site grading or the pouring of concrete pads, and installation of utilities) is completed.

State -The Commonwealth of Kentucky and its authorized agents.

Step Back - An offset or reduction in the mass of a structure, typically at upper story levels.

Storefront - The first floor of the primary façade. It includes the major components of the transom, display window, main entrance, piers and bulkhead.

Street -Any public way or legally created private way for vehicular traffic used as a means of access to lots abutting thereon, and including the following:

See also "Expressway." For purposes of the Land Development Code, expressways are not considered streets.

(a) Major Arterial -A street primarily for through traffic, usually on a continuous route.

(b) Minor Arterial -A secondary way or highway for use primarily as a connector for major arterials, minor arterials, or between a minor arterial and a collector.

(c) Collector -A street intended to move traffic from local streets and other collectors to the arterial street system. A collector street serves a neighborhood or large subdivision and should be designed so that no single family residential properties face onto it. Collector level streets are those streets either designated as such by the Comprehensive Plan for Louisville and Jefferson County, or by the Director of Works.

(d) Local -A street used primarily for access to abutting property.

(e) Cul-de-sac -A street ending in a turn-around and designed not to be extended.

(f) Stub street -A street usually ending at a property line which is designed to be extended in the future.

(g) Through street -A local street or segment of a series of local streets which provides at least two separate points of access to a collector, arterial or another through street. Certain street segments not meeting this requirement may be designated a through street if approved by the County Engineer. All arterial and collector streets are designated as through streets. (See also "Grid Street Pattern**")**

Street Index File - The computerized listing of all the vehicular rights-of-way and areas with a common name in Jefferson County which is a part of the Louisville/ Jefferson County Information Consortium (LOJIC) and is maintained by the Division of Planning and Design Services.

Street Wall - A vertical plane at the right-of-way line created by the façade of a structure or series of structures along a given block face.

Structural Alterations -Any change in the supporting members of a building or structure, such as bearing walls or partitions, columns, beams or girders, or any substantial change in the roof or in the exterior walls.

Structure -Anything constructed or erected, the use of which requires location on the ground, or attachment to something having a location on the ground, including walls or fences exceeding four (4) feet in height, buildings, and signs. In these regulations reference to buildings includes structures and vice versa.

Subdivider -Any person, firm, association, syndicate, partnership, corporation, trust, or any other legal entity commencing proceedings under Chapter 11 to undertake a subdivision of land hereunder for himself/ herself or for another.

Subdivision -Division of a parcel of land into two or more lots or parcels, for the purpose, whether immediate or future, of sale, lease, or building development; or if a new street is involved, any division of a parcel of land. The term includes resubdivision and when appropriate to the context, shall relate to the process of subdivision or to the land subdivided. The following shall not be considered a subdivision:

(1) consolidation of existing lots, parcels or tracts by deed or other recorded instrument; or (2) creation of an easement other than an access easement (e.g. utility easement, etc.), or (3) a division of land into lots of five acres or larger for agricultural use and not involving a new street

The term **"subdivision"** is further defined as follows:

1. Major Subdivision -Any subdivision not defined as a minor subdivision.

2. Minor Subdivision -Subdivision of a lot, not involving the creation of a public street, that results in the creation of no more than five lots; such original lot must not have been divided during the previous twelve (12) months.

Substantial Improvement -Any combination of repairs, reconstruction, alteration, additions to or improvements to existing development, taking place during the life of the structure and begun after the affective date of the applicable regulation contained in these Chapters, in which the cumulative cost equals or exceeds fifty (50) percent of the market value of the structure either (a) before the improvement or repair is started, or (b) if the structure has been damaged and is being restored, before the damage occurred. The market value of the structure for purposes of this ordinance is (a) the appraised value of the structure determined by a certified general real property appraiser licensed and certified by the Kentucky Real Estate Appraisers Board or lacking that, the current assessment of the structure shown by the Property Valuation Administrator of Jefferson County. This term includes repairs made to structures which have incurred damage equal to or in excess of fifty percent (50%) of the pre-damage value of the structure, regardless of the cumulative cost of the actual repair work performed. The cost of alteration, additions, or improvements shall reflect the value in the marketplace of the labor and materials to be used in the improvements. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either (a) any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or (b) any alteration of a structure listed on the National Register of Historic Places or a state inventory of historic places; or (c) the cost of flood-proofing or elevating a structure or any portion thereof above the local regulatory base flood elevation plus one foot.

Suburban Form Districts – Are those form districts that follow a more suburban pattern of development, the following are Suburban Form Districts: Neighborhood Form District, Suburban Marketplace Corridor Form District, Suburban Workplace Form District, Regional Center Form District, Village Form District “Outlying” and Campus Form District.

Surface Water Body -Any lake, stream, sinkhole or other water area, whether natural or man-made, but not including any jurisdictional wetland.

Swimming Pool -Any constructed pool used for swimming or bathing, over twenty-four (24) inches in depth, or with a surface area exceeding two-hundred fifty (250) square feet.

Tavern - A commercial establishment wherein alcoholic beverages are sold for consumption on the premises; a bar, a saloon; provided, however, that a place wherein both food and alcoholic beverages are sold for consumption on premises and within which the total receipts from the sale of food exceed the total receipts from the sale of alcoholic beverages shall be a restaurant.

Taxi Dance Hall -An establishment operated as a public dance hall where dance partners, either male or female, are available for hire for a monetary consideration payable either by the dance or as part of an entrance fee or membership fee.

Technical Review Committee (TRC) - An advisory board that reviews development proposals within Jefferson County. The TRC identifies, negotiates and resolves technical issues and conflicting agency requirements to enable DPDS staff to approve plans as delegated by the Planning Commission.

Telecommunications Facility -The lot, tract, or parcel of land that contains the telecommunications antenna, its support structure, any accessory buildings, and parking, and may include other uses associated with an ancillary to telecommunications transmission.

Telephone Exchange Building -A building and its equipment used or to be used for the purpose of facilitating transmission and exchange of telephone messages between subscribers.

Temporary Outdoor Lighting -the specific illumination of an outside area or object by any man-made device located outdoors that produces light by any means for a period of less than 15 days, with at least 180 days passing before being used again.

Temporary Activities - Temporary activities are characterized by their short term or seasonal nature and by the fact that permanent improvements are not made to the site. Temporary activities include: temporary carnivals and fairs, temporary parking lots, temporary circus, temporary rodeo, temporary "Haunted House", and temporary "Show House".**Theater** -A building or part of a building where the principal use is the showing of motion pictures, or of dramatic, musical or live performances.

Top of Bank - The point on a stream bank at which the presence and action of surface water is so continuous as to leave a distinctive mark such as erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognizable characteristics.

Tract -A parcel of land greater than 40,000 square feet in area, the deed of which was recorded in the office of the Clerk of the Jefferson County Court.

Traditional Form Districts - The following form districts shall be considered traditional form districts: Town Center Form District, Traditional Neighborhood Form District, Traditional Marketplace Corridor Form District, Traditional Workplace Form District and Village Form District "Center".

Traffic Calming Techniques - Street alignment, barriers, and other physical measures to reduce traffic speeds and/ or cut-through volumes, in the interest of safety, livability, and other public purposes.

Trailer, Automobile - see "Utility Trailer."

Transit Compatible Development -A development that makes provisions for transit in the design of the site plan. The design may include provisions for bus turning radii, pavement that can support the weight of transit vehicles, limiting conflicts between pedestrians and transit vehicles and between general traffic and transit vehicles, and facilitating walking between buildings and transit stops. Other factors that may be considered include review of internal roadway and parking area, building placement, garage clearances, as well as recommendations on bus zones, shelters, awnings lighting fixtures and other improvements.

Transparent -A material that admits light without appreciable diffusion or distortion so that objects beyond are entirely visible. Examples include: clear glass and Plexiglas.

Tree -Any self-supporting woody plant of a species which normally grows, or is capable of growing, to an overall height of a minimum of fifteen feet in the north central region of Kentucky. This term includes canopy trees and understory trees, but does not include shrubs, ground cover or containerized trees and nursery stock trees for resale in licensed nurseries.

Tree Canopy -The area directly beneath the branches of a tree and within its dripline.

Tree Canopy Protection Area (TCPA) – An area of tree canopy preserved to meet the requirements of Chapter 10, Part 1 Tree Canopy.

Tree Encroachment -Any intentional or unintentional act which may reasonably be expected to cause a decline in the health of a tree, including:

A. damage to the root system by machinery, storage or materials or soil compaction.

B. substantially changing the natural surface grade within the dripline.

C. excessive paving or building within the dripline.

Tree Removal -Any intentional or unintentional act which may reasonably be expected to cause a tree to decline and die, including: severing the trunk; excessive pruning of the trunk or branching system; mechanical damage to the branching system; mechanical damage to the bark and cambium layer; damage to the root system by machinery, storage of materials or soil compaction; substantially changing the natural surface grade within the dripline; excessive paving or building within the dripline; substantially changing the natural drainage patterns of the building site in a manner reasonably expected to kill the tree; and direct or indirect application of toxic substances or fire to the tree or its root system.

Tree, Type A - A large tree that will reach a mature height of over fifty (50) feet. (See Preferred Plant List)

Tree, Type B -A medium tree that will reach a mature height of approximately twenty-five (25) to fifty (50) feet. (See Preferred Plant List)

The Preferred Plant List is Appendix 10A.

Tree, Type C -A small tree that will reach a mature height of approximately ten (10) to twenty-five (25) feet. (See Preferred Plant List)

Tree, Understory -Any self-supporting woody plant of a species which normally achieves an overall height at maturity of 15-35 feet and a minimum crown spread of 15 feet, and which can grow beneath larger Canopy Trees.

Tree Well - A planting area for street trees, surrounded by paving; the tree well normally is situated in the sidewalk, between the curb and the edge of right-of-way.

Truck Sales/ Repair-A building or portion thereof, other than a private or storage garage, designed or used for equipping, servicing, repairing, hiring, selling, or storing motor-driven vehicles, other than passenger automobiles and trucks and vans less than 19 feet and less than 2 tons.

Truck. A motor vehicle which is designed primarily for the movement of property or special purpose equipment, or a motor vehicle that is designed to carry more than ten (10) persons. Truck includes vehicles commonly called trucks, pick-ups, delivery vans, buses, motor homes and other similar vehicles. Truck is intended to cover the vehicles defined as trucks and buses by the National Highway Traffic Safety Administration. Trucks are divided into three (3) categories as follows:

(a) Light Truck Light trucks are trucks and similar vehicles with single rear axles and single rear wheels.

(b) Medium Truck Medium trucks are trucks and similar vehicles, other than truck trailers, with single rear axles and dual rear wheels. Truck tractors are in the Heavy Truck category.

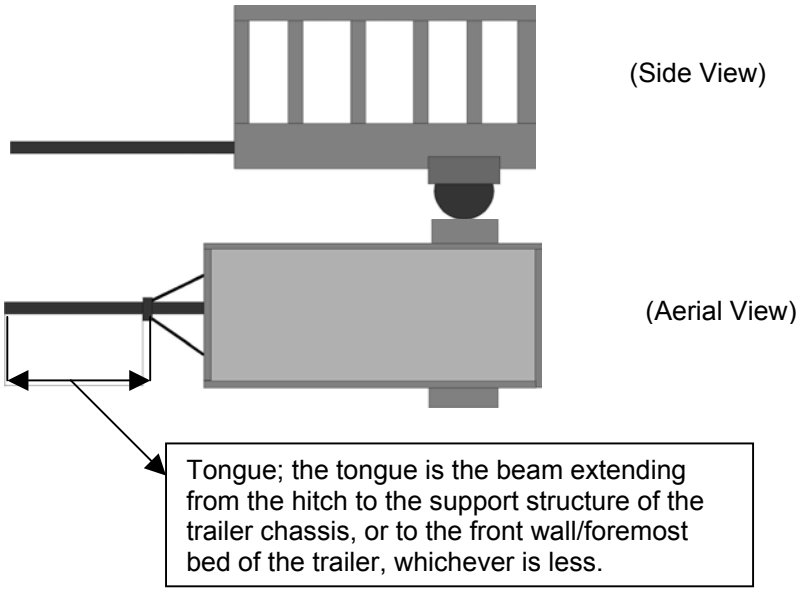
(c) Heavy Truck. Heavy trucks are trucks, including truck tractors, and similar vehicles with two or more rear axles.

Turfgrass -Continuous coverage of the ground surface by a grass species maintained by mowing.

Two-Family Dwelling -see "Dwelling, Two Family."

Underground Space -The entire existing cavern resulting from the extraction of subsurface located material from underground areas in such a manner that the surface area of the property is not disturbed except in the vicinity of the entrances and easements serving the development.

Utility Trailer. A vehicle designed to be pulled by a motor vehicle which is used to carry property, trash, or special equipment. Utility trailers less than or equal to sixteen (16) feet in length shall be regulated as medium trucks. Utility trailers in excess of 16 feet in length shall be considered industrial vehicles and are regulated as heavy trucks. Utility trailers shall be measured excluding the "tongue".



Uniformity Ratio -The relationship between the average level of illumination and the lowest level of illumination for a given area. For example, if the uniformity ratio is 3: 1 and the average illumination of an area is 3.0 footcandles, then the lowest level of illumination allowed in the given area would be 1.0 footcandles.

Vadose Shaft - A vertical shaft extending from the ground surface to an underground area above the water table. A vadose shaft is found in areas with carbonate rock (limestone or dolomite) where groundwater has created a vertical cave (shaft) as it drops from one level to another.

Variance - see "Dimensional Variance."

Vehicle -Vehicles that have their own motive power and that are used for the transportation of people or goods on streets. Motor vehicle includes motorcycles, passenger vehicles, trucks, and recreational vehicles with motive power.

Vehicle, Disabled or Inoperable -Any vehicle which is physically or mechanically incapable of being, or legally not permitted to be, operated on the public streets.

Vehicle, Passenger -A motor vehicle designed to carry ten (10) persons or less including the driver. Passenger vehicle also includes motor vehicles designed to carry ten (10) persons or less that are constructed either on a truck chassis or with special features for occasional off-road use. Passenger vehicle includes vehicles commonly called cars, minivans, passenger vans, sports utility vehicles (SUVs) and jeeps. Passenger vehicle is intended to cover the vehicles defined as passenger cars and multipurpose passenger vehicles by the National Highway Traffic Safety Administration.

Vehicle, Recreational - A vehicle with or without motive power, which is designed for sport or recreational use, or which is designed for human occupancy on an intermittent basis. Recreational vehicle is divided into two categories as follows:

(a) Motor Home - Motor home includes motorized vehicles designed for human occupancy on an intermittent basis. A camper is considered a motor home when it is on the back of a pick-up or other truck. Motor homes are regulated as trucks unless the regulations specifically indicate otherwise.

(b) Accessory Recreational Vehicle - Accessory recreational vehicle includes non-motorized vehicles designed for human occupancy on an intermittent basis such as vacation trailers and fifth wheel trailers. A camper is considered an accessory recreational vehicle when it is standing alone. Accessory recreational vehicles also include vehicles designed for off-road use such as off-road vehicles, dune buggies, recreational boats, and trailers used to haul these vehicles. Accessory recreational vehicles and the trailers used to haul them less than or equal to 25 feet in length shall be regulated as medium trucks. Accessory recreational vehicles and trailers used to haul them in excess of 25 feet in length shall be regulated as heavy trucks.

Vehicle Sales and Rental -The use of any building, land area or other premises for the display, sale and/ or rental of new or used vehicles, and including any warranty repair work or other repair service conducted as an accessory use.

Vehicular Use Area -A vehicular use are (VUA) is any open or unenclosed area containing more than 1,800 sq. ft. of area or more used by five or more of any type of vehicle, whether moving or at rest, including, but not limited to, parking lots, loading and unloading areas, mobile home parks, and vehicle sales and service areas. Driveways may be considered to be VUAs depending on their impact on adjacent residential uses or zones.

Verge -A strip or border with grass or landscaping that separates the sidewalk from the street.

Veterinary Clinic -A service use primarily engaged in providing medical care for animals, operated by a licensed veterinarian, and not offering facilities for the overnight care of animals except in connection with medical treatment. Any use providing facilities for the overnight boarding of animals or providing outside pens shall be classified as a kennel.

Warehouse Showroom -A warehouse which includes the display of merchandise and may provide retailing incidental to and accessory to the principal warehouse use. Warehouse showroom does not include any retailing as a principal use.

Warehousing (or Storage Facility) -Any premises where the principal use is the storage of goods and materials. This term includes personal storage facilities.

Watershed -All the area within a geographic boundary from which water, sediments and other transportable materials, and dissolved materials drain or are carried by water to a common outlet, such as a point on a larger stream, lake, or underlying aquifer.

Watershed Master Plan -The Plan adopted by the Board of the administering agency which depicts critical hydrologic and flood management elements of a watershed such as local regulatory floodplain and local regulatory conveyance zones and is supported by maps, graphics, text, models, and capital improvements planned by the administering agency.

Wetland -Areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

Wheel Stops or Curbs -Permanently secured, durable devices no less than four inches in height, designed to restrict vehicular encroachment.

Wooded Areas - An area of contiguous vegetation where trees are at such a density that branches and leaves form a contiguous canopy.

Yard - An open space, other than a court, on the same lot with a building, unoccupied and unobstructed from the ground upward.

Yard, Front -A yard extending across the front of a lot, between the side lot lines, and being the minimum horizontal distance between the street right-of-way line and the principal building or any projections thereof other than the projections of uncovered steps, uncovered balconies or uncovered porches. On corner lots the front yard shall be considered as parallel to the street on which the lot has its least dimension.

Yard, Rear -A yard extending across the rear of a lot, between the side lot lines, and being the minimum horizontal distance between the rear of the principal building or any projections thereof other than the projections of uncovered steps, uncovered balconies or uncovered porches, to the rear lot line. On all corner lots the rear yard shall be at the opposite end of the lot from the front yard.

Yard, Side -An open unoccupied space on the same lot with a main building, situated between the side line of the building and the adjacent side line of the lot and extending from the rear line of the front yard to the front line of the rear yard.

Yard, Street Side -A yard extending across the side of a corner lot between the rear line of the front yard and front line of the rear yard, and between the principal building and the street right-of-way line, and being the minimum horizontal distance between the principal building or any projections thereof other than the projections of uncovered steps, uncovered balconies or uncovered porches, to the right-of-way line.

Zero-Lot-Line Development -Any residential development in which the required side or rear yards, or both, are eliminated to permit more efficient and effective siting and orientation of homes and private open spaces on the lot.

Zoning District - Any area within Jefferson County delineated on the Zoning District Map to which a set of regulations governing permitted land use, density and intensity of development applies.

Zoning District Map - The map setting forth the boundaries of the zoning and form districts of all of Jefferson County, Kentucky.

1.3.1 Use

A. A nonconforming use is an established activity which lawfully existed at the time of the enactment of any zoning regulation which would not permit such activity.

B. A nonconforming use may be continued until it is abandoned notwithstanding the sale of the land parcel on which the nonconforming use exists; but a nonconforming use shall not be enlarged, expanded or changed except as expressly permitted by KRS 100.253 and by Chapter 1 Part 3.

C. There shall be no increase in the floor area or the land area devoted to a nonconforming use or other enlargement or extension of a nonconforming use beyond the scope and area of its operation at the time the regulation that made the use nonconforming was adopted.

D. Subject to the limitations and restrictions imposed by items A through C of Chapter 1 Part 3, the Board of Zoning Adjustment may permit a change in the nonconforming use to another nonconforming use only if the new nonconforming use is in the same or more restrictive classification and upon finding that the new nonconforming use will be no more odious or offensive to surrounding properties than the first nonconforming use. When the Board of Zoning Adjustment permits a change from one nonconforming use to another nonconforming use pursuant to this paragraph, it may impose such conditions upon such new nonconforming use as it finds are necessary to preserve the character of the neighborhood, to minimize nuisances to surrounding properties, and to protect the value of surrounding properties.

E. Notwithstanding any provision in Chapter 1, Part 3 to the contrary, a residential structure located in an industrial district may be expanded if (1) the expansion does not increase the number of dwelling units on the subject property and (2) the expansion would be permitted if the existing structure were located in an R-5 Residential district.

F. ABANDONMENT. The abandonment of a nonconforming use terminates the nonconforming use status. The burden of proof in a hearing before the appropriate Board of Zoning Adjustment on whether a nonconforming use has been abandoned shall be on the party asserting that the nonconforming use has been abandoned. However, a showing that the subject property has not been regularly used for the purposes for which the nonconforming use status is claimed for a period of one year shall create a presumption of such abandonment, and thereupon the burden of proof shall shift to the party asserting that the nonconforming use has not been abandoned. The Board may accept any substantial evidence sufficient to show that the nonconforming use has been discontinued for a period of one year or more. To rebut the presumption, the property owner must show by clear and convincing evidence that:

1. the property owner has undertaken to reinstate the discontinued nonconforming use on the property by such acts as would be undertaken by a reasonable person with the intent to reinstate said nonconforming use; and

2. there is a reasonable prospect that the nonconforming use will be reinstated in the foreseeable future.

1.3.2 Structures

A nonconforming structure is a building or structure the size, dimension, design, or location of which was lawful prior to the adoption, revision, or amendment of the zoning regulations, but which fails to conform to the requirements of the zoning regulations applicable to the property by reasons of such adoption, revision, or amendment.

There shall be no change of a nonconforming building or structure that would create nonconformance with regulations beyond that existing at the time the nonconformity began. A nonconforming structure may be expanded only as allowed by the following:

A nonconforming structure, which is designed for and devoted solely to uses permitted by the district in which it is located, may be expanded in a manner which does not increase the nonconforming aspect of such structure.

Existing nonconforming structures in the floodway shall not be expanded but may be otherwise modified, altered or repaired, providing such measures incorporate flood-proofing devices and comply with the provisions of all applicable statutes, ordinances, and regulations pertaining to floodplain management.

A nonconforming structure may be altered to the extent necessary to comply with a lawful order of governmental officials.

1.3.3 Lot

A nonconforming lot is a lot that was lawfully created prior to the adoption of the zoning regulations and being of a smaller minimum lot area or width than required by the regulations for the district in which the lot is located. A nonconforming lot may be used in accordance with the other applicable restrictions of this Land Development Code, but changes to the lot that create greater nonconformity with the minimum lot area are permissible only in accordance with the provisions of Chapter 1 Part 3.

1.3.4 Parking

Parking facilities that were legally in existence prior to the adoption or amendment of motor vehicle parking regulations, but which do not conform to current motor vehicle parking requirements of this Land Development Code, shall not be reduced below the minimum number of spaces required or increased above the maximum number of spaces allowed by applicable motor vehicle parking regulations. A use or structure that is legally nonconforming due to inadequate parking spaces may be altered if the additional parking spaces required by this Land Development Code are provided. If three or less spaces are required by the alteration, no additional parking spaces shall be required.

1.3.5 Signs

Any sign legally in existence on the effective date of any zoning regulation that does not permit such signs may continue in existence as a matter of right. Such nonconforming sign may be maintained and repaired on the same property so long as the size, including the area and height, is not increased beyond the existing size. A nonconforming sign cannot be altered in any way so as to make it less in compliance with existing regulations, such as by adding moving parts or illumination.

At such time as any structural element of a nonconforming sign is replaced, the sign must be brought into compliance with the requirements of current regulations except that a nonconforming business sign may be replaced by another nonconforming sign, provided that all nonconformance in area, height, and size that is to be changed is reduced by fifty percent (50%) of the difference between the existing nonconforming sign and what the regulation allows. Replacement of structural elements in this context means the disassembly and subsequent reassembly or the substantial alteration of the pole, base, or frame.

1.3.6 Removal

Voluntary demolition of a nonconforming structure, other than a nonconforming business sign, or a structure housing a nonconforming use nullifies the nonconforming rights to such use or structure. A nonconforming structure or a structure housing a nonconforming use that has been involuntarily removed or destroyed retains its nonconforming rights for a period of one year. Failure to re-establish the use or structure within one year nullifies nonconforming rights to such use or structure. Re-establish, as used in Chapter 1 Part 3, shall mean that necessary permits and approvals have been obtained or have been applied for and that binding contracts for the construction of the main building or other improvement have been let; or in absence of contracts that the main building or other improvement is under construction to a substantial degree, or that prerequisite conditions involving substantial investment are under contract, in development, or completed. When construction is not a part of the use, re-established shall mean that the use is in operation.

1.4.1 Maintenance of Common Open Space and Common Facilities

A. For purposes of maintaining any Common Open Space and Common Facilities provided in a development, a property owners association and a maintenance agreement for upkeep of the Common Open Space and Common Facilities which has been approved by the Planning Commission shall be recorded as a deed restriction, noted on the development plan, and shall be binding on purchasers of lots in the development. The Commission may designate standard forms for such agreement.

B. The maintenance agreement shall include provision for assessing and collecting the common expense of maintaining the Common Open Space and Common Facilities from the owners of the lots within the development.

C. Unpaid common expenses assessed in accordance with the recorded maintenance agreement shall become a lien on lots owned by the delinquent property owner prior to all other liens, except only (1) liens for taxes and assessments lawfully imposed by governmental authority, and (2) all sums unpaid on first mortgages of record. Such lien may be enforced by suit by a member of the property owners association acting on behalf of the other lot owners, in like manner as a mortgage of real property. Suit to recover a money judgment for unpaid common expenses of an owner shall be maintainable without lien enforcement or waiving the lien securing the same.

Appendix 1A

Land Development Code Adoption Status

Jurisdiction	Version of Code in Effect
Louisville Metro	Land Development Code July 2004
Jeffersontown	Land Development Code July 2004[1]
Hurstbourne	Land Development Code March 2003
Lyndon	Land Development Code July 2004
Douglass Hills	Land Development Code March 2003
Graymoor-Devondale	Land Development Code March 2003
St. Regis Park	Land Development Code March2003
St. Mathews	Development Code
Anchorage	Development Code
Shively	Land Development Code July 2004
Middletown	Land Development Code July 2004[2]
Prospect	Development Code
Indian Hills	Development Code

"Development Code" is the title of the Zoning and Subdivision Regulations in effect prior to March 2003. The Development Code and the 2003 versions of the Land Development Code are available on the Planning and Design website: www.loukymetro.org/PlanDesign.

[1] See Appendix 1B for specific changes to the July 2004 version of the LDC within the City of Jeffersontown.
[2] See Appendix 1c for specific changes to the July 2004 version of the LDC within the City of Middletown.

CITY OF JEFFERSONTOWN, KENTUCKY JEFFERSON COUNTY, KENTUCKY

ORDINANCE NO. 1185, SERIES 2004

AN ORDINANCE RELATING TO ADOPTION AND AMENDMENT OF THE LAND DEVELOPMENT CODE FOR ALL OF JEFFERSON COUNTY, KENTUCKY

WHEREAS, the Department of Planning and Design Services of the Louisville Metro Planning Commission has forwarded to the Jeffersontown City Council its complete Land Development Code, for all of Jefferson County, Kentucky; and,

WHEREAS, the Planning and Zoning Committee of the Jeffersontown City Council has reviewed same and recommended adoption, with certain amendments; and,

WHEREAS, the Jeffersontown, Kentucky Planning and Zoning Committee has favorably reported this Ordinance to the City Council.

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

SECTION I. The Land Development Code for all of Jefferson County, Kentucky as promulgated by the Department of Planning and Design Services of the Louisville Metro Planning Commission is hereby adopted and incorporated by reference as if completely rewritten herein, with the following exceptions, to-wit:

FINDINGS:

2.4.3 C-I Commercial District

The following provisions shall apply in the C-I Commercial District unless otherwise provided in these regulations:

•

A. PERMITTED USES:

Automobile rental agencies with no more than ~~25~~ 10 rental passenger vehicles stored on site, and no more than two service bays for cleaning or maintenance, and having no repair or storage/dispensing of fuel

2.4.4 C-2 Commercial District

The folio wing provisions shall apply in the C-2 Commercial District unless otherwise provided in these regulations.

A. PERMITTED USES:

All uses permitted in the C-l Commercial District are allowed in the C-2 Commercial District as well as the following uses:

~~Boat Storage~~

Chapter 4 : Generally Applicable Development Standards Conditional

~~4.2.12.13 Commercial Animal Feeding Yards (including hogs, chickens, and other animals as determined by the Board of Zoning Adjustment)~~

~~Commercial Animal Feeding Yards may be allowed in M 2 and M 3 Zoning Districts upon the granting of a Conditional Use Permit and compliance with the listed requirements.~~

~~A. All buildings, structures, pens, and yards shall be at least 100, feet from all property lines.~~
~~B. Adequate water supply shall be available to maintain the \ premises in a sanitary condition.~~
~~C. The applicant shall demonstrate adequate provisions to prevent surface water quality impacts due to animal wastes.~~

Accessory Uses and Miscellaneous Standards

Section 4.4.1 (A) Adult Entertainment Activities
Please add "escort services" as one of the following activities.

Section 4.4. 3B 2-Location 4th Paragraph.
Please add the language "appropriate" before Public Works Department.

4.4.5 HOME OCCUPATIONS

K. License Registration of Home Occupations.

Prior to the establishment of any home occupation that (i) serves

customers, clients or pupils at the site, or

(ii) has one or more non-resident employees, the proprietor shall register the occupation. Day care centers as a home occupation shall require a home occupation registration. The registration shall not be transferable and shall not run with the land; it shall terminate upon sale or transfer of the property to a new owner or tenant. The Planning Director shall maintain records of registered home occupations. The registration form shall be the basis for determining compliance with the requirements of this section

4.4.5. Home occupation proprietors shall be responsible for updating their registration forms, at such time as their operations change from the activities described in the registration documents. Any home occupation meeting either criteria (i) or (ii) above that was established before the effective date of this Section shall have one year from the effective date of this Section to register the home occupation.

Upon registration of a home occupation the Planning Director shall transmit a copy of said registration to the City of Jeffersontown.

Chapter 4 Part 5

Part 5 Alternative Development Incentives

* The City of Jeffersontown has not adopted this section of the Land Development Code at this time.

Chapter 5 Form District Regulations

Part 4 Residential Site Design Standards

Section 5.4.2 Suburban Form District

Revise language as follows:

D. Accessory Structures

1. Maximum Size - The maximum building footprint for an accessory structures for single family residential buildings shall not exceed ~~1,000~~ 750 square feet for first floor and not to exceed 1,000 square feet total in two story structure. The maximum height of accessory structures shall not exceed the height of the principal structure. Accessory structures with building footprint greater than 1,000 square feet may be permitted in accordance with Section 4.3.5.*
Multiple accessory structures are allowed, subject to the limits established in paragraph 3.b, below

3. Accessory Structures/Uses in a Required Rear or Side Yard -Accessory structures and uses for residential buildings may be permitted in a required side or rear yard setback when the following standards are met.:

a. The minimum setback from a rear property line shall be 5 feet. The minimum setback from side property lines shall be ~~2~~-3 feet, except that accessory structures and uses shall observe the same setback from street side property lines as required for principal structures. Parking areas shall be at least 5 feet from the required rear property line. Parking is permitted within required side yards.*.

Part 5 Non-Residential/Mixed Use Site Design Standards
Section 5.5.1 Traditional Form District Design Standards

Revise language as follows:

A. General Site Design Standards (Downtown Form District excluded)

1. Building Location and Orientation

a. Principal building entrances shall face the primary street serving the development or shall be oriented toward a focal point such as a landscaped public square, plaza or similar formal public open space. Entrances to principal buildings may be located in a manner that promotes safe and efficient movement of pedestrian access relative to all modals of transportation (i.e. vehicular, pedestrian, bicycle etc.). Ail structures that are located along the primary street serving the development shall also have doors or windows facing the primary street (see b. Below for lots with more than one street frontage). Principal buildings shall be parallel to the primary street. If the prevalent (more than 50%) orientation of buildings on the block is at an angle to the street, the new building's orientation shall be the same as other buildings. The walls of buildings on corners should be parallel to the streets.

Part 5 Non-Residentiai/Mixed Use Site Design Standards
Section 5.5.2 Suburban Form District Design Standards

Revise language as follows:

A. Building Location and Orientation

1. Principal buildings and building entrances on a site shall have entrances and glazing, display windows or windows affording views into the business which face the abutting public street serving the development In the alternative, principal buildings and entrances

shall be oriented toward a focal point. Entrances to principal buildings may be located in a manner that promotes safe and efficient movement of rjedestrian access relative to all modals of transportation (i.e. vehicular, pedestrian, bicycle etc.). Structures located at a street corner may have a single entrance, located at the corner of the building. Buildings with frontage on two streets shall have consistent building design and materials on each facade. Internally oriented structures closest to the public street(s) serving the development shall also have doors or windows feeing the street.

Chapter 6 Mobility Standards

Part 2 Streets and Rights-of-Way

6.2.6 Requirements for Specific Types of Streets and Alleys

A. Minimum Requirements - New streets shall provide right-of-way and improvements specified in the following table, according to the functional class of the street and the form district in which it is located, subject to the following exception:

1. Sidewalks shall not be required on lots that are five acres or greater in area and developed for single family residential uses unless they connect with existing sidewalks.

   ~~**Fee in Lieu Option** - The Director of Works or designee may allow the payment in lieu of sidewalk construction upon a finding that construction of a sidewalk is not appropriate due to one of the following^~~
   ~~1. Sidewalks construction is impracticable due to topographical conditions or narrow right of way; or~~
   ~~2. A determination by the Director of Works or designee that sidewalks do not exist in the area and there is not a likelihood for sidewalks to be constructed in the future Amount of fee shall be sot by Metro Public Works based on average sidewalk construction. All fees paid shall be used for sidewalk construction within the same Metro Council District. It should be noted that payment of a fee in lieu of sidewalk construction ijs an option available to developers that must be approved by the Director of Works. Applicants retain the right to request a sidewalk waiver: in no case shall the Planning Commission or Director of Works require the payment of a fee in lieu of sidewalk construction..~~

Chapter 8 Business Regulations

(NOTE: "The City of Jeffersontown has a sign regulation ordinance and it shall be inserted in this section and utilized as it exist or as it maybe amended, ")

Chapter 11 Development Review Procedures PART 1 ADMINISTRATIVE

OFFICIALS 11.4.5 Public Hearing

D. Following the public hearing, the Planning Commission shall make a recommendation regarding the appropriateness of the Zoning District or Form District Map Amendment to the legislative body with zoning authority over the property in question. In addition, the Planning Commission shall by separate vote, recommend ~~approve~~ approval, rejection or defer action on the development plan submitted and considered in conjunction with the proposed Zoning or Form District Map Amendment to the City of Jeffersontown.

11.4.7 Plan Certain Developments

A. Designation of Binding Elements

The Planning Commission or Legislative Body with zoning authority shall designate, at the time of approval or amendment of any development plan, those elements, provisions and restrictions of the approved plan, including a time period for development plan expiration, that shall be an integral and permanent part of the development plan and thereby binding on the use and development of the subject property. Binding elements approved as part of any development plan shall be applicable to all development plans subsequently prepared for a subject property] and shall be binding upon the fixture use and development of said property. The Planning Commission shall make a recommendation regarding the appropriateness of any waivers of said binding elements to the City of Jeffersontown. ~~unless specifically waived by the Planning Commission.~~

PART 6 DEVELOPMENT PLANS

11.6.2 Category 1 Review Procedure

Prior to issuance of building permits, the Jeffersontown ~~local~~ building inspector ~~official~~ shall assure the plan is in compliance with the applicable provisions of this code and all binding elements and conditions of approval. These provisions include but are not limited to: allowable uses; yard and setback requirements; height; landscaping; environmental assessment; and parking. In cases in which the building official has reason to question the development plan's compliance with any provision of the Land Development Code, applicable binding elements and conditions of approval, the building official may forward the development plan to the Planning Director for a review and action on the plan.

In accordance with KRS 100 the Planning Commission has final review authority over subdivisions (both minor and major).

11.6.3 Category, 2 Review Procedure

A. Application for Planning Director Approval

Applications for Category 2 development approval shall be submitted on forms supplied by the department. Applications shall be signed by the property owner or his/her agent and filed with Planning and Design Services. Applications shall be accompanied by supporting material determined appropriate by the Planning Director and by the appropriate fee. The list of required supporting materials shall be available from the offices of Planning and Design Services. Failure to submit all required material may result in delay of the application review. At a minimum, the application shall be accompanied by a development plan of sufficient detail to demonstrate to the Planning Director that the proposed development is in compliance with the applicable requirements of these regulations and. any applicable binding elements or conditions of approval. The Planning Director shall recommend approval to the City of Jeffersontown if ~~approve~~ the proposed development is in ~~if it~~ compliance with the requirements of this code; associated binding elements, if any; and other applicable law. In cases in which the Planning Director has reason to question the development plan's compliance with any provision of the Land Development Code, applicable binding elements and conditions of approval, the Director may forward the development plan to the Planning Commission, or designated committee thereof, for review and action on the plan. The Planning Commission shall by separate vote, recommend approval, rejection or defer action on the development plan submitted and considered to the City of Jeffersontown.

B. Issuance of Building Permits

In addition to those materials required by the appropriate building code, applications for permit for construction activity meeting the Category 2 thresholds shall be accompanied by a development plan which has been approved by the Planning Director and the City of Jeffersontown. Building permits for Category 2 development shall be issued only in conformance with the development plan approved by the Planning Director and the City of Jeffersontown and any applicable binding elements or conditions of approval of a district development plan.

In accordance with KRS 100 the Planning Commission has final review authority over subdivisions (both minor and major).

11.6.4 Category 3 Review Procedure A. Commission A

Commission Approval Required

In addition to those materials required by the appropriate building code, applications for permit for construction activity meeting the Category 3 thresholds shall be accompanied by a development plan which has been approved by the Planning Commission and the City of Jeffersontown under the Community Design Review Procedure outlined below. The Planning Commission may delegate this review process to a Committee of the Commission. The Technical Review Committee process defined in Chapter 7 shall satisfy the Community Design Review Process required for subdivisions that meet the threshold established in the form district regulations.

B. Community Design Review Process

3. Review Session - Review of and action on the proposal shall take place in a public meeting before the Planning Commission or Committee thereof. No less than ten (10) calendar days prior to an original or continued review session date, the applicant shall submit original or revised development plans, studies, reports, etc. which have been prepared in response to comments received during the review process. This section does not preclude the applicant from presenting, at the review session, changes to the plan in response to concerns of the neighbors, agency review staffer the Planning Commission. The Planning Commission or designated Committee shall recommend approval to the City of Jeffersontown if ~~approve~~ the proposed development ~~if it~~ complies with the requirements of this code; associated binding elements, if any; and other applicable law.

C. Issuance of Building Permits

In addition to those materials required by the appropriate building code, applications for permit for construction activity meeting the Category 3 thresholds shall be accompanied by a development plan which has been approved by the Planning Director and the City of Jeffersontown. Building permits for Category 3 development shall be issued only in conformance with the development plan approved by the Planning Director and the City of Jeffersontown and any applicable binding elements or conditions of approval of a district development plan.

PART 7 APPEALS

11.7.1 Planning Commission Review of Staff Determinations

A. Applicability - When the Planning Director, Director of Works or Local Building Official (Building Inspector within the City of Jeffersontown) is authorized by this Land Development Code to take action on a proposal on behalf of the Planning Commission, such action may be appealed to the Planning Commission by filing an appeal no later than ten (10) calendar days after the date of the action. All actions which have not been appealed to the Planning Commission within ten (10) calendar days shall not be subject to further administrative review or appeal.

B. Notice - Notice of the appeal shall be given to the applicant (if not the appellant) and all first tier property owners at least seven (7) calendar days prior to the meeting at which the Planning Commission will consider the appeal.

C. Delegation to Committee - The Planning Commission may delegate the authority to consider ~~and take final actions on~~ appeals to its Land Development and Transportation Committee or other such Committee of the Commission duly created under the By-Laws of the Commission. The Planning Commission shall make a recommendation regarding the appropriateness of any appeals to the City of Jeffersontown.

~~11.7.4 Legislative Body Review of Commission Action on Development~~

~~A. Applicability – Planning Commission approval or denial of any development plan for developments except Category 1 developments (as defined in Section 11.6.1) may be reviewed by the legislative body having zoning authority over the property in question, if the legislative body determines that such a review is warranted. Any such review shall be conducted as a public hearing. Initial review of Planning Director actions on plans for Category 2 development shall be by the Planning Commission in accordance with Section 11.7.1.~~

~~B. Initiation of Review – The owner(s) of the subject property or any aggrieved party may request a hearing before the legislative body by submitting a written letter to the appropriate legislative body stating the reason(s) why such a review is warranted. The legislative body with zoning authority over the subject site may initiate the review on its own by resolution. Such letter shall be filed with the appropriate legislative body or resolution adopted within fifteen (15) calendar days after the date the minutes of the Planning Commission are approved reflecting its action regarding said development plan. The legislative body shall forward a copy of said letter or resolution to the owner of the subject property, if the owner is not the applicant for the review. A copy of said letter or resolution shall also be forwarded by the legislative body to the Planning Commission.~~

~~C. Notice – If the legislative body determines that a review regarding the development plan is warranted, it shall, by letter, notify the following of the date, time, place and subject of the public hearing, and of the right of the public to respect the subject plans in the office of Planning and Design Services, and the right of the public to comment at the public hearing on the proposed development~~

~~1. The Planning Commission~~
~~2. All parties of record to any Planning Commission hearing previously held regarding the subject plan; and~~
~~3. All owners of property adjoining the subject property or directly across the street from the subject property.~~

~~D. Public Hearing – The public hearing shall include a presentation by a staff member of the Planning Commission stating the reason(s) for action. In addition, any applicant for review of the Planning Commission's action pertaining to the plan shall state why he/she believes the Planning Commission's action was not justified. The legislative body may hear any other such witnesses and review any other evidence at the hearing it deems appropriate.~~

~~E. Legislative Action – If the legislative body, subsequent to the public hearing agrees with the Planning Commission's action, it shall so indicate by resolution. If the legislative body disagrees with the Planning Commission's action, it may adopt a resolution directing the Planning Commission to alter its action in accordance with whatever directions and conditions the legislative body so indicates. A copy of all such resolutions shall be forwarded, by the legislative body to the Planning Commission.~~

~~F. Planning Commission Action – If the legislative body directs the Planning Commission by resolution to alter its action in a specified manner, the Planning Commission shall do so in accordance with said resolutions at its next regularly scheduled meeting. If the Planning Commission fails to comply, the alterations regarding the development plan specified by said resolutions shall become effective upon the adjournment of said meeting.~~

PART, 8 WAIVERS

11.8.5 Findings Necessary for Granting of Waiver or Modification

The Planning Commission may recommend approval to the City of Jeffersontown of any waivers or modifications of standards upon a finding that:

11.8.7 Delegation to Committee
The Planning Commission may delegate the authority to consider ~~and take final actions~~ en modifications or waivers to its Land Development and Transportation Committee or other such Committee of the Commission duly created under the By-Laws of the Commission. Committee decisions may be appealed to the Commission. The Planning Commission shall make a recommendation regarding the appropriateness of any waivers or modifications to the City of Jeffersontown.

FORM DISTRICT BOUNDARIES:

The Department of Planning and Design Services transmittal of its form district boundaries was received, and amended in accordance with exhibit A attached hereto.

SECTION III. That all ordinances, or parts of ordinances, in conflict with this ordinance, are hereby repealed.

SECTION IV. That this ordinance shall become effective upon its passage and publication.

Introduced and read at a meeting of the City Council of the City of Jeffersontown, Kentucky at a meeting held on the 5th day of April, 2004.

Read, passed and approved by the City Council of the City of Jeffersontown, Kentucky at a meeting held on the 7th day of April, 2004.

VETOED:

CLAY S. FOREMAN, MAYOR

APPROVED:

CLAY S. FOREMAN, MAYOR

ATTEST:

JIM LEIDGEN, CITY CLERK

CITY OF MIDDLETOWN

Ordinance No. 04-04

AN ORDINANCE RELATING TO ADOPTION AND AMENDMENT OF THE LAND DEVELOPMENT CODE FOR ALL OF JEFFERSON COUNTY, KENTUCKY, INCLUDING FORM DISTRICT REGULATIONS, AS MODIFIED BY THE CITY OF MIDDLETOWN

WHEREAS, the Department of Planning and Design Services of the Louisville Metro Planning Commission has forwarded to the Middletown City Commission its complete Land Development Code, for all of Jefferson County, Kentucky; and,

WHEREAS, the Middletown City Commission has reviewed these recommendations and does favorably consider such with the amendments and modifications referenced herein, now, therefore

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF MIDDLETOWN, as follows:

SECTION 1 . The Land Development Code for all of Jefferson County, Kentucky as promulgated by the Department of Planning and Design Services of the Louisville Metro Planning Commission is hereby adopted and incorporated by reference as if completely rewritten herein, with the following exceptions, to-wit

Chapter 1 - Part 1 - Transition Standards

1.1.8 Transition Standards

A. Development Plans

1. The provisions of this Land Development Code shall apply to all Development Plans (general and detailed) and Revised Development Plans (general and detailed) filed on or after June 4. 2004. ~~March 1, 2003 (LDC effective date)*.~~

2. Plans filed with a complete application prior to June 3, 2004 which are approved by the city of Middletown after June 4, 2004. and all subsequently filed detailed plans for the same development. ~~March 1 , 2003 (LDC effective date)*~~ shall be reviewed for compliance with the Development Code ~~as in effect at the time of filing~~ in effect at the time the first General district Development Plan was filed. The City of Middletown may approve the extension of expiration dates of Development Plans conforming to this section.

3. Approved Development Plans that will expire before December 6. 2004 ~~September 1, 2003~~, (LDC effective date + six months)' shall be deemed to expire one hundred eighty (180) days after the expiration date of the Development Plan.

4. No extensions of the expiration dates of Development Plans approved prior to ~~March 1, 2003~~ December 6.2004 (LDC effective date)' shall be granted by the Planning Commission,

B. Permits

1. Building permits, site disturbance permits, and other permits issued prior to ~~Maroh 1-2003 (LDC effective date)*~~ December 6. 2004 shall continue to be valid for the period stated on the permit and/or as may be provided for by law applicable at the time of permit issuance; the activity authorized by such permit(s) shall be governed by the development code applicable at the time of permit issuance even if such permit authorizes activities that would not comply with this Land Development Code.

2. Building permits, site disturbance permits, and other permits requested on or after March ~~4, 2003~~ June 4, 2004 (LDC effective date)* shall be issued only if the proposed construction or site disturbance conforms with the provisions of this Land Development Code.

   Exception: Building permits, site disturbance permits, and other permits shall be issued to allow the development of an approved detailed Development Plan that was approved prior to the effective date of this Land Development Code, provided the Plan has not expired at the time the permit request is made.

   Exception: in the case of General District Development Plans, which were filed prior to June 4, 2004 and approved thereafter by the City of Middletown all building permits. site disturbance permits and other permits shall be issued to allow development conformity to detailed district Development Plans subsequently approved by the City of Middletown all such permits shall comply with the development Code in effect at the time the first General District Development Plan was filed.

Chapter 1 - Part 2 - Definitions

1.2-24

~~Home Occupation"—An occupation, trade, business or profession conducted within a dwelling unit era structure accessory to a dwelling unit by an individual or group of individuals who are residents of the dwelling unit-This use shall be clearly incidental to the primary use as a residence—see-Chapter 4, Part 4).~~

HOME OCCUPATIQN: An occupation carried on by a resident of a dwelling as a secondary use within the same dwelling, in connection with which there is no person employed other than a member of the family residing on the premises, there is no advertising or any other display which will indicate from the exterior that the building is being used for any purpose other than that of a dwelling, there are no retail sales on the premises, no more that 10% of the floor area, basement area, and attached garage area combined of the building is used, and no mechanical equipment is used except such as is permissible for purely domestic purposes.

Chapter 2-Part 4

2.43 C-l Commercial District

The following provisions shall apply in the C-1 Commercial District unless otherwise provided in these regulations:

A. PERMITTED USES:

Automobile rental agencies with no more than ~~25~~ 10 rental passenger vehicles stored on site, and no more than two service bays for cleaning or maintenance, and having no repair or storage/dispensing of fuel.

Chapter 2, Part 7.

The Planned Transit Development District (PTD) is not adopted by the City of Middletown.

Chapter 2, Part 7.

The Planned Residential Development District (PRD) is not adopted by the City of Middletown.

Chapter 4 : Generally Applicable Development Standards Conditional Uses.

Chapter 4, Part 2.

Remove from the list of conditional uses or conditional uses requiring Conditional Use Permits, the following uses:

~~All Terrain Vehicle Courses~~
~~Commercial electric or steam Generating Plants~~
~~Outdoor Paintball Ranges~~
~~Garbage Dumps~~
~~Commercial Hog-feeding Lots~~
~~Scrap-Metal Processing Facilities and Junk-Yards~~

~~4.2.12.13 Commercial Animal Feeding Yards (including hogs, chickens, and other animals as determined by the Board of Zoning Adjustment)~~
~~Commercial Animal feeding Yards may be allowed in M-2 and M-3 Zoning Districts upon the granting of a Conditional Use Permit and compliance with the listed requirements.~~

~~A. All buildings, structures, pens, and yards shall be at least 100, feet from all property lines.~~
~~B. Adequate water supply shall be available to maintain the \ premises in a sanitary condition.~~
~~C. The applicant shall demonstrate adequate provisions to prevent surface water quality impacts due to animal wastes.~~

Accessory Uses and Miscellaneous Standards

Section 4.4.1 (A) Adult Entertainment Activities
Add "escort services" as one of the following activities.

Section 4.4. 3B 2-Location 4th Paragraph.
Add the language "appropriate" before Public Works Department.

4.4.5 HOME OCCUPATIONS

Note: See Middletown definition of "home occupation" in Part 1, Section 1.2.1.

~~*"Home Occupation" shall mean an occupation, trade, business or profession conducted within a dwelling unit or* a *structure accessory to a dwelling unit by an individual or group of individuals who are residents of the dwelling unit. This use shall be clearly incidental and secondary to the primary use as a residence.*~~

~~A. Intent.~~

~~The intent of this Section is to allow an occupant or occupants of a residence located on residentially zoned property to engage in a home occupation, trade, profession or business within said residence and its accessory structure(s) provided that such an activity does not adversely affect adjacent or nearby residents or the neighborhood as a whole.~~

~~B. Employees.~~

~~1. Employees working or meeting at the home occupation site shall be limited to persons who reside in the dwelling unit except that one nonresident employee shall be permitted to be at the site at any one time.~~

~~***NOTE:*** *Some subdivisions may restrict or prohibit home occupations through deed of restrictions.*~~

~~2. The owner/operator of a home occupation may apply for a conditional use permit to allow up to two additional nonresident employees (up to three total) if the following criteria are met:~~

~~a. The property on which the home occupation is located must be at least three acres in size to apply for one additional nonresident employee (two total).~~

~~b. The property on which the home occupation is located must be at least five acres in size to apply for two additional nonresident employees (three total).~~

~~C. Exterior Appearance.~~

~~There shall be no change to the exterior appearance of the dwelling unit that houses the home occupation and there shall be no visible evidence of the conduct of a home occupation as viewed from the public-right-of way and adjacent properties.~~

~~D. Number of Customers, Clients and Pupils Permitted.~~

~~No more than two customers, clients or pupils shall be permitted on the site at any one time except that (i) the occupant of a single-family dwelling may provide day care services for no more than eight individuals at one time; and (ii) the occupant of a single-family dwelling may provide group or professional therapy for no more than four individuals at one time. Appointments for clients must be scheduled with an allowance of time for one client or group of clients to leave before the succeeding client or group of clients arrive so as to avoid parking conflicts.~~

~~E. Signage.~~

~~No signage associated with a home occupation shall be permitted. This includes, but is not limited to, the placement of a business sign on or near the site. This shall not preclude the placement of a sign on a vehicle owned or leased by a resident that is parked on the premises in accordance with applicable regulations.~~

~~F. Parking and Deliveries.~~

~~1. Any parking needed to accommodate the customers, clients or pupils being served by a home occupation shall be provided off street on the dwelling unit's existing parking area/ driveway, except as provided in (2) below. The permit issuing authority shall determine whether the site has enough parking available in the parking area/ driveway to accommodate the parking generation expected from the proposed home occupation. Driveways may not be expanded or altered in any way to accommodate the expected parking needs of a home occupation.~~

~~2. On-street parking spaces may be used to accommodate a home occupation only if the owner/operator provides the Planning Director with a parking study that meets the requirements of Section 9.1.17 (Parking Studies) of the Land Development Code and the Planning Director finds that the use of the on-street parking spaces by the home occupation will not adversely affect adjacent or nearby residences. If the Planning Director is unable to make such a determination, he/she may forward the request to the Planning Commission or its designee for final approval.~~

~~3. Deliveries associated with the home occupation shall not be made using tractor-trailers. No more than two commercial deliveries (e.g. UPS, federal Express, US Postal Service Express Mail) shall be made in any 24-hour period.~~

~~C. Permitted Locations and Maximum Size/Area.~~

~~1. The operation of home occupations shall be limited to the dwelling unit (including the basement and attached garage) and one roofed and fully enclosed accessory structure located on the site.~~

~~2. The area occupied by home occupations shall not exceed the limits specified below. The maximum area calculation shall include the space in which the home occupation is conducted as well as any areas that the home occupation's employees, customers, clients or pupils typically use including hallways, bathrooms and kitchens, when applicable. When all or a portion of the activity associated with a home occupation is proposed to occur in an accessory structure then the floor area of that accessory structure may be included in the calculation of the residence's floor area.~~

~~a. A home occupation situated on a lot of less than one acre shall occupy no more than 25% of the floor area of the residence or 500 square feet in area, whichever is less.~~

~~b. A home occupation situated on a lot greater than one acre shall occupy no more than 25% of floor area or 1,000 square feet, whichever is less.~~

~~3. All activities associated with a home occupation are prohibited from occurring outside of the residence and its accessory structure except as specifically permitted.~~

~~H. Hours of Operation.~~

~~1. Any home occupation that accommodates customers, clients or pupils on the site shall not be permitted to operate between the hours of 9 P.M. and 7 A.M.~~

~~2. No nonresident employee may work at a home occupation between the hours of 9 P.M. and 7 A.M.~~

~~I. Other Requirements.~~

~~1. No machinery, equipment, or process used or conducted in association with a home occupation shall create any noise, vibration, fumes, odors, dust or electrical interference that is detectable:~~

~~a Off the lot if the home occupation is conducted in a single family dwelling unit; or~~

~~b. Outside the dwelling unit if the home occupation is conducted in something other than a single-family dwelling unit.~~

2. ~~No equipment discernable identified with a home occupation may be stored outside the residence unless it is located within an accessory structure. Children's play equipment associated with a day care shall be exempt from this restriction.~~

3. ~~The sale of agricultural goods (e.g. flowers and vegetables) that are grown on the site shall be permitted as a home occupation as long as the other requirements of this Section are met.~~

4. ~~More than one home occupation may be permitted within a dwelling unit, however the cumulative impact of the home occupations shall not exceed the maximum limits for the number of employees, number of customers, clients and pupils, parking and delivery restrictions, and maximum size/ area limits prescribed by this Section.~~

~~NOTE: Uses generally acceptable as home occupations include: Day care facilities (7 or less individuals)~~
~~Mail Order Operations~~
~~Woodshops~~
~~Beauticians~~

The-offices of the following professionals:
~~Accountants, Architects, Attorneys, Engineers, Real estate brokers, Sales and Manufacturing Representatives, financial advisors, Insurance agents, Landscape architects Counselors, Mediators Travel agents, Therapists, Chiropractors, Psychologists, and Psychiatrists~~

~~J. Prohibited Home Occupations.~~

~~The following uses/activities are prohibited as home occupations unless expressly permitted by other provisions of this Section. If, in the opinion of the permit issuing authority, a use or activity that is proposed as a home occupation is not specifically listed as prohibited, but has characteristics of a use or uses that are listed and could negatively impact the residential character of the neighborhood in which it is proposed, then that use/activity shall be prohibited as a home occupation. Such determinations may be appealed to the Board of Zoning Adjustment.~~
~~Any use or activity that does not meet the requirements of this Section;~~
~~Adult entertainment;~~
~~Auto or Other Vehicle Sales, Service, Rental or Repairs (excluding minor repairs made to vehicles owned or leased by residents of the site);~~
~~Bed and Breakfast;~~
~~Daycare facilities (except as otherwise permitted);~~
~~Clubs~~
~~Dentistry;~~
~~Drive-In Facilities;~~
~~Eating and Drinking Establishments;~~
~~Escort Services~~
~~Group Instruction or Therapy with more than four students or clients on the premises at a time;~~
~~Gun Dealers;~~
~~Health Spas (excluding personal trainers / massage therapist);~~
~~Hospitals and Clinics;~~
~~Hotels/Motels;~~
~~Kennels;~~
~~Large appliance repair~~
~~Lawn mower repair~~
~~Machine shop~~
~~Medical examinations or treatment (other than psychiatry as expressly permitted herein);~~

~~Plasmapheresis;~~
~~Retail Advertising;~~
~~Retail and Wholesale Sales (except as otherwise permitted);~~
~~Taxi or Limousine Service;~~
~~Whole Blood facilities;~~
~~Manufacture of Goods;~~
~~Distribution of Goods (excluding mail order operations);~~
~~Storage of Goods to be Offered for Sale;~~
~~Display of Goods~~

K. License Registration of Home Occupations.

Prior to the establishment of any home occupation ~~that (i) serves customers, clients or pupils at the site, or (ii) has one or more non-resident employees,~~ the proprietor shall register the occupation. Day care centers as a home occupation shall require a home occupation registration. The registration shall not be transferable and shall not run with the land; it shall terminate upon sale or transfer of the property to a new owner or tenant. The Planning Director shall maintain records of registered home occupations. The registration form shall be the basis for determining compliance with the requirements of this section 4.4.5. Home occupation proprietors shall be responsible for updating their registration forms, at such time as their operations change from the activities described in the registration documents. Any home occupation ~~meeting either criteria (i) or (ii) above~~ that was established before the effective date of this Section shall have one year from the effective date of this Section to register the home occupation. Upon registration of a home occupation the Planning Director shall transmit a copy of said registration to the City of Middletown.

Part 5 Alternative Development Incentives (ADI)

* The City of Middletown has not adopted this section of the Land Development Code at this time.

Chapter 5 Form District Regulations

5.1.7

L. Anything to the contrary in any other part of this code not withstanding, there shall not be hereafter created any single family residential lot in the City of Middletown of less than 9.000 square feet.

M. Where existing lots of less than 25,000 square feet are subdivided further, no single family residential lot shall thereby be created that is less than the greater of (a) 9.000 square feet, or (b) 90% of the average size of the residentially developed lots in the same block facing the same street. As used herein "block" shall mean the area between two dedicated streets.

N. No single family residence shall hereafter be constructed containing less than 1.200 square feet where the lot on which it is constructed contains 9.000 or more square feet.

Part 4 Residential Site Design Standards

Section 5.4.2 Suburban Form District

Revise language as follows:

D. Accessory Structures

1. Maximum Size - The maximum building footprint for an accessory structures for single family residential buildings shall not exceed ~~1,000~~ 750 square feet for first floor and not to exceed 1,000 square feet total in two story structure. The maximum height of accessory structures shall not exceed the height of the principal structure. Accessory structures with building footprint greater than 1,000 square feet may be permitted in accordance with Section 4.3.5.*

   Multiple accessory structures are allowed, subject to the limits established in paragraph 3.b, below.

3. Accessory Structures/Uses in a Required Rear or Side Yard -Accessory structures and uses for residential buildings may be permitted in a required side or rear yard setback when the following standards are met.:

   a. The minimum setback from a rear property line shall be 5 feet. The minimum setback from side property lines shall be ~~2~~ 3 feet, except that accessory structures and uses shall observe the same setback from street side property lines as required for principal structures. Parking areas shall be at least 5 feet from the required rear property line. Parking is permitted within required side yards.*

Section 5.5.1 Traditional Form District Design Standards

Revise language as follows:

A. General Site Design Standards (Downtown Form District excluded)

1. Building Location and Orientation

   a. Principal building entrances shall face the primary street serving the development or shall be oriented toward a focal point such as a landscaped public square, plaza or similar formal public open space. Entrances to principal buildings may be located in a manner that promotes safe and efficient movement of pedestrian access relative to all models of transportation (i.e. vehicular, pedestrian, bicycle etc.). All structures that are located along the primary street serving the development shall also have doors or windows facing the primary street (see b. Below for lots with more than one street frontage). Principal buildings shall be parallel to the primary street. If the prevalent (more than 50%) orientation of buildings on the block is at an angle to the street, the new building's orientation shall be the same as other buildings. The walls of buildings on corners should be parallel to the streets.

Section 5.5.2 Suburban Form District Design Standards

Revise language as follows:

A. Building Location and Orientation

1. Principal buildings and building entrances on a site shall have entrances and glazing, display windows or windows affording views into the business which face the abutting public street serving the development In the alternative, principal buildings and entrances shall be oriented toward a focal point. Entrances to principal buildings may be located in a manner that promotes safe and efficient movement of pedestrian access relative to all models of transportation (i.e. vehicular, pedestrian, bicycle etc.). Structures located at a street corner may have a single entrance, located at the corner of the building. Buildings with frontage on two streets shall have consistent building design and materials on each facade. Internally oriented structures closest to the public street(s) serving the development shall also have doors or windows feeing the street.

Chapter 6 Mobility Standards Part 2 Streets and Rights -of-Way

6.2.6 Requirements for Specific Types of Streets and Alleys

A. Minimum Requirements - New streets shall provide right-of-way and improvements specified in the following table, according to the functional class of the street and the form district in which it is located, subject to the following exception:

1. Sidewalks shall not be required on lots that are five acres or greater in area and developed for single family residential uses unless they connect with existing sidewalks.

B. ~~**Fee in Lieu Option**~~ ~~- The Director of Works or designee may allow the payment in lieu of sidewalk construction upon a finding that construction of a sidewalk is not appropriate due to one of the following:~~

~~1. Sidewalks construction is impracticable due to topographical conditions or narrow right of way; or~~

~~2. A determination by the Director of Works or designee that sidewalks do not exist in the area and there is not a likelihood for sidewalks to be constructed in the future Amount of fee shall be set by Metro Public Works based on average sidewalk construction. All fees paid shall be used for sidewalk construction within the same Metro Commission District. It should be noted that payment of a fee in lieu of sidewalk construction is an option available to developers that must be approved by the Director of Works. Applicants retain the right to request a sidewalk waiver: in no case shall the Planning Commission or Director of Works require the payment of a fee in lieu of sidewalk construction..~~

Chapter 8 Sign Regulations

(NOTE: "The City of Middletown has a sign regulation ordinance and it shall be inserted in this section and utilized as it exist or as it maybe amended, ")

Where the City of Middletown Sign Ordinance Regulations are more restrictive, such as the disallowance of portable or temporary signs, the prohibition of billboards or off-premises advertising signs, and reduced signs in the historic district, such more restrictive regulations shall apply.

Chapter 9 - Motor Vehicle Parking and Loading Standards.

9.1.3

G. Policy. It is the policy of the City of Middletown to cause the parking for commercial purposes to be to the rear of the buildings and/or with landscape berm/screenings provided.

Chapter 10 - Tree Canopy, Landscaping and Open Space

10.3.11 -The following roadways located in the City of Middletown are hereby designated as scenic corridors.

a Main Street between Blankenbaker Parkway and Locust; and Old Shelbyville Road from Locust to Shelbyville Road.

b_. Shelbyville Road within the city limits of the City of Middletown.

c. Urton Lane;

d. Old Henry Road from Evergreen Road to English Station Road:

e. Tucker Station Road from Madison Avenue to Ellingsworth Lane-

ADMINISTRATIVE OFFICIALS

11.4.5 Public Hearing

D. Following the public hearing, the Planning Commission shall make a recommendation regarding the appropriateness of the Zoning District or Form District Map Amendment to the legislative body with zoning authority over the property in question. In addition, the Planning Commission shall by separate vote, recommend to the City of Middletown, the ~~approve~~ approval, rejection or defer action on the development plan submitted and considered in conjunction with the proposed Zoning or Form District Map Amendment.

11.4.7 Plan Certain Developments

A. Designation of Binding Elements

The Planning Commission or Legislative Body with zoning authority shall designate, at the time of approval or amendment of any development plan, those elements, provisions and restrictions of the approved plan, including a time period for development plan expiration, that shall be an integral and permanent part of the development plan and thereby binding on the use and development of the subject property. Binding elements approved as part of any development plan shall be applicable to all development plans subsequently prepared for a subject property] and shall be binding upon the fixture use and development of said property. The Planning Commission shall make a recommendation regarding the appropriateness of any waivers of said binding elements to the City of Middletown. ~~unless specifically waived by the Planning Commission.~~

PART 6 DEVELOPMENT PLANS

11.6.2 Category 1 Review Procedure

Prior to issuance of building permits, the Middletown mayor or his/her designee and the building official shall assure the plan is in compliance with the applicable provisions of this code and all binding elements and conditions of approval. These provisions include but are not limited to: allowable uses; yard and setback requirements; height; landscaping; environmental assessment; and parking. In cases in which the building official has reason to question the development plan's compliance with any provision of the Land Development Code, applicable binding elements and conditions of approval, the building official may forward the development plan to the Planning Director for a review and action on the plan.

11.6.3 Category, 2 Review Procedure

A. Application for Planning Director Approval
Applications for Category 2 development approval shall be submitted on forms supplied by the department. Applications shall be signed by the property owner or his/her agent and filed with Planning and Design Services. Applications shall be accompanied by supporting material determined appropriate by the Planning Director and by the appropriate fee. The list of required supporting materials shall be available from the offices of Planning and Design Services. Failure to submit all required material may result in delay of the application review. At a minimum, the application shall be accompanied by a development plan of sufficient detail to demonstrate to the Planning Director that the proposed development is in compliance with the applicable requirements of these regulations and. any applicable binding elements or conditions of approval. The Planning Director shall recommend approval to the City of Middletown if ~~approve~~ the proposed development is in ~~if it~~ compliance with the requirements of this code; associated binding elements, if any; and other applicable law. In cases in which the Planning Director has reason to question the development plan's compliance with any provision of the Land Development Code, applicable binding elements and conditions of approval, the Director may forward the development plan to the Planning Commission, or designated committee thereof, for review and action on the plan. The Planning Commission shall by separate vote, recommend approval, rejection or defer action on the development plan submitted and considered to the City of Middletown.

In accordance with KRS 100 the Planning Commission has final review authority over subdivisions (both minor and major).

B. Issuance of Building Permits
In addition to those materials required by the appropriate building code, applications for permit for construction activity meeting the Category 2 thresholds shall be accompanied by a development plan, which has been approved by the Planning Director and the City of Middletown. Building permits for Category 2 development shall be issued only in conformance with the development plan approved by the Planning Director and the City of Middletown and any applicable binding elements or conditions of approval of a district development plan.

11.6.4 Category 3 Review Procedure A. Commission

A Commission Approval Required
In addition to those materials required by the appropriate building code, applications for permit for construction activity meeting the Category 3 thresholds shall be accompanied by a development plan which has been approved by the Planning Commission and the City of Middletown under the Community Design Review Procedure outlined below. The Planning Commission may delegate this review process to a Committee of the Commission. The Technical Review Committee process defined in Chapter 7 shall satisfy the Community Design Review Process required for subdivisions that meet the threshold established in the form district regulations.

B. Community Design Review Process

3. Review Session - Review of and action on the proposal shall take place in a public meeting before the Planning Commission or Committee thereof. No less than ten (10) calendar days prior to an original or continued review session date, the applicant shall submit original or revised development plans, studies, reports, etc. which have been prepared in response to comments received during the review process. This section does not preclude the applicant from presenting, at the review session, changes to the plan in response to concerns of the neighbors, agency review staffer the Planning Commission. The Planning Commission or designated Committee shall recommend approval to the City of Middletown if approve the proposed development ~~if it~~ complies with the requirements of this code; associated binding elements, if any; and other applicable law.

C. Issuance of Building Permits

In addition to those materials required by the appropriate building code, applications for permit for construction activity meeting the Category 3 thresholds shall be accompanied by a development plan which has been approved by the Planning Director and the City of Middletown. Building permits for Category 3 development shall be issued only in conformance with the development plan approved by the Planning Director and the City of Middletown and any applicable binding elements or conditions of approval of a district development plan.

PART 7 APPEALS

11.7.1 Planning Commission Review of Staff Determinations

A. Applicability - When the Planning Director, Director of Works or Local Building Official (or official of the City of Middletown) within the City of Middletown) is authorized by this Land Development Code to take action on a proposal on behalf of the Planning Commission, such action may be appealed to the Planning Commission by filing an appeal no later than ten (10) calendar days after the date of the action. All actions which have not been appealed to the Planning Commission within ten (10) calendar days shall not be subject to further administrative review or appeal.

B. Notice - Notice of the appeal shall be given to the applicant (if not the appellant) and all first tier property owners at least seven (7) calendar days prior to the meeting at which the Planning Commission will consider the appeal.

C. Delegation to Committee - The Planning Commission may delegate the authority to consider and take final actions on appeals to its Land Development and Transportation Committee or other such Committee of the Commission duly created under the By-Laws of the Commission. The Planning Commission shall make a recommendation regarding the appropriateness of any appeals to the City of Middletown.

~~11.7.4 Legislative Body Review of Commission Action on Development~~

~~A. Applicability – Planning Commission approval or denial of any development plan for developments except Category 1 developments (as defined in Section 11.6.1) may be reviewed by the legislative body having zoning authority over the property in question, if the legislative body determines that such a review is warranted. Any such review shall be conducted as a public hearing. Initial review of Planning Director actions on plans for Category 2 development shall be by the Planning Commission in accordance with Section 11.7.1.~~

~~B. Initiation of Review – The owner(s) of the subject property or any aggrieved party may request a: hearing before the legislative body by submitting a written letter to the appropriate legislative body stating the reason(s) why such a review is warranted. The legislative body with zoning authority over the subject site may initiate the review on its own by resolution. Such letter shall be filed with the appropriate legislative body or resolution adopted within fifteen (15) calendar days after the date the minutes of the Planning Commission are approved reflecting its action regarding said development plan. The legislative body shall forward a copy of said letter or resolution to the owner of the subject property, if the owner is riot the applicant for the review. A copy of said letter or resolution shall also be forwarded by the legislative body to the Planning Commission.~~

~~C. Notice – If the legislative body determines that a review regarding the development plan is warranted, it shall, by letter, notify' the following of the date, time, place and subject of the public hearing, and of the right of the public to respect the subject plans in the office of Planning and Design Services, and the right of the public to comment at the public hearing on the proposed develop matter •~~

~~1. The Planning Commission~~
~~2. All parties of record to any Planning Commission hearing previously held regarding the subject plan;~~ and
~~3. All owners of property adjoining the subject property or directly across the street from the subject property.~~

~~D. Public Hearing – The public hearing shall include a presentation by a staff member of the Planning Commission stating the reason(s) for action. In addition, any applicant for review of the Planning Commission's action pertaining to the plan shall state why he/she believes the Planning Commission's action was not justified. The legislative body may hear any other such witnesses and review any other evidence at the hearing it deems appropriate.~~

~~E. Legislative Action – If the legislative body, subsequent to the public hearing agrees with the Planning Commission's action, it shall so indicate by resolution. If the legislative body disagrees with the Planning Commission's action, it may adopt a resolution directing the Planning Commission to alter its action in accordance with whatever directions and conditions the legislative body so indicates. A copy of all such resolutions shall be forwarded, by the legislative body to the Planning Commission.~~

~~F. Planning Commission Action – If the legislative body directs the Planning Commission by resolution to alter its action in a specified manner, the Planning Commission shall do so in accordance with said resolutions at its next regularly scheduled meeting. If the Planning Commission fails to comply, the alterations regarding the development plan specified by said resolutions shall become effective upon the adjournment of said meeting.~~

PART, 8 WAIVERS

11.8.5 Findings Necessary for Granting of Waiver or Modification

The Planning Commission may recommend approval to the City of Middletown of any waivers or modifications of standards upon a finding that:

11.8.7 Delegation to Committee

The Planning Commission may delegate the authority to consider and take final actions on modifications or waivers to its Land Development and Transportation Committee or other such Committee of the-Commission duly created under the By-Laws of the Commission. Committee decisions may be appealed to the Commission. The Planning Commission shall make a recommendation regarding the appropriateness of any waivers or modifications to the City of Middletown.

FORM DISTRICT BOUNDARIES:
The Department of Planning and Design Services transmittal of its form district boundaries was received, and amended in accordance with exhibit A attached hereto.

SECTION 3. In event the provisions of this Ordinance indicating changes from the Code as recommended by the Louisville Metro Department of Planning and Design Services conflict therewith, the provisions of this Ordinance making changes shall apply, any comment to the contrary notwithstanding.

SECTION 4. That all ordinances, or parts of ordinances, in conflict with this ordinance, are hereby repealed.

SECTION 5. That this ordinance shall become effective upon its passage and publication.

Introduced and read at a meeting of the City Commission of the City of Middletown, Kentucky at a meeting held on the May 26, 2004. Read, passed and approved by the City Commission of the City of Middletown, Kentucky at a meeting held on the 3rd day of June, 2004.

J. Byron Chapman, Mayor

ATTEST:

\\Betty Daigrepont, City Cterk

Chapter 2	**Zoning Districts** **Density, Intensity, and Land Use**		
	Part 1	**General Provisions** Establishment of Districts and Zoning Map, Conformance with Zoning Regulations, Unclassified Land, Density Calculation	**2.1-1**
	Part 2	**Residential Zoning Districts** **(R-R – R 8A)**	**2.2-1**
	Part 3	**Office/Residential Zoning Districts** **(OR, OR-1, OR-2, OR-3, OTF)**	**2.3-1**
	Part 4	**Commercial Zoning Districts** **(C-N, C-R, C-1, C-2, C-3, C-M)**	**2.4-1**
	Part 5	**Industrial Zoning Districts** **(M-1, M-2, M-3)**	**2.5-1**
	Part 6	**Special Purpose Districts** **(EZ-1, PRO, PEC, W-1, W-2, W-3)**	**2.6-1**
	Part 7	**Planned Development (PD) Districts**	**2.7-1**
	2.7.1	**Planned Village Development District**	**2.7-1**
	2.7.2	**Chapter 2 Planned Transit Development District**	**2.7-27**
	2.7.3	**Planned Residential Development District**	**2.7-46**
	2.7.4	**Traditional Neighborhood Zoning District**	**2.7-50**
	Appendix 2A	*Zoning District Uses Table*	2A-1
	Appendix 2B	*Old Louisville/Limerick TNZD Plan Report Excerpt*	*2B-1*

2.1.1 Zoning Districts

A. The following zoning district classifications are hereby created for all of Jefferson County, Kentucky.

R-R Rural Residential District
R-E Residential Estate District
R-1 Residential Single Family District
R-2 Residential Single Family District
R-3 Residential Single Family District
R-4 Residential Single Family District
R-5 Residential Single Family District
U-N Urban Neighborhood District
R-5A Residential Multi-Family District
R-5B Residential Two-Family District
R-6 Residential Multi-Family District
R-7 Residential Multi-Family District
R-8A Residential Multi-Family District
OR Office/Residential District
OR-1 Office/Residential District
OR-2 Office/Residential District
OR-3 Office/Residential District
OTF Office/Tourist Facility
C-N Neighborhood Commercial District
C-R Commercial/Residential District
C-1 Commercial District
C-2 Commercial District
C-3 Commercial District
CM Commercial Manufacturing
EZ-1 Enterprise Zone District
M-1 Industrial District
M-2 Industrial District
M-3 Industrial District
PRO Planned Research/Office Center District
PEC Planned Employment Center District
DRO Development Review Overlay
W-1 Waterfront District
W-2 Waterfront District
W-3 Waterfront District
WRO Waterfront Development Review Overlay District
PVD Planned Village Development District
PTD Planned Transit Development District
PRD Planned Residential Development District
TNZD Traditional Neighborhood Zoning District

B. The boundaries of the various districts are as shown on the Zoning District Map for all of Jefferson County, Kentucky, certified copies of which are available in the office of the Commission.

C. All territory which may hereafter be annexed to an incorporated area shall continue to be subject to the zoning district regulations applicable thereto prior to the time of annexation.

2.1.2 Boundaries Of Districts

A. A zoning district letter-number combination shown on the Zoning District Map indicates that the regulations pertaining to the zoning district so designated extends throughout the whole area bounded by the zoning district boundary lines, except as otherwise provided by this section.

B. Where uncertainty exists with respect to the boundaries of the various districts on the Zoning District Map, the following rules shall apply:

1. In cases where a boundary line is shown within a street, alley or stream, it shall be deemed to be in the center of the street, alley or stream, and if the actual location of such street, alley or stream varies slightly from the location as shown on the Zoning District Map, then the actual location shall control;

2. In cases where a boundary line is shown adjoining or coincident with a railroad or public utility right-of-way or easement, it shall be deemed to be in the center of the railroad or public utility right-of-way or easement;

3. Where the Zoning District Map shows a district boundary line as approximately coterminous with a property line or lot line, then the district boundary line shall be said property line or lot line;

4. Where the public street or alley is officially vacated or abandoned the district boundary of the abutting property shall extend to the center line of such vacated or abandoned street or alley. If a portion of a public street or alley is abandoned, the district boundary of the abutting property shall be extended to include said portion; and

5. Where any private right-of-way or easement of any railroad, canal, transportation or public utility company is vacated or abandoned, the district boundary of the abutting property shall extend to the center line of such vacated or abandoned property.

2.1.3 The Use Of Land And Buildings:

A. Land Use and Agricultural Purposes - No land may be used except for a purpose permitted in the district in which it is located. Land which is used solely for agricultural purposes shall be subject to land use regulations adopted pursuant to KRS Chapter 100 only to the extent authorized by KRS 100.203 (4).

B. Building Uses and Location:

1. No building shall be erected, converted, enlarged, reconstructed, moved or structurally altered, nor shall any building be used for any purpose except a use permitted in the district in which the building is located;

2. Every building hereafter erected or structurally altered shall be located on a lot or tract as herein defined, and in no case shall there be more than one main building on one lot except group houses, multi-family residential buildings, religious complexes (sanctuaries/houses of worship, having ancillary structures such as activity buildings, residences for church personnel), commercial, office and industrial buildings;

3. No mobile home shall be occupied or used for any residential purpose except when parked in a mobile home park, or when located on a lot of not less than five acres and used for agricultural purposes. Not more than one automobile trailer or mobile home shall be sold, displayed or stored on any property unless approved as a conditional use in Chapter 4 Part 2. No other building or structure shall be attached to a mobile home.

C. Dwelling Unit Ratio:

When there is a mixture of residential uses and other uses in a building, the number of dwelling units to be allowed shall be determined in the following manner:

1. The maximum floor area allowed for a building or buildings at that location will be determined by multiplying the area of the lot by the floor area ratio for the district;

2. Determine the floor area proposed for non-residential use and subtract this quantity from the figure obtained in step (a);

3. Determine the percentage the figure obtained in step (b) is of the maximum allowable floor area; and

4. This percentage applied to the area of the lot shall establish the maximum area on which residential requirements can be based.

D. Unclassified Land:

If any property subject to these regulations is not shown as being in a zoning district, the classification of such property shall be R-1 Single Family Residential District.

E. Density Calculation

1. General Rule

When determining the number of dwelling units allowed on a particular parcel of land, the land area is divided by the minimum lot area per dwelling unit as required by the appropriate Form and Zoning District classifications. When this calculation yields a fraction of a dwelling unit, the fractional part may not be considered. (For example, a 5.1 acre or 221,400 square foot parcel, in a zone that requires a minimum lot area of 6,000 square feet per dwelling unit could accommodate 36.9 dwelling units (221,400 divided by 6,000). Thirty-six units would be allowed.)

2. Exception for Lots Created Before March 8, 1963

When determining the number of units allowed on a lot created before March 8, 1963 and located in a zoning district permitting multifamily use, the land area is divided by the minimum lot area per dwelling unit as required by the appropriate zoning district classification. When this calculation yields a fraction of a dwelling unit, the fractional part may not be considered unless it is equal to or greater than 80% (.8) of a unit.

2.2.1 R-R Rural Residential District

This district shall include all land and water areas indicated on the Zoning District Map as R-R. The purpose of classifying land and water areas within this district is to regulate uses in rural, agricultural and environmentally sensitive areas.

The following provisions shall apply in the R-R Rural Residential District unless otherwise provided:

A. Permitted Uses:

1. General

Accessory buildings or uses
Agricultural or horticultural crops, including but not limited to livestock, soybeans, tobacco production, timber, orchard fruits, vegetables, flowers or ornamental plants and also including sale of materials grown on the premises, including provision for dwellings for persons and their families who are engaged in the above agricultural use on the tract.
Dwellings, Single-family
Home occupations
Libraries, museums, historical buildings and grounds, arboretums, aquariums, and art galleries, not for profit
Nature preserve
Residential care facilities
Riding or boarding stables
Wildlife management

2. The following uses are permitted provided that all structures observe a one hundred and fifty feet (150) front, street side, side and rear yard:

Accessory buildings or uses
Churches, parish halls, and temples
Colleges, schools, and institutions of learning (except trade, business, or industrial schools), not for profit
Commercial fishing lakes
Convents and monasteries
Garage or yard sales
Golf courses; except miniature courses, driving ranges, or privately owned golf courses operated for commercial purposes
Outdoor swimming clubs and outdoor tennis clubs/courts
Parks and playgrounds, and community centers, not for profit
Private non-profit clubs or camps of a recreation nature (other than outdoor gun clubs)

B. Conditional Uses:

Certain uses may be permitted in this district upon the granting of a Conditional Use Permit by the Board of Zoning Adjustment. Refer to Chapter 4, Part 2 for a listing of uses and requirements that apply to specific uses.

C. Property Development Regulations

Refer to the applicable Form District regulations in Chapter 5 for lot size, setback, building height and other restrictions.

D. Maximum Density and FAR

1. Maximum Floor Area Ratio: 0.05

2. Maximum Density: 0.2 dwellings per acre

2.2.2 R-E Residential Estate District

The following provisions shall apply in the R-E Residential Estate District unless otherwise provided in these regulations:

A. Permitted Uses:

Accessory buildings or uses
Agricultural uses
Churches, parish halls and temples
Colleges, schools, and institutions of learning (except trade, business, or industrial schools), not for profit
Community residences
Convents and monasteries
Country clubs
Dwellings, Single-family
Family care home (mini-home)
Garage or yard sales
Golf courses, except miniature courses, driving ranges, or privately owned golf courses operated for a commercial purpose
Libraries, museums, historical buildings and grounds, arboretums, aquariums, and art galleries, not for profit
Parks, playgrounds, and community centers, not for profit
Temporary buildings, the uses of which are incidental to construction operations being conducted on the same or adjoining lot or tract, and which shall be removed upon completion or abandonment of such construction, or upon the expiration of a period of two years from the time of erection of such temporary buildings, whichever is sooner

B. Conditional Uses:

Certain uses may be permitted in this district upon the granting of a Conditional Use Permit by the Board of Zoning Adjustment. Refer to Chapter 4, Part 2 for a listing of uses and requirements that apply to specific uses.

C. Property Development Regulations

Refer to the applicable Form District regulations in Chapter 5 for lot size, setback, building height and other restrictions.

Maximum Density and FAR:

1. Maximum Floor Area Ratio: 0.1

2. Maximum Density: 1.08 dwellings per acre

2.2.3 R-1 Residential Single Family District

The following provisions shall apply in the R-1 Residential Single Family District unless otherwise provided in these regulations:

A. Permitted Uses:

Accessory buildings or uses
Agricultural uses
Churches, parish halls and temples
Colleges, schools and institutions of learning (except trade, business, or industrial schools), not for profit
Community residences
Convents and monasteries
Country clubs
Dwellings, Single-family
Family care home (mini-home)
Garage or yard sales
Golf courses, except miniature courses, driving ranges, or privately owned golf courses operated for commercial purposes
Home occupations
Libraries, museums, historical buildings and grounds, arboretums, aquariums, and art galleries, not for profit
Parks, playgrounds, and community centers, not for profit
Residential care facilities
Temporary buildings, the uses of which are incidental to construction operations being conducted on the same or adjoining lot or tract, and which shall be removed upon completion or abandonment of such construction, or upon the expiration of a period of two years from the time of erection of such temporary buildings, whichever is sooner

B. Conditional Uses:

Certain uses may be permitted in this district upon the granting of a Conditional Use Permit by the Board of Zoning Adjustment. Refer to Chapter 4, Part 2 for a listing of uses and requirements that apply to specific uses.

C. Property Development Regulations

Refer to the applicable Form District regulations in Chapter 5 for lot size, setback, building height and other restrictions.

D. Maximum Density and FAR

1. Maximum Floor Area Ratio:

a. For all lots: ……..……..……0.3

For all other lots (Anchorage only) …….…..……0.12

2. Maximum Density:

a. For Anchorage, Shively: ……..1.45 dwellings per acre

b. For Jefferson County, Douglass Hills, Hurstbourne, Middletown,

c. St. Matthews: ….……1.08 dwellings per acre

2.2.4 R-2 Residential Single Family District

The following provisions shall apply in the R-2 Residential Single Family District unless otherwise provided in these regulations:

A. Permitted Uses:

All uses permitted in the R-1 Residential Single Family District.

B. Conditional Uses:

Certain uses may be permitted in this district upon the granting of a Conditional Use Permit by the Board of Zoning Adjustment. Refer to Chapter 4 Part 2 for a listing of uses and requirements that apply to specific uses.

C. Property Development Regulations

Refer to the applicable Form District regulations in Chapter 5 for lot size, setback, building height and other restrictions.

Maximum Density and FAR

1. Maximum Floor Area Ratio: 0.5

2. Maximum Density: …….2.17 dwellings per acre

2.2.5 R-3 Residential Single Family District

The following provisions shall apply in the R-3 Residential Single Family District unless otherwise provided in these regulations:

A. Permitted Uses:

All uses permitted in the R-1 Residential Single Family District.

B. Conditional Uses:

Certain uses may be permitted in this district upon the granting of a Conditional Use Permit by the Board of Zoning Adjustment. Refer to Chapter 4 Part 2 for a listing of uses and requirements that apply to specific uses.

C. Property Development Regulations

Refer to the applicable Form District regulations in Chapter 5 for lot size, setback, building height and other restrictions.

Maximum Density and FAR:

1. Maximum Floor Area Ratio: 0.5

2. Maximum Density: …..……...3.63 dwellings per acre

2.2.6 R-4 Residential Single Family District

The following provisions shall apply in the R-4 Residential Single Family District unless otherwise provided in these regulations:

A. Permitted Uses:

All uses permitted in the R-1 Residential Single Family District.

B. Conditional Uses

Certain uses may be permitted in this district upon the granting of a Conditional Use Permit by the Board of Zoning Adjustment. Refer to Chapter 4 Part 2 for a listing of uses and requirements that apply to specific uses.

C. Property Development Regulations

Refer to the applicable Form District regulations in Chapter 5 for lot size, setback, building height and other restrictions.

Maximum Density and FAR

1. Maximum Floor Area Ratio:

   a. For reduced size lots created in accordance with the Alternative Development Incentives regulations (Chapter 4, Part 5): 1.5

   b. For all other lots: 0.5

2. Maximum Density: …….4.84 dwellings per acre

2.2.7 R-5 Residential Single Family District

The following provisions shall apply in the R-5 Residential Single-Family District unless otherwise provided in these regulations:

A. Permitted Uses:

All uses permitted in the R-1 Residential Single Family District, as well as the following use(s):

Dwellings, semi-detached, on lots recorded before June 17, 1954, where each dwelling unit is constructed on its own lot and meets all other requirements of this zoning district

B. Conditional Uses:

Certain uses may be permitted in this district upon the granting of a Conditional Use Permit by the Board of Zoning Adjustment. Refer to Chapter 4 Part 2 for a listing of uses and requirements that apply to specific uses.

C. Property Development Regulations:

Refer to the applicable Form District regulations in Chapter 5 for lot size, setback, building height and other restrictions.

Maximum Density And Far

1. Maximum Floor Area Ratio:

   a. For reduced size lots created in accordance with the Alternative Development Incentives regulations (Chapter 4, Part 5) 1.5

   b. For all other lots: 0.5

2. Maximum Density: ..……...7.26 dwellings per acre

2.2.8 U-N Urban Neighborhood District

The following provisions shall apply in the Urban Neighborhood District unless otherwise provided in these regulations.

A. Permitted Uses:

Accessory buildings or uses
Agricultural uses
Churches, parish halls and temples
Colleges, schools, and institutions of learning (except trade, business, or industrial schools), not for profit
Community residences
Convents and monasteries
Dwellings, semi-detached, where each dwelling unit is constructed on its own lot with one zero lot line and meets all other requirements of this district.
Dwellings, Single-family
Family care home (mini-home)
Garage or yard sales
Home occupations
Libraries, museums, historical buildings and grounds, arboretums, aquariums, and art galleries, not for profit
Parks, playgrounds, and community centers, not for profit
Planned Development Option: in addition to other uses permitted in the UN District, which may include multi-family dwellings; dwellings, two-family; dwellings, attached; dwelling, single family with one zero-foot sideyard setback; and automobile parking areas when (i) the zoning district includes four acres or more acres, (ii) the Planned Development Option Area is subject to design guidelines approved by the Louisville Metro Planning Commission and the legislative body (the "Legislative Body") having jurisdiction over the Planned Development Option Area (the "Approved Guidelines") and (iii) the design of the dwellings is in accordance with the Approved Guidelines. After the initial review and approval of the Approved Guidelines by the Legislative Body, modification to the Approved Guidelines for developments financed in part by an instrumentality of the of the jurisdiction in which the Planned Development Option Area is located may be approved by the Planning Commission without approval by the Legislative Body.
Residential care facilities
Temporary buildings, the uses of which are incidental to construction operations being conducted on the same or adjoining lot or tract, and which shall be removed upon completion or abandonment of such construction, or upon the expiration of a period of two years from the time of erection of such temporary buildings, whichever is sooner

B. Conditional Uses:

Certain uses may be permitted in this district upon the granting of a Conditional Use Permit by the Board of Zoning Adjustment. Refer to Chapter 4 Part 2 for a listing of uses and requirements that apply to specific uses.

C. Property Development Regulations

Refer to the applicable Form District requirements in Chapter 5 for lot size, setback, building height and other restrictions.

D. Maximum Density And Far

1. Maximum Floor Area Ratio: …….0.75
   Planned Development Option:…….3.0

2. Maximum Density: ..……..1 dwelling per lot
   Planned Development Option:…58.08 dwelling units per acre

E. Urban Residential Zones

In areas being developed under the Planned Development Option which have been determined by the Legislative Body to meet the criteria of an urban residential zone set forth in KRS 100.201(3), all new construction and expansions of principal or accessory structures, and exterior alterations to existing structures (that require a permit), regardless of the use of the structure, shall be required to conform to the Approved Guidelines.

2.2.9 R-5A Residential Multi-Family District

The following provisions shall apply in the R-5A Residential Multi Family District unless otherwise provided in these regulations:

The Residential Multi Family District is intended to provide the opportunity for land in the medium density residential land development range to be used for single-family dwellings, row houses and multiple family dwellings.

A. Permitted Uses:

All uses permitted in the R-1 Residential Single Family District, as well as the following use(s):

Assisted living residence
Dwellings, Multiple family
Dwellings, Two-family

B. Conditional Uses

Certain uses may be permitted in this district upon the granting of a Conditional Use Permit by the Board of Zoning Adjustment. Refer to Chapter 4 Part 2 for a listing of uses and requirements that apply to specific uses.

C. Property Development Regulations

Refer to the applicable Form District regulation in Chapter 5 for lot size, setback, building height and other restrictions.

D. Maximum Density and FAR

1. Maximum Floor Area Ratio: 0.5

2. Maximum Density: ...……..12.01 dwellings per acre

2.2.10 R-5B Residential Two-Family District

The following provisions shall apply in the R-5B Residential Two-Family District unless otherwise provided in these regulations:

The Residential Two-Family District is intended to provide the opportunity for land in the medium density residential land development range to be used for single family dwellings, two-family dwellings, semi-detached dwellings and carriage houses.

A. Permitted Uses:

Accessory buildings or uses
Agricultural uses
Carriage houses
Churches, parish halls and temples
Colleges, schools, and institutions of learning (except trade, business, or industrial schools), not for profit
Country clubs
Dwellings, Semi-detached
Dwellings, Single-family
Dwellings, Two-family
Garage or yard sales
Golf courses, except miniature courses, driving ranges, or privately owned golf courses operated for a commercial purpose
Home occupations
Libraries, museums, historical buildings and grounds, arboretums, aquariums, and art galleries, not for profit
Parks, playgrounds, and community centers, not for profit
Residential care facilities
Temporary buildings, the uses of which are incidental to construction operations being conducted on the same or adjoining lot or tract, and which shall be removed upon completion or abandonment of such construction, or upon the expiration of a period of two years from the time of erection of such temporary buildings, whichever is sooner

B. Conditional Uses

Certain uses may be permitted in this district upon the granting of a Conditional Use Permit by the Board of Zoning Adjustment. Refer to Chapter 4 Part 2 for a listing of uses and requirements that apply to specific uses.

C. Property Development Regulations:

Refer to the applicable Form District regulation in Chapter 5 for lot size, setback, building height and other restrictions.

D. Maximum Density and FAR

1. Maximum Floor Area Ratio: 0.5

2. Maximum Density: ...……..Two dwellings per lot

2.2.11 R-6 Residential Multi-Family District

The following provisions shall apply in the R-6 Residential Multi Family District unless otherwise provided in these regulations.

A. Permitted Uses:

All uses permitted in the R-1 Residential Single Family District, as well as the following use(s):

Assisted living residence
Dwellings, Multiple family
Dwellings, Two-family

B. Conditional Uses

Certain uses may be permitted in this district upon the granting of a Conditional Use Permit by the Board of Zoning Adjustment. Refer to Chapter 4 Part 2 for a listing of uses and requirements that apply to specific uses.

C. Property Development Regulations

Refer to the applicable Form District regulations in Chapter 5 for lot size, setback, building height and other restrictions.

D. Maximum Density And Far

1. Maximum Floor Area Ratio: 0.75

2. Maximum Density: ….....17.42 dwellings per acre

2.2.12 R-7 Residential Multi-Family District

The following provisions shall apply in the R-7 Residential Multi Family District unless otherwise provided in these regulations.

A. Permitted Uses:

All uses permitted in the R-1 Residential Single Family District, as well as the following use(s):
Assisted living residence
Bed and Breakfasts
Boarding and lodging houses
Dwellings, Multiple family
Dwellings, Two-family

B. Conditional Uses

Certain uses may be permitted in this district upon the granting of a Conditional Use Permit by the Board of Zoning Adjustment. Refer to Chapter 4 Part 2 for a listing of uses and requirements that apply to specific uses.

C. Property Development Regulations

Refer to the applicable Form District regulations in Chapter 5 for lot size, setback, building height and other restrictions.

D. Maximum Density and FAR

1. Maximum Floor Area Ratio: 1.0

2. Maximum Density: ……34.8 dwellings per acre

2.2.13 R-8A Residential Multi-Family District

The following provisions shall apply in the R-8A Residential Multi Family District unless otherwise provided in these regulations.

A. Permitted Uses:

All uses permitted in the R-1 Residential Single Family District, as well as the following use(s):
Assisted living residence
Bed and Breakfasts
Boarding houses
Day care centers, day nurseries, nursery schools and kindergartens
Dwellings, Multiple family
Dwellings, Two-family
Family day care home

B. Conditional Uses

Certain uses may be permitted in this district upon the granting of a Conditional Use Permit by the Board of Zoning Adjustment. Refer to Chapter 4 Part 2 for a listing of uses and requirements that apply to specific uses.

C. Property Development Regulations

Refer to the applicable Form District regulations in Chapter 5 for lot size, setback, building height and other restrictions.

D. Maximum Density and FAR

1. Maximum Floor Area Ratio: 3.0

2. Maximum Density: …….58.08 dwellings per acre

2.3.1 OR Office/Residential District

The following provisions shall apply in the OR Office/Residential District unless otherwise provided in these regulations:

A. Permitted Uses:

Accessory buildings or uses
Agricultural uses
Bed and Breakfasts
Churches, parish halls and temples
Colleges, schools and institutions of learning (except trade, business, or industrial schools) not for profit
Convents and monasteries which accommodate eight or fewer persons
Country clubs
Day care centers, day nurseries, nursery schools and kindergartens
Doctors offices, including accessory medical laboratories as part of a planned medical complex or medical office building
Dwellings, Single-family
Garage or yard sale
Golf courses, except miniature courses, driving ranges, or privately owned golf courses operated for commercial purposes
Home occupations
Libraries, museums, historical buildings and grounds, arboretums, aquariums, and art galleries, not for profit
Offices, professional and business
Parks, playgrounds, and community centers, not for profit
Residential care facilities
Temporary buildings, the uses of which are incidental to construction operations being conducted on the same or adjoining lot or tract, and which shall be removed upon completion or abandonment of such construction, or upon the expiration of a period of two years from the time of erection of such temporary buildings, whichever is sooner

B. Conditional Uses

Certain uses may be permitted in this district upon the granting of a Conditional Use Permit by the Board of Zoning Adjustment. Refer to Chapter 4 Part 2 for a listing of uses and requirements that apply to specific uses.

C. Property Development Regulations

Refer to the applicable Form District regulations in Chapter 5 for lot size, setback, building height and other restrictions.

D. Maximum Density and FAR

1. Maximum Floor Area Ratio: 0.35

2. Maximum Density: ….……...12 dwellings per acre

2.3.2 OR-1 Office/Residential District

The following provisions shall apply in the OR-1 Office/Residential District unless otherwise provided in these regulations:

A. Permitted Uses:

All uses permitted in the OR Office Residential District, as well as the following use(s):

Artist studios
Assisted Living Residence
Barbers/Cosmetologists/Hairdressers/Manicurists
Boarding, lodging houses
Community residences
Computer programming services
Convents and monasteries
Dwellings, Multiple family
Dwellings, Two-family
Family care home (mini-home)

B. Conditional Uses:

Certain uses may be permitted in this district upon the granting of a Conditional Use Permit by the Board of Zoning Adjustment. Refer to Chapter 4 Part 2 for a listing of uses and requirements that apply to specific uses.

C. Property Development Regulations

Refer to the applicable Form District regulations in Chapter 5 for lot size, setback, building height and other restrictions.

D. Maximum Density and FAR

1. Maximum Floor Area Ratio: ……1.0

2. Maximum Density: …….34.84 dwellings per acre

2.3.3 OR-2 Office/Residential District

The following provisions shall apply in the OR-2 Office/Residential District unless otherwise provided in these regulations:

A. Permitted Uses:

All uses permitted in the OR Office Residential District, as well as the following use(s):

Artist studios
Assisted Living Residence
Barbers/Cosmetologists/Hairdressers/Manicurists
Boarding, lodging houses
Community residences
Computer programming services
Convents and monasteries
Dwellings, Multiple family
Dwellings, Two-family
Family care home (mini-home)

B. Conditional Uses:

Certain uses may be permitted in this district upon the granting of a Conditional Use Permit by the Board of Zoning Adjustment. Refer to Chapter 4 Part 2 for a listing of uses and requirements that apply to specific uses.

C. Property Development Regulations

Refer to the applicable Form District regulations in Chapter 5 for lot size, setback, building height and other restrictions.

D. Maximum Density and FAR

1. Maximum Floor Area Ratio: 3.0

2. Maximum Density: ...……..58.08 dwellings per acre

2.3.4 OR-3 Office/Residential District

The following provisions shall apply in the OR-3 Office/Residential District unless otherwise provided in these regulations:

An apartment and office building district allowing businesses normally incidental to the primary uses located within the same building, and not allowing such incidental business uses to be accessible and evident from the outside of the building.

A. Permitted Uses:

All uses permitted in the OR Office Residential District, as well as the following use(s):

Apartment hotels, and office buildings, including businesses customarily incidental to such uses conducted for the convenience of the occupants and provided all entrances, designs, signs, and show windows for such uses shall not be evident from the outside of the building
Artist studios
Assisted Living Residence
Barbers/Cosmetologists/Hairdressers/Manicurists
Boarding, lodging houses
Business schools
Community residences
Computer programming services
Convents and monasteries
Dwellings, Multiple family
Dwellings, Two-family
Family care home (mini-home)
Fraternities, sororities, clubs and lodges excluding those the chief activity of which is a service customarily carried on as a business
Medical laboratories, excluding for-profit blood collection centers
Photographic portrait studios

B. Conditional Uses:

Certain uses may be permitted in this district upon the granting of a Conditional Use Permit by the Board of Zoning Adjustment. Refer to Chapter 4 Part 2 for a listing of uses and requirements that apply to specific uses.

C. Property Development Regulations

Refer to the applicable Form District regulations in Chapter 5 for lot size, setback, building height and other restrictions.

D. Maximum Density and FAR

1. Maximum Floor Area Ratio:……4.0

2. Maximum Density:

a. For 0 bedroom dwelling units only……...435 dwellings per acre

b. For 1 bedroom dwelling units only……...217 dwellings per acre

c. For 2 or more bedroom dwelling units only…145 dwellings per acre

3. Use Mix: When authorized by the form district regulations, the amount of office and residential uses situated above ground level uses specified in the applicable part of Chapter 5 shall be excluded from calculation of the site's permissible floor area ratio. When specifically authorized by the form district regulations, calculation of permissible residential density shall be based on the net site area, regardless of the amount of non-residential floor area constructed on the site.

2.3.5 OTF Office/Tourist Facility District

The following provisions shall apply in the OTF Office/Tourist Facility District unless otherwise provided in these regulations:

Apartment, hotel and office building district, allowing businesses normally incidental to the primary uses located within the same building and allowing such incidental business uses to be accessible and evident from the outside of the building.

A. Permitted Uses:

All uses permitted in the OR Office Residential District, as well as the following use(s):

Apartment hotels
Artist studios
Assisted Living Residence
Barbers/Cosmetologists/Hairdressers/Manicurists
Boarding, lodging houses
Business schools
Clubs, private nonprofit
Commercial business may be conducted in the structure of the primary use, provided that such business is customarily incidental to the primary use and for the convenience of the occupants
Community residences
Computer programming services
Convents and monasteries
Dwellings, Multiple family
Dwellings, Two-family
Extended stay lodging
Family care home (mini-home)
Fraternities, sororities, clubs and lodges excluding those the chief activity of which is a service customarily carried on as a business
Hotels
Libraries, museums, historical buildings and grounds, arboretums, aquariums and art galleries, not for profit
Medical laboratories, excluding for-profit blood collection centers
Motels
Photographic portrait studios
Tourist homes

B. Conditional Uses:

Certain uses may be permitted in this district upon the granting of a Conditional Use Permit by the Board of Zoning Adjustment. Refer to Chapter 4 Part 2 for a listing of uses and requirements that apply to specific uses.

C. Property Development Regulations:

Refer to the applicable Form District requirements in Chapter 5 for lot size, setback, building height and other restrictions.

D. Maximum Density and FAR

1. Maximum Floor Area Ratio……..……4.0

2. Maximum Density:

   a. For 0 bedroom dwelling units only……..435 dwellings per acre

   b. For 1 bedroom dwelling units only……217 dwellings per acre

   c. For 2 or more bedroom dwelling units only 145 dwellings per acre

3. Use Mix: When authorized by the form district regulations, the amount of office and residential uses situated above ground level uses specified in the applicable part of Chapter 5 shall be excluded from calculation of the site's permissible floor area ratio. When specifically authorized by the form district regulations, calculation of permissible residential density shall be based on the net site area, regardless of the amount of non-residential floor area constructed on the site.

2.4.1 C-N Neighborhood Commercial District

The following provisions shall apply in the C-N Neighborhood Commercial District unless otherwise provided in these regulations:

The Neighborhood Commercial District is intended as a specialized district for the location of convenience services near the neighborhoods they are intended to serve.

A. Permitted Uses:

Accessory buildings or uses
Agricultural uses
Antique shops and interior decorating shops
Assisted Living Residence
Bakeries, retail sales on premises only
Banks, credit unions, savings and loans and similar financial institutions
Barber shops and beauty shops
Bed and Breakfasts
Bookstores and stationery stores
Candy stores, retail sales on premises only
Churches, parish halls and temples
Colleges, schools and institutions of learning (except trade, business, or industrial schools) not for profit
Community residences
Computer programming services and software sales
Convents and monasteries
Country clubs
Day care centers, day nurseries, nursery schools and kindergartens
Drug stores or sundries stores
Dwellings, Multiple family
Dwellings, Single-family
Dwellings, Two-family
Family care home (mini-home)
Florist shops
Garage or yard sale
Golf courses, except miniature courses, driving ranges, or privately owned golf courses operated for commercial purposes
Grocery stores, where all merchandise is displayed and sold within an enclosed building
Hardware stores
Home occupations
Jewelry store
Laundering and dry cleaning pick-up shops and self-service (only) laundries
Libraries, museums, historical buildings and grounds, arboretums, aquariums, and art galleries
Offices, professional or business
Parks, playgrounds, and community centers
Photographic portrait studios

Picture framing
Residential care facilities
Restaurants (without drive-in facilities) if an integral part of a center as defined in the Comprehensive Plan
Saddle and harness shops
Shoe repair shops
Temporary buildings, the uses of which are incidental to construction operations being conducted on the same or adjoining lot or tract, and which shall be removed upon completion or abandonment of such construction, or upon the expiration of a period of two years from the time of erection of such temporary buildings, whichever is sooner

B. Conditional Uses:

Certain uses may be permitted in this district upon the granting of a Conditional Use Permit by the Board of Zoning Adjustment. Refer to Chapter 4 Part 2 for a listing of uses and requirements that apply to specific uses.

C. Property Development Regulations

Refer to the applicable Form District regulations in Chapter 5 for lot size, setback, building height and other restrictions.

D. Maximum Density And Far

1. Maximum Floor Area Ratio: …….0.5

2. Maximum Density: ……..17.42 dwellings per acre

2.4.2 C-R Commercial Residential District

The C-R Commercial Residential District is primarily intended as a specialized district to promote the reuse of structures located in urban areas of Jefferson County that had been constructed for mixed commercial and residential use, which may be currently under used or vacant, and which are located at street corners or on blocks with a significant number of retail business uses. C-R zoning may also be appropriate for new construction where a mixture of business and residential use is found to conform with the Comprehensive Plan and with any neighborhood plan covering the site.

A Permitted Uses:

All uses permitted in the R-7 Residential Multi-Family District.

B. Special Permitted Uses

The following uses, subject to the special requirements set forth in Paragraph D. 1, below are permitted:

Antique shops and interior decorating shops
Bakeries, retail sales on premises only
Barber shops and beauty shops
Bed and Breakfasts
Book stores and stationery stores
Candy stores, retail sales on premises only
Convenience grocery
Day care centers, day nurseries, nursery schools and kindergartens
Dressmaking
Drug stores or sundries stores
Day care centers, day nurseries, nursery schools and kindergartens
Florist shops
Laundering and dry cleaning pick-up shops and self-service (only) laundries
Offices, professional or business
Photocopying, word processing and similar office-support activities
Photographic shops
Photography studios
Restaurants and delicatessens as allowed in the C-I zone excluding drive-in facilities with a seating capacity not to exceed 20 persons
Saddle and harness shops
Shoe repair shops
Tailors

C. Conditional Uses

Certain uses may be permitted in this district upon the granting of a Conditional Use Permit by the Board of Zoning Adjustment. Refer to Chapter 4 Part 2 for a listing of uses and requirements that apply to specific uses.

D. Property Development Regulations

Refer to the applicable Form District regulations in Chapter 5 for lot size, setback, building height and other restrictions.

E. Maximum Density And Far

Maximum Floor Area Ratio: 3.0

Maximum Density: ...……34.8 dwellings per acre

2.4.3 C-1 Commercial District

The following provisions shall apply in the C-1 Commercial District unless otherwise provided in these regulations:

A. Permitted Uses:

Accessory buildings or uses: those uses which are subordinate, customary and incidental to the primary use, provided that, if a use is customary only in a less restrictive zone, and is of a magnitude that may generate significant impacts, it shall not be an accessory use
Agricultural uses
Antique shops
Athletic facilities
Audio/video recording studios, providing the building is sound proof
Automobile rental agencies with no more than 25 rental passenger vehicles stored on site, and no more than two service bays for cleaning or maintenance, and having no repair or storage/dispensing of fuel
Automobile parking areas, public and private
Automobile service stations with service bays for repair of no more than two vehicles (see definition of Automobile Service Station for the type of repairs permitted)
Bakeries, retail (all products produced to be sold on the premises only)
Banks, credit unions, savings and loans, check cashing services and similar financial institutions
Barber shops
Beauty shops
Bed and Breakfasts
Bicycle sales and service
Boarding and lodging houses
Bookstores
Bowling alleys, provided the building is sound proof
Business schools
Car washes having prior approval by the agency responsible for traffic engineering
Catering kitchen/bakery preparing food and meals for sale or consumption elsewhere
Churches, parish halls, and temples
Clothing, dry goods and notions stores
Clubs, private, non-profit or proprietary
Colleges, schools and institutions of learning, not for profit
Community residences
Computer sales (hardware and software) and programming services
Confectionery, ice cream or candy stores, retail; no more than 50% of the floor area shall be used for production of food items for off premises sale
Convenience groceries
Convents and monasteries
Country clubs
Day care centers, day nurseries, nursery schools and kindergartens
Department stores

Dressmaking or millinery shops
Drug stores
Dry cleaning, dyeing, pressing, and laundry; distributing stations or retail business where no cleaning, dyeing, pressing or laundry is done for other distributing stations or cleaning establishments
Dwelling, Multiple family
Dwelling, Single-family
Dwelling, Two-family
Electric appliance stores
Establishments holding a retail malt beverage license, but that do not allow consumption on the premises.
Establishments holding a distilled spirits and wine retail package license, but holding no other ABC licenses that allow consumption on the premises.
Extended stay lodging
Family care home (mini-home)
Florist shops
Funeral homes
Furniture stores
Garage or yard sale
Golf courses, except miniature courses, driving ranges, or privately owned golf courses operated for commercial purposes
Grocery stores, including fruit, meat, fish, and vegetable
Hardware and paint stores
Health spas
Home occupations
Hotels and motels, including ancillary restaurants and lounges, enclosed in a structure, in which dancing and other entertainment (not including adult entertainment activities as defined in Section 4.4.1) may be provided.
Ice storage houses of not more than five (5) ton capacity
Interior decorating shops
Jewelry stores
Laundries or launderettes, self-service
Laundering and dry cleaning pick-up shops and self-service laundries
Libraries, museums, historical buildings and grounds, arboretums, aquariums, and art galleries
Medical laboratories
Music stores
Nurseries, retail
Office, business, professional and governmental
Parks, playgrounds, and community centers
Pawn Shop
Pet grooming, obedience training and related pet activities, provided the operation is conducted within a soundproofed building, no animals are boarded, and there are no runs or pens outside of the building
Pet shops
Photocopying, duplicating, paper folding, mail processing and related services
Photographic shops
Photography studios
Picture Framing
Radio and television stores

Rental businesses offering items whose sale is a permitted use in this district, videocassette and similar products, rental and sales but not constituting an adult video cassette rental center
Residential care facilities
Restaurants, tea rooms and cafes including:
1) Restaurants with drive-through windows having prior approval by the agency responsible for traffic engineering;
2) Restaurants, tea rooms and cafes where dancing and entertainment is excluded;
3) Restaurant with outdoor seating where entertainment is excluded and no alcoholic beverages are served or consumed outside which is adequately screened and buffered from adjacent residential development.
Shoe repair shops
Shoe stores
Stationery stores
Tailor
Tanning salons
Temporary buildings, the uses of which are incidental to construction operations being conducted on the same or adjoining lot or tract, and which shall be removed upon completion or abandonment of such construction, or upon the expiration of a period of two years from the time of erection of such temporary buildings, whichever is sooner
Tents, air structures and other temporary structures intended for occupancy by commercial activities including but not limited to sales, display, and food services, provided that applicable building and fire safety codes are met, and provided further that such structures may not be installed for a period (or periods totaling) more than ten (10) days during a calendar year.
Toy and hobby stores
Variety stores
Veterinary hospital, provided the operation is conducted within a sound-proofed building, no animals are boarded, and there are no runs or pens outside of the building
Wearing apparel shops

B. Conditional Uses:

Certain uses may be permitted in this district upon the granting of a Conditional Use Permit by the Board of Zoning Adjustment. Refer to Chapter 4 Part 2 for a listing of uses and requirements that apply to specific uses.

C. Property Development Regulations

Refer to the applicable Form District regulations in Chapter 5 for lot size, setback, building height and other restrictions.

D. Maximum Density And Far

1. Maximum Floor Area Ratio: ……..……..……1.0

2. Maximum Density: …….34.84 dwellings per acre

Use Mix - - Office and Residential Uses – When authorized by the form district regulations, a specified percentage of any development site may be allocated to residential development without any corresponding decrease in the maximum allowable square footage or intensity of non-residential uses allowed in the underlying zone district, provided that all other development standards set forth in this code are complied with. In addition, when authorized by the form district regulations, office and residential uses situated above ground level retail uses are permitted and shall be excluded from calculation of the site's permissible floor area ratio. When specifically authorized by the form district regulations, calculation of permissible residential density shall be based on the net site area, regardless of the amount of non-residential floor area constructed on the site.

2.4.4 C-2 Commercial District

The following provisions shall apply in the C-2 Commercial District unless otherwise provided in these regulations.

A. Permitted Uses:

All uses permitted in the C-1 Commercial District are allowed in the C-2 Commercial District as well as the following uses:
ABC-licensed establishments, holding a license that allows consumption of alcoholic beverages on the premises.
Auction sales, items transported to site of auction
Automobile rental agencies
Automobile repair garages
Automobile sales agencies
Billiard parlors; game rooms and similar entertainment uses
Bingo halls and parlors
Boat Sales and related storage
Bookbinding
Building materials, storage and sales provided all operations are totally enclosed in a building
Cleaning, pressing, and dyeing establishments using non-flammable and non-explosive cleaning fluid
Contractor's shop, including but not limited to building, electrical, HVAC, landscape, and plumbing contractors, provided all operations are confined within a building
Dance halls
Dancing instruction
Engraving, watchmaking, and jewelry manufacturing, where products are sold on premises
Equipment rental, where all activities are within a building
Exposition building or center
Flea market
Fraternities, sororities, clubs and lodges excluding those where the chief activity of which is a service customarily carried on as a business.
Furniture, storage
Indoor paint ball ranges
Monument sales
Music and vocal instructions
Plasma, blood collection centers, for profit
Plumbing, and heating shops, storage and sales provided all operations are totally enclosed in a building
Printing, lithographing, or publishing establishments, if constructed to insure that there is no noise or vibration evident outside the walls of the buildings
Public transportation passenger terminals
Public utility buildings and facilities
Refrigerated lockers
Restaurants, where food and drink may be served or consumed, where dancing or entertainment is allowed, outside as well as inside a building, including drive-in restaurants where all or part of the service or consumption is inside a vehicle

Retail or wholesale stores or businesses not involving any kind of manufacture, processing or treatment of products other than that which is clearly incidental to the business conducted on the premises, and provided that not more than fifty (50) percent of the floor area of the building is used in the manufacture, processing, or treatment of products, and that such operations or products are not objectionable due to noise, odor, dust, smoke, vibration, or other similar causes

Rubber stamp manufacturing, where products are sold on premises

Sign painting

Skating rinks (ice or roller)

Tattoo, body art, and piercing parlors

Telephone exchanges

Theaters, enclosed within a building

Tourist homes

Trade schools

Upholstery and furniture repair shops

Used car sales areas, provided that no repair or re-conditioning of automobiles or storage of parts shall be permitted except when enclosed in a building

Uses located totally within the caverns developed under a Conditional Use Permit for Underground Space shall be considered to meet the requirement of confinement within a building.

Those uses which are more similar in appearance and intensity to the above list of uses than to uses listed elsewhere in these regulations.

B. Conditional Uses:

Certain uses may be permitted in this district upon the granting of a Conditional Use Permit by the Board of Zoning Adjustment. Refer to Chapter 4 Part 2 for a listing of uses and requirements that apply to specific uses.

C. Property Development Regulations

Refer to the applicable Form District regulations in Chapter 5 for lot size, setback, building height and other restrictions.

D. Maximum Density And Far

1. Maximum Floor Area Ratio:……..…….5.0

2. Maximum Density:

   a. For 0 bedroom dwelling units only……..…..435 dwellings per acre

   b. For 1 bedroom dwelling units only……..……217 dwellings per acre

   c. For 2 or more bedroom dwelling units only 145 dwellings per acre

Use Mix - - Office and Residential Uses – When authorized by the form district regulations, a specified percentage of any development site may be allocated to residential development without any corresponding decrease in the maximum allowable square footage or intensity of non-residential uses allowed in the underlying zone district, provided that all other development standards set forth in this code are complied with. In addition, when authorized by the form district regulations, office and residential uses situated above ground level retail uses are permitted and shall be excluded from calculation of the site's permissible floor area ratio. When specifically authorized by the form district regulations, calculation of permissible residential density shall be based on the net site area, regardless of the amount of non-residential floor area constructed on the site.

2.4.5 C-3 Commercial District

The C-3 Commercial zone is intended as a specialized district for the Central Business District (CBD). The C-3 Commercial Zone is a specialized district for the location of high density/intensity commercial and residential developments recognizing the CBD as the focal point of business, commercial area, and transportation facilities in Jefferson County, Kentucky.

A. Permitted Uses:

All uses permitted in the OR-3 and C-2 Commercial Districts except single-family dwellings.
Accessory Uses and Structures: Those uses which are subordinate, customary and incidental to the primary use, provide that, if a use is customary only in a less restrictive zone, and is of a magnitude that may generate significant impacts, it shall not be an accessory use.

Sports Arenas
Telecommunications hotels

B. CONDITIONAL USES:

Certain uses may be permitted in this district upon the granting of a Conditional Use Permit by the Board of Zoning Adjustment. Refer to Chapter 4 Part 2 for a listing of uses and requirements that apply to specific uses.

C. PROPERTY DEVELOPMENT REGULATIONS

Refer to the applicable Form District regulations in Chapter 5 for lot size, setback, building height and other restrictions.

D. MAXIMUM DENSITY AND FAR

1. Maximum Floor Area Ratio: None

2. Maximum Density: 435 dwellings per acre

2.4.6 C-M Commercial Manufacturing District

The following provisions shall apply in the C-M Commercial Manufacturing District unless otherwise provided in these regulations:

A. Permitted Uses:

All uses permitted in the C-2 Commercial and M-1 Industrial Districts, except single family dwellings.

B. Conditional Uses:

Certain uses may be permitted in this district upon the granting of a Conditional Use Permit by the Board of Zoning Adjustment. Refer to Chapter 4 Part 2 for a listing of uses and requirements that apply to specific uses.

C. Property Development Regulations

Refer to the applicable Form District regulations in Chapter 5 for lot size, setback, building height and other restrictions.

D. Maximum Density And Far

1. Maximum Floor Area Ratio: 5.0

2. Maximum Density: None

3. Use Mix: When authorized by the form district regulations, the amount of office and residential uses situated above ground level uses specified in the applicable part of Chapter 5 shall be excluded from calculation of the site's permissible floor area ratio. When specifically authorized by the form district regulations, calculation of permissible residential density shall be based on the net site area, regardless of the amount of non-residential floor area constructed on the site.

2.5.1 M-1 Industrial District

The following provisions shall apply in the M-I Industrial District unless otherwise provided in these regulations:

A. Permitted Uses:

Accessory uses or buildings: those uses allowed shall be subordinate, customary and incidental to the permitted primary uses, including retail sale, rental or repair of items manufactured or assembled on site. Any accessory structure must meet site and other requirements of this zone. Under no circumstances will uses appropriate only in the M-3 zone be allowed in this zone as accessory uses
Agricultural uses
Automobile parking areas, public and private
Auxiliary commercial uses: the following commercial uses shall be permitted only when subordinate and incidental to areas of existing industrial use:
Branch offices of banks, savings and loans and similar financial institutions
Convenience grocery stores
Credit unions
Restaurants as permitted in the C-1 District
Vehicle service stations or repair
Contractor's shop, including but not limited to building, electrical, HVAC, landscape, and plumbing contractors, provided all operations are confined within a building
Carting and light local deliveries
Churches, parish halls and temples
Dwellings, only in connection with bona fide agricultural operations, or as living quarters for bona fide caretakers and/or for watchmen and their families
Greenhouses, wholesale
Indoor paint ball ranges
Laboratories, research, experimental or testing, but not including combustion type motor-testing
Medical laboratories
Office buildings, as accessory uses only
Telecommunications hotels
Temporary buildings, the uses of which are incidental to construction operations being conducted on the same or adjoining lot or tract, and which shall be removed upon completion or abandonment of such construction, or upon the expiration of a period of two years from the time of erection of such temporary buildings, whichever is sooner

Warehouse, storage, including mini-warehouses
Wholesale houses and distributors, provided the operation is enclosed in a building

Uses, manufacture, processing, treatment, or storage of the following, providing all operations permitted, including storage, must be confined within a building (uses located totally within the caverns developed under a Conditional Use Permit for Underground Space shall be considered to meet the requirement of confinement within a building)

Adhesives, excluding manufacturing of basic components
Awnings, metal
Beverage (non-alcoholic) manufacture
Beverage, blending and bottling
Blacksmith
Bookbinding
Broom and brush
Button manufacture, except button blanks from shell
Carbon paper and ink ribbons
Carpenter, cabinet making, and pattern shops
Chemicals (packing only)
Clay products of handicraft nature including ceramics, pottery, tile (glazed), or similar products
Cleaning and dyeing of garments, hats and rugs
Clocks and watches
Cloth products, including canvas, clothing, garments
Computers and related equipment
Cosmetics or toiletries
Electronic measuring instrument and electrical control devices
Electrical appliance and apparatus assembly (small), including fans, fixtures, hot-plates, irons, mixers, motion picture equipment (home), phonographs, radios, television sets, toasters, toys, or similar products, but not including electrical machinery
Electrical supplies, including cable and wire assemblies, batteries (dry cell), insulation, lamps, switches, or similar supplies
Flowers, artificial
Food processing, including bakery products (wholesale), candy manufacture, coffee, tea, and spices (processing and packaging), creamery and dairy operations, ice cream manufacture, macaroni and noodle manufacture, oleomargarine (compounding and packaging only)
Fur finishing and fur goods, not including tanning, dyeing
Glass products from previously manufactured glass
Hair, felt, or feather products
Hat finishing and millinery from straw and other fibers
Ink or ink ribbon, packaging
Instruments, accessories and supplies used in medical diagnosis and treatment
Jewelry
Latex paints (water base)

Leather products manufacture (no tanning operations), including shoes, machine belting, or similar products
Luggage
Machines, business, including accounting machines, calculators, card counting equipment, typewriters, or similar products
Medical appliances, including braces, limbs, stretchers, supports, or similar appliances
Motion picture production
Musical instruments (including pianos and organs)
Novelty products (from prepared materials)
Optical equipment
Paper products, including bags, boxes, bulk goods, containers (shipping), envelopes, interior packaging components, stationery, tubes, wallpaper, or similar products
Pharmaceutical products (compounding only)
Photographic equipment
Plastic molding and shaping, excluding manufacturing of basic components
Precision instruments
Printing, publishing, engraving, including photo-engraving
Scenery construction
Sheet metal shops
Signs and displays (non-metal)
Soaps or detergents, including washing or cleaning powder or soda, packaging only
Statuary and art goods, other than stone and concrete, including church art, figurines, mannequins, religious art, (excluding foundry operations)
Stamp (hand), stencils, and brands
Toys and games
Trade and business schools
Umbrellas and parasols
Upholstery and furniture shops, wholesale
Vehicles, children's, including baby carriages, bicycles, scooters, wagons, or similar vehicles
Window shades, Venetian blinds, awnings, tarpaulins, and canvas specialties
Wood products, including furniture, baskets, boxes, crates, or similar products, and copperage works (except copperage stockmill)

Those uses which are more similar in type and intensity to the above list of uses than to uses listed elsewhere in these regulations.

B. Conditional Uses:

Certain uses may be permitted in this district upon the granting of a Conditional Use Permit by the Board of Zoning Adjustment. Refer to Chapter 4 Part 2 for a listing of uses and requirements that apply to specific uses.

C. Property Development Regulations:

Refer to the applicable Form District regulations in Chapter 5 for lot size, setback, building heights and other restrictions.

D. Maximum Density and FAR

1. Maximum Floor Area Ratio:.....2.0

2. Maximum Density:
……None

2.5.2 M-2 Industrial District

The following provisions shall apply in the M-2 Industrial District unless otherwise provided in these regulations.

A. Permitted Uses:

Accessory uses or buildings: those uses allowed shall be subordinate, customary and incidental to the permitted primary uses, including retail sale, rental or repair of items manufactured or assembled on site. Any accessory structure must meet site and other requirements of this zone. Under no circumstances will uses appropriate only in the M-3 zone be allowed in this zone as accessory uses.
All uses permitted in the M-1 District
Building materials (cement, lime, sand, gravel, lumber, and the like), storage and sales
Bus garage and repair shop

Exposition building or center
Fairgrounds
Flea market
Lumber yards
Railroad freight terminals and yards
River terminals

Storage yard or contractor's shop, including but not limited to building, electrical, HVAC, landscape, and plumbing contractors; outdoor storage of material and equipment permitted

Training schools (industrial and vocational) including combustion engine schools
Truck or transfer terminal, freight and motor freight and motor freight stations

Truck (greater than two tons) and other heavy motor driven vehicles: sales, rental, repair and storage

Warehouses, produce and storage

Waterfront shipping
Wholesale houses and distributors
Wholesale markets (goods not contained in totally enclosed buildings)

Uses, manufacture, processing, treatment, or storage of the following:
Air conditioning, commercial
Aircraft and aircraft parts
Aluminum extrusion, rolling, fabrication, and forming
Animal pound
Apparel or other textile products from textiles or other materials, including hat bodies of fur, wool, felt, or similar products

Assembly and repair of automobiles, bicycles, carriages, engines (new and rebuilt), motorcycles, trailers, trucks, wagons, including parts
Athletic or sports equipment, including balls, baskets, bats, cues, racquets, rods, or similar products
Baskets and hampers (wood, reed, rattan, and the like)
Battery, storage (wet cell)
Bedding (mattress, pillow, quilt), including rebuilding or renovating
Boat manufacturing and repair
Box and crate
Carpet, rug, mat
Clay, stone, glass products
Coal and coke, storage and sales
Concrete products (except central mixing and proportioning plant)
Culverts
Distilleries, breweries, and non-industrial alcoholic spirits
Firearms
Food processing, including chewing gum, chocolate, cocoa and cocoa products; condensed and evaporated milk, processing and canning; flour, feed and grain (packaging, blending, and storage only); food products except slaughtering of meat or preparation of fish for packing; fruit and vegetable processing (including canning, preserving, drying, and freezing); gelatin products; glucose and dextrine; malt products; meat products, packing and processing (no slaughtering); yeast
Foundry products (electrical only)
Furniture
Grain blending and packaging, but not milling
Hardware, products or tools, including bolts, brads, cutlery, door knobs, drills, hinges, household items, locks, metal casting (nonferrous), nails, needles and pins, nuts, plumbing appliances, rivets, screws, spikes, staples, tools (hand), or similar products
Heating, ventilating, cooking, and refrigerating supplies and appliances
Hosiery mill
Household appliances, electrical and gas, including stoves, refrigerators, washing machines, clothes dryers, and similar products
Ice, dry or natural
Implements, agricultural or farm
Ink manufacture (mixing only)
Insecticides, fungicides, disinfectants, and related industrial and household chemical compounds (blending only)
Iron or steel (ornamental), miscellaneous, fabrication or assembly, including steel cabinets, doors, fencing, metal furniture, or similar products; cleaning, grinding, heat treatment, metal finishing, plating, polishing, rust proofing, sharpening, or similar processes
Machine, tool, die, and gauge shops
Machine, tools, including metal lathes, metal presses, metal-stamping machines, wood-working machines, or the like
Millwork and planing
Motion picture equipment, commercial

Paint and coating, except manufacturing gun cotton nitro-cellulose lacquers and reactive resin cooking
Pencils
Perfumes or perfumed soaps, commercial
Plating, electrolytic process
Plumbing supplies
Poultry or rabbit, packing or slaughtering (wholesale)
Pottery and porcelain products
Pulp goods, pressed or molded (including paper-mache products)
Rubber and synthetic-treated fabric products (excluding all rubber or synthetic processing) such as washers, gloves, footwear, bathing caps, atomizers, or similar products
Safes and vaults
Sheet metal products from metal stamping or extrusion, including containers, costume jewelry, pins and needles, razor blades, bottle caps, buttons, kitchen utensils, or similar products
Shipping containers (corrugated board, fiber or wire-bound)
Silverware, plate or sterling
Textiles and fibers into fabric goods; spinning, weaving, knitting, manufacturing, dyeing, printing and finishing of goods, yarns, knit goods, threads, and cordage
Tire re-treading and vulcanizing shop
Tobacco (including curing) or tobacco products

Those uses which are more similar in type and intensity to the above list of uses than to uses listed elsewhere in these regulations.

B. Conditional Uses:

Certain uses may be permitted in this district upon the granting of a Conditional Use Permit by the Board of Zoning Adjustment. Refer to Chapter 4 Part 2 for a listing of uses and requirements that apply to specific uses.

C. Property Development Regulations

Refer to the applicable Form District regulations in Chapter 5 for lot size, setback, building height and other restrictions.

D. Maximum Density and FAR

1. Maximum Floor Area Ratio:.....3.0

2. Maximum Density: ……...None

2.5.3 M-3 Industrial District

The following provisions shall apply in the M-3 Industrial District unless otherwise provided in these regulations.

A. Permitted Uses:

Accessory uses or buildings: those uses allowed shall be subordinate, customary and incidental to the permitted primary uses, including retail sale, rental or repair of items manufactured or assembled on site. Any accessory structure must meet site and other requirements of this zone.
All uses permitted in the M-2 Industrial District
Adult entertainment, subject to the requirements of Chapter 4, Part 4
Forge plants, drop hammer or pneumatic
Foundries, ferrous or non-ferrous, brass, bronze
Race tracks for motor-powered vehicles
Railroad yard, roundhouse, repair and overhaul shops, railroad equipment including locomotive and railroad car building and repair
Storage of coal and gas, yards and pockets

Uses, manufacture, processing, treatment, or storage of the following:
Aromatic flavoring materials (essential oils)
Bag cleaning
Boiler manufacture (other than welded)
Cider and vinegar
Concrete, central mixing, and proportioning plant
Cotton ginning, cotton wadding, or linters
Film, photographic
Flour, feed, grain except grain elevators
Glass and glass products (large), including structural or plate glass, or similar products
Graphite or graphite products
Hair, felt, feathers, shoddy, bulk processing, washing, curing and dyeing
Ink manufacture from primary raw materials (including colors and pigments)
Insecticides, fungicides, disinfectants, or related industrial or household chemical compounds
Jute, hemp, sisal, or oakum products
Lead oxide
Linoleum and other hard-surfaced floor covering (except wood), oil cloth, oil-treated products, or artificial leather
Machinery, heavy, including electrical, construction, mining, or agricultural, also repairs
Metal alloys or foil, miscellaneous, including solder, pewter, brasses, bronzes, tin, lead, gold foils, or similar products
Metal casting or foundry products, heavy, including solder, pewter, brasses, bronzes, tin, lead, gold foils, or similar products
Metal or metal products; treatment or processing including enameling, japanning, lacquering, galvanizing, and (hot dip) plating
Molasses

Monument and architectural stone, monument works
Motor testing (internal combustion motors)
Oils, shortenings, and fats (edible)
Paint, lacquer, shellac, and varnish, including calcimine, casein, colors and pigments, thinners and removers
Paper and paper board (from paper-making machines)
Pickles, vegetable relish, sauces
Pottery and porcelain products (coal-fired, including bathroom or kitchen equipment, or similar products)
Refrigerating plants
Rice cleaning and polishing
Roofing materials, building paper, and felt (including asphalt and composition)
Rubber (natural or synthetic), including tires, tubes, or similar products, gutta percha, chidle, and balata processing
Sauerkraut
Self-tanning materials and allied products
Shell grinding
Soaps and soap products or detergents, including fat rendering, oils, vegetable and animal (non-edible)
Stone processing or stone products, including abrasives such as wheels, stones, paper and cloth, asbestos products, stone screening, stone cutting, stone-works, sand or lime products, or similar processes or products
Sugar refining
Synthetic fibers
Textile bleaching, bleachery, bleaching products, including bluing vitreous enameled products
Wall board, plaster board, insulation, and composition flooring
Wood or lumber processing, including sawmills, planing mills, cooperage stock mills, excelsior or packing materials, plywood veneer, wood-preserving treatment, or similar products or processes
Wool pulling or scouring

Those uses which are more similar in type and intensity to the above list of uses than to uses listed elsewhere in these regulations.

B. Conditional Uses:

Certain uses may be permitted in this district upon the granting of a Conditional Use Permit by the Board of Zoning Adjustment. Refer to Chapter 4 Part 2 for a listing of uses and requirements that apply to specific uses.

C. Property Development Regulations

Refer to the applicable Form District regulations in Chapter 5 for lot size, setback, building height and other restrictions.

D. Maximum Density and FAR

1. Maximum Floor Area Ratio:.....4.0

2. Maximum Density: ..... None

2.6.1 EZ-1 Enterprise Zone

The following provisions shall apply in the EZ-1 Enterprise Zone unless otherwise provided in these regulations.

The EZ-1 Enterprise Zone is intended as a specialized district for the location of commercial and industrial uses in areas designated as an enterprise zone by the appropriate legislative body.

NOTE: *Alleys do not qualify as "the first street intersection" in A.1. By definition an alley is "A way, other than a street, that is open to common use; and affords a secondary means of vehicular access to adjoining or adjacent property."*

A. Permitted Uses:

All uses permitted in the C-2 Commercial and M-3 Industrial Districts except as follows:

1. All uses other than uses permitted in the C-2 and M-1 districts shall observe a 200-foot setback from any residential use not zoned EZ-1 or to the first street intersection, whichever is less. The Planning Commission may amend this restriction if it finds, following a public hearing with notice to residential property owners within said distance, that the proposed use will conform to a general district development plan with binding elements and conforms to the Comprehensive Plan.

2. Dwellings are allowed only in connection with bona fide agricultural operations, or as living quarters for caretakers and watchmen and others employed full-time on the same lot and their families; or as allowed in paragraph C, below.*

3. Adult entertainment activities, as defined in Section 4.4.1.

When the EZ-1 Enterprise District is applied in an area with an adopted Urban Renewal plan, any restrictions of said Urban Renewal plan which are more restrictive than this ordinance shall be effective.

Upon the recommendation of the Director of Works, the off street parking regulations may be altered in accordance with a district development plan that the Planning Commission finds to conform to the guidelines of the Comprehensive Plan.

B. Conditional Uses:

Certain uses may be permitted in this district upon the granting of a Conditional Use Permit by the Board of Zoning Adjustment. Refer to Chapter 4 Part 2 for a listing of uses and requirements that apply to specific uses.

C. Permitted Uses With Special Standards*

The following uses are permitted in this district provided they meet the special standards and requirements listed for such uses in Chapter 4 Part 3.

1. Dwellings, Single family
2. Dwellings, Multiple family, as a reuse of an existing structure

D. Property Development Regulations

Refer to the applicable Form District regulations in Chapter 5 for lot size, setback, building height and other restrictions.

E. Maximum Density and FAR

1. Maximum Floor Area Ratio:..... 5.0
2. Maximum Density: …….……..…None

2.6.2 PRO Planned Research/Office District

The PRO - Planned Research/Office District is intended:

1. To provide sufficient space in appropriate locations for attractive landscaped laboratories, research, factories, and distribution centers.

2. To insure compatibility between the industrial operations within the park and the existing activities and character of the community in which the park is located.

3. To provide opportunities for employment close to residential areas and thus to cut travel time from home to work and the burden on the streets and transit system.

The following provisions shall apply in the PRO District unless otherwise provided in these regulations.

A. Permitted Uses:

All uses permitted in the M-1 Industrial District, all uses must be confined within a building, including storing (uses located totally within the caverns developed under a Conditional Use Permit for Underground Space shall be considered to meet the requirement of confinement within a building)
Clubs, private, non-profit
Colleges, schools and institutions of learning
Day care centers, day nurseries, nursery schools and kindergartens
Dwellings only in connection with bona fide agricultural operations, or as living quarters for bona fide caretakers and/or watchmen and their families
Governmentally owned or operated buildings or uses
Libraries, museums, historical buildings and grounds, arboretums, aquariums, and art galleries; not for profit
Office buildings
Parks, playgrounds and community centers, not for profit
Retail sales and consumer service establishments (not including warehouse sales) dealing primarily with employees and visitors of establishments permitted as principal uses, provided that such commercial uses shall not occupy more than 5 percent of the land area of the district in which it is located
Trade and business schools, not objectionable due to noise, odor, dust, smoke, vibration, or other reasons

B. Conditional Uses:

Certain uses may be permitted in this district upon the granting of a Conditional Use Permit by the Board of Zoning Adjustment. Refer to Chapter 4 Part 2 for a listing of uses and requirements that apply to specific uses.

C. Maximum Density and FAR

1. Maximum Floor Area Ratio:…….0.5

2. Lot Coverage: Not more than 35% of the lot may be covered by structures

2.6.3 PEC Planned Employment Center District

The PEC Planned Employment Center District is intended:

1. To provide sufficient space in attractive, landscaped, and planned industrial parks for M-2 Industrial operations.

2. To protect for future industry land which is now or can be served by rail.

3. To insure compatibility between the industrial operations within the industrial park and the existing activities and the character of the community in which the park is located.

4. To provide opportunities for employment close to residential areas, and thus to reduce travel time from home to work and the burden on the streets and transit system.

The following provisions shall apply in the PEC District unless otherwise provided in these regulations:

A. Permitted Uses:

All uses permitted in the M-2 Industrial District
All uses permitted in the C-1 Commercial District
Dwellings only in connection with bona fide agricultural operations, or as living quarters for bona fide caretakers and/or watchmen and their families, employed and living on the premises in connection with any lawful use in the PEC District.
Governmentally owned or operated buildings or uses
Office buildings
River Terminals

B. Conditional Uses:

Certain uses may be permitted in this district upon the granting of a Conditional Use Permit by the Board of Zoning Adjustment. Refer to Chapter 4 Part 2 for a listing of uses and requirements that apply to specific uses.

C. Property Development Regulations

Refer to the applicable Form District regulations in Chapter 5 for lot size, set back, building height and other restrictions.

D. Maximum Density and FAR

1. Maximum Floor Area Density:……...1.0

2. Lot Coverage: Not more than 50%of the lot may be covered by structures

2.6.4 W- 1 Waterfront District

The following provisions shall apply in the W-1 Waterfront District unless otherwise provided:

A. Permitted Uses:

Dwellings, Multiple family
Hotel, motel and accessory commercial including restaurants
Public and private docking
Public assembly and festival gathering
Public parks and recreation
River-theme retail commercial uses including restaurants and other retail establishments complementary to uses listed above
Vehicular parking structures when part of a larger development including a mix of above uses

B. Prohibited Uses:

All uses other than those listed as permitted or similar to those permitted are prohibited. Specifically prohibited are adult entertainment uses and advertising signs/billboards (off-premises advertising).

C. Property Development Regulations

Refer to the applicable Form District regulations in Chapter 5 for lot size, setback, building height and other restrictions.

D. Maximum Density and FAR

1. Maximum Floor Area Ratio:……..…….None

2. Maximum Density:

a. For 0 bedroom dwelling units only……435 dwellings per acre

b. For 1 bedroom dwelling units only…….217 dwellings per acre

c. For 2 or more bedroom dwelling units only…145 dwellings per acre

2.6.5 W-2 Waterfront District

The following provisions shall apply in the W-2 Waterfront District unless otherwise provided:

A. Permitted Uses:

Automobile service stations, convenience stores and branch banks when located on parcels without river frontage
Dwellings, Multiple family
Governmental services
Hotels, motels; including accessory docking facilities
Offices: professional, general
Pleasure boat sales and boat service if contained within a building or performed in the water
Private river-oriented recreational facilities, including boat charter, private boat docking, sight seeing
Public assembly facilities and festival gathering places
Public parks and recreation
Restaurants; including accessory docking facilities
River-theme retail commercial uses including restaurants and other retail establishments complementary to uses listed above

B. Prohibited Uses:

All uses other than those listed as permitted or similar to those permitted are prohibited. Specifically prohibited are adult entertainment uses and advertising signs/billboards (off-premises advertising).

C. Property Development Regulations

Refer to the applicable Form District regulations in Chapter 5 for lot size, setback, building height and other restrictions.

D. Maximum Density and FAR

1. Maximum Floor Area Ratio:…….. …….8.0

2. Maximum Density:

a. For 0 bedroom dwelling units only……435 dwellings per acre

b. For 1 bedroom dwelling units only……217 dwellings per acre

c. For 2 or more bedroom dwelling units only…145 dwellings per acre

2.6.6 W-3 Waterfront District

The following provisions shall apply in the W-3 Waterfront District unless otherwise provided:

A. Permitted Uses:

Agricultural uses;

The following uses, including those uses which normally require M-3 zoning and a conditional use permit are permitted uses of right in this district, provided that such uses require a waterfront location for river transportation or require large quantities of water for cooling or processing:

- Terminal facilities for the trans-shipment of cargo between river and other transportation facilities, including railroads, as required for uses permitted herein
- Storage facilities for cargo received or to be shipped via river transportation;
- Packaging, processing by compounding, blending mixing, washing, screening, crushing, grinding, and formulating, or any combination thereof, and volume sales of materials and goods, provided the bulk of the things packaged, processed, or sold is received or shipped via river transportation;
- Storage of bituminous materials and petroleum products.

All industrial uses permitted or conditional in the M-3 zone (other than uses listed above) when relocating from a site in the Waterfront Development Review Overlay District. (Such uses must obtain a conditional use permit in accordance with Chapter 4 Part 2, if it is a use needing a conditional use permit to locate in the M-3 zone.)

Uses allowed in the M-1 and M-2 zoning districts that are not dependent on bulk water or river transportation when a part of a larger development, the remaining parts or uses of which meet the requirements listed above or when necessary for the efficient operation of any of the uses listed above as permitted uses that are located within this district.

B. Prohibited Uses:

All uses other than those listed in paragraph A. above are prohibited. Specifically prohibited are all residential uses, adult entertainment, advertising signs/billboards (off-premises advertising), excavation, filling, and refuse disposal operations, slaughterhouses, stock yards, fertilizer plants, and the reduction of dead animals, fish, garbage, or offal.

C. Property Development Regulations

Refer to the applicable Form District regulations in Chapter 5 for lot size, setback, building height and other restrictions.

D. Maximum Density And Far

1. Maximum Floor Area Ratio: None

2. Maximum Density: None

2.7.1 Planned Village Development (PVD) District

> ***NOTE:*** *The PVD District incorporates guidelines to provide certainty in the land development process. The District also retains the authority of the Planning Commission and legislative bodies to establish limitations and regulations as they deem necessary to protect the public health, safety and welfare.*

A. Intent.

The intent of the PVD District is to promote diversity and integration of uses and structures in a planned development through flexible design standards that:

- Create new communities that are livable, diverse, and sustainable;
- Promote efficient and economic uses of land;
- Respect and reinforce existing communities, integrating new development with existing development to ensure compatibility;
- Provide flexibility to meet changing needs, technologies, economics, and consumer preferences;
- Promote development patterns and land uses which reduce transportation needs and which conserve energy and natural resources;
- Lower development and building costs by permitting smaller networks of utilities and streets and the use of shared facilities;
- Protect and enhance natural resources;
- Provide more parks, open spaces and scenic areas, either commonly owned or publicly-owned, than would otherwise be provided under conventional land development procedures; and
- Encourage a variety of compatible architectural styles, building forms, and building relationships within a planned development.

The PVD District implements the following provisions of Cornerstone 2020:

Mobility Strategy Goals I1, I2, I3, I4, I5 Livability Strategy Goals B1, E2, E3, E4, F3, H2, J1,	Guidelines 2, 3, 4, 5, 9

B. General Provisions.

1. Zone Change Applications.

An applicant for a zone change to the PVD District shall submit a proposal for consideration for any use or mixture of uses allowed in the PVD District. The Planning Commission shall make a recommendation for a zone change according to law and the legislative body may approve any such proposal, together with any conditions, requirements or limitations thereon which the Planning Commission or legislative body deems appropriate and is agreed to by the applicant according to law.

2. Bonds.

The legislative body or responsible public agencies may require bonds (or appropriate alternatives) from the applicant as part of the Master Plan to ensure the satisfactory and timely completion of facilities under public or common ownership. This requirement is for the benefit of purchasers when the development time limits and schedule do not preclude the sale of individual units prior to the completion of such facilities. In the event that a requirement for bonds or appropriate alternatives is not provided for in the Master Plan, then the developer shall comply with requirements for such bonds required in the Subdivision Regulations.

NOTE: *Section 11.4.6 (Binding Elements) is not intended to be applicable to the PVD District.*

3. Applicability of Other Ordinances/ Portions of LDC.
Unless specified otherwise by this Section, all provisions of the Land Development Code shall be applicable to the PVD district.

C. Development Guidelines and Standards.

1. Purpose of the Village.

The PVD is designed to recognize and allow for villages as a distinct pattern of development. Villages usually occur in relatively undeveloped areas. They are broadly characterized as self-contained communities having an identifiable boundary and/or open space perimeter and a center that is compact and has a mixture of uses.

2. Village Pattern.

a. The village consists of three distinct required components: the village edge, village general, and village center. The Master Plan shall include the following components:

i. Village Edge. The village edge is the least dense residential area of the village, also containing civic uses and permanent open space. It provides a discernible boundary for the village, may preserve sensitive natural features, and ensures compatibility with the surrounding pattern of land uses. Typically, permanent open space provided in the village edge would include, but is not limited to, a) preservation of agricultural lands, b) scenic views, c) woodlands, d) greenways, or e) natural, cultural, or historic resources within the community.

ii. Village General. The village general is primarily residential but allows a mixture of uses at limited locations and at a compatible scale and intensity. The village general also contains permanent open space, typically in the form of parks or greens.

iii. Village Center. The village center serves as the focal-point and informal gathering place of the village. It is made up of higher density residential uses, village-serving shops and services, civic buildings, and more formalized open space such as plazas or squares.

b. The village pattern is characterized by the required features:

i. A limited size. A complete village has most dwellings within roughly a 5 - 10 minute walk of the village center;

ii. A variety of housing types. This allows younger and older people, singles and families, and people with a wide range of incomes to have places to live. Examples include detached houses on small, standard, or large lots, duplexes, rowhouses, live/work units, and apartment buildings;

iii. A network of connected streets and walkways. Village streets provide a variety of transportation routes and disperse traffic. Streets are relatively narrow and most are tree lined to create a pleasant environment;

iv. Designated sites for civic buildings. Buildings such as schools, libraries, museums, meeting halls, places of worship, and day care facilities should occupy prominent places in the village and be planned in coordination with open spaces;

v. Many separate and human-scaled buildings. Small lots and a variety of buildings generate a cohesive pattern that allows streets to be civic places. Building heights vary, with one and two story structures typical in the village general and village edge and structures up to four stories typical in the village center. Buildings in the village center should generally be placed close to the sidewalk, creating a strong sense of spatial definition, while buildings in the village general and village edge are set back from the sidewalk. Civic buildings have a distinctive form to differentiate their role from that of other buildings;

vi. Open space and natural features, such as trees of high quality and significant tree stands, wetlands, streams, and steep slopes, are retained, linked where possible and incorporated into the village pattern; and

vii. Cultural resources, such as historic buildings, districts and landscapes, are preserved and reused in the village.

3. Development Standards.

The following standards are intended for use in preparing a Master Plan for consideration under the PVD District.

a. Size of site. A village shall not have a minimum or maximum size; however, it generally would be about forty (40) to two hundred (200) acres. Parcels significantly larger than two hundred (200) acres should be developed as multiple villages, with each village designed to be integrated into an overall plan and the total site subject to all the provisions. Applications for sites significantly less than 40 acres shall be considered when adjacent to or integrated with an existing or approved village.

b. Density. The maximum number of residential dwelling units permitted in the village district shall be 5 dwelling units per net acre, notwithstanding the location of the village in more than one county. If the village is located in more than one county, the number of dwelling units shall be established through inter-local agreement with both counties or by deed restriction. On sites with land that is required to be dedicated as open space for public health and safety (as defined in Chapter 10, Part 5) a density bonus of 2.5 dwelling units per acre of dedicated land is allowed. This density bonus is applicable to no more than 25% of the total acreage of the land. An accessory apartment constructed in accordance with applicable land use standards of the PVD District shall not be counted as a residential dwelling unit.

c. Village edge. The edge is a required component and should make up a large portion of the village. It can include a combination of publicly owned land such as parks and greenways and privately owned land such as areas that have been protected by conservation easements and residential lots. However, the specific size, location, and design of the village edge is intended to be flexible based on the context of the adjacent pattern of development and the presence of sensitive natural features. Transition between adjacent land uses and the village can be achieved through a village edge containing a combination of residential lots and permanent open space. Landscape buffers shall be provided at the village edge regardless of the type of adjacent land use, however, transition between an existing neighborhood and village can be achieved by creating a tree-lined boulevard or landscape buffer.

NOTE: *An example of permanent open space at the edge is farmland that has been placed under conservation easement.*

d. Village center. The village center should be compact and located roughly within a 5-to-10 minute walk (approximately 1,350') of most village residents. It may also be located where it can intercept traffic coming and going from the village. The location of the village center may be altered where natural features of the existing pattern of development precludes such a location. A minimum of 2% but not more than 30% of the gross acreage of the village should be designated as village center. To ensure a mixture of uses in the village center, the following guidelines shall apply:

   Some dwelling units shall be located in the village center (at least 10% of the total number of dwelling units in the village recommended but not required). Retail, office, and service uses should be sized area and intensity to meet the needs of village residents. A minimum of 2,500 square feet of gross leasable retail area should be located in the village center. The maximum amount (gross leasable area) of retail use to be located in the village center shall be limited to 200 square feet per dwelling unit. The maximum amount (gross leasable area) of office and service use to be located in the village center shall be provided by the applicant, however, single retail uses with a building footprint of greater than 50,000 square feet shall be discouraged. Home occupation uses and non-residential uses within a live/work unit shall not be included in gross leasable area calculations when determining minimum and maximum area.

e. Open Space. The minimum requirement for open space in the village shall be 25% to 30% of the gross acreage of the village. Open space used to meet the minimum requirement shall be permanent open space that meets the requirements of Chapter 10, Part 5 of the Land Development Code. In villages with less than 30% open space at least 70% of the required open space (17.5% of the gross acreage minimum) must be publicly accessible and must be designed for outdoor recreation. In villages with 30% or more open space, at least 50% of the required open space (15% of the gross acreage minimum) must be publicly accessible and designed for outdoor recreation. This requirement, however, shall not be construed as limiting the amount of open space that is necessary to satisfy public health and safety requirements.

   Some open space should be located in each of the village component. The following standards apply to open space in the village:

i. Open space used to meet the requirement in the village edge shall be designated as one of the open space types defined in Chapter 10, Part 5. In addition, the village edge may include open space that is defined as large lots that are privately owned and permanently protected by conservation easements. These lots should be no less than 10 acres in size and should average at least 15 acres. The applicant could either purchase the development rights of properties adjacent to the village or place easements on the lots before they are sold. These lots may remain in private ownership, would be maintained by the landowner and would not have to be publicly accessible. The applicant is, however, encouraged to provide access easements on these properties where appropriate, to provide connections to trails or greenways.

ii. Open space used to meet the requirement in the village general shall be designed as squares, greens, sports fields, pedestrian or bicycle trails, or greenways and may be associated with civic buildings. Each lot in a village general should be within approximately 1,350 feet of one of these types of open space.

iii. Open space used to meet the requirement in the village center shall be designed as squares, plazas, or greens and may be associated with civic buildings.

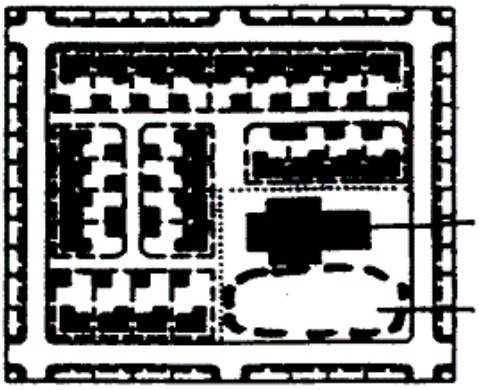
iv. Squares, plazas, and greens may not be located behind dwellings. Exceptions may be permitted where topography, existing street layout, or other features make this restriction impractical.

v. A minimum of 50% of the open space in a village should enfront on public thoroughfares.

vi. Open space associated with civic uses (such as school playgrounds and sports fields or a church yard that is designed as a green) may be used to meet the requirement if it is publicly accessible and designed as one of the open space types that are allowed in that component of the village as described above in Paragraphs i, ii, and iii above.

vii. Parking lots may only be used to meet an open space requirement as specifically permitted in Chapter 10, Part 5.

viii. No more than 25% of the required open space shall be covered by water.



ix. Land used to meet the open space requirement must be publicly accessible, except for:

(a) land dedicated to natural resource protection that requires special protection (such as habitat for threatened or endangered species):

(b) land managed for production of resources;

(c) lands used for public health and safety purposes; and

(d) privately owned cultural resources and lands that are permanently protected by conservation easements or held by a land trust. (Lands protected by conservation easement or held by a land trust may be used to meet the open space requirement with permission of the easement holder or land trust.)

f. Civic Uses. At least 2% of the gross acreage of the village shall be developed as civic use(s). Civic uses should be located at important sites to reinforce community identity and should have a distinctive form to differentiate their role from that of other buildings and uses.

g. Street Network.

i. Villages should have a hierarchy of streets. The Master Plan shall specify standards for minimum pavement width, required right of way, presence of curbs, on-street parking, street trees, street furniture, bikeways, and sidewalks.

ii. Villages should have a connected network of streets, alleys and bicycle/ pedestrian pathways. All streets and bicycle/ pedestrian pathways shall connect to other streets within the Village and to existing and projected corridors outside the Village, if applicable. Cul-de-sacs are not permitted within

the village unless natural features such as topography or stream corridors prohibit a street connection. Stub streets may be required where a street is likely to be extended in the future.

iii. Streets in villages should be designed for pedestrian safety. To accomplish this goal, street width, pattern and design shall be used to reduce vehicle travel speeds and encourage pedestrian activity. Streets may be permitted to vary in size and form from conventional development to control traffic and give character to the village.

iv. There shall be alleys to the rear of blocks in the village center and those blocks in the village general with majority of building lots less than 60' in width.

v. Location for a transit shelter should be reserved in the village center, preferably near shops and services and within walking distance of many residents. Transit shelter design should consider personal safety and year-round weather conditions.

vi. Sidewalks or pedestrian paths, (minimum 4' width recommended), should be provided on at least one wide of all streets in the village edge. In the village general and village center, sidewalks should be provided on both sides of all streets (4' minimum width recommended, 12' minimum width recommended enfronting commercial use where outdoor seating is to be accommodated). Sidewalks and pedestrian bicycle paths do not have to be parallel to the street right of way; they may meander around trees, stone walls, small hills, etc., to make the streetscape more interesting and take advantage of scenic features.

vii. A tree strip, approximately 5' in width should be provided between the roadbed and the sidewalk/ pedestrian path in the village general and village edge. Tree strips should be continuous between drives and or road intersections. In the village center, street trees should be provided in a tree strip or in grated sidewalk planters. Street trees shall be provided according to standards of the Land Development Code.

h. Blocks.

i. Blocks may be square, elongated or irregular. Block shape and size should respond to topography, existing vegetation, hydrology, and design intentions.

ii. Blocks are encouraged to vary in size, with smaller blocks generally located in the village center and larger blocks in the village edge. Blocks that are longer than 1000' are encouraged to be bisected by a walking path.

i. Stormwater Management.

The amount of open space necessary to the village district, combined with a development pattern in which lot size and density generally decreased from the village center out to the village edge allows for a unique opportunity to reduce storm water quality and quantity impact. The village should be designed in a manner that ensures that a hydrologic behavior of post-construction peak run off rates leaving the development site will not exceed pre-construction rates unless the site is utilizing a regional detention facility with the permission of the Metropolitan Sewer District.

j. Utility Services.

The village shall be provided with a complete water distribution system, sufficient to meet current standards for fire protection, from an approved public water system and shall be served by a sanitary sewer system in accordance with requirements by the Metropolitan Sewer District and the Division of Environmental Health and Protection. Installation of all utility services is required before the record plat is approved or before the performance bond is released.

4. Land Use.

The table below (Table 2.7.1) lists the uses permitted within a village. P means the use is permitted, subject to design standards and location standards where noted. L means the use is limited. Limited uses must be approved by the Planning Commission at the time of approval of the Master Plan. Subsequent requests for limited uses shall require amendment of the Master Plan and shall be reviewed according to D.2. of this Section. X means the use is not permitted. No permitted use or limited use shall be required to secure a conditional use permit. For others listed in Chapter 4, Part 2 of the Land Development Code as Conditional Uses, an applicant may apply for and obtain a conditional use permit provided the private covenants, declarations or restriction of the association of property owners do not forbid the conditional use applied for.

Table 2.7.1.

	Village Edge	Village General	Village Center
Detached dwelling	**P**	**P**	**P**
semi-detached dwelling	**X**	**P**	**P**
attached dwelling	**X**	**P**	**P**
two-family dwelling	**X**	**P**	**P**
multi-family dwelling	**X**	**P***	**P**
accessory apartment	**P**	**P**	**P**
live/work unit	**X**	**L****	**P**
bed and breakfast inn	**L**	**L**	**P**
hotel	**X**	**X**	**P**
home occupation	**P**	**P**	**P**
office	**X**	**P*****	**P**
neighborhood commercial/service****	**X**	**P*****	**P**
general commercial*****	**X**	**X**	**P**
churches, parish halls and temples	**L**	**L**	**L**
clubs, private proprietary	**L**	**L**	**L**
colleges, schools, and institutions of learning, (except trade, business, or industrial schools), not for profit	**L**	**L**	**L**
community residence	**L**	**L**	**L**
	Village Edge	**Village General**	**Village Center**
convents and monasteries	**L**	**L**	**L**
day care center	**L**	**P***	**P**
family day care home	**P**	**P**	**P**
family care home	**P**	**P**	**P**
nursing homes and homes for the infirm and aged	**L**	**L**	**L**
historical buildings & grounds	**P**	**P**	**P**
libraries, museums, arboretums, and art galleries, not for profit	**L**	**L**	**L**
meeting hall	**L**	**L**	**L**
agriculture	**P**	**P**	**P**
garage sale	**P**	**P**	**P**
outdoor advertising sign	**X**	**X**	**X**
utilities	**L**	**L**	**L**

The following refer to table 2.7.1

* Only at intersections where at least one street is designated as the highest classification of streets in the village.

** Only along major streets as defined in the Master Plan.

*** Only at intersections where at least one street is designated as the highest classification of streets in the village and only on the first floor. Office or commercial use shall not exceed 50% of the floor area of the entire structure. The remaining floor area shall be residential.

**** Includes only permitted and special permitted uses in the CR zone, not subject to CR requirements. Drive-through facilities are not permitted. Single retail uses with a building footprint that is over 50,000 square feet shall be discouraged.

***** Includes only uses permitted in the C1 zone plus neighborhood pubs and live music in restaurants. Drive-through facilities are not permitted. Single retail uses with a building footprint that is over 50,000 square feet shall be discouraged.

5. Site Design

Site design should be regulated in order to ensure compatibility of building types regardless of use and to create a cohesive development pattern. In order to allow maximum flexibility, site design standards are not specified for the PVD district. Instead, standards compatible with the village pattern as described in C.2. of this Section shall be provided by the applicant and approved by the Planning Commission at the time of approval of the Master Plan. One set of standards should be established for civic uses and a second set for all other uses. Standards should meet the intent of the village pattern described in C.2. of this Section, and should be submitted in a format similar to that shown in Table 2.7.2.

TABLE 2.7.2 Note: Table 2.7.2 is illustrative only. It is intended as a guide, not a standard for site

			Village Center
Lot size (Lots widths should be increments of 12' or 18' to the extent possible.)	width: 54' min.	width: 36' - 72' depth: 80' min.	width: 18' - 72' depth: 80' min.
Lot coverage	Buildings shall cover no more than 50% of the area of their lots. Coverage calculations shall exclude open porches and accessory buildings.	Buildings shall cover no more than 60% of the area of their lots. Coverage calculations shall exclude open porches and accessory buildings.	Buildings shall cover no more than 90% of the area of their lots. Coverage calculations shall exclude open porches and accessory buildings.
			Village Center
Setbacks	Front setback - min. of 24' measured to the principal facade. Rear setback - min. of 3' to the rear elevation of the accessory building and 30' to the rear elevation of the principal building. Side setback - min. of 10' to the side elevation of the principal building and 5' to the side elevation of an accessory building. Stoops, balconies and porches may encroach into setbacks.	Front setback - 18' max. measured to the principal facade. Rear setback - min. of 3' to the rear elevation of the accessory building and 30' to the rear elevation of the Principal Building unless a back building connects both. Side setback - total of 12' to the side elevations (all of which may be to one side) of the principal building and 0 ft. to a common wall of an outbuilding. Stoops, balconies and porches may encroach into setbacks.	Front setback should be 0' or 6' measured to the principal facade. Rear setback - min. of 3' to the rear elevation of the principal building. Side setback - min. of 0' to a common wall. Stoops, balconies and porches may encroach into setbacks. Arcades and awnings may encroach upon the R.O.W. to the full width, less one foot, of the enfronting sidewalk.
Building façade	The building facade shall be set parallel to the frontage line and shall extend no less than 30% of the linear frontage.	The building facade shall be set parallel to the frontage line and shall extend no less than 60% of the linear frontage.	The building facade shall be set parallel to the frontage line and shall extend no less than 80% of the linear frontage. A wall may substitute for the facade for 50% of the linear frontage. The wall shall be even with the facade and parallel to the frontage line.
Height	Buildings shall not exceed 2.5 stories.	Buildings shall not exceed 3 stories.	Buildings shall not exceed 4 stories nor shall they be less than two stories.

6. Architectural Design

   a. Architectural design shall be regulated, governed, and enforced as architectural design standards by an association of property owners in order to ensure compatibility of building types and to relate new buildings to the building traditions of the region. These standards shall be contained in private convenants, declarations, or restrictions of the property owners' association and shall be approved in concept by the Planning Commission at the time of approval of the Master Plan. Changes in architectural design standards may occur from time to time thereafter if approved by the Planning Director and the property owners association.

   b. Architectural design standards shall specify the materials and configurations permitted for walls, roofs, openings, street furniture, and other elements. Architectural standards should encourage the following: architectural compatibility among structures within the village; human scale design; pedestrial use of the village; relationship to the street and to surrounding buildings; and special architectural treatment for civic buildings.

7. Parking and Loading

   a. Parking facilities for motor vehicles and bicycles shall be provided in accordance with Chapter 9, Parts 1 and 2 and in accordance with this sub-section. When the requirements of Chapter 9 conflict with this sub-section, the requirements of this sub-section shall be applied.

   b. Parking lots shall be located at the rear of a building. If located adjacent to a street or a residential use, screening shall be provided. If the village center is located adjacent to a heavily traveled roadway such as an arterial, up to two rows of parking in front of the non-residential buildings may be allowed.

   c. Parking lots may not be adjacent to a street intersection or square, or occupy lots which terminate a street vista.

   d. Shared parking facilities are encouraged in the village center. Uses in the village center may provide required parking anywhere within the village center.

   e. In the village center, on-street parking allowed along property lines adjacent to a street may be counted toward the parking requirement for that lot.

   f. Bicycle parking should be provided in the village center and near transit stops, schools, and parks. Bicycle parking may be shared between uses and should be centrally located, easily accessible, and visible from streets or parking lots.

g. Off-street truck loading or unloading berths and on-street loading zones adequate to serve each proposed use shall be provided. The number and size of off-street loading berths and/or on-street loading zones shall be shown on the Final Plan.

8. Signs.

Signs shall be consistent and compatible with the village pattern as defined in C.2. of this Section. In order to allow maximum flexibility, sign restrictions contained in Chapter 8 shall not apply within a village. Instead, sign standards shall be provided by the applicant and approved by the Planning Commission at the time of approval of the Master Plan. Outdoor advertising signs shall not be permitted within the PVD District.

The following information is illustrative only. It is intended as a guide, but not a standard, for signs.

a. All signs shall be attached, awning, canopy, or projecting signs. Freestanding signs shall not be permitted, with the exception of real estate rent/sale signs.

b. Signs shall be integral to the store or building facade. (Recommended height no greater than 2 feet by any length.)

c. No sign shall be mounted above the first floor of a structure.

d. Any signs that are lighted shall be externally lighted.

9. Landscape

Development within the PVD District shall not be required to meet the landscaping and buffering regulations contained in Chapter 10, Part 2, but shall be required to be developed in accordance with the remaining provisions of Chapter 10. Standards for street trees, buffering and screening for parking areas should be developed as part of the Master Plan Report and should address species type, size, and spacing tree strip and planting bed size and planting medium requirements. All required landscape elements should be shown on the Final Plan as well as on the construction documents.

The location and design of open space, required as part of the Final Plan submittal, should include information such as finished grading, plantings, location and type of proposed recreational equipment and landscape furnishings, lighting, pavement pattern and materials, proposed water features, and any other public facility such as restores or drinking fountains.

10. First Final Plan

After approval of a Master Plan and zone change to the PVD District, a Final Plan shall be submitted for review as outlined in D.1. of this Section. The first Final Plan in a village shall contain (a) a section of contiguous village general and village center, and (b) a section of village edge contiguous with the village general or village center, or contiguous or non-contiguous open space.

D. Procedures.

1. Plan Review Process.

a. Overview of Review Process.

The PVD District review process includes six steps. The first step, concept plan review, requires one of the following alternatives: a pre-application conference with Planning Commission staff or a public charrette. The second step is to secure a recommendation of approval of the zone change request and approval of a Master Plan by the Planning Commission; and thereafter to secure final action by the legislative body. The third step, Final Plan review, may be combined with a Preliminary Subdivision Plan review. This step may cover an entire development or a section of development and is conducted by the Technical Review Committee to ensure conformance with the approved Master Plan. Steps four and five, Construction Plan and Record Plat review, are required under the Subdivision Regulations in order to subdivide land. Step six is a site plan review by the Planning Commission staff for all development sites except for a single family use.

Table 2.7.3

Zone Change / Development Approval	Subdivision Approval
Concept plan - Planning Commission staff review and/or a public charrette.	
Master Plan - Technical Review Committee (TRC) and LD&T review, Planning Commission approval, and Planning Commission recommendation of the zoning change. Final action by legislative body.	
3a. Final Plan -TRC approval.	3b. Preliminary Subdivision Plan - TRC approval.
	4. Construction Plan - Agency approval.
	5. Record Plat - Agency approval.
6. Site Plan for building permit - Planning Commission staff approval required except for single family use.	

b. Concept Review.

The applicant may choose to request a pre-application conference with Planning Commission staff and/or to conduct a public charrette for review of a Concept Plan. The applicant must provide an opportunity for the first and second tier property owners to review the concept plan before a zone change application is submitted.

Pre-Application Conference - Prior to formal application for amendment of the Zoning District Map, the applicant or his/her agent may have a conference with the Planning Commission staff to discuss the effect the Comprehensive Plan, the Zoning District Regulations, the Metropolitan Subdivision Regulations, and other land development controls would have on the proposed development. It is intended that the conference also discuss apparent characteristics of the site that would affect the proposed development. In addition, the pre-application conference may be used to determine what elements may be required on the Master Plan required in the PVD district.

Public Charrette - A public charrette may be held by the applicant or his/her agent, with written notification at least 14 days prior to the first day of the charrette to the Planning Commission staff, owners of surrounding property within 200 feet of the proposed development site, and any persons, agencies or organizations the applicant and Planning Staff deems appropriate. A public charrette is a method of planning which is specifically organized to encourage the participation of everyone who is interested in the making of a development or plan, whether they represent the interests of the general public, public agencies, or a client. Charrettes are intensive planning sessions in which: 1) all those influential to the project develop a vested interest in the design and support its vision; 2) a group of design disciplines work in a complementary fashion to produce a set of finished documents that address all aspects of design; 3) this collective effort organizes the input of all players at one meeting and eliminates the need for prolonged discussions that typically delay planning projects; and 4) a better product is produced more efficiently and more cost effectively because of this collaborative process. At the end of the charrette, the concept plan and supporting documents are presented to the public. A summary of input from the charrette must be submitted to the Planning Commission with the zone change application.

Requirements of the Concept Plan - The applicant shall prepare a Concept Plan demonstrating compliance with the PVD District's purpose and standards for review in the pre-application conference or during the public charrette process. The Concept Plan shall include the following:

i. Scale, date, north arrow and vicinity map with measurements to nearest existing streets:

ii. Boundaries and approximate acreage of subject property; general location and description of streams, jurisdictional wetlands, conveyance zones, regulatory floodplains, topography and woodlands;

iii. Existing uses of the property;

iv. The location of site plan components required in the PVD District (for example, village edge, village general, village center);

v. Number of residential units proposed and approximate square footage of commercial, office, and service uses proposed;

vi Existing and proposed streets and alleys, and connections to existing street system;

vii General location, size and type of open space;

viii. General provision for handling storm water drainage, sanitary sewage and drinking water.

c. Master Plan Review.

Following the pre-application conference or public charrette, a Master Plan shall be submitted for review by the Planning Commission, accompanied by a filing fee in the amount established by resolution of the Fiscal Court and an application for a zone change of the land involved to the PVD District in accordance with the submittal requirements stated in D.4. of this Section.

Simultaneous Applications - An applicant may file simultaneously with the zone change application and Master Plan any applications for Preliminary Subdivision Plan and/or Final Plan approval required by this Section.

Technical Review Committee - Upon acceptance of the application as complete, the Master Plan shall be presented to the Technical Review Committee (TRC) to identify, negotiate, and resolve technical issues and conflicting agency requirements and to make recommendations to the LD&T Committee.

Land Development and Transportation Committee - Upon review by the TRC, the Master Plan shall be presented to the Land Development and Transportation (LD&T) Committee of the Planning Commission. The LD&T Committee shall review the plan for issues requiring clarification and shall confirm the date for a public hearing before the Planning Commission.

Planning Commission - Following review by the LD &T Committee, a public hearing with public notice as specified in KRS Chapter 100 shall be held before the Planning Commission to consider the application. This hearing may be continued from time to time as necessary to facilitate such changes, conditions and additions in the Master Plan as may be agreed upon by the Planning Commission and applicant. Based on the Master Plan, the Planning Commission shall make a recommendation of the legislative body pursuant to KRS 100.211.

Legislative body - Following action by the Planning Commission, the application shall be considered by the appropriate legislative body. Based on the application as amended and the recommendation of the Commission, the legislative body shall approve, remand back to the Planning Commission for amendments or additions, or deny the application.

The first Final Plan approval shall be requested within 12 months of the date of Master Plan approval by the legislative body. The Planning Director may extend the 12 month period for an additional 12 months provided the request is made in writing prior to the expiration of the initial 12 month period. Subsequent requests and requests received after the 12 month period may be made in writing to the LD&T Committee by the applicant and shall be approved by the LD&T Committee if it finds that circumstances justify the request.

d. Preliminary Subdivision Plan and Final Plan Review.

After approval of a Master Plan and zone change to the PVD District, a Final Plan and Preliminary Subdivision Plan shall be submitted to the TRC for review. A Final Plan and Preliminary Subdivision Plan may be submitted for all of a planned development or for a section of development. If the TRC finds that the Final Plan and Preliminary Subdivision Plan conforms to

the approved Master Plan, the TRC may approve the Final Plan and Preliminary Subdivision Plan or, at its discretion, may refer the Final Plan and Preliminary Subdivision Plan to the Planning Commission for approval. If the TRC finds that the Final Plan and Preliminary Subdivision Plan are not in conformance with the approved Master Plan: (a) the applicant may revise the Final Plan and Preliminary Subdivision Plan to conform with the approved Master Plan; or (b) the applicant may apply for an amendment to the Master Plan as set forth in D.2. of this Section, below.

TRC recommendations may be appealed to the LD&T Committee. Appeals may be requested by applicants or other persons on forms supplied by the Division of Planning and DesignServices.

Final Plan and Preliminary Subdivision Plan review is primarily intended to determine compliance with the approved Master Plan, specific guidelines of this Section, and the terms of any prior conditional approval of the project.

Approval of a Final Plan and Preliminary Subdivision Plan shall be valid for one year and extensions may be granted in accordance with Chapter 7 (Subdivision Regulations) of the Land Development Code.

Simultaneous Submittals - Applications for Preliminary Subdivision or Final Plan approval may be submitted for review simultaneously with applications for Master Plan review. In such cases any approval of Preliminary Subdivision or Final Plans must be conditioned upon the approval of the Master Plan and zone change. If the approved Master Plan includes any additions or conditions by the legislative body, any Preliminary Subdivision or Final Plan undergoing simultaneous review may be referred back to the TRC to ensure conformance with the approved Master Plan.

2. Amendments to Approved Master Plans.

a. Minor Amendments.

The Planning Director may administratively approve minor revisions to a Master Plan, in consultation with appropriate agencies, if the Planning Director determines that the revision meets the guidelines of this Section and there are no adverse effects on areas that are part of a Final Plan. Minor amendments are appealable to the Planning Commission. The following are minor revisions:

i. The layout of a transportation network may be revised if the Planning Director determines that (a) the basic layout remains the same, and (b) the revised layout functions as well as the previous layout.

ii. The location of a transit shelter may be revised if the Planning Director determines that the revised location functions as well as the previous location.

iii. Architectural standards may be revised if the Planning Director determines that the revision will not substantially change the character of the village and if the property owners' association approves the revision.

b. Major Amendments**.**

All amendments other than those described above are major amendments. Major amendments shall be processed in the same manner as the Planning Commission reviews the original Master Plan, including notification of the first and second tiers of property owners around the property. The Planning Commission shall hold a public hearing on the proposed amendment and shall give public notice of said hearing at the applicant's expense, including posting a notification sign on the property.

3. Exceptions.

If the Planning Director determines that any of the items required to be included in the Master Plan or Final Plan map or report are inapplicable or irrelevant to a proposed planned development, such item may be waived by the Planning Director. The Master Plan report shall identify the items missing and include a brief explanation of why they are irrelevant, inapplicable or not submitted. With the concurrent of the Planning Director, some items to be included in the Master Plan or Final Plan report may be combined with others or shown on the Master Plan or Final Plan map, provided no confusion or ambiguity thereby results.

4. Requirements of the Master Plan.

Along with the zone change application, the applicant shall submit a Master Plan. No Master Plan application shall be deemed accepted unless complete and containing all of the following:

a. **Legal Description of Site and Owners -** A legal description of the proposed planned development shall be submitted, along with the signature(s) of property owner(s).

b. **Existing Conditions Map** - This map or series of maps shall be drawn to the same scale as the Master Plan map and shall include:
   i. Title of the proposed development and name(s) of the applicant(s);

ii. Scale, date, north arrow and vicinity map with measurements to existing streets;

iii. Boundary description, including area and bearings and dimensions of all property lines;

iv. Existing topography with two-foot contour lines. Slope category analysis for areas of 20% slope or greater;

v. Generalized soil types in the development area and surrounding area;

vi. Location of existing tree masses and individual trees (not in a tree mass) and their species with a circumference of at least twelve (12) inches, measured four (4) feet from the ground (aerial and on-site photographs may be used to show vegetation);

vii. The location and names of all existing streets; the location and use of all existing buildings; any existing recreation or open space areas; the location and size of all existing drainage, water, sewer, electrical, and other utilities' facilities, including fire hydrants; and all existing easements, railroads, cemeteries, watercourses, bridges, lakes, jurisdictional wetlands, sinkholes, drainage basins, outfalls, conveyance zones, regulatory flood plains, and other physical conditions affecting the area;

viii. The location and function of all other existing public facilities which would serve the site such as schools, parks, fire stations and the like. Notation of this information on a scaled map or by written description is acceptable, and

ix. Features on adjacent property which might affect the design of the development.

c. Master Plan Map - This map or maps shall be drawn and submitted at a scale not less detailed than one inch equals two hundred (200) feet, or other scale acceptable to the Planning Commission staff, and shall include:

i. delineation of site plan components required by a PVD District (for example, village edge, village general, village center);

ii. the layout of proposed blocks;

iii. the layout of proposed streets, bikeways, and pedestrian paths;

iv. the location of a proposed transit shelter;

v. the location and acreage of open space areas with an indication for each whether it will be privately owned, a common area for residents only or dedicated to public use;

vi. the location and acreage of civic uses;

vii. the general location of limited uses, and;

viii. a concept plan indicating how existing drainage conditions would be changed as a result of the proposed development and the general location of proposed detention basins.

d. Master Plan Report - This report shall be a part of the Master Plan, and shall include:

i. a statement indicating the purpose and intent of the project and the applicant's statement of how the project complies with the comprehensive plan and with the guidelines specified for the PD option;

ii. a description of the mix of land uses and the factors which ensure compatibility both within the development site and with adjacent land uses;

iii. statistical information including:

(a) Gross acreage of the site, plus net acreage of the site excluding jurisdictional wetlands, regulatory floodplains, and slopes over 20%;
(b) The maximum number of dwelling units requested;

(c) The maximum amount (gross leasable area) of retail, office, and service uses requested in the village center;

(d) The amount of land devoted to open space, expressed in acres and as a percentage of the gross acreage of the site.

(e) The amount of land devoted to civic uses, expressed in acres and as a percentage of the gross acreage of the site.

vi. a plan for pedestrian, bikeway, and vehicular circulation describing the general design capacity of the system as well as access points to the major thoroughfare system. In addition, a daily and peak hour trip generation and directional distribution report by use may be required.

v. street design standards specifying minimum pavement width, right-of-way width, presence of curbs, on-street parking, street trees, street furniture, bikeways and sidewalks. Also include street cross sections for each type of street classification proposed;

vi. site design standards specifying: the range of lot sizes (width and length), lot coverage, frontage of building facades, and building height for civic uses and all other uses;

vii. architectural design standards specifying materials and configurations permitted for walls, roofs, openings and other elements;

viii. drainage report, describing pre and post runoff conditions of downstream drainage systems, the impact of development of localized drainage facilities, and proposed mitigation of negative impacts;

ix. sanitary sewage facility report;

x. sign standards; and

xi. a schedule for the proposed development (or for each section, if it is to be developed by sections) containing the following information, which schedule shall not be binding but shall be provided in order to show generally how the applicant will complete the project;

(a) The order of construction by section delineated on the Master Plan;

(b) The anticipated time required to develop each section;

(c) The proposed schedule for construction of improvements to open space areas;

(d) The proposed schedule for the installation of required public or utilities improvements and the dedication of public rights-of-way, easements and properties.

5. Requirements of the Final Plan.

The applicant shall submit a Final Plan which conforms to the submittal requirements below. No application shall be deemed accepted as filed unless it is complete and contains all of the information below. This map or maps shall be drawn and submitted at a scale acceptable to the Planning Commission, but not less detailed than one inch equals one hundred (100) feet, and shall include:

a. Final Plan Map

i. Title (or section) of the proposed development and names of the applicant(s);

ii. Scale, date, north arrow, and vicinity map with measurements to existing streets;

iii. All information shown on the Master Plan map, plus;

iv. Lot lines and a notation of the category of land uses permitted on each lot (for example, note the lots in the village general that could have an office or commercial use);

v. The design and location of private and public open space;

vi. The location and design of on-street loading zones and/or off-street loading berths, bikeways, street trees, parking lot screening and transit shelters;

vii. The location of utility easements; and

viii. Such additional information as the Planning Staff may require.

b. Final Plan Report

i. Gross and net acreage of the property (or section) to be developed;

ii. The approximate number of dwelling units proposed;

iii. The approximate amount (gross leasable area) of retail, service, and office uses proposed; and,

iv. A description of the use, maintenance, and operating standards for common and public open space.

6. Conditions of Approval in Master Plan or Final Plan.

Conditions of approval may be written or graphic and, where agreed upon by the Planning Commission and the applicant, shall become a fundamental part of the Master Plan or Final Plan. Conditions may relate to the location and bulk of buildings and other structures, intensity of use, density of development, streets, ways, parking facilities, drainage of surface water, access points, screening and buffering, utilities, existing manmade and natural conditions and all other conditions agreed to by the applicant.

7. Subdivision Plan Review.

   The applicant shall obtain approval of a Preliminary Subdivision Plan, Construction Plan, and Record Plat in accordance with the Subdivision Regulations. Prior to approval of a Record Plat, the following information shall be filed with the division of Planning and Design Services and approved by the Planning Commission attorney:

   a. Conservation easements and/or supporting covenants shall be filed among the land records that enumerate the property owners' association and all successors' obligations for perpetual maintenance of all common and private open space;

   b. Conditions, covenants, and restrictions for all the property within a village (or section) that:

      i. establish a property owners' association with mandatory membership for each property owner;

      ii. provide for the ownership, development, and maintenance of open space, community parking facilities and other common areas;

      iii. require the collection of assessments from members in an amount sufficient to pay for its functions and require that liens be placed to ensure payment;

      iv. when required by the Planning Commission attorney, include Jefferson County as a party to the conditions, covenants, easements, and restrictions for the limited purpose of ensuring that all common open space is properly maintained by the property owners' association and the property owners,

      v. require signature of the developer of his/her designee prior to application for each building permit; and,

   c. Documentation of approval of any receiving entity (such as a public agency or a land trust) that is different than the property owners' association if any open space is to be dedicated to that entity.

8. Site Plan Review.

   The developer and the property owners' association or its designee will be required to certify conformance with deed restrictions and architectural standards prior to submittal of the site plan for review and approval. In addition, site plans for uses other than single family residential will be reviewed and approved by DPDS staff prior to issuance of a building permit.

2.7.2 Planned Transit Development (PTD) District

A. Intent.

The intent of this section is to provide a framework and approval process for creating Planned Transit Development (PTD) Districts that promote transit oriented development around advanced transit facilities. A PTD District is a compact, high to medium density/intensity, mixed-use, transit and pedestrian oriented activity center that promotes local economic activity in developments that are diverse, livable, sustainable, and enhance and maintain quality of life. This distinct pattern of development is facilitated by flexible site and community design standards that:

NOTE: *Chapter 11, Part 4 of the LDC is not intended to be applicable to the PTD District.*

- Provide a concentration of retailing, personal and business services, as well as residential and cultural uses at a necessary intensity to efficiently be served by a mass transit system;
- Provide continuous, direct, convenient transit and pedestrian linkages, including walkways between principal entrances of buildings and to adjacent lots;
- Optimize density/intensity by varying the types of residential and commercial units provided;
- Facilitate access to advanced transit facilities;
- Increase the potential for home/work transit ridership by encouraging medium to high density mixed use development around advanced transit facilities in areas where redevelopment or new development should occur;
- Encourage the use of public transit by reducing parking requirements within the PTD and the provision of park and ride lots near advanced transit facilities where appropriate;
- Improve the pedestrian environment with amenities, such as pedestrian lamps, awnings, canopies, benches, trees, and shrubbery;
- Protect pedestrians and cyclists from traffic using clearly designated crosswalks, buffering, shelters, lighting, and grade separations;
- Orient buildings to make pedestrians comfortable, by minimizing walking distances, enhancing visibility and by clustering buildings;
- Encourage attractive building facades by including street-level display windows and varying setback;
- Situate parking to the rear of the structure with proper screening, or in a parking garage, which possesses storefronts on any side facing an urban corridor;
- Minimize curb cuts/driveways;
- Provide mixed land uses that are compatible and mutually supportive;
- Promote efficient and economic use of land;
- Respect and reinforce existing communities, integrating new development with existing development to ensure compatibility;
- Provide flexibility to meeting changing needs, technologies, economics and consumer preferences;
- Promote development patterns and land uses which reduce transportation needs and which conserve energy and natural resources;

The PTD District implements the following provisions of Cornerstone 2020:

Marketplace Strategy Goal D2, Mobility Strategy Goals A1, A2, B1, C1, D1, E1, E2, E3, G1, H1, H2, I1, I3, I4, I5, I6	Guidelines 2, 3, 6, 7, 8, 9, 12

B. Applicability of Other Ordinances/ Portions of LDC.

Unless specified otherwise by this Section, all provisions of the Land Development Code shall be are applicable to the PVD district.

C. Definitions.

The following definitions apply only to the PTD District and supercede/ replace any duplicate definitions in Chapter 1, Part 2 of the Land Development Code:

Advanced transit facility **–** a facility designed for the purpose of facilitating access to mass transit, including but not limited to light rail stations, multi-modal transit centers that provide for bus and shuttle transfer, and park-and-ride lots.

Concept Plan – An outline proposal for size, land use, density, site design, and urban design criteria for a PTD District.

Mass transit – any light rail, bus, or shuttle system, station or shelter, and any related or appurtenant facilities.

Master Plan – A detailed proposal including a Master Plan Map, and Master Plan Report that establishes the boundaries and various components, and the land use, density, site design, and urban design criteria for a PTD District.

Transit District Center – A required component of the PTD. A compact high density/intensity environment encompassing property immediately surrounding an advanced transit facility.

Transit District Transition **–** An optional component of the PTD. A high to medium-density/intensity environment encompassing the area surrounding an advanced transit facility, beyond the Transit District Center. It serves as a transitional area between the Transit District Center, and the surrounding Form District.

D. Development Guidelines

1. PTD District Pattern
A PTD District will encompass all property in the area surrounding an advanced transit facility, within a boundary defined by the PTD Master Plan. The PTD will consist of one or two components:

Required Component - Transit District Center that shall encompass all property within the Planned Transit Area with the greatest proximity to the advanced transit facility and potential for transit oriented development; and

Optional Component - Transit District Transition Area that may encompass all property in proximity to the advanced transit facility, not within, but beyond the Transit District Center.

a. The Transit District Center (Required). The Transit District Center is a required component. It will be a pedestrian friendly urban environment encompassing, at a minimum, the property immediately surrounding an advanced transit facility.

   i. Each new development site must include a three to eight story building which must be compatible with the existing urban character of the neighborhood.

   ii. A minimum of two land uses must be developed on each site (lot) in the Transit District Center. Of these, one land use must be a residential, office, or lodging use above grade and the other use must be a commercial or recreation use at ground grade.

   iii. Pedestrian and transit-oriented amenities shall be provided as specified in E. 8. of this Section.

   iv. A development may consist of two or more building lots if they are developed under a unified development plan. When a development consists of multiple building lots, its development standards and off-street parking and loading requirements must be calculated by combining the lots and treating them as a single building lot.

b. The Transit District Transition Area (Optional). The Transit District Transition Area is an optional component that may serve as a transition between the Transit District Center and land uses in surrounding neighborhoods and form districts. Transit District Transition Areas may only be created on sites that are adjacent to a Transit District Center.

   i. The Transit District Transition Area allows a wide range of development types, including, but not limited to: condos, apartments above retail; mixed-use infill adjacent to single-family neighborhoods; medium-density multi-family housing; zero-lot line development, attached residential/townhouses; high-density senior living; and live/work townhouses; with neighborhood commercial service/retail.

   ii. The specific size, location, and design of the Transit District Transition Area is intended to be flexible based on the context of the adjacent pattern of development and the presence of sensitive natural features. Transition between adjacent land uses such as single family residences and the PTD can be achieved through a Transit District Transition Area containing a combination of single and multi family residential lots, civic uses and permanent open space.

NOTE: *The PTD boundary should include potential transit-related development sites within a 5 minute walk, or 1000' of the transit facility. This distance can be extended to 1500-2000' for high level facilities such as commuter or light rail stations.*

2. PTD District Pattern Characteristics
   The PTD District generally consist of the following characteristics:

a. Compact. The PTD shall not have a minimum or maximum size. The boundary of the PTD District shall at a minimum include the "Planned Transit Area" as delineated in the Master Plan. Additions to an established PTD are permissible, size and location to be determined by the legislative body with zoning authority.

b. High to Medium Density/Intensity. A PTD will increase the potential for home/work transit ridership by encouraging high to medium density and intensity mixed use development around an advanced transit facility in areas where redevelopment or new development should occur. A PTD will also provide the concentration of retailing, personal and business services, as well as residential and cultural uses at a necessary intensity to be served efficiently by a mass transit system.

c. Variety of Land Uses. A PTD will provide land uses that are compatible and mutually supportive.

d. Connected Street and Walkway Network. A PTD will provide continuous, direct, convenient transit and pedestrian linkages, including walkways between principal entrances of buildings and to adjacent lots, and will ensure a continuous network of pathways and connections. Where there is an existing grid, connect with street and sidewalk network.

e. Pleasant Pedestrian Environment. A PTD will improve the pedestrian environment with amenities, such as pedestrian lamps, awnings, canopies, benches, trees, and shrubbery, and protect the pedestrian and cyclists from traffic using clearly designated crosswalks, buffering, shelters, lighting, and grade separations.

f. Human-scaled Buildings. A PTD will orient buildings and setbacks to make pedestrians comfortable by minimizing walking distances, enhancing visibility, and clustering buildings.

g. Attractive Facades. A PTD will diversify building facades by including street-level display windows, and varying setback and parking will be situated to the rear of the structure with proper screening, or in a parking garage which possesses storefronts on any side facing an urban corridor;

h. Access to Public Transportation. A PTD will facilitate access to public transit, including light rail and bus systems, and will encourage the use of public transportation.

E. Development Standards

The following standards are intended for use in preparing a Master Plan for consideration under the PTD District.

1. Density
The following density standards shall be applied: (the PTD Density 1 shall apply in the Transit District Center, and the PTD Density 2 shall apply in the Transit District Transition)

PTD Density 1 – Maximum Floor Area Ratio = 5.0 (non-residential);

Maximum Density = 435 units per acre (residential).

PTD Density 2 – Maximum Floor Area Ratio = 3.0 (non-residential); Maximum Density = 34.8 dwellings per acre (residential).

2. Land Use

a. PTD District Land Use Table. The table below lists the uses permitted within a PTD. P means the use is permitted, subject to design standards and location standards where noted. L means the use is limited. Limited uses must be approved by the Planning Commission at the time of approval of the Detailed Development Plan. X means the use is not permitted. No permitted use or limited use shall be required to secure a conditional use permit. Hours of operation of proposed uses shall be established in the Master Plan.

PTD District Land Use Table

"PTD" Permitted Uses	TRANSIT DISTRICT CENTER	TRANSIT DISTRICT TRANSITION
RESIDENTIAL USE		
Dwellings, two family	X	P
Multiple family dwellings	P	P
Single family dwelling	X	X
LODGING USE		
Boarding, lodging houses	X	L
Extended stay lodging		
Hotel	P	P
OFFICE USE		
Offices, professional, business and governmental	P	P
Home occupations	P	P
COMMERCIAL USE		
Automobile service stations	X	X
Antique shops	P	P
Bakeries, retail	P	P
Banks, credit unions	P	P
Barbershops and beauty shops	L	P
Book stores	P	P
Cleaning, pressing and dyeing establishments using non-flammable and non-explosive cleaning fluid	X	P
Computer programming services and software sales	P	P
Confectionary or candy stores	P	P

"PTD" Permitted Uses	TRANSIT DISTRICT CENTER	TRANSIT DISTRICT TRANSITION
Department stores	P	P
Dressmaking stores	P	P
Drug stores	P	P
Dry cleaning, dyeing, pressing and laundry; distributing stations or retail	P	P
Dry cleaning business where no cleaning, dyeing, pressing or laundry is done for other distributing stations or cleaning establishments	P	P
Dry goods and notions stores	P	P
Electric appliance stores	P	P
Engraving, watch-making, and jewelry manufacturing, where products are sold on premises	P	P
Florist shop	P	P
Furniture stores	X	P
Restaurants, tea rooms and cafes	P	P
Restaurants, where food and drink may be served or consumed outside as well as inside a building	P	P
Restaurants w/ drive through windows	X	P
Retail or wholesale stores or businesses not involving any kind of manufacture, processing or treatment of products other than that which is clearly incidental to the business conducted on the premises, and provided that not more than fifty (50) percent of the floor area of the building is used in the manufacture, processing, or treatment of products, and that such operations or products are not objectionable due to noise, odor, dust, smoke, vibration or other similar causes	P	P
Grocery stores, including fruit, meat, fish, and vegetable	P	P
Hardware and paint stores	P	P
Health spas	P	P
Interior decorating shops	P	P
Jewelry stores	P	P
Laundries or launderettes (self-service)	P	P
Music and vocal instructions	P	P
Music stores	P	P
Pet shops	P	P
Photographic shops	P	P

"PTD" Permitted Uses	TRANSIT DISTRICT CENTER	TRANSIT DISTRICT TRANSITION
Plumbing and heating shops storage and sales provided all operations are totally enclosed	X	P
Printing, lithographing or publishing establishments, if constructed to insure that there is no noise or vibration evident outside the walls of the buildings	X	P
Radio and television stores	P	P
Rubber stamp manufacturing, where products are sold on premises	P	P
Shoe repair shops	P	P
Shoe stores	P	P
Sign painting	L	L
Stationery stores	P	P
Tailor	P	P
Tanning saloons	P	P
Tattoo parlors	P	P
Taverns, bars, saloons, lounges and restaurants identified by signs	P	P
Theaters, enclosed within a building	P	P
Toy and hobby stores	P	P
Upholstery and furniture repair shops	X	P
Variety stores	P	P
CIVIC USE		
Churches, parish halls synagogues, temples, convents, and monasteries	L	P
Clubs, private, non-profit or proprietary	P	P
Community buildings	P	P
Colleges, schools, and institutions of learning	X	P
Business schools	P	P
Community residence	P	P
Dancing instruction	P	P
Dance halls	L	L
Day care center, day nurseries	L	P
Family care home (mini-home)		
Family day care center	X	P
Governmental buildings, including armories, storage, maintenance and repair facilities	P	P
Nursing homes and homes for the infirm and aged	X	P
Historical buildings & grounds	P	P
Homes for the infirm and aged	X	P

"PTD" Permitted Uses	TRANSIT DISTRICT CENTER	TRANSIT DISTRICT TRANSITION
Libraries, museums, arboretums, aquariums and art galleries, not for profit	X	P
Meeting hall	P	P
RECREATION		
Bowling alleys, provided building is sound proof	X	L
Parks, playgrounds and community centers - not for profit	P	P
TRANSPORTATION		
Public transportation passenger terminals	P	P
Transit passenger station or shelter	P	P
OTHER		
Accessory buildings or uses	P	P
Fire Station	P	P
Public Utility buildings and facilities	P	P
Police station	P	P
Temporary buildings, the uses of which are incidental to construction operations being conducted on the same or adjoining lot or tract, and which shall be removed upon completion or abandonment of such construction, or upon the expiration of a period or two years from the time of erection of such temporary buildings, whichever is sooner	P	P
Tents, air structures and other temporary structures not intended for occupancy by commercial activities including but not limited to sales, display, and food services, provided that applicable building and fire safety codes are met and provided further that such structures may not be installed for a period (or periods totaling) more than ten (10) days during a calendar year	P	P

b. Conditional Uses. Certain uses may be permitted in this district upon the granting of a Conditional Use Permit by the Board of Zoning Adjustment. Refer to Chapter 4, Part 2 for a listing of uses and requirements that apply to specific uses.

3. Site Design
Site design shall ensure compatibility of building types regardless of use and to create a cohesive development pattern in the PTD. To allow maximum flexibility, site design standards are not specified for the PTD. Instead, standards compatible with the transit district pattern and the form districts surrounding the proposed PTD shall be developed as part of the

Master Plan Process, and approved by the Planning Commission at the time of approval of the Master Plan. Standards should meet the intent of the applicable transit district pattern.

4. Urban Design

   a. Urban design shall be approved in concept by the Planning Commission at the time of approval of the Master Plan in order to ensure compatibility of building types and to relate new buildings to the building traditions of the region.

   b. Urban design shall specify the materials and configurations permitted for walls, roofs, openings, street furniture, and other elements. Architectural design should encourage the following: architectural compatibility among structures within the PTD; integration of uses; human scale design; pedestrian use of the PTD; buildings that relate to and are oriented toward the street and surrounding buildings; and special architectural treatment for civic buildings.

5. Parking

   Motor vehicle and bicycle parking shall be provided in accordance with Chapter 9 of the Land Development Code. Additional parking requirements are provided for developments proposed in the PTD. Where conflict occurs between the provisions of this Section and Chapter 9 of the Land Development Code, the requirements of this Section must be adhered to and be incorporated into the Detailed Development Plan.

NOTE: *Chapter 9, Part 1 provides a 20% reduction in the minimum number of parking spaces required for developments proposed in the PTD.*

   An excessive influence of parking lots can negatively impact the urban design objectives of the PTD. To control such impacts, the following standards shall apply to at or above ground parking facilities.

   a. Off-street parking must be located in the rear of building. Both rear parking lots and parking garages or decks may be constructed. Parking deck facades must have the appearance of horizontal storied buildings, be of similar paint or material tone as surrounding buildings, and have storefront treatment on ground floor. Parking decks and garages must contain retail, office or civic uses along the frontage on the first floor.

   b. Parking facilities must be readily accessible by pedestrian pathways and sidewalks with a maximum of one curb cut per side.

   c. A parking lot or garage may not be adjacent to a square or adjacent to or opposite a street intersection, or occupy lots that terminate a street vista.

   d. No special restrictions shall apply to below ground parking facilities.

6. Signs

Signs shall be consistent and compatible with the PTD District pattern. Sign restrictions shall be established as part of the Master Plan and in no case shall the requirements delineated in the Master Plan be less strenuous than those found in Chapter 8 of the Land Development Code.

The following information is illustrative only. It is intended as a guide, but not a standard, for signs.

a. All signs shall be attached, awning, canopy, or projecting signs.

b. Signs shall be integral to the store or building facade. (Recommended height not greater than 2 feet by any length.)

c. Any signs that are lighted shall be externally lighted.

7. Landscape

a. The Master Plan may establish alternative landscaping and buffering standards in lieu of the regulations contained in Chapter 10, except that the Tree Canopy requirements of Chapter 10, Part 1 shall apply. However, standards for street trees and screening of parking that adjoins public rights-of-way shall be included in the alternative standards. The standards developed as part of the Master Plan, should address species type, size and spacing, tree strip and planting bed size and planting medium requirements. All required landscape elements should be shown on the Detailed Development Plan as well as on the construction documents.

b. Criteria for the design of open space, as part of the Master Plan submittal, should include plantings, type of proposed recreational equipment and landscape furnishings, lighting, pavement patterns and materials, proposed water features, and any other public facility such as restrooms or drinking fountains. All required open space design elements should be shown on the Detailed Development Plan as well as on the construction documents.

8. Pedestrian and Transit Amenities

a. Clearly defined, safe pedestrian access shall be provided that link parking areas and adjacent public rights-of-way to building entrances and the advanced transit facility. Walkways leading to the transit facility shall be at least 6' wide. Walkways crossing parking lot drive aisles shall be separated from vehicles by a change in grade (4" minimum), curbing, bollards, wheel stops or landscaping.

b. The applicant shall provide amenities such as shelters, benches, and lighting in conformance with the standards contained in Chapter 6, Part 4.

F. Procedures

1. Eligibility
Application of the PTD shall be initiated by the legislative body having zoning authority, the Planning Commission, or the owners of all property within the proposed PTD or PTD expansion.

2. Overview of Process

a. There are Four Steps in Establishing a PTD District:

i. Step 1 – Concept Plan Preparation & Review. The Applicant will study and prepare a Concept Plan for the proposed PTD District. The public, and first and second tier property owners will have an opportunity to review and comment on the Concept Plan. A Public Charrette (or equivalent) shall be utilized for the purpose of public consultation and input. A summary of input from the Public Charrette (or equivalent) must be submitted to the Planning Commission with the zoning change application. The Concept Plan shall outline the basic characteristics of the specified PTD District under consideration. It will address the effect of the Comprehensive Plan, the Land Development Code, and other land development controls on the proposed PTD.

ii. Step 2 – Master Plan Preparation & Review. The Applicant will, based on the Concept Plan, prepare a Master Plan for the proposed PTD District. The public and affected property owners shall have an opportunity to participate in the preparation of the Master Plan. The Master Plan will be a required submission for a zoning change application for an area wide rezoning to PTD and amendment to the Zoning District Map. The Master Plan shall contain the following: Legal Description of site and owners; Existing Conditions Map; Master Plan Map; Master Plan Report.

iii. Step 3 –Zoning District Map Amendment The Applicant would, based on the Master Plan, submit a zoning change application for area-wide rezoning to PTD District for the area under consideration. The Master Plan will be a required submission for a zoning change application. The Planning Commission shall review the Zoning Change Application and the Master Plan simultaneously, and shall hold a Public Hearing. The zoning change to PTD, and amendment to the Zoning District Map shall be approved by the relevant legislative body pursuant to KRS Chapter 100.

iv. Step 4 – Detailed Development Plan Application & Approval
Once the Zoning District Map Amendment process is complete, and the PTD District is in place, individual property owner(s) shall submit a Detailed Development Plan for each project proposed within the PTD District. The Detailed Development Plan shall demonstrate how the proposed development is consistent with the requirements of the PTD Ordinance and the adopted Master Plan, as well as the County's Comprehensive Plan. Final approval of the Detailed Development Plan must be received from the Planning Commission.

b. Amendment and Expansion. Additions to an existing PTD are not required to undergo the Charrette process (Step 1). The application shall include any amendments and expansion of the Master Plan necessary to accommodate the proposed addition.

c. Appeals Procedure. Any person or entity claiming to be injured or aggrieved by the final action of the Planning Commission or LD&T may appeal to Circuit Court within thirty (30) days after said final action pursuant to KRS Chapter 100. Final actions which have not been appealed within thirty (30) days shall not be subject to judicial review.

3. Concept Plan Preparation and Review
The applicant shall conduct a public charrette (or equivalent alternative) for review of a Concept Plan. The applicant must provide an opportunity for the first and second tier property owners to review the Concept Plan before a zone change application is submitted. The applicant may conduct a pre-application conference with Planning Commission staff.

a. Pre-Application Conference – Prior to formal application for amendment of the Zoning District Map, the applicant or his/her agent may have a conference with the Planning Commission staff to discuss the effect the Comprehensive Plan, the Zoning District, and Form District Regulations, and other land development controls would have on the proposed PTD. In addition, the pre-application conference may be used to determine what elements may be required in the Concept Plan.

b. Public Charrette **-** A public charrette (or equivalent alternative) shall be held by the applicant or his/her agent, with written notification at least 14 days prior to the first day of the charrette to the Planning Commission staff, owners of property within the proposed PTD and surrounding property within 200 feet of the proposed PTD, and any persons, agencies or organizations the applicant and Planning Staff deems appropriate. A public charrette is a method of planning which is specifically organized to encourage the participation of everyone who is interested in the making of a plan, whether they represent the interests of the general public, public agencies, nearby neighborhood organizations or a client. At the end of the charrette, the Concept Plan and supporting documents are presented to the public. A summary of input from the charrette (or equivalent alternative) must be submitted to the Planning Commission with the zone change application.

c. Requirements of the Concept Plan – The Concept Plan shall demonstrate compliance with the PTD's purpose and standards, and the intent of this ordinance, and any applicable area or neighborhood plan.

The Concept Plan shall include the following:

i. The boundaries of the proposed PTD;
ii. The location of components required in the PTD (i.e. transit district center, transit district transition); A description of existing uses in the proposed PTD;
ii. The maximum number of residential units proposed and approximate square footage of commercial, office, and service uses proposed; and
iv. Existing and proposed streets and alleys, and connections to existing street system

4. Master Plan Preparation and Requirements
Along with the zoning change application, the applicant shall submit a Master Plan. No Master Plan application shall be deemed accepted unless complete and containing all of the following:

a. Legal Description of Site and Owners – A legal description of the proposed planned development shall be submitted, along with the signature(s) of property owner(s).

b. Existing Conditions Map – This map or series of maps shall be drawn to the same scale as the Master Plan map and shall include:

i. Title of the proposed development and name(s) of the applicant(s);

ii. Scale, date, north arrow and vicinity map with measurements to existing streets;

iii. Boundary description, including area and bearings and dimensions of all property lines;

iv. Existing topography with two-foot contour lines. Slope category analysis for areas of 20% slope or greater;

v. Generalized soil types in the development area and surrounding area;

vi. Location of existing tree masses and individual trees (not on a tree mass) and their species with a circumference of at least twelve (12) inches, measured four (4) feet from the ground (aerial and on-site photographs may be used to show vegetation);

vii. The location and names of all existing streets; the location and use of all existing buildings; any existing recreation or open space areas; the location and size of all existing drainage, water, sewer, electrical, and other utilities' facilities, including fire hydrants; and all existing easements, railroads, cemeteries, watercourses, bridges, lakes, jurisdictional wetlands, sinkholes, drainage basins, outfalls, conveyance zones, regulatory flood plains, and other physical conditions affecting the area;

viii. The location and function of all other existing public facilities, which would serve the site such as, schools, parks, fire stations and the like. Notation of this information on a scaled map or by written description is acceptable, and

ix. Features on adjacent property, which might affect the design of the development.

c. Master Plan Map – This map or maps shall be drawn and submitted at a scale not less detailed than one inch equals two hundred (200) feet, or other scale acceptable to Planning Commission staff, and shall include:

i. Delineation of site plan components required by the PTD District (for example, Transit District Center, Transit District Transition);

ii. The layout of proposed blocks;

iii. The layout of proposed streets, bikeways, and pedestrian paths;

iv. The location and layout of the proposed advanced transit facility;

v. The location, proportion, and mix of land uses;

vi. The general location of limited uses;

vii. The location and acreage of open space areas with an indication for each whether it will be privately owned, a common area for residents only or dedicated to public use;

viii. The location of and acreage of civic uses, and

ix. A concept plan indicating how existing drainage conditions would be changed as a result of the proposed development and the general location of proposed detention basins.

d. Master Plan Report – This report shall be a part of the Master Plan and shall include:

i. A statement indicating the purpose and intent of the project and the applicant's statement of how the project complies with the comprehensive plan and with the guidelines specified for the PTD Ordinance;

ii. A description of the mix of land uses and the factors which ensure compatibility both within the development site and with adjacent land uses, including hours of operation of proposed uses;

iii. Statistical information including:
- Gross acreage of the site, plus net acreage of the site excluding jurisdictional wetlands, regulatory floodplains, and slopes over 20%;
- The maximum number of dwelling units requested;
- The maximum amount (gross leasable area) of retail, office and service uses requested on the Transit District Center;
- The amount of land devoted to open space;
- The amount of land devoted to civic uses, expressed in acres as a percentage of the gross acreage of the site.

iv. A plan for pedestrian, bikeway, and vehicular circulation describing the general design capacity of the system as well as access points to the major thoroughfare system. In addition, a daily and peak hour trip generation and directional distribution report by use may be required;

v. Street design standards specifying minimum pavement width, street trees, street furniture, bikeways and sidewalks. Also include street cross sections for each type of street classification proposed;

vi. Traffic and air quality impact analysis, in conformance with Chapter 6 Part 4 of the LDC;

vii. Site design standards specifying: the range of lot sizes (width and length), lot coverage, frontage of building facades, and building height for civic uses and all other uses;

viii. Architectural design standards specifying materials and configurations permitted for walls, roofs, openings and other elements;

ix. Drainage report, describing pre and post runoff conditions of downstream drainage systems, the impact of development of localized drainage facilities, and proposed mitigation of negative impacts;

x. Sanitary sewage facility report;

xi. Sign standards;

A schedule for the proposed development (or for each section, if it is to be developed by sections) containing the following information, which schedule shall not be binding but shall be provided in order to show generally how the applicant will complete the project;

- The order of construction by section delineated on the Master Plan;
- The anticipated time required to develop each section;
- The proposed schedule for construction of improvements to open space areas; and
- The proposed schedule for the installation or required public or utilities improvements and the dedication of public rights of way, easements and properties.

5. Zone Change Application and Requirements
Following completion of the Master Plan, the Master Plan shall be submitted for review by the Planning Commission, accompanied by any applicable filing fee and an application for a zone change of the land involved to the PTD in accordance with the submittal requirements herein. An applicant for a zone change to the PTD shall submit a proposal for consideration for any use or mixture of uses allowed in the PTD. The Planning Commission shall make a recommendation for a zone change according to law and the legislative body may approve any such proposal, together with any conditions, requirements or limitations thereon which the Planning Commission or legislative body deems appropriate and is agreed to by the applicant according to law.

a. Technical Review Committee – Upon acceptance of the application as complete, the Master Plan shall be presented to the Technical Review Committee (TRC) to identify, negotiate, and resolve technical issues and conflicting agency requirements.

b. Land Development and Transportation Committee – Upon review by the TRC, the Master Plan shall be presented to the Land Development and Transportation (LD&T) Committee of the Planning Commission. The LD&T Committee shall review the plan for issues requiring clarification and shall confirm the date for a public hearing before the Planning Commission.

c. Planning Commission – Following review by the LD&T Committee, a public hearing with public notice as specified in KRS Chapter 100 shall be held before the Planning Commission to consider the application. This hearing may be continued from time to time as necessary to facilitate such changes, conditions and additions in the Master Plan as may be agreed upon by the Planning Commission and applicant. Based on the Concept Plan, the Planning Commission shall make a recommendation to the legislative body pursuant to KRS 100.211.

d. Legislative body – Following action by the Planning Commission, the application shall be considered by the appropriate legislative body. Based on the application as amended and the recommendation of the Commission, the legislative body shall approve, remand back to the Planning Commission for amendments or additions, or deny the application.

6. Detailed Development Plan Approval
After approval of a Master Plan and zone change to PTD, a Detailed Development Plan that is in conformance with the Master Plan shall be submitted to the LD&T Committee for review prior to development or redevelopment of any land within the PTD. A Detailed Development Plan may be submitted for all or part of the PTD. The LD&T Committee shall review the plan for issues requiring clarification and shall determine whether or not a public hearing is necessary. If a public hearing is necessary, the LD&T Committee will confirm the date for a public hearing, 30 days public notice to first and second tier owners shall be given, and a public hearing shall be held before the Planning Commission to consider the Detailed Development Plan. If the Planning Commission finds that the Detailed Development Plan is not in conformance with the approved Master Plan, the applicant may revise the Detailed Development Plan to conform with the approved Master Plan. This review is primarily intended to determine compliance with the approved Master Plan and the specific guidelines of this Chapter. The Planning Commission may approve the Detailed Development Plan if it determines that that Plan complies with the approved Master Plan and this Chapter.

NOTE: *The requirements of the Detailed Development Plan shall be the same as those of a "Final Plan" as prescribed in Section 2.7.1 PVD District of this Part.*

2.7.3 Planned Residential Development (PRD) District

A. Intent.

The purpose of this section is to provide flexibility in design of residential developments in a manner that promotes implementation of Cornerstone 2020. The section allows zero lot line, townhouse, cluster housing, reduced lot sizes and building setbacks, and other innovative designs which meet the intent of the Comprehensive Plan. The PRD District implements the following provisions of Cornerstone 2020:

Community Form Goals C2, K1 Livability Goals E2, F1	Community Form C2.7, C3.1, K1.2, K2.1; Livability E2.2, F1.2	Guidelines 3, 4

B. Required Features.

__NOTE:__ Refer to Chapter 4 Part 5 for applicable definitions and housing price information.

Planned residential developments shall meet at least two of the following criteria. Applicants shall include a justification statement as part of the application. The justification statement shall explain how the proposed development fulfills the five criteria listed below. Cornerstone 2020 strongly supports provision of affordable and appropriate housing throughout the community. If applicants for developments creating 50 or more dwelling units do not reserve 10% of proposed dwellings for this purpose (at least 5% of dwellings are Affordable Housing Units, remainder of the 10% are Diversity Units, as defined in Chapter 4 Part 5), the justification statement shall address how the proposal complies with the housing elements in relationship to other guidelines and policies of the Comprehensive Plan.

1. The site has certain topographic and landform limitations or environmental constraints and the proposed plan preserves these features from development and disturbance; or

2. The site meets infill objectives consistent with recommendations of an officially adopted neighborhood plan, corridor plan or urban renewal plan; or

3. The proposal creates a variety of housing styles serving the needs of people of differing ages or incomes; or

4. The proposal expands the diversity of housing types[1] available within a neighborhood; or

[1] For purposes of this section 2.7.3, single family detached and single family structures with one or more common walls (such as townhouses), constitute distinct housing types.

5. The proposal creates permanently protected open space that meets outdoor recreation needs, preserves wildlife habitat, or extends a community-wide greenway system.

C. Permitted Uses.

Accessory buildings or uses
Automobile parking owned in common and maintained by the owners of lots in the development
Churches, parish halls and temples
Country clubs
Dwellings, single family attached and detached
Garage or yard sales
Golf courses, except miniature courses, driving ranges, or privately owned golf courses operated for a commercial purpose
Home occupations
Libraries, museums, historical buildings and grounds, arboretums, aquariums, and art galleries, not for profit
Parks, playgrounds, and community centers, not for profit
Temporary buildings, the uses of which are incidental to construction operations being conducted on the same or adjoining lot or tracts, and which shall be removed upon completion of abandonment of such construction, or upon the expiration of a period of two years from the time or erection of such temporary buildings, whichever is sooner.

D. Conditional Uses.

Certain uses may be permitted in this district, upon the granting of a Conditional Use Permit by the appropriate Board of Zoning Adjustment. Refer to Chapter 4 Part 2 for a listing of uses and requirements that apply to specific uses.

E. Property Development Regulations.

Refer to applicable Form District regulation in Chapter 5 for lot size, setback, building height and other restrictions.

F. Maximum Density and FAR.

1. Maximum Floor Area Ratio: 2.0

2. Maximum Density: 7.26 dwellings per acre

G. Special Requirements.

The development shall be constructed in accordance with an approved development plan conforming to Chapter 11 (Development Review Procedures) and Chapter 7 (Subdivisions) of the Land Development Code.

The development shall also conform to the following requirements:

1. Subdivision Requirements.
   Any development under this section shall be submitted with a subdivision plat, and if it is to be recorded in sections, each section must meet all the requirements of this section and all requirements of the Metropolitan Subdivision Regulations.

2. Parking Requirements.

   a. Refer to the applicable form district regulation and Table 9.1.2.

   b. A lot designated as a common area for the parking of vehicles shall be owned in common and maintained by the owners of lots in the development.

   c. Roadway widths which do not accommodate on-street parking shall be accompanied by public or guest parking islands or other provisions for sufficient off-street parking in close proximity to dwelling units.

3. Circulation.
   Public and private roadways and related facilities shall be provided in accordance with Chapter 6 Part 2.

4. Environmentally Constrained Sites.
   The applicant shall identify environmentally constrained areas and the limits of site disturbance in relation to constrained areas, in accordance with Chapter 4 Part 7.

5. Open Space.

   a. For developments with gross densities below 4.84 dwelling units per acre, land area equal to 50% of the difference in each lot area and 9,000 square feet shall be placed in common open space and shall be owned in common and maintained by the owners of lots in the development. For developments with gross densities between 4.84 and 7.26 dwelling units per acre, land area equal to 50% of the difference in each lot area and 6,000 square feet

NOTE: *Strong consideration should be given to preserving areas with environmental constraints or limitations such as steep slopes, dense vegetation, natural streams and drainage courses, sinkholes, floodplains, wetlands, or other significant natural features as natural open spaces.*

shall be placed in common open space and shall be owned in common and maintained by the owners of lots in the development. Common open space may include complementary structures and improvements.

b. Open space as required by paragraph 5a. shall meet the general standards and standards for "open space for outdoor recreation" or "open space for natural resource protection/public health and safety" as established in Part 10.5.4 of the LDC.

c. Open space shall be adequately landscaped and buffered to provide a visually attractive setting and to protect private areas within the development. The amount or type of landscaping and/or buffering will be approved by the Planning Commission based upon the location, the intended use, and the necessity to protect private areas within the development.

d. Isolated or awkward parcels should not be used as open space, but should be incorporated into adjacent lots in a manner that encourages its maintenance by the lot owner.

6. Form District Standards

Development within the PRD district is subject to the applicable form district regulation.

Note: PRD is structured to be applied in conjunction with form district regulations. Rezoning to PRD will not entail repeal of the form district standards.

Note: Uses and design standards applicable in this zoning district are to be found in the Plan Reports adopted for each TNZD, not in this section of the LDC. See the appendix of chapter 2 for plan reports.

2.7.4 TRADITIONAL NEIGHBORHOOD ZONING DISTRICT

A. GENERAL STANDARDS

1. Relationship to the Comprehensive Plan.

   The Traditional Neighborhood Zoning District (TNZD), implements the community form strategy of the Comprehensive Plan. In particular, the TNZD implements Goal C1 of the Comprehensive Plan by providing standards which preserve and enhance existing traditional neighborhoods which are eligible for the TNZD zoning classification in order to ensure that development and redevelopment in such neighborhoods is compatible with the organization and pattern of the Traditional Neighborhood Form and of the district; Goal J1 by providing a means to integrate and reuse community facilities; and Guideline 5, Policy 2, by providing for land use regulations which encourage preservation and reuse of historic buildings and other features in distinctive areas.

2. Purpose of the District.

   The TNZD is an urban residential zone established pursuant to KRS 100.201(3). The TNZD is designed to recognize historic or long-established traditional neighborhoods and to protect them as a distinct pattern of development. TNZD's occur in developed areas that experience redevelopment and infill development. Traditional neighborhoods are broadly characterized as communities having an identifiable boundary, a predominance of residential uses and open space such as parks and playgrounds, a connected street and alley pattern, buildings that are close to or at the sidewalk, and, in some cases, a well-defined center or transition area that contains a mixture of uses.

   The TNZD is designed to promote diversity and integration of uses and structures in an existing traditional neighborhood through flexible design standards that:

   a. Regulate the use of structures on a structure-by-structure basis which stabilizes and protects the urban residential character of the area;

   b. Maintain traditional neighborhoods that are livable, diverse, and sustainable;

   c. Promote uses of land that are appropriate to the distinctive characteristics of existing traditional neighborhoods;

d. Respect and reinforce existing traditional neighborhoods, integrating new development with existing development to ensure compatibility;

e. Provide flexibility to meet changing needs, technologies, economics, and consumer preferences;

f. Promote development patterns and land uses which reduce transportation needs and which conserve energy and natural resources;

g. Protect and enhance historic and natural resources;

h. Encourage the provision of adequate parks and open spaces to serve the needs of residents of traditional neighborhoods.

i. Encourage a variety of compatible architectural styles, building forms, and building relationships within existing traditional neighborhoods.

NOTE: *Chapter 11, Part 4 of the LDC is not intended to be applicable to the TNZD District unless otherwise specified.*

3. Applicability of Other Ordinances.

Unless otherwise specifically provided in this Section or in the TNZD Plan, all provisions of the Land Development Code shall be applicable to the TNZD, except to the extent that they conflict with an approved provision of this zone.

B. DEVELOPMENT GUIDELINES AND STANDARDS

1. Traditional Pattern.

The TNZD pattern is generally characterized by these features:

a. A variety of housing types. This allows younger and older people, singles and families, and people with a wide range of incomes to have places to live. Examples include detached houses on small, standard, or large lots, duplexes, row houses, and apartment buildings;

b. A network of connected streets and walkways. Traditional neighborhood streets provide a variety of transportation routes and disperse traffic. Streets are relatively narrow and most are tree lined to create a pleasant environment;

c. Civic or institutional buildings such as schools, libraries, museums, meeting halls, places of worship, and day care facilities may occupy prominent places in the traditional neighborhood. Civic or institutional uses should be encouraged to use buildings originally designed for those uses to assure their preservation as part of the community fabric and may have public open space around the buildings. Civic buildings have a distinctive form to differentiate their role from that of other buildings;

d. A human building scale described by a variety of many separate buildings on small lots to generate a cohesive pattern that allows streets to be civic places. Building heights vary, with one to four story structures typical in the TNZD. Buildings in the Traditional Neighborhood Center should generally be four stories and placed close to the sidewalk, creating a strong sense of spatial definition, while buildings in the Traditional Neighborhood General are usually set back from the sidewalk reflecting the predominant setback pattern along the block face. Buildings in the Traditional Neighborhood Transition--Center should also reflect the predominant setback pattern along the block face.

e. Open space and natural features, such as trees of high quality and significant tree stands, wetlands, streams, and steep slopes, are retained, linked where possible and incorporated into the traditional neighborhood pattern; and

f. Cultural resources, such as historic buildings, districts and landscapes, are preserved and reused in the TNZD.

2. TNZD Components.

The TNZD consists of one required component and two optional components: the Traditional Neighborhood General (required), the Traditional Neighborhood Transition—Center (optional), and/or the Traditional Neighborhood Center (optional). The TNZD Plan shall include the applicable components, which are described as follows:

a. Traditional Neighborhood General. The TNZD Neighborhood General is primarily one and two-family residential but allows a mixture of certain other uses where the building was originally designed for those uses and new development at a compatible scale, intensity and design where mapped. For example multi-family residential and certain commercial uses are permitted in mapped locations or where the original building use included multi-family residential or retail. The TNZD general also contains permanent open space, typically in the form of Parks, playgrounds, greens or courts.

b. Traditional Neighborhood Transition—Center. The Traditional Neighborhood Transition—Center includes a mixture of residential densities, commercial, and office uses, often containing civic uses and open space. The Traditional Neighborhood Transition—Center is located between the Traditional Neighborhood General and the Traditional Neighborhood Center and serves as a transition area between areas of different intensity patterns in the Traditional Neighborhood General and Traditional Neighborhood Center where historic patterns of original use have resulted in significant change in the intensity and diversity of uses. The specific size and location of the Traditional Neighborhood Transition—Center is intended to be flexible based on the context of the adjacent patterns of development and the presence of sensitive cultural or natural features.

c. Traditional Neighborhood Center. The Traditional Neighborhood Center serves as the focal point and informal gathering place of the district. It is made up of medium to high-density residential uses, neighborhood-serving shops and services, civic buildings, and may include formal open space such as plazas or squares. The Traditional Neighborhood Center should be compact and is usually located within a 5-to-10 minute walk (approximately 1,350 feet) of most neighborhood residents. It may also be located where it can intercept traffic coming and going from the neighborhood. To encourage a mixture of uses in the Traditional Neighborhood Center, the following guidelines shall apply:

    i. Dwelling units are encouraged to be located in the TNZD Center (at least 10% of the total number of dwelling units in the TNZD is recommended but not required). Retail, office, and service uses should be sized in area and intensity to meet the needs of neighborhood residents.

    ii. Single retail uses with a building footprint of greater than 50,000 square feet are not allowed.

d. Land Use within TNZD. The table below is illustrative of the uses permitted within the TNZD. Permitted uses of structures, densities, and floor area ratios within a TNZD are regulated on a structure-by-structure basis. The TNZD shall contain a mixture of uses, including single-family and multi-family residential, retail, and service establishments. The regulation of usage of any structure within the TNZD shall be guided by the architecture, size, or traditional use of the building, and in accordance with the purposes and pattern of the district.

TNZD Land Use Table

'P' means the use is permitted, subject to design standards and location standards where noted. 'P/M' means the use is permitted where mapped. Mapped uses recognize historic uses of lots or, in the case of vacant development sites, an appropriate compatible use. 'X' means the use is not permitted. P/CU = Permitted as Conditional Use. No permitted use or use permitted where mapped shall be required to secure a conditional use permit.

Land Use Category	*Neighborhood General*	*Neighborhood Transition-Center*	*Neighborhood Center*
Residential Uses			
*Single Family Residential – One dwelling unit per lot**	P	P	X
*Two-family Residential**	P	P	P
Multifamily Residential	P/M	P	P
Garages and Accessory Residential Units (Carriage Houses)	P	P	P
Home Occupations	P	P	P
Office Uses			
Professional Office	X	P	P
General/Business Office	X	X	P
Institutional Uses			
Churches & Synagogues	P/M	P	P/M
Community Centers, Cultural Centers, and Civic buildings	P/M	P	X
Clubs and Lodges	P/M	P/M	X
Fraternities and Sororities	X	X	X
Schools, public and private	P/M	P	X
Trade, business, or industrial schools	X	P	X
Colleges and Universities	X	P	X
Day Care Centers	X	P	X
Family Day Care Home	X	P	X
Commercial Uses			
Corner Commercial Establishments	P/M	P/M	N/A
General Commercial	X	P**	P‡

TNZD Land Use Table (continued)

Land Use Category	*Neighborhood General*	*Neighborhood Transition-Center*	*Neighborhood Center*
Other Uses			
Bed and Breakfast Establishments	P/CU	P/CU	P/CU
Original Use of Building	P	P	P
Storage sheds	P	P	P
Accessory Uses	P	P	P
Temporary Buildings and Uses	P	P	P
Historic House Museums	P/CU	P/CU	P/CU

* Plus one dwelling unit in the Accessory Structure Area

** Commercial uses in the Neighborhood Transition—Center, with or without residential, shall be limited to antique and collectibles shops; art galleries; cafes, tea rooms, and coffee houses; book stores; florists and sundry stores; restaurants and delis (no drive through service); beauty salons and barber shops; and, professional offices.

‡ Commercial uses in the Neighborhood Center, with or without residential, shall be limited to antique shops and interior decorating shops; bakeries and delicatessens, retail sales; art and craft galleries; barber and beauty shops; music and art stores; photographic studios and shops; music and art stores; photographic studios and shops; stationery stores; candy stores, retail sales; pharmacies; convenience grocery stores; coin laundries; dry-cleaning pick-up only; restaurants, where food and drink may be served or consumed outside or inside (no drive-through service); theaters; toy & hobby stores; other similar neighborhood serving retail uses as established by the Planning Commission; and professional offices.

N/A = Not applicable, since commercial uses are permitted by right in the Neighborhood Center

Note: Building uses in effect prior to the adoption of these regulations and operating in a legal fashion according to the prior zoning classification of the property, including legal non-conforming uses, may continue to operate under the Traditional Neighborhood Zoning District. Legal non-conforming uses may not be expanded.

3. Civic Uses.

   Civic Uses should be encouraged to adapt and reuse existing Civic Buildings before considering alternative locations. New Civic Buildings should be located at important sites to reinforce community identity and should have a distinctive form to differentiate their role from that of other buildings and uses.

C. PROCEDURES

1. Zoning Map Amendment Process.

a. Application Requirements.

An application to amend the zoning district map to TNZD may be initiated only by the legislative body with zoning authority over the affected area. An application to amend the zoning map to TNZD shall be made only as the result of a recommendation of a neighborhood or small area study adopted by the legislative body with zoning authority over the subject property.

The application shall contain: (1) a description of the boundaries of a contiguous area which shall constitute the TNZD and the street address or block and lot number of each parcel to be included in the district; (2) a list of property owners within the boundaries and their addresses and (3) a TNZD Plan that meets the requirements set forth in C.3. of this Section.

The application shall also contain an existing conditions map or maps which shall include:

i. Name of the neighborhood;

ii. Scale, date, north arrow and vicinity map; and

iii. The location and names of all existing streets; the location, current use and zoning of all existing parcels; any existing recreation or open space areas, including Parks; and any railroads, cemeteries, watercourses, bridges, lakes, jurisdictional wetlands, sinkholes, regulatory flood plains, conveyance zones, topography, woodlands, and other physical conditions affecting the area.

If the zoning district map amendment is enacted by the legislative body, building permits for improvement of any property within the TNZD shall be issued only when in conformance with the TNZD Plan, these regulations, and other applicable provisions of the Land Development Code.

b. Zoning Map Amendment Process.

A proposal to amend the zoning district map to TNZD shall be heard in the same manner as provided generally for zoning map amendments in KRS Chapter 100.

The Planning Commission or the legislative body may add conditions of approval to the TNZD Plan which shall become a fundamental part of the TNZD Plan. Conditions may relate to anything that ensures conformance with the Comprehensive Plan, promotes the purpose and intent of KRS 100.201(3), and stabilizes and protects the traditional pattern in the district.

2. Findings Necessary for Proposed Map Amendment to TNZD.

Before any map amendment to TNZD is granted, in addition to the findings required by KRS 100.213, the Planning Commission or the legislative body must find with respect to the subject property that:

a. the majority of the structures were in use prior to November 22, 1926; and

b. either that:

i. the entire area embodies the distinctive characteristics of a type, period, or method of construction; or

ii. the entire area represents a significant and distinguishable entity whose components may lack individual distinction.

3. Requirements of the TNZD Plan.

Along with the zone change application, the applicant shall submit a proposed TNZD Plan. No TNZD Plan shall be deemed accepted unless complete and containing all of the following:

a. TNZD Plan Map. This map or maps shall be drawn and submitted at a scale not less detailed than one inch equals two hundred (200) feet, or other scale acceptable to the Planning Commission staff, and shall include:

   i. the name of the neighborhood;

   ii. scale, date, north arrow, and vicinity map; the location and delineation of the required components and optional components, if applicable, of the TNZD (TNZD Transition-Center, TNZD General, and TNZD Center);

   iii. the existing lot patterns and layouts of blocks;

   iv. the layout of streets, bikeways, and pedestrian paths;

   v. the location of any proposed transit-related commercial development ;

   vi. the location of Parks and open space areas dedicated to public use;

   vii. the location of institutional uses; and,

   viii. the location of uses permitted only where specifically designated on the TNZD Plan Map, if applicable.

b. TNZD Plan Report. The TNZD Plan Report shall include the following:

   i. a statement indicating the purpose and intent of the plan, the basis for the zoning request, and a statement of how the plan complies with the comprehensive plan, the TNZD pattern, and the requirements of this Chapter; and

   ii. site design standards, written and/or graphic, specifying the permitted range of lot sizes (width and length), lot coverage, set back and/or build to lines, and the maximum building height for all uses.

   iii. Land Use. The TNZD Plan shall set forth the permitted land uses within each component of the TNZD, and may include a list of uses permitted only where specifically mapped within each component and/or conditional uses within each component of the TNZD, all of which must be in the format of the Land Use Table in B.2.d of this Section, above.

iv. Density. The maximum number of residential dwelling units per acre permitted in each component of the TNZD shall be designated in the TNZD Plan. An Accessory Apartment constructed in accordance with applicable land use standards of the TNZD shall not be counted as an additional residential dwelling unit on one and two-family residential or corner commercial sites.

v. Architectural Design. Architectural design standards shall be set forth in the TNZD Plan and shall be applicable to all new construction and expansions to existing buildings in the TNZD.

(1) Property that is regulated and governed by overlay district or by the Historic Landmarks and Preservation Districts Commission, shall continue to be subject to review by the body or official(s) designated by ordinance to ensure compatibility of building types and to relate new buildings to the building traditions of the neighborhood. To the extent that the architectural design requirements in the TNZD Plan conflict with any Historic Landmarks and Preservation architectural design requirements, the more restrictive shall prevail.

(2) Architectural design standards set forth in the TNZD Plan may be written and/or graphic and shall specify building proportions, massing, materials, and other features that assure compatibility with the distinctive pattern of the district. The standards shall also specify the materials and configurations permitted for walls, roofs, openings, street furniture, and other elements. Architectural standards should encourage the following: architectural compatibility among structures within the neighborhood; human scale design; pedestrian use of the neighborhood; relationship to the street and to surrounding buildings; and special architectural treatment for civic buildings.

vi. The TNZD Plan Report may also include the following:

(1) Standards for the design, functionality, and location of all open space, parks, and squares;

(2) Design standards for streets and alleys, sidewalks, transit shelters, and streetscape;

(3) Parking and loading requirements;

(4) Standards for the design and size of signs within the TNZD, provided they are no less restrictive than the requirements of the Development Code; and

(5) Landscaping and buffering requirements, provided they are no less restrictive than the requirements of the Development Code.

Unless otherwise specifically provided in the TNZD Plan Report, the requirements of the Land Development Code with respect to open space, street design, streetscape, sidewalks, transit shelters, parking and loading, signs, and landscaping shall be applicable in the TNZD.

4. Amendments to Approved TNZD Plan.

Applications to amend the TNZD Plan to change the land use of a particular property from a permitted use to a permitted where mapped use, or to permit the original use of a particular building, may be filed by the Planning Commission, the legislative body with zoning authority, or the owner of the subject property. All other amendments to the TNZD Plan shall be initiated by the Planning Commission or the legislative body with zoning authority.

Applications shall be accompanied by such written and graphic information as is necessary for the Planning Commission to determine whether the proposed amendment conforms to the Comprehensive Plan, the traditional pattern, the urban residential character of the area, the District Plan, and the requirements of this Section.

a. Amendments to the TNZD Plan to change land use to a “permitted where mapped” use.

i. Except as provided in paragraph ii. below with respect to original uses, proposed amendments to the TNZD Plan to change the land use of a particular property from a permitted use to a permitted where mapped use in the applicable TNZD component shall be processed in accordance with the provisions of this paragraph. The Planning Commission shall hold at least one public hearing after notice is given to first tier adjoining property owners at least thirty (30) days in advance of the hearing by first class mail. After the public hearing, the Planning Commission may approve the proposed TNZD Plan amendment if it finds that the proposed land use change conforms to the Comprehensive Plan, the traditional pattern, the urban residential character of the area as described in the TNZD Plan.

(1) The owner of the subject property or any aggrieved person may appeal the decision of the Planning Commission to the legislative body with zoning authority by filing an appeal with the legislative body no later than ten (10) calendar days after the date of the action of the Planning Commission. Actions of the Planning Commission under this paragraph that have not been appealed to the legislative body within ten calendar (10) days shall not be subject to further review or appeal.

(2) Notice of the appeal shall be provided to the applicant, the appellant, and all first tier property owners at least seven (7) days prior to the meeting at which the legislative body will consider the appeal. The legislative body may take one of the following actions:

(a.) The legislative body may review the record made before the Planning Commission and may affirm the Planning Commission's decision without a hearing;

(b.) The legislative body may review the record made before the Commission and overturn the Planning Commission's decision based on findings of fact supported by the record which differ from the findings of fact of the Commission; or

(c.) The legislative body may also hold its own public hearing after notice as set forth in this Section, and may make as a result thereof findings which may differ from those found by the Commission.

ii. Original Use Exception. The Planning Director or designee may amend the TNZD Plan map with respect to a particular property to permit the original use of the primary structure thereon without a public hearing only if the original use is a permitted or permitted where mapped use in the applicable TNZD component, and if the applicant demonstrates that (1) the primary structure was existing on the property on November 22, 1926; and (2) said primary structure was used on or before November 22, 1926 for the specific purpose for which the applicant seeks to use the structure.

The decision of the Planning Director or designee may be appealed to the Board of Zoning Adjustment in accordance with KRS Chapter 100.

b. All other TNZD Plan Amendments. All amendments to the TNZD Plan other than those described in paragraph a. above shall be initiated by the Planning Commission or the legislative body, and shall be processed in the following manner:

   i. A public hearing shall be held by the Planning Commission after notice of the hearing is given pursuant to KRS Chapter 424.

   ii. After the public hearing, the Planning Commission shall make a recommendation on the proposed amendment to the legislative body with zoning authority.

   iii. Final action on amendments to the TNZD Plan shall then be taken by the legislative body with zoning authority. No amendment to the TNZD Plan shall become effective until approved by the legislative body with zoning authority. Failure of the legislative body to act on the proposed amendment shall not result in a deemed approval of the proposed amendment.

   iv. Appeals of actions of the legislative body on TNZD Plan Amendments may be taken to a court of competent jurisdiction.

5. Site Plan Review.

   The applicant for a building permit for new construction or expansion of principal or accessory structures, or for a change of use, will be required to certify (by submitting an Overlay Permit or Certificate of Appropriateness, where applicable) conformance with the TNZD Plan, including architectural standards, at the time of the site plan for review and approval by the permitting agency or official(s).

APPENDIX 2A
ZONING DISTRICT LAND USES TABLE

This table is included in the Land Development Code to assist the public, but is not officially adopted. As an unofficial document, there is flexibility in wording, and the table is not limited to strict adherence to the language of the various zoning districts. (For instance, the table can show “accountants” as permitted in W-2, although that zone lists only “Offices, professional, general.”) In addition, staff interpretations of permitted uses not specifically listed in the regulations can be added to this table upon approval by the Planning Commission. By including them here, the topics of previous research and deliberation will be readily available to all staff and the public.

How to use this table

The following table is a summary of the permitted use lists for each of the zoning districts. It is included with the Land Development Code to facilitate use of the detailed information found in Chapter 2of the Code. This table is intended to help you determine the appropriate zoning district for a given land use. It summarizes and simplifies the information found in Chapter 2; it does not replace Chapter 2. Once you have determined the zones which allow a use, it is necessary to consult Chapter 2 for a complete description of the use and possible restrictions on the use (for example, banks are permitted in the M-1 district only when they are incidental to an area of existing industrial use).

In using the table, please keep in mind the following points:

- The table is a guide to users, it is not an officially adopted part of the Land Development Code.
- The zoning district permitted use lists of Chapter 2 always take precedence over this table.
- In some instances, certain jurisdictions within the County have modified the permitted use lists; refer to Chapter 2 to ensure that a use is permitted at a particular location.
- To determine the zoning district that allows manufacture or processing of a given item, refer to the “Manufacturing, processing” entry that begins on page 12.
- Entries shown as “staff interpretations” are land uses that DPDS staff has reviewed and issued a letter indicating that a particular use is permitted in a given zone. These interpretations are advisory only; the Board of Zoning Adjustment is the only body authorized to make official determinations of this type.
- This table will be updated periodically; refer to the web site for the most recent version including recent staff interpretations (www.loukymetro.org; choose “County” then “Departments”, then “Planning and Design” then "Land Development Code").

Key:

P = use permitted in the district
C = conditional use, may be permitted in the district if Board of Zoning Adjustment or Planning Commission grants permit
I = Staff level interpretation has been issued, advisory opinion that use is permitted in the district
F = Use permitted in any district; Community Facility Review required for government uses
A = Auxiliary Uses or buildings: those uses allowed shall be subordinate, customary and incidental to the permitted primary uses, including retail sale, rental or repair of items manufactured or assembled on site. Any accessory structure must meet site and other requirements of this zone. Under no circumstances will uses appropriate only in the M-3 zone be allowed in this zone as accessory uses

Permitted Land Uses

Note: This table is only to be used as described in the "How to use" section.

Land Use Activity	Residential																		Commercial						Industrial								
	Single Family								Multi-family					Apt./Office																			
	R-R	R-E	R-1	R-2	R-3	R-4	R-5	U-N	R-5A	R-5B	R-6	R-7	R-8A	OR	OR-1	OR-2	OR-3	OTF	C-N	C-R	C-1	C-2	C-3	CM	EZ-1	M-1	M-2	M-3	PRO	PEC	W-1	W-2	W-3*
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* Please refer to Section 2.6.6 W-3 Waterfront District for specific uses and the standards that apply to them.

Land Use Activity	Residential																		Commercial						Industrial								
	Single Family								Multi-family					Apt./Office																			
	R-R	R-E	R-1	R-2	R-3	R-4	R-5	U-N	R-5A	R-5B	R-6	R-7	R-8A	OR	OR-1	OR-2	OR-3	OTF	C-N	C-R	C-1	C-2	C-3	CM	EZ-1	M-1	M-2	M-3	PRO	PEC	W-1	W-2	W-3*
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Land Use Activity	Residential																		Commercial						Industrial								
	Single Family								Multi-family					Apt./Office																			
	R-R	R-E	R-1	R-2	R-3	R-4	R-5	U-N	R-5A	R-5B	R-6	R-7	R-8A	OR	OR-1	OR-2	OR-3	OTF	C-N	C-R	C-1	C-2	C-3	CM	EZ-1	M-1	M-2	M-3	PRO	PEC	W-1	W-2	W-3*
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Land Use Activity	Residential																		Commercial						Industrial								
	Single Family								Multi-family					Apt./Office																			
	R-R	R-E	R-1	R-2	R-3	R-4	R-5	U-N	R-5A	R-5B	R-6	R-7	R-8A	OR	OR-1	OR-2	OR-3	OTF	C-N	C-R	C-1	C-2	C-3	CM	EZ-1	M-1	M-2	M-3	PRO	PEC	W-1	W-2	W-3*
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Land Use Activity	Residential																		Commercial						Industrial								
	Single Family								Multi-family					Apt./Office																			
	R-R	R-E	R-1	R-2	R-3	R-4	R-5	U-N	R-5A	R-5B	R-6	R-7	R-8A	OR	OR-1	OR-2	OR-3	OTF	C-N	C-R	C-1	C-2	C-3	CM	EZ-1	M-1	M-2	M-3	PRO	PEC	W-1	W-2	W-3*
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Land Use Activity	Residential																	Commercial						Industrial								
	Single Family								Multi-family					Apt./Office																		
	R-R	R-E	R-1	R-2	R-3	R-4	R-5	U-N	R-5A	R-5B	R-6	R-7	R-8A	OR	OR-1	OR-2	OR-3	OTF	C-N	C-R	C-1	C-2	C-3	CM	EZ-1	M-1	M-2	M-3	PRO	PEC	W-1	W-2	W-3*
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Land Use Activity	Residential																		Commercial						Industrial								
	Single Family								Multi-family					Apt./Office																			
	R-R	R-E	R-1	R-2	R-3	R-4	R-5	U-N	R-5A	R-5B	R-6	R-7	R-8A	OR	OR-1	OR-2	OR-3	OTF	C-N	C-R	C-1	C-2	C-3	CM	EZ-1	M-1	M-2	M-3	PRO	PEC	W-1	W-2	W-3*
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Land Use Activity	Residential																		Commercial						Industrial								
	Single Family								Multi-family					Apt./Office																			
	R-R	R-E	R-1	R-2	R-3	R-4	R-5	U-N	R-5A	R-5B	R-6	R-7	R-8A	OR	OR-1	OR-2	OR-3	OTF	C-N	C-R	C-1	C-2	C-3	CM	EZ-1	M-1	M-2	M-3	PRO	PEC	W-1	W-2	W-3*
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Land Use Activity	Residential																		Commercial						Industrial								
	Single Family								Multi-family					Apt./Office																			
	R-R	R-E	R-1	R-2	R-3	R-4	R-5	U-N	R-5A	R-5B	R-6	R-7	R-8A	OR	OR-1	OR-2	OR-3	OTF	C-N	C-R	C-1	C-2	C-3	CM	EZ-1	M-1	M-2	M-3	PRO	PEC	W-1	W-2	W-3*
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Land Use Activity	Residential																	Commercial						Industrial								
	Single Family								Multi-family					Apt./Office																		
	R-R	R-E	R-1	R-2	R-3	R-4	R-5	U-N	R-5A	R-5B	R-6	R-7	R-8A	OR	OR-1	OR-2	OR-3	OTF	C-N	C-R	C-1	C-2	C-3	CM	EZ-1	M-1	M-2	M-3	PRO	PEC	W-1	W-2	W-3*
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Land Use Activity	Residential																		Commercial						Industrial								
	Single Family								Multi-family					Apt./Office																			
	R-R	R-E	R-1	R-2	R-3	R-4	R-5	U-N	R-5A	R-5B	R-6	R-7	R-8A	OR	OR-1	OR-2	OR-3	OTF	C-N	C-R	C-1	C-2	C-3	CM	EZ-1	M-1	M-2	M-3	PRO	PEC	W-1	W-2	W-3*
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Land Use Activity	Residential																		Commercial						Industrial								
	Single Family								Multi-family					Apt./Office																			
	R-R	R-E	R-1	R-2	R-3	R-4	R-5	U-N	R-5A	R-5B	R-6	R-7	R-8A	OR	OR-1	OR-2	OR-3	OTF	C-N	C-R	C-1	C-2	C-3	CM	EZ-1	M-1	M-2	M-3	PRO	PEC	W-1	W-2	W-3*
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Land Use Activity	Residential																		Commercial						Industrial								
	Single Family								Multi-family					Apt./Office																			
	R-R	R-E	R-1	R-2	R-3	R-4	R-5	U-N	R-5A	R-5B	R-6	R-7	R-8A	OR	OR-1	OR-2	OR-3	OTF	C-N	C-R	C-1	C-2	C-3	CM	EZ-1	M-1	M-2	M-3	PRO	PEC	W-1	W-2	W-3*
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Land Use Activity	Residential																		Commercial						Industrial								
	Single Family								Multi-family					Apt./Office																			
	R-R	R-E	R-1	R-2	R-3	R-4	R-5	U-N	R-5A	R-5B	R-6	R-7	R-8A	OR	OR-1	OR-2	OR-3	OTF	C-N	C-R	C-1	C-2	C-3	CM	EZ-1	M-1	M-2	M-3	PRO	PEC	W-1	W-2	W-3*
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Land Use Activity	Residential																		Commercial						Industrial								
	Single Family								Multi-family					Apt./Office																			
	R-R	R-E	R-1	R-2	R-3	R-4	R-5	U-N	R-5A	R-5B	R-6	R-7	R-8A	OR	OR-1	OR-2	OR-3	OTF	C-N	C-R	C-1	C-2	C-3	CM	EZ-1	M-1	M-2	M-3	PRO	PEC	W-1	W-2	W-3*
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Land Use Activity	Residential																		Commercial						Industrial								
	Single Family								Multi-family					Apt./Office																			
	R-R	R-E	R-1	R-2	R-3	R-4	R-5	U-N	R-5A	R-5B	R-6	R-7	R-8A	OR	OR-1	OR-2	OR-3	OTF	C-N	C-R	C-1	C-2	C-3	CM	EZ-1	M-1	M-2	M-3	PRO	PEC	W-1	W-2	W-3*
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Land Use Activity	Residential																		Commercial						Industrial								
	Single Family								Multi-family					Apt./Office																			
	R-R	R-E	R-1	R-2	R-3	R-4	R-5	U-N	R-5A	R-5B	R-6	R-7	R-8A	OR	OR-1	OR-2	OR-3	OTF	C-N	C-R	C-1	C-2	C-3	CM	EZ-1	M-1	M-2	M-3	PRO	PEC	W-1	W-2	W-3*
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Land Use Activity	Residential																	Commercial						Industrial								
	Single Family								Multi-family					Apt./Office																		
	R-R	R-E	R-1	R-2	R-3	R-4	R-5	U-N	R-5A	R-5B	R-6	R-7	R-8A	OR	OR-1	OR-2	OR-3	OTF	C-N	C-R	C-1	C-2	C-3	CM	EZ-1	M-1	M-2	M-3	PRO	PEC	W-1	W-2	W-3*
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Land Use Activity	Residential																		Commercial						Industrial								
	Single Family								Multi-family					Apt./Office																			
	R-R	R-E	R-1	R-2	R-3	R-4	R-5	U-N	R-5A	R-5B	R-6	R-7	R-8A	OR	OR-1	OR-2	OR-3	OTF	C-N	C-R	C-1	C-2	C-3	CM	EZ-1	M-1	M-2	M-3	PRO	PEC	W-1	W-2	W-3*
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Land Use Activity	Residential																		Commercial						Industrial								
	Single Family								Multi-family					Apt./Office																			
	R-R	R-E	R-1	R-2	R-3	R-4	R-5	U-N	R-5A	R-5B	R-6	R-7	R-8A	OR	OR-1	OR-2	OR-3	OTF	C-N	C-R	C-1	C-2	C-3	CM	EZ-1	M-1	M-2	M-3	PRO	PEC	W-1	W-2	W-3*
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Land Use Activity	Residential																		Commercial						Industrial								
	Single Family								Multi-family					Apt./Office																			
	R-R	R-E	R-1	R-2	R-3	R-4	R-5	U-N	R-5A	R-5B	R-6	R-7	R-8A	OR	OR-1	OR-2	OR-3	OTF	C-N	C-R	C-1	C-2	C-3	CM	EZ-1	M-1	M-2	M-3	PRO	PEC	W-1	W-2	W-3*
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Land Use Activity	Residential																		Commercial						Industrial								
	Single Family								Multi-family					Apt./Office																			
	R-R	R-E	R-1	R-2	R-3	R-4	R-5	U-N	R-5A	R-5B	R-6	R-7	R-8A	OR	OR-1	OR-2	OR-3	OTF	C-N	C-R	C-1	C-2	C-3	CM	EZ-1	M-1	M-2	M-3	PRO	PEC	W-1	W-2	W-3*
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Land Use Activity	Residential																		Commercial						Industrial								
	Single Family								Multi-family					Apt./Office																			
	R-R	R-E	R-1	R-2	R-3	R-4	R-5	U-N	R-5A	R-5B	R-6	R-7	R-8A	OR	OR-1	OR-2	OR-3	OTF	C-N	C-R	C-1	C-2	C-3	CM	EZ-1	M-1	M-2	M-3	PRO	PEC	W-1	W-2	W-3*
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Land Use Activity	Residential																		Commercial						Industrial								
	Single Family								Multi-family					Apt./Office																			
	R-R	R-E	R-1	R-2	R-3	R-4	R-5	U-N	R-5A	R-5B	R-6	R-7	R-8A	OR	OR-1	OR-2	OR-3	OTF	C-N	C-R	C-1	C-2	C-3	CM	EZ-1	M-1	M-2	M-3	PRO	PEC	W-1	W-2	W-3*
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Land Use Activity	Residential																	Commercial						Industrial								
	Single Family								Multi-family					Apt./Office																		
	R-R	R-E	R-1	R-2	R-3	R-4	R-5	U-N	R-5A	R-5B	R-6	R-7	R-8A	OR	OR-1	OR-2	OR-3	OTF	C-N	C-R	C-1	C-2	C-3	CM	EZ-1	M-1	M-2	M-3	PRO	PEC	W-1	W-2	W-3*
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	Depends on the nature of the commecial uses available at the marina and boat rental facility																																
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Land Use Activity	Residential																		Commercial						Industrial								
	Single Family								Multi-family					Apt./Office																			
	R-R	R-E	R-1	R-2	R-3	R-4	R-5	U-N	R-5A	R-5B	R-6	R-7	R-8A	OR	OR-1	OR-2	OR-3	OTF	C-N	C-R	C-1	C-2	C-3	CM	EZ-1	M-1	M-2	M-3	PRO	PEC	W-1	W-2	W-3*
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Land Use Activity	Residential																		Commercial						Industrial								
	Single Family								Multi-family					Apt./Office																			
	R-R	R-E	R-1	R-2	R-3	R-4	R-5	U-N	R-5A	R-5B	R-6	R-7	R-8A	OR	OR-1	OR-2	OR-3	OTF	C-N	C-R	C-1	C-2	C-3	CM	EZ-1	M-1	M-2	M-3	PRO	PEC	W-1	W-2	W-3*
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Land Use Activity	Residential																		Commercial						Industrial								
	Single Family								Multi-family					Apt./Office																			
	R-R	R-E	R-1	R-2	R-3	R-4	R-5	U-N	R-5A	R-5B	R-6	R-7	R-8A	OR	OR-1	OR-2	OR-3	OTF	C-N	C-R	C-1	C-2	C-3	CM	EZ-1	M-1	M-2	M-3	PRO	PEC	W-1	W-2	W-3*
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Land Use Activity	Residential																		Commercial						Industrial								
	Single Family								Multi-family					Apt./Office																			
	R-R	R-E	R-1	R-2	R-3	R-4	R-5	U-N	R-5A	R-5B	R-6	R-7	R-8A	OR	OR-1	OR-2	OR-3	OTF	C-N	C-R	C-1	C-2	C-3	CM	EZ-1	M-1	M-2	M-3	PRO	PEC	W-1	W-2	W-3*
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Land Use Activity	Residential																		Commercial						Industrial								
	Single Family								Multi-family					Apt./Office																			
	R-R	R-E	R-1	R-2	R-3	R-4	R-5	U-N	R-5A	R-5B	R-6	R-7	R-8A	OR	OR-1	OR-2	OR-3	OTF	C-N	C-R	C-1	C-2	C-3	CM	EZ-1	M-1	M-2	M-3	PRO	PEC	W-1	W-2	W-3*
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Land Use Activity	Residential																		Commercial						Industrial								
	Single Family								Multi-family					Apt./Office																			
	R-R	R-E	R-1	R-2	R-3	R-4	R-5	U-N	R-5A	R-5B	R-6	R-7	R-8A	OR	OR-1	OR-2	OR-3	OTF	C-N	C-R	C-1	C-2	C-3	CM	EZ-1	M-1	M-2	M-3	PRO	PEC	W-1	W-2	W-3*
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Land Use Activity	Residential																		Commercial						Industrial								
	Single Family								Multi-family					Apt./Office																			
	R-R	R-E	R-1	R-2	R-3	R-4	R-5	U-N	R-5A	R-5B	R-6	R-7	R-8A	OR	OR-1	OR-2	OR-3	OTF	C-N	C-R	C-1	C-2	C-3	CM	EZ-1	M-1	M-2	M-3	PRO	PEC	W-1	W-2	W-3*
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Land Use Activity	Residential																		Commercial						Industrial								
	Single Family								Multi-family					Apt./Office																			
	R-R	R-E	R-1	R-2	R-3	R-4	R-5	U-N	R-5A	R-5B	R-6	R-7	R-8A	OR	OR-1	OR-2	OR-3	OTF	C-N	C-R	C-1	C-2	C-3	CM	EZ-1	M-1	M-2	M-3	PRO	PEC	W-1	W-2	W-3*
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Land Use Activity	Residential																		Commercial						Industrial								
	Single Family								Multi-family					Apt./Office																			
	R-R	R-E	R-1	R-2	R-3	R-4	R-5	U-N	R-5A	R-5B	R-6	R-7	R-8A	OR	OR-1	OR-2	OR-3	OTF	C-N	C-R	C-1	C-2	C-3	CM	EZ-1	M-1	M-2	M-3	PRO	PEC	W-1	W-2	W-3*
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Land Use Activity	Residential																		Commercial						Industrial								
	Single Family								Multi-family					Apt./Office																			
	R-R	R-E	R-1	R-2	R-3	R-4	R-5	U-N	R-5A	R-5B	R-6	R-7	R-8A	OR	OR-1	OR-2	OR-3	OTF	C-N	C-R	C-1	C-2	C-3	CM	EZ-1	M-1	M-2	M-3	PRO	PEC	W-1	W-2	W-3*
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Land Use Activity	Residential																		Commercial						Industrial								
	Single Family								Multi-family					Apt./Office																			
	R-R	R-E	R-1	R-2	R-3	R-4	R-5	U-N	R-5A	R-5B	R-6	R-7	R-8A	OR	OR-1	OR-2	OR-3	OTF	C-N	C-R	C-1	C-2	C-3	CM	EZ-1	M-1	M-2	M-3	PRO	PEC	W-1	W-2	W-3*
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TRADITIONAL NEIGHBORHOOD ZONING DISTRICT LAND USE AND DESIGN STANDARDS

As Adopted November 12, 2002

2. TRADITIONAL NEIGHBORHOOD ZONING DISTRICT

2.1 TNZD Land Uses

Table 2.1, below, lists the uses permitted within the Old Louisville/Limerick TNZD. 'P' means the described use is permitted, subject to design and location standards where noted. 'P/M' means the described use is permitted where mapped. Mapped uses recognize traditional uses of structures existing on each lot pursuant to KRS 100. 201(3) or, in the case of vacant development sites, appropriate compatible uses. 'NP' means the use is not permitted. P/CU = Described use permitted as a Conditional Use. No permitted use or use permitted where mapped shall be required to secure a Conditional Use Permit.

TABLE 2.1

OLD LOUISVILLE/LIMERICK TNZD LAND USES

Chapter 2 TNZD Land Use Category	***Neighborhood General***	***Neighborhood Transition-Center***	Neighborhood Center
Residential Uses			
Dwellings, Single Family – One dwelling unit per lot*	P	P	NP
Dwellings, Two-Family*	P	P	P
Dwellings, Multifamily	P/M	P	P
Garages and Accessory Residential Units (Carriage Houses)	P	P	P
Home Occupations	P	P	P
Office Uses			
Professional, or Business Offices	NP	P	P
Institutional Uses			
Churches, Synagogues, Parish Halls, Temples, Convents, and Monasteries	P/M	P	P/M
Cultural Centers and Civic buildings	P/M	P	NP
Clubs, private, not for profit, or proprietary	P/M	P	NP
Fraternities and Sororities	NP	NP	NP
Schools, public and private	P/M	P	NP

Trade, business, or industrial schools	NP	P	NP
Colleges, Schools, and Institutions of Learning	NP	P	NP
Day Care Centers, Nurseries and Kindergartens	NP	P	NP
Chapter 3 Family Care Home (mini-home)	NP	P	NP
Commercial Uses			
Corner Lot Commercial (includes office and/or residential uses)	P/M	N/A	N/A
General Commercial	NP	P**	P‡
Transitional Commercial Uses	N/A	P/M***	N/A

Table 2.1 *(continued)* Old Louisville/Limerick TNZD Land Uses

Chapter 4 TNZD Land Use Category	***Neighborhood General***	***Neighborhood Transition-Center***	***Neighborhood*** Center
Bed and Breakfast Inns	P/CU	P/CU	P/CU
Original Use of Structure	P	P	P
Chapter 5 Storage sheds	P	P	P
Chapter 6 Accessory Uses	P	P	P
Chapter 7 Temporary Buildings, Uses, or Activities	P	P	P
Chapter 8 Historic House Museums	P/CU	P/CU	P/CU
Chapter 9 Community Centers, Parks, and Playgrounds – not for profit	P/CU	P	NP

* Plus one dwelling unit in the Accessory Structure Area
** See Table 2.3.1 for the specific permitted uses
*** See Table 2.3.2 for the specific permitted uses
‡ See Table 2.4.1 for the specific permitted uses. Commercial uses only are permitted at ground level facing the street where shown on the TNZD Plan Map.
N/A = Not applicable, since commercial uses are permitted in the Neighborhood Transition—Center and Neighborhood Center

Building uses in effect prior to the adoption of these regulations and operating in a legal fashion according to the prior zoning classification of the property, including legal non-conforming uses, may continue to operate under the Traditional Neighborhood Zoning District. Legal non-conforming uses may not be expanded.

Subsequent sections of this chapter provide more detailed information on uses permitted in the three TNZD components. "Replacement structures" referenced in the following tables means new construction on sites that were occupied by contributing principal structures on the effective date of the TNZD zoning classification.

2.2 Land Uses: Neighborhood General

Table 2.2.1 **Uses Permitted in the Neighborhood General**

Land Use Category	*Description of Permitted Uses*
Residential Uses	
Dwellings, Single Family	▪ One dwelling unit per lot, including attached row houses on separate lots and semi-detached dwelling units where each dwelling unit is constructed on its own lot with one zero lot line between dwellings, plus one dwelling unit in the Accessory Structure Area of each lot
Dwellings, Two-Family	▪ Two dwelling units in the principal structure on a single lot, plus one dwelling unit in the Accessory Structure Area ▪ Existing principal structure was originally built as a two-family (duplex) dwelling unit. ▪ Conversions of single family dwellings to two-family dwellings shall be limited to existing principal structures in which one of the resulting two dwelling units shall have a minimum of 2,250 square feet. ▪ New or replacement structures not to exceed the footprint of the previous Contributing principal structure, unless approved by governing authorities in accordance with standards for new construction.

Table 2.2.1 *(continued)* Uses Permitted in the Neighborhood General

Land Use Category	***Description of Permitted Uses***
Residential Uses (cont'd)	
Garages and Accessory Residential Units (Carriage Houses)	▪ Garages, parking or storage, including existing structures originally built as garages ▪ One dwelling unit per Accessory Structure with garage below. A new Accessory Residential Unit~~s~~ located in the Accessory Use area shall be permitted on any lot, provided that all design and parking standards are met, ▪ Carriage House (an Accessory Structure at the rear of a lot that was originally built to accommodate the storage of carriages, wagons, horse or mule stables, with or without an Accessory Residential Unit; or a new or renovated garage, storage building, or building accommodating another accessory use, with or without an Accessory Residential Unit, that has architectural characteristics similar to those of historic carriage houses)
Home Occupations	▪ Home Occupations as permitted by Chapter 4.4.5 of the Land Development Code
Other Uses	
Storage sheds	▪ Subordinate structures or buildings used primarily for storage purposes, the total square footage of which does not exceed 100 square feet each. ▪ Existing structures originally built as garages, carriage houses, or storage sheds. ▪ New structures and additions may be located within the Accessory Structure Area or within the Private Yard Area. ▪ Storage sheds over 100 square feet shall be treated as Garages and Accessory Residential Structures.
Chapter 10 Acc essory Uses	▪ A use which is clearly incidental to, customarily found in association with, and serves a principal use; is subordinate in purpose, area, or extent to the principal use served; and is located on the same building site as the principal use, including parking areas.
Temporary Buildings, Uses, or Activities	▪ *Garage and yard sales, and tents, air structures, and other temporary structures (must not be displayed more than 10 days in a calendar year).* ▪ Buildings or uses incidental to active construction.
Original Use of Structure	▪ A specific purpose for which an applicant seeks to use a structure that was existing on the property on November 22, 1926, and for which said structure was used on or before that date.

Table 2.2.2 Uses Permitted Where Mapped in the Neighborhood General

Land Use Category	*Description of Uses Permitted Where Mapped*
Residential Uses	
Dwellings, Multifamily	▪ Three or more residential units in the principal structure on a lot, not to exceed 34.8 dwelling units per acre for map-designated multifamily or, for replacement structures, the number of units shall not exceed previously existing density ▪ Existing structures originally built as a multifamily residential structures ▪ Conversions may decrease the existing number of dwelling units, and shall not be permitted to exceed the existing number of dwelling units ▪ Conversions to multifamily residential uses are permitted in structures where the original use has been determined to be a non-residential or institutional use. ▪ New multifamily residential structures permitted only where multifamily and institutional land uses are identified on the District Plan Map ▪ Replacement structures not to exceed the footprint of the previous contributing principal structure, unless approved by governing authorities in accordance with standards for new construction
Institutional Uses	
Churches, Synagogues, Parish Halls, Temples, Convents, and Monasteries	▪ Religious institutions, church buildings, synagogues, temples, mosques, and ancillary uses. ▪ Existing structures originally built for assembly use or where institutional uses are identified on the District Plan Map. ▪ Replacement structures not to exceed the footprint of the previous contributing principal structure, unless approved by governing authorities in accordance with standards for new construction.
Cultural Centers and Civic Buildings	▪ Uses include public halls or other facilities used for cultural (including visual and performing arts), social, or educational activities. ▪ Existing structures originally built for community centers or assembly use or where institutional uses are identified on the District Plan Map. ▪ New construction permitted only where institutional uses are identified on the District Plan Map ▪ Replacement structures not to exceed the footprint of the previous contributing principal structure, unless approved by governing authorities in accordance with standards for new construction

Clubs, private, not for profit, or proprietary, with the exception of fraternities and sororities	▪ Private non-profit clubs, but *excluding* fraternities and sororities ▪ Existing structures originally built as lodges or for assembly use ▪ New construction permitted only where institutional uses are identified on the District Plan Map ▪ Replacement structures not to exceed the footprint of the previous contributing principal structure, unless approved by governing authorities in accordance with standards for new construction
Schools, public and private	▪ Elementary, middle, and high schools ▪ Existing structures originally built as schools or educational buildings ▪ New construction permitted only where institutional uses are identified on the District Plan Map. ▪ Replacement structures not to exceed the footprint of the previous contributing principal structure, unless approved by governing authorities in accordance with standards for new construction
Dwellings, Multifamily	▪ Three or more residential units in the principal structure on a lot, not to exceed 34.8 dwelling units per acre, as follows: ▪ Conversions to multifamily residential uses are permitted in structures where the original use has been determined to be an institutional use. ▪ New multifamily residential structures permitted where institutional land uses are identified on the District Plan Map

Table 2.2.2 *(continued)* Uses Permitted Where Mapped in the Neighborhood General

Land Use Category	*Description of Uses Permitted Where Mapped*
Corner Lot Commercial	▪ Existing structures originally built as corner lot commercial buildings, with designated commercial uses limited to the first floor. Any floor may be used for office uses as permitted for Neighborhood Center—Transition and/or residential uses. ▪ New construction permitted only where corner lot commercial uses are identified on the District Plan Map, provided total gross floor area of commercial/retail use does not exceed 5,000 square feet on the first floor and is accessible from the public sidewalk. Any floor may be used for office and/or residential uses. ▪ Replacement structures shall not to exceed the footprint of the previous contributing principal structure, unless approved by governing authorities in accordance with standards for new construction. Permitted corner lot commercial uses include: ▪ Antique shops and interior decorating shops ▪ Bakeries and delicatessens, retail sales ▪ Art and craft galleries ▪ Beauty salons and barber shops ▪ Music and art supply stores ▪ Photographic studios and shops ▪ Book stores and stationery stores ▪ Candy stores, retail sales ▪ Pharmacies ▪ Convenience grocery stores ▪ Coin laundries ▪ Dry-cleaning pick-up only ▪ Restaurants, including coffee houses, tea rooms, and cafes where food and drink may be served or consumed outside or inside (no drive-through service permitted) ▪ Toy and hobby stores ▪ Clothing stores ▪ Other similar neighborhood-serving retail uses as established by the Planning Commission

Table 2.2.3 Uses Permitted as Conditional Uses in the Neighborhood General

Land Use Category	***Description of Uses Permitted as Conditional Uses***
Bed & Breakfast Inns	Residential structures used by a resident thereof as a small inn which provides 8 or fewer temporary rooms for hire to short-term guests, and includes a breakfast for the guest or guests at a daily fixed price for the room and breakfast. Meals, meeting facilities, and other services shall be provided only for guests registered at the bed and breakfast inn.

Historic House Museums	Residences having historic and/or architectural significance which members of the public may view with or without charge for admission.
Community Centers, Parks, and Playgrounds – not for profit	Community center is defined as "a facility that is available for public use as a meeting place or for recreation that does not limit access only to members and does not charge membership dues."

2.3 Land Uses: Neighborhood Transition – Center

Table 2.3.1 **Uses Permitted in the Neighborhood Transition—Center**

Land Use Category	*Description of Permitted Uses*
Residential Uses	
Dwellings, Single Family	One dwelling unit per lot, including attached row houses on separate lots and semi-detached dwelling units where each dwelling unit is constructed on its own lot with one zero lot line between dwellings, plus one dwelling unit in the Accessory Structure Area of each lot.
Dwellings, Two-Family	Two dwelling units in the principal structure on a single lot, plus one dwelling unit in the Accessory Structure Area.
Dwellings, Multifamily	Three or more residential units in the principal structure on a lot, not to exceed 53 dwelling units per acre or, for replacement structures, the number of units shall not exceed the previously existing density.
Garages and Accessory Residential Units (Carriage Houses)	▪ Garages, parking or storage, including existing structures originally built as garages. ▪ One dwelling unit per Accessory Structure with garage below. A new Accessory Residential Unit located in the Accessory Use area shall be permitted on any lot provided that all design and parking standards are met. ▪ Carriage House (an Accessory Structure at the rear of a lot that was originally built to accommodate the storage of carriages, wagons, horse or mule stables, with or without an Accessory Residential Unit; or a new or renovated garage, storage building, or building accommodating another accessory use, with or without an Accessory Residential Unit, that has architectural characteristics similar to those of historic carriage houses).
Home Occupations	Home Occupations as permitted by Chapter 4.4.5 of the Land Development Code.
Office Uses	
Offices	Professional or business offices
Institutional Uses	
Churches, Synagogues, Parish Halls, Temples, Convents, and Monasteries	▪ Religious institutions, church buildings, synagogues, temples, mosques, and ancillary uses. ▪ Existing structures originally built for assembly use or where institutional uses are identified on the District Plan Map. ▪ Replacement structures not to exceed the footprint of the previous contributing principal structure, unless approved by governing authorities in accordance with standards for new construction.

Schools, public and private	▪ Nursery, elementary, middle, and high schools. ▪ Existing structures originally built as schools or educational buildings or where institutional uses are identified on the District Plan Map ▪ New or replacement structures, permitted only where institutional uses are identified on the District Plan Map. ▪ Replacement structures shall not exceed the footprint of the previous contributing principal structure, unless approved by governing authorities in accordance with standards for new construction.
Trade, Business, or Industrial Schools	
Colleges, Schools, and Institutions of Learning	

Table 2.3.1 ***(continued)*** **Uses Permitted in the Neighborhood Transition—Center**

Land Use Category	*Description of Permitted Uses*
Institutional Uses (cont'd)	
Day Care Centers, Day Nurseries, Nursery Schools, and Kindergartens	
Family Care Homes (mini-homes)	
Community Centers, Parks, and Playgrounds – not for profit	Community center is defined as "a facility that is available for public use as a meeting place or for recreation that does not limit access only to members and does not charge membership dues."
Cultural Centers and Civic Buildings	▪ Uses include public halls or other facilities used for cultural (including visual and performing arts), social, and educational activities.
Clubs, private, not for profit, or proprietary, not including fraternities or sororities	
Commercial Uses	

Restricted Commercial	▪ Existing structures originally built for commercial use or as corner lot commercial buildings, with designated commercial uses limited to the first floor. Any floor may be used for business or professional office or residential use. ▪ New structures built for commercial use provided designated commercial use is limited to the first floor and accessible from public sidewalk. Any floor may be used for business or professional office or residential use. ▪ Replacement structures shall not exceed the footprint of the previous contributing principal structure, unless approved by governing authorities in accordance with standards for new construction, provided designated commercial uses are limited to the first floor and no front yard commercial additions shall be permitted for Contributing Structures. ▪ Commercial uses for existing and new buildings shall be limited to the following: ▪ Antique shops ▪ Art and craft galleries ▪ Assisted Living Residence ▪ Athletic facilities (indoor only) ▪ Bakeries and delicatessens, retail (all products produced to be sold on the premises only) ▪ Banks, credit unions, savings and loans and similar financial institutions ▪ Beauty salons and barber shops ▪ Bicycle and Athletic Equipment – sales and service ▪ Book shops and stationery stores ▪ Bookbinding ▪ Building materials, storage and sales provided all operations are totally enclosed in a building ▪ Cleaning, pressing, and dyeing establishments using non-flammable and non-explosive cleaning fluid ▪ Clothing stores ▪ Coin laundries ▪ Computer sales
Table 2.3.1 **(continued)** ***Uses Permitted in the Neighborhood Transition—CenterLand Use Category***	*Description of Permitted Uses*
Commercial Uses (cont'd)	

Restricted Commercial	▪ Confectionery or candy stores, retail (all products produced to be sold on the premises only) ▪ Dancing instruction ▪ Department stores ▪ Dressmaking or millinery shops ▪ Drug stores / Pharmacies ▪ Dry cleaning, dyeing, pressing, and laundry; distributing stations or retail business where no cleaning, dyeing, pressing or laundry is done for other distributing stations or cleaning establishments ▪ Dry goods and notion stores ▪ Electric appliance stores, including radio and television ▪ Engraving, watchmaking and jewelry manufacturing, where products are sold on premises ▪ Equipment rental, where all activities are within a building ▪ Extended stay lodging ▪ Family day care home ▪ Florists and sundry stores ▪ Funeral homes ▪ Furniture stores ▪ Governmental buildings ▪ Grocery stores ▪ Hardware and paint stores ▪ Health clubs & salons ▪ Homes for infirm and aged ▪ Hotels and motels ▪ Interior decorating shops ▪ Jewelry stores ▪ Libraries, museums, historical buildings and grounds, arboretums, aquariums, and art galleries ▪ Medical laboratories, not including plasma or blood collecting centers ▪ Monument sales, provided that all activities are within a building ▪ Music and art supply stores ▪ Music and vocal instructions ▪ Nurseries, retail ▪ Nursing homes ▪ Pet shops ▪ Photocopying, duplicating, paper folding, mail processing and related services ▪ Photographic studios and shops ▪ Picture framing ▪ Printing, lithographing, or publishing establishments, if constructed to insure that there is no noise or vibration evident outside the walls of the buildings ▪ Public transportation passenger terminals ▪ Restaurants, including coffee houses, tea rooms, and cafes, where food and drink may be served or consumed outside or inside (no drive-through service permitted) ▪ Retail or wholesale stores or businesses not involving any kind of manufacture, processing or treatment of products other than that which is clearly incidental to the business conducted on the premises, and provided that not more than fifty (50) percent of the floor area of the building is used in the manufacture, processing, or treatment of products, and that such operations or products are not objectionable due to noise, odor, dust, smoke, vibration, or other similar causes

Table 2.3.1 ***(continued) Uses Permitted in the Neighborhood Transition—Center***

Land Use Category	*Description of Permitted Uses*
Commercial Uses (cont'd)	
Restricted Commercial	▪ Rubber stamp manufacturing, where products are sold on the premises ▪ Shoe repair shops ▪ Shoe stores ▪ Sign painting ▪ Stationary stores ▪ Tailor ▪ Telephone exchanges ▪ Temporary buildings, the uses of which are incidental to construction operations being conducted on the same or adjoining lot or tract, and which shall be removed upon completion or abandonment of such construction, or upon the expiration of a period of two years from the time of erection of such temporary buildings, whichever is sooner ▪ Tents, air structures and other temporary structures intended for occupancy y commercial activities including but not limited to sales, display, and food services, provided that applicable building and fire safety codes are met, and provided further that such structures may not be installed for a period (or periods totaling) more than ten (10) days during a calendar year ▪ Theaters ▪ Toy & Hobby stores ▪ Upholstery and furniture repair shops ▪ Variety stores ▪ Veterinary hospital, provided the operations is conducted within a soundproofed building, no animals are boarded, and there are no runs or pens outside of the building *Other similar neighborhood serving uses as established by the Planning Commission*
Other Uses	
Storage sheds	▪ Subordinate structures or buildings used primarily for storage purposes, the total square footage of which does not exceed 100 square feet each. ▪ Existing structures originally built as garages, carriage houses, or storage sheds. ▪ New structures and additions may be located within the Accessory Structure Area or within the Private Yard Area. ▪ Storage sheds over 100 square feet shall be treated as Garages and Accessory Residential Structures.

Chapter 11 Accessory Uses	A use which is clearly incidental to, customarily found in association with, and serves a principal use; is subordinate in purpose, area, or extent to the principal use served; and is located on the same building site as the principal use, including parking areas.
Temporary Buildings, Uses, or Activities	▪ *Garage and yard sales, and tents, air structures, and other temporary structures (must not be displayed more than 10 days in a calendar year).* ▪ Buildings or uses incidental to active construction.
Original Use of Structure	A specific purpose for which an applicant seeks to use a structure that was existing on the property on November 22, 1926, and for which said structure was used on or before that date.

Table 2.3.2 ***Uses Permitted Where Mapped in the Neighborhood Transition — Center***

Chapter 12 Land Use Category	***Description of Uses Permitted Where Mapped***
Transitional Commercial Uses *(Edge Transition Only)*	
Automobile Rental Agencies	
Automobile Repair Garages	▪ Excludes body work and painting, limited to five (5) service bays, as long as such operations are not objectionable due to noise, odor, dust, smoke, vibration, or other similar causes.
Automobile Sales Agencies	▪ Provided that no repair or reconditioning of automobiles or storage of parts shall be permitted except when enclosed in a building.
Automobile Service Stations	
Plumbing and Heating Shops, storage and sales	▪ Provided all operations are totally enclosed in a building
Restaurants with drive-through windows	▪ Provided prior approval received from the agency responsible for traffic engineering

Table 2.3.3 Uses Permitted as Conditional Uses in the Neighborhood Transition–Center

Land Use Category	***Description of Uses Permitted as Conditional Uses***
Bed & Breakfast Inns	Residential structures used by a resident thereof as a small inn which provides 8 or fewer temporary rooms for hire to short-term guests, and includes a breakfast for the guest or guests at a daily fixed price for the room and breakfast. Meals, meeting facilities, and other services shall be provided only for guests registered at the bed and breakfast inn.
Historic House Museums	Residences having historic and/or architectural significance which members of the public may view with or without charge for admission.

2.4 Land Uses: Neighborhood Center

Table 2.4.1 **Uses Permitted in the Neighborhood Center**

Land Use Category	*Description of Permitted Uses*
Residential Uses	
Dwellings, Two-Family	Two dwelling units in the principal structure on a single lot, plus one dwelling unit in the Accessory Structure Area.
Dwellings, Multifamily	Three or more residential units in the principal structure on a lot, not to exceed 90 dwelling units per acre.
Home Occupations	Home Occupations as permitted by Chapter 4.4.5 of the Land Development Code.
Garages and Accessory Residential Units	Carriage House (an Accessory Structure at the rear of a lot that was originally built to accommodate the storage of carriages, wagons, horse or mule stables, with or without an Accessory Residential Unit; or a new or renovated garage, storage building, or building accommodating another accessory use, with or without an Accessory Residential Unit, that has architectural characteristics similar to those of historic carriage houses).
Institutional Uses	
Community/ Cultural Centers, and Civic Buildings	Uses include meeting halls or other facilities used for cultural (including visual and performing arts), recreational, social, or educational activities.

Commercial Uses	
Commercial	*Commercial uses shall be limited to the following:* ▪ *Antique and collectibles stores* ▪ *Appliance repair stores, including radios and televisions* ▪ *Appliance/furniture stores* ▪ Art and craft galleries and supplies ▪ Assisted Living Residence ▪ Athletic facilities (indoor only) ▪ Bakeries and delicatessens, retail (all products to be sold on the premises only) ▪ Banks, credit unions, savings and loans and similar financial institutions ▪ Beauty salons and barber shops ▪ Bicycle and Athletic Equipment – sales and service ▪ Book shops and stationery stores ▪ Bookbinding ▪ Building materials, storage and sales provided all operations are totally enclosed in a building ▪ Cleaning, pressing, and dyeing establishments using non-flammable and non-explosive cleaning fluid ▪ Clothing stores ▪ Coin laundries ▪ Computer sales ▪ Confectionery or candy stores, retail (all products sold on the premises only) ▪ Dancing instruction ▪ Department stores ▪ Dressmaking or millinery shops ▪ Drug stores / Pharmacies ▪ Dry cleaning, dyeing, pressing, and laundry; distributing stations or retail business where no cleaning, dyeing, pressing or laundry is done for other distributing stations or cleaning establishments ▪ Dry goods and notion stores

Table 2.4.1 *(continued)* Uses Permitted in the Neighborhood Center

Commercial Uses	***(cont'd)***
Commercial	▪ Engraving, watchmaking and jewelry manufacturing, products are sold on premises ▪ Equipment rental, where all activities are within a building ▪ Extended stay lodging ▪ Family day care home ▪ Florists and sundry stores ▪ Funeral homes ▪ Furniture stores ▪ Governmental buildings ▪ Grocery stores ▪ Hardware and paint stores ▪ Health clubs & salons ▪ Homes for infirm and aged ▪ Hotels and motels ▪ Interior decorating shops ▪ Jewelry stores ▪ Libraries, museums, historical buildings and grounds, arboretums, aquariums, and art galleries ▪ Medical laboratories, not including plasma or blood collecting centers ▪ Monument sales, provided that all activities are within a building ▪ Music supply stores, Music and vocal instructions ▪ *Neighborhood pubs and live music in restaurants* ▪ Nurseries, retail ▪ Nursing homes ▪ *Package liquor stores (where alcohol is not consumed on the premises)* ▪ Pet shops ▪ Photocopying, duplicating, paper folding, mail processing and related services ▪ Photographic studios and shops ▪ Picture framing ▪ Printing, lithographing, or publishing establishments, if constructed to insure that there is no noise or vibration evident outside the walls of the buildings ▪ Public transportation passenger terminals ▪ Restaurants, including coffee houses, tea rooms, and cafes, where food and drink may be served or consumed outside or inside (no drive-through service permitted) ▪ Retail or wholesale stores or businesses not involving any kind of manufacture, processing or treatment of products other than that which is clearly incidental to the business conducted on the premises, and provided that not more than fifty (50) percent of the floor area of the building is used in the manufacture, processing, or treatment of products, and that such operations or products are not objectionable due to noise, odor, dust, smoke, vibration, or other similar causes ▪ Rubber stamp manufacturing, where products are sold on the premises ▪ Shoe repair shops ▪ Shoe stores ▪ Sign painting ▪ Stationary stores ▪ Tailor ▪ Telephone exchanges Temporary buildings, the uses of which are incidental to construction operations being conducted on the same or adjoining lot or tract, and which shall be removed upon completion or abandonment of such construction, or upon the expiration of a period of two years from the time of erection of such temporary buildings, whichever is sooner

Table 2.4.1 *(continued)* Uses Permitted in the Neighborhood Center

Commercial Uses (cont'd)	
Commercial	▪ Tents, air structures and other temporary structures intended for occupancy y commercial activities including but not limited to sales, display, and food services, provided that applicable building and fire safety codes are met, and provided further that such structures may not be installed for a period (or periods totaling) more than ten (10) days during a calendar year. ▪ Theaters ▪ Toy & Hobby stores ▪ Upholstery and furniture repair shops ▪ Variety stores ▪ Veterinary hospital, provided the operations is conducted within a soundproofed building, no animals are boarded, and there are no runs or pens outside of the building ▪ Video stores ▪ Other similar neighborhood serving uses as established by the Planning Commission
Office Uses	
Offices	Professional or business offices
Other Uses	
Storage sheds	Subordinate structures or buildings used primarily for storage purposes, the total square footage of which do not exceed 100 square feet each.
Chapter 13 Accessory Uses	A use which is clearly incidental to, customarily found in association with, and serves a principal use; is subordinate in purpose, area, or extent to the principal use served; and is located on the same building site as the principal use, including parking areas.
Temporary Buildings, Uses, or Activities	▪ *Garage and yard sales, and tents, air structures, and other temporary structures (must not be displayed more than 10 days in a calendar year).* ▪ Buildings or uses incidental to active construction.
Original Use of Structure	A specific purpose for which an applicant seeks to use a structure that was existing on the property on November 22, 1926, and for which said structure was used on or before that date.

Table 2.4.2 Uses Permitted Where Mapped in the Neighborhood Center

Land Use Category	***Description of Uses Permitted Where Mapped***
Institutional Uses	
Churches and Synagogues	Religious institutions, church buildings, synagogues, temples, mosques, and ancillary uses.

Table 2.4.3 Uses Permitted as Conditional Uses in the Neighborhood Center

Land Use Category	***Description of Uses Permitted as Conditional Uses***
Other Uses	
Bed & Breakfast Inns	Residential structured used by a resident thereof as a small inn which provides 8 or fewer temporary rooms for hire to short-term guests, and includes a breakfast for the guest or guests at a daily fixed price for the room and breakfast. Meals, meeting facilities, and other services shall be provided only for guests registered at the bed and breakfast inn.
Historic House Museums	Residences having historic and/or architectural significance which members of the public may view with or without charge fro admission

2.5 SITE DESIGN STANDARDS

Site design standards of the Traditional Neighborhood Form District attached hereto as Appendix 3.10 and incorporated herein by reference shall apply to the Old Louisville/Limerick TNZD except as modified in Table 2.5 below.

Table 2.5 Site Design Standards

			Neighborhood Center
Lot size	Maintain historic lot patterns; no minimum lot sizes.	Maintain historic lot patterns; no minimum lot sizes.	No minimum lot sizes.
Lot coverage		Buildings shall cover no more than 60% of the area of their lots. Coverage calculations shall exclude open porches and accessory buildings.	Buildings shall cover no more than 90% of the area of their lots. Coverage calculations shall exclude open porches and accessory buildings.
Setbacks			*All street-facing facades shall be built to the property lines abutting the public right-of-way.* REAR YARD SETBACK - minimum of 5 feet to the rear facade of the principal structure. SIDE YARD SETBACK – minimum of zero feet to a common wall. Stoops, balconies and porches may encroach into setbacks. Arcades and awnings may encroach upon the right-of-way up to one foot from the curb line with the approval of the Director of Works.
Building façade			The building facade shall extend no less than 80% of the linear lot frontage. A minimum 4 ft. high solid wall that continues the façade plane along the lot line may be substituted for the facade for 50% of the linear frontage.
Building Height	New buildings in an undeveloped block shall not exceed 3.5 stories and 45 ft.	New buildings shall not exceed 4 stories and 51 ft.	Buildings shall not exceed 4.5 stories and 60 ft. nor be less than 2 stories.

2.6 BUILDING DESIGN STANDARDS

Building design standards of the Traditional Neighborhood Form District attached hereto as Appendix 3.10 and incorporated herein by reference, together with the Design Review Guidelines as adopted for the Old Louisville and Limerick Preservation Districts, shall apply to the Old Louisville/Limerick TNZD to ensure compatibility of building types and to relate new buildings to the building traditions of the neighborhood. To the extent that design standards of the Form District conflict with Preservation District Guidelines, the more restrictive requirement shall prevail.

2.7 2.7 PARKING and LOADING

1. The provisions of the Motor Vehicle and Bicycle Parking and Loading Standards for Traditional Neighborhood Form Districts attached hereto as Appendix 3.11 and incorporated herein by reference shall apply to the Old Louisville/Limerick TNZD, except as modified below.

2. Parking lots may not be adjacent to a street intersection or a square and may not occupy lots that terminate a street vista. Parking lots otherwise located adjacent to a street or a residential use shall be screened in accordance with the standards of the Land Development Code. The sole access to all off-street surface parking shall be from the alley where an alley abuts the lot. Where existing alley design or configuration limits or significantly impedes access to the proposed parking; or when the addition of the proposed parking will significantly increase traffic on the affected alley, the Planning Commission can grant exceptions to this rule.

3. New Accessory Residential Units (Carriage Houses) on residential lots shall not be considered as additional units for the calculation of minimum parking requirements but shall provide one additional parking space for the accessory residential unit.

4. Parking for commercial uses in the Neighborhood Center and Neighborhood Transition – Center zones, as well as for corner commercial structures in the Neighborhood General, shall not exceed the parking minimum requirements established by Appendix 3.11. Uses in the Neighborhood Center may provide required parking anywhere in the Neighborhood Center without application for a waiver, provided that all site design standards are met. Shared parking facilities are encouraged in the Neighborhood Center and Neighborhood Transition – Center.

5. Table 2.7., "Parking Requirements by Zone and Use," describes minimum parking requirements for the TNZD.

TABLE 2.7. PARKING REQUIREMENTS by ZONE and USE

	TNZD ZONES		
LAND USE CATAGORY	**TNZD ZONE NEIGHBORHOOD GENERAL**	**TNZD ZONE NEIGHBORHOOD TRANSITION CENTER**	**TNZD ZONE NEIGHBORHOOD CENTER**
Single Family/Duplex Residential	No minimum number of spaces required*	No minimum number of spaces required*	No minimum number of spaces required*
Permitted or Permitted where Mapped Multifamily Residential	.75 spaces per dwelling unit.	.75 spaces per dwelling unit.	.75 spaces per dwelling unit.
Permitted or Permitted where Mapped Institutional	No new parking spaces required for existing contributing structures. New structures to provide spaces as required in Appendix 3.11.*	No minimum number of spaces required.	No minimum number of spaces required.
Mapped Corner Commercial	No minimum number of spaces required.	N/A	N/A
Non-Residential Uses	N/A	No minimum number of spaces required.	No minimum number of spaces required
Bed & Breakfast	.75 spaces per bedroom.*	.75 spaces per bedroom.*	No minimum number of spaces required
Historic Houses Museums	No minimum number of spaces required.*	No minimum number of spaces required.	No minimum number of spaces required
Community Centers	No new parking spaces required for existing contributing structures. New structures to provide spaces as required in Appendix 3.11.*	No minimum number of spaces required.	N/A

* Parking shall be limited to the accessory structures area of the lot, except with the approval of the Louisville Landmarks Commission or the Planning Commission.

2.8 SIGNS

The sign standards applicable within the Traditional Neighborhood Form District and as contained in the Design Review Guidelines for the Old Louisville and Limerick Preservation Districts shall apply to the TNZD, except as modified below. Until such time as the Land Development Code and sign regulations applicable to the TNFD are in effect, Article 11 of the Development Code shall apply to the TNZD.

a. Outdoor advertising signs, as defined in the Land Development Code, are not permitted within the TNZD.

b. All signs within the TNZD shall be attached, awning, canopy, or projecting signs. Freestanding signs are not permitted, except for real estate rent/sale signs and Bed and Breakfast Inns as provided in paragraph 2.8.e. below.

c. Signs shall conform to the building design standards of the TNZD.

d. Corner commercial structures shall have not more than one lighted or non-lighted attached, awning, or canopy sign facing each street, which shall not exceed 12 sq. ft. in area and shall not extend more than 12" from the face of the façade. A projecting sign having a maximum area of 6 sq. ft. and projecting not more than 42" from the façade may be used in lieu of an attached, awning, or canopy sign.

e. Bed and Breakfast Inns and General/Business or Professional Offices (where these uses are permitted, and excluding Home Occupations) shall have a maximum of one attached sign not to exceed 6 sq. ft. in area located on the principal façade or porch adjacent to the principal building entrance. *Exception:* Bed and Breakfast Inns may have one freestanding sign, in lieu of an attached sign, which shall not exceed 6 sq. ft. in area and shall be located within 6 feet of the principal façade of the structure.

f. No sign shall be mounted above the sill of the second floor windows of a structure.

g. All lighted signs shall only be externally illuminated.

2.9 LANDSCAPING

The landscaping and buffering standards applicable within Traditional Neighborhood Form Districts shall apply to the TNZD. Until such time as the Land Development Code and landscaping standards applicable to the TNFD are in effect, Article 12 of the Development Code shall apply to the TNZD.

Chapter 3	**Special Districts**		
	Part 1	**Floyds Fork Special District (reserved)*** **Development Review Overlay District and Floyds Fork DRO Guidelines**	**3.1-1**
	Part 2	Jefferson Forest Special District **(reserved)***	**3.2-1**
	Part 3	Ohio River Corridor Special District **(reserved)***	**3.3-1**
	Part 4	Tyler Rural Settlement Special District **(reserved)***	**3.4-1**
	Appendix 3A	*Bardstown Road/Baxter Avenue Corridor Review Overlay District*	*3A-1*
	Appendix 3B	*Downtown Overlay District*	*3B-1*
	Appendix 3C	*Waterfront Review Overlay District*	*3C-1*

*Reserved portions of the Land Development Code will be drafted and presented for adoption as part of the next phase of the Land Development Code.

Reserved; until the community based planning process is complete and a Floyds Fork Special District regulation is adopted, the Development Review Overlay District (DRO), originally adopted in 1993, remains in effect.

Development Review Overlay District

A. General Regulations:

1. The Development Review Overlay District - DRO Definition and Purposes:

   a. The Development Review District is an overlay shown on the zoning district maps. It constitutes a second level of development standards in addition to those specified by the underlying zoning district.

   b. The purpose of the district is to protect the quality of the natural environment. The district achieves these purposes by promoting compatible development of land and structures. The Development Review District is to protect the public and property owners in the district:.

      i. From blighting influences which might occur under conventional land use regulations.

      ii. From unsafe buildings which would be caused by uncontrolled development.

      iii. From significant damage or destruction of prominent hillsides or valleys caused by improper development.

      iv. From significant damage to the economic value of existing properties and/or new developments.

      v. From soil erosion and stream siltation.

      vi. From the destruction of mature and/or valuable trees and other vegetation and wildlife habitat.

      vii. From loss of high quality visual character.

2. Definitions

   Terms in this section shall have the meanings hereinafter given unless the context shall clearly indicate otherwise.

   a. "Protected Body of Water" is a body of water shown on the U.S. Geological Survey topographic maps and identified for protection in the design guidelines referenced in paragraph B. 7, below.

b. "Clearing of forested area" is removal or destruction of trees and other live woody vegetation exceeding a caliper of six inches (trunk diameter measured six inches above ground) to the extent that fewer than 20 trees that meet or exceed this dimension remain standing in each 20,000 square foot area.

c. "Wetland" is a jurisdictional wetland as defined by the current federal wetlands delineation manual.

3. Applicability:

a. The Development Review Overlay District shall not be deemed to repeal or in any respect alter the provisions and requirements of the Flood Plain Regulations, the Metropolitan Sewer District, or applicable local, state or federal regulations.

b. Where applicable by provisions of this ordinance, requirements imposed herein shall be in addition to those of the underlying zoning classifications.

B. Development Within The Overlay District:

1. Exempt Activities:

Existing single family homes, existing and future residential accessory uses and structures, structures accessory to a use established before enactment of the DRO District and expansion of structures to a lesser extent than specified in B. 2. (j), below are not regulated by the provisions of this section. Agricultural use and related structures likewise are exempt from the provisions of this section.

2. Regulated Activities:

Activities that may be detrimental to the natural, scenic and environmental characteristics as described herein are regulated by the provisions of this ordinance and subject to the review process set out in paragraph 3 below. Such activities include:

a. Clearing of forested area greater than 5,000 square feet for development purposes.

b. Grading, excavation, construction of retaining walls, or alteration of the ground surface other than that attendant to agricultural uses.

c. Alteration of a protected body of water including channeling, diverting, dredging or removal of stream materials.

d. Bridging or damming of a protected body of water.

e. Modification of a wetland, including filling, excavation, clearing of trees, paving, construction or diversion of the water supply.

f. Construction of any structure other than those exempted in Paragraph B.1.

g. Utility construction including water, sewer or waste disposal, natural gas and electric.

h. Construction of roadways or parking lots serving more than a single dwelling unit.

i. Subdivision of land.

j. Expansion of an existing residential structure by more than 50% or of a non-residential structure by more than 10% beyond the extent of the structure's square footage as existed on the effective date of this regulation.

k. Installation of a freestanding sign exceeding 30 square feet in area.

3. Review Process:

Regulated activities, as described above are allowed only upon approval by the Planning Commission or its designee. The Commission will review proposed regulated activities to determine impact on environmental characteristics, including but not limited to impacts on water quality, the floodplain, wetlands, natural drainage ways, steep slopes, soils, forestation and scenic vistas. The Commission will consult with the Director of Works and the Metropolitan Sewer District in the course of this review process. The applicant will provide adequate information to allow the Commission to determine impacts of the proposal and compliance with the guidelines established in paragraph 7. below.

If a Conditional Use Permit is required in conjunction with a review and approval under this section, the Conditional Use Permit review by the Board of Zoning Adjustment shall not occur until the Planning Commission has concluded its review and approval under this section.

4. Review Authority

a. The LD&T committee of Planning Commission may review development proposals and act on behalf of the Commission. The action taken by the committee can be appealed to the Planning Commission within thirty (30) days of such action. Failure to appeal the committee's action in accordance with this section shall preclude further review and appeal.

b. The following regulated activities may be reviewed for compliance with this regulation and approved by the director of the Planning Commission or the director's designee.

   i. Construction of a single family home on a lot created prior to the application of the Development Review Overlay.

   ii. Construction of one or more single family homes in a subdivision which the Planning Commission has approved in accordance with this regulation.

   iii. Cutting, filling, other alteration of the ground surface, subject to the limits established for a minor earth excavation in Section 4.4.7.

   iv. Construction of retaining walls having a vertical face of eight feet or less.

   v. Clearing less than three acres of forested area.

   vi. Construction of roadways or parking lots serving five or fewer dwelling units.

   vii. Subdivision of land creating three or fewer parcels.

   viii. Expansion of an existing residential structure and expansion of a non-residential structure by 100 percent or less.

   The action taken by the director may be appealed to the Planning Commission within thirty (30) days of such action. Failure to appeal the action of the director in accordance with this section shall preclude further review and appeal.

5. Submittal Requirements

Submittal materials required by this section will be only as detailed as necessary to determine environmental impacts, without creating needless expense for the applicant. Persons contemplating development within the DRO area are encouraged to schedule a pre-application meeting with Planning Commission staff to determine if the project will require review under this regulation, and to identify materials that will have to be submitted. A proposed district development plan in accordance with the provisions of Plan Certain (Chapter 11 Part 6), may be needed depending upon the scope of the proposal.

6. Public Hearing Requirement:

   Persons seeking approval of a regulated activity other than those listed in paragraph 4.b., above shall supply the Planning Commission with the names and addresses of all persons designated by the property valuation administrator as owners of every parcel of property adjoining at any point the subject property and directly across the street from said property, and owners of every parcel of property which adjoins at any point the adjoining property or the property directly across the street from the subject property. The Planning Commission shall notify these adjoining property owners of the proposed development and shall solicit their comments concerning the need for a public hearing. For activities described in paragraph 4. b., the director of the Commission shall determine if notification of the above mentioned property owners and/or a hearing is warranted; the Planning Commission shall determine the need for a public hearing on other regulated activities. The Planning Commission shall send notice of the public hearing to said persons by first class mail not less than 7 nor more than 21 days prior to the hearing.

7. Guidelines for Approval:

   Design guidelines and performance standards which address the characteristics of each Development Review Overlay District shall be prepared. The Planning Commission shall use these design guidelines to determine impact of a proposed development on the quality of the environment in the Development Review District. The guidelines shall be enacted in ordinance by the legislative body, in conjunction with the amendment of the Zoning District Map to create each Development Review Overlay District.

8. Conditions of Approval

   The plan will be reviewed to determine if negative impacts on the environment can be overcome, mitigated to a substantial degree or proven not to exist. Upon incorporation of any necessary mitigative measures, approval of the development or activity will be given, contingent upon meeting other appropriate regulations including but not limited to Building Code requirements, Zoning District Regulations, Floodplain Regulations, Air Pollution Control and Health Code Requirements. The Planning Commission may disapprove a proposed district development plan if negative environmental impacts are not adequately mitigated. Revisions to an approved district development plan requested by the applicant will be reviewed by the Planning Commission. The Commission may require a public hearing, depending on the magnitude of change and the potential for environmental impacts.

9. Length of Plan Review Period

   It is the Planning Commission's goal to work with applicants, so that delay is minimized. Within 30 business days after submittal of all materials required under paragraph 3, above, the Planning Commission or its designee will take action on a proposed development. For those proposals which are taken to public hearing, the plan review period will be extended to 60 business days. Failure of the Planning Commission its designee to act on an application within these plan review periods shall authorize the applicant to proceed in accordance with the plan as filed, subject to other applicable regulatory approval and permit, unless the review period is extended by agreement between the Planning Commission and the applicant.

10. Actions Final

    Action by the Planning Commission on a proposed district development plan is final. Such action may be appealed in accordance with Kentucky Revised Statutes.

11. Enforcement:

    Immediately after approving a development plan under this article, the Planning Commission shall transmit a certified copy of the approved plan to the Building Department or Code Enforcement Office. The Building Department shall be authorized to issue permits only in accordance with the approved development plan under this section. In addition, violation of any feature of an approved development plan shall be treated in the same manner as a violation of the Zoning District Regulations.

The following section contains the Floyds Fork DRO Guidelines which were adopted in February 1993.

Intent: The intent of the Floyds Fork Design Guidelines is to insure that new development within the Floyds Fork Corridor is designed to aid in restoring and maintaining excellent quality for land and water resources of the Floyds Fork Corridor. The design guidelines are also intended to complement the natural landscape in order to obtain an aesthetically pleasing, rural atmosphere.

Applicability: The following guidelines would apply to new development, including subdivisions, new construction, clearing and grading of land. Existing homes, farms and undeveloped property are not required to meet these standards. Before a building permit or subdivision is approved, the proposed plans would be reviewed for compliance with these standards. [Note: Environmental constraints referenced within these guidelines are shown in the Core Graphics Section of the Comprehensive Plan, copies of which are available at the Planning Commission].

1. Stream Corridors

   a. A buffer strip should be maintained a minimum of 100 feet wide on each side of Floyds Fork and a 50-foot wide strip on each side along tributaries shown on Map A. Steep slopes extending beyond the minimum buffer strip may necessitate a wider buffer. The buffer strip is to be measured from the ordinary high water mark. Riparian vegetation should be established, as necessary, and maintained along stream banks to stabilize the banks and protect water quality. Where a bank has been denuded of its vegetation through erosion, slope failure or similar occurrence, other vegetation such as KY-31 Fescue may be appropriate to quickly establish a vegetative cover. This should be considered however only as a temporary, interim solution. Selective removal of dying or diseased trees and shrubs within the buffer strip is permissible, provided that a live root system stays intact. Native plant material adequate for filtering surface drainage should be maintained within the buffer strip. [Note: Small lots within the buffer strip will not be prevented from developing.]

   b. Structures and impervious surfaces should be located at least 200 feet from each bank along Floyds Fork measured from the ordinary high water mark. In conjunction with the riparian vegetative buffer, this buffer protects the stream from adjacent development by filtering sediment, removing other pollution and reducing the force of runoff, In addition hazards from floods and erosion are reduced for development adjacent to the stream. [Note: Small lots within the buffer strip will not be prevented from developing.]

   c. Measures to avoid stream bank erosion are especially desirable; although limited grazing is beneficial to vegetation, excessive grazing of livestock near streams can be detrimental to vegetation and reduce the effectiveness of the buffer strip.

   d. In areas experiencing stream bank erosion, planting of native riparian vegetation is preferred. If this stabilization technique is determined to be inadequate by the agency responsible for drainage review, the preferred alternative is riprap that is installed in a manner that allows tree growth among the stones.

   e. Structures, impervious surfaces, septic systems and associated fill slopes should not be located within the floodplain. Stream crossings are an exception to this; crossings should be minimized and be aesthetically compatible with the natural values of the stream channel.

   f. Filling and excavation should not be permitted in the floodplain. Floodplains are recommended for agricultural and recreational use.

g. Modification of streams shown on Map A including stream relocation and channelization is strongly discouraged. Watercourse modification as a convenience for site design purposes is not appropriate. Removal of fallen trees, tree limbs, brush and similar debris that accumulate naturally in creek beds and impede stream flow is acceptable.

2. Trees and Vegetation

a. Existing wooded areas, in addition to the riparian buffer strip, should be retained wherever possible. Hillside vegetation in particular should be preserved.

b. Wooded areas shown on the development plan as being retained should be preserved and maintained in healthy condition. As trees die or are removed, replacements should be provided.

c. Grading and soil compaction by construction vehicles under the drip lines of trees and wooded areas intended to be retained should be minimized.

d. Where grading within wooded areas is necessary, disturbed areas should be seeded to a shade tolerant plant species and mulched with straw.

e. Proposed major subdivisions should indicate the limits of the site disturbance area for each lot being created. The site disturbance area should be shown in relation to environmental constraints: slopes over 20%, floodplains and wet soils.

f. Proposed major subdivisions should indicate existing wooded areas to be retained and to be removed. The location of existing trees exceeding 18" in diameter at a point 54" above the ground that would be removed should be shown on the plan.

g. Temporary protective fences should surround features to be preserved during the construction process. Features to be preserved shall be defined during the review process (e.g., trees, slopes, historical and archaeological sites).

3. Drainage and Water Quality

a. On site wastewater disposal systems should be located to minimize potential water pollution. Lateral fields should be sited at least 150 feet from the ordinary high water mark of a stream shown on Map A.

b. Areas identified as wetlands in studies approved by government agencies should be preserved in their natural state. Drainage, flooding patterns and any hydrologic system(s) needed to sustain the wetlands should not be altered. Existing vegetation and wildlife habitat should be preserved.

c. To avoid soil loss, property damage, pollution and cleanup costs, an erosion and sediment control plan should be submitted for major subdivisions and other developments with potentially significant water quality impacts. Guidelines found in the Soil Erosion and Sediment Control Practices Section of MSD's design manual currently in effect are to be used when preparing an erosion and sediment control plan. Additional information on this topic is available from Planning Commission staff.

d. Runoff from impervious surfaces should be conveyed in a manner that minimizes erosion. Natural stormwater channels are preferred over manmade materials such as conveyances constructed of concrete.

e. Adequate provision should be made to prevent any storm or surface water from damaging the cut face of any excavation or the sloping face of any fill. When necessary for protection of critical areas, diversion ditches or terraces should be provided.

f. Developers of major subdivisions should plant, water and maintain vegetative cover on graded slopes on each unsold property until all properties have been sold.

4. Hillsides

a. Design subdivisions and locate structures to preserve the natural character of the land to the greatest extent possible.

b. Areas with slopes of 20% or greater generally should not be disturbed.

c. Major subdivisions with developable lots or roadways situated on slopes of 33% or greater should be permitted only if a report prepared by a qualified geotechnical or soils engineer documents that the proposed design will not result in hazardous conditions and certifies work during construction.

d. Minimize cuts and fills. Necessary cuts, fills and ether earth modifications should be replanted with appropriate vegetation. Minimize the practice of terracing hillsides in order to provide additional building sites. Structural containment of slopes should be minimized; retaining walls exceeding six feet in height should be avoided.

5. Clustering of Residential Use

   a. Site planning should create cluster patterns of new development whenever possible: building sites and land disturbance activity should be concentrated in portions of the site better suited for development, to minimize disruption of environmentally sensitive areas and to retain the corridor's rural character. Clustering allows significant portions of the site to remain undeveloped, while achieving an amount of development comparable to traditional site plans and reducing development costs.

   b. Preservation of agricultural use, including pastures and sustained-yield wood lots, is encouraged.

      [Note: Cluster developments including lots less than 5 acres in size, with on-lot wastewater disposal, may be approved if designed in accordance with the DRO guidelines.]

6. Historic Elements

   a. Where possible, preserve and retain historic elements and distinctive site features such as old buildings, cemeteries, archaeological sites, fence rows, walls and other significant signs of past land use, and as otherwise identified by the agency responsible for historic preservation.

7. Vistas and Appearance

Residential Development

   a. New construction along designated scenic corridors (Map A) should preserve the area's rural appearance. In existing wooded areas a buffer area 60 feet in width and densely vegetated should be maintained, to create an effective visual barrier. Outside the wooded areas (agricultural or open lands), new development should provide a substantial setback from the roadway (400 feet minimum) with plantings to partially screen buildings (1 tree per 25 feet of building facade visible from the road). An alternative to the substantial setback is to create a 60-foot buffer thickly planted with fast growing native trees and shrubs. Residential developments having two or more dwellings per acre should provide the 60-foot buffer.

   b. Placement of new homes within an existing wooded area, or along far edges of open fields adjacent to woodland; is encouraged (to reduce impact upon agriculture, to provide summer shade and shelter from wind and to enable new construction to be visually absorbed by natural landscape features).

c. Creation of new driveways from designated scenic corridors should be minimized; common driveways and shared access points are encouraged. Where appropriate for the site's topography and traffic volumes gravel rather than paved drives are encouraged.

d. Signature entrances located along designated scenic corridors should not exceed six feet in height or 50 feet in total length (25 feet each side).

Non-Residential Development

e. New development should be setback a minimum of 50 feet from the right-of-way line of designated scenic corridors (Map A). This area is reserved to accommodate landscaping consistent with the "rural character" of the Floyds Fork corridor. When used in this context, development includes all buildings, signs, parking lots; service drives and access roads that parallel designated scenic corridors.

f. Landscaping in the 50 foot green space (1a. above) along designated scenic corridors should include earth berming (average height of three feet) and shrub masses to screen parking areas. Large deciduous trees, a minimum of one tree for every 50 feet of roadway frontage, should be planted in the green space. Existing trees should be retained whenever possible, both in the buffer area and within the area to be developed. Trees should be planted at least ten feet from the right-of-way.

g. Parking lots should be provided only at the side or rear of the buildings to reduce visual impact of the use while providing an appropriate level of visibility.

h. Buildings, parking lots, and other impervious surfaces should cover no more than 75 percent of each site. The remainder of the site should be planted and maintained with live vegetative cover so as to reduce visual impacts as well as drainage and run off problems.

i. Newly installed utility services should be underground and service structures should be screened as required by Chapter 10 of the Development Code.

j. Attached and monument type signs are preferred (see glossary for definition); pole signs should be avoided.

k. Permanent freestanding signs for property or business identification should not exceed six feet in height or sixty square feet in area. Attached signs are governed by size standards found in the Zoning District Regulations.

l. Billboards, off-premise advertising signs of any kind, banners, balloons, and pennants should not be visible from a scenic corridor.

All Development

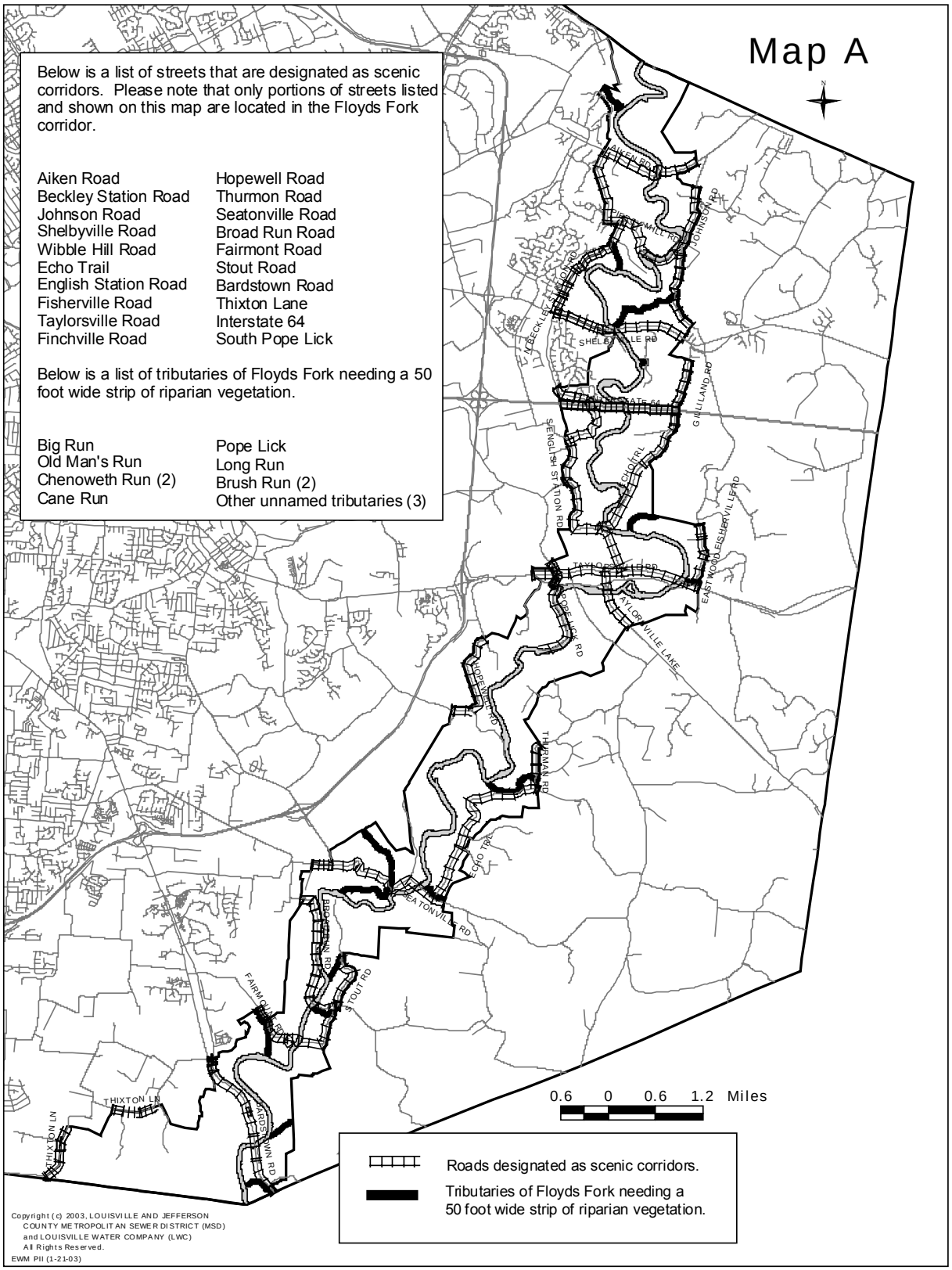
m. Buildings should be planned and designed and vegetation should be managed to preserve and enhance scenic vistas along roadways shown on Map A.

n. The visual impact of new structures proposed for prominent hillsides visible from public facilities, scenic corridors and the stream itself should be minimized. Trees should be retained or planted to screen them or to create a filtered view of these structures (one tree per 25 feet of building facade length).

o. When it is necessary to use retaining walls, their height should be minimized. A series of smaller retaining walls is preferable to one large wall, provided that the series of walls can be built without excessive removal of vegetation during construction. Retaining walls faced with brick or stone are preferable.

p. Hedges and fence rows (trees and shrubs growing along a fence) are the preferred means of property enclosure provided they do not obstruct scenic vistas. If chain link fencing is to be used, it should blend with its setting (painted or vinyl coated with dark colors such as black, green or brown). Unscreened galvanized chain link fencing is appropriate only for areas not visible from roads shown on Map A.

q. Parking areas, outbuildings, satellite dishes, and other less attractive aspects of a development should be screened from view. Where total screening is impractical, partial measures that lessen the full visual impact of development are recommended.


Map A
Below is a list of streets that are designated as scenic corridors. Please note that only portions of streets listed and shown on this map are located in the Floyds Fork corridor.
Aiken Road
Beckley Station Road
Johnson Road
Shelbyville Road
Wibble Hill Road
Echo Trail
English Station Road
Fisherville Road
Taylorsville Road
Finchville Road
Hopewell Road
Thurmon Road
Seatonville Road
Broad Run Road
Fairmont Road
Stout Road
Bardstown Road
Thixton Lane
Interstate 64
South Pope Lick
Below is a list of tributaries of Floyds Fork needing a 50 foot wide strip of riparian vegetation.
Big Run
Old Man's Run
Chenoweth Run (2)
Cane Run
Pope Lick
Long Run
Brush Run (2)
Other unnamed tributaries (3)
0.6 0 0.6 1.2 Miles
Roads designated as scenic corridors.
Tributaries of Floyds Fork needing a 50 foot wide strip of riparian vegetation.
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EWM PII (1-21-03)

Part 2 Jefferson Forest Special District

Reserved

Part 3 Ohio River Corridor Special District

Reserved

Part 4 Tyler Rural Settlement Special District

Reserved

APPENDIX 3A

Bardstown Road/Baxter Avenue Corridor Review Overlay District

A. General Regulations

1. Upon the effective date of this Ordinance, within the District, no person shall commence any development activity as defined in § 158.26 of this Ordinance without obtaining a Permit issued, without cost, pursuant to the procedures set forth in § 158.27 of this Ordinance certifying compliance with the design guidelines established by § 158.29 of this Ordinance.

2. The Guidelines are intended to promote compatibility of new development with existing land use and design features, to enhance the District's visual quality, to preserve the District's commercial character with a pedestrian friendly environment and to strengthen the economic vitality of the District by encouraging new investment and further business and commercial development, in appropriate locations within the District.

3. The application of Guidelines is intended to provide public review in the public interest of the design elements of a proposed development within the District and of the community impact of a proposed demolition of a Contributing Historical Structure within the District. Accordingly, public participation shall be encouraged in the review process.

4. The Guidelines are not intended to discourage commercial development but to encourage such development which is innovative and aesthetically pleasing in design. A development proposal that does not conform to one or more specific guidelines may be approved if it is determined that the proposal is in conformance with the intent of the guidelines considered as a whole.

5. It shall be a condition precedent to obtaining any permit for any development activity within the District that the person has obtained a Permit pursuant to this Ordinance. Permits shall be issued only where it is determined, pursuant to the procedures established by this Ordinance, that the proposed development activity is in compliance with the Guidelines.

B. Design Review Guidelines

1. Location, Height and Orientation

a. i. Structures should be designed to reinforce the existing pattern of small storefronts facing the Corridor.

ii. Facade design, where appropriate, shall be cognizant of pedestrian activity.

iii. Display windows shall be encouraged.

iv. A Structure's main entrance generally should face the Corridor.

b. Structures should be located at or near the front property line with the amount of setback designed to be compatible with adjacent properties and traditional neighborhood patterns.

c. Development plans should provide side yards wide enough to allow for maintenance of building side walls if common party walls on the lot line are not provided.

d. i. The design of new or substantially remodeled Structures should be generally compatible with the height of existing buildings in a given block and with adjacent residential areas.

ii. Sight lines of facade heights as seen from the adjacent sidewalk should be generally consistent with those of adjacent buildings.

iii. Structures greater than three stories high may be permissible if taller portions are set back from the street frontage so that overall sight lines are compatible and if the increased height is not intrusive for adjacent residential areas.

2. Historic Preservation

a. Changes to the exterior of Contributing Historic Structures and other Structures within the corridor which are more than 50 years old and which have not been significantly altered shall be reviewed in accordance with the standards established for Contributing Historic Structures by the United States Secretary of the Interior, but the Director, in his discretion, may relax these standards in the interest of accomplishing the intentions of these Guidelines.

b. The design of new or substantially remodeled Structures which are adjacent to Contributing Historic Structures should be compatible with them and should incorporate design elements of such Structures, where appropriate.

c. No application to demolish any Contributing Historical Structure or Structure more than 50 years old shall be approved by the Director unless the applicant demonstrates to the satisfaction of the Director:

i. That the rehabilitation of a Structure or construction of a new Structure will have a greater positive impact upon the District's economic vitality and appearance than the preservation of the Structure proposed to be demolished and the rehabilitation of the Structure or the construction of the new Structure would not be possible or economically feasible without the demolition of the Structure proposed to be demolished; or

ii. That the applicant cannot obtain a reasonable economic return from the property or Structure unless the Contributing Historical Structure or Structure more than 50 years old is demolished in accordance with the application.

3. Materials/Patterns

a. i. For new or substantially remodeled Structures, exterior brick of a solid uniform color or horizontal lapped siding is encouraged.

ii. Other exterior materials are appropriate if compatible with existing exterior materials traditionally used within the area.

b. Fencing

i. Fencing and screening walls should be constructed of materials compatible with the principal Structure.

ii. Chain link fencing should not be visible from the Corridor.

4. Site Development, Landscaping and Open Spaces

a. i. Development proposals should include maintainable, attractive year-round landscaping, street trees or planter boxes along the street frontage of any development site to reinforce the building pattern.

ii. Development proposals should provide screening to reduce visual impacts on adjacent residential neighborhoods.

b. Development Plans, if feasible, should minimize the adverse visual impact of utility lines on the Corridor. Underground lines or service from the alley, where feasible, is encouraged.

c. Pedestrian seating areas are encouraged,

5. Parking Areas

a. The combining of existing small, under-utilized lots to create shared parking areas that are more efficient and more accessible is strongly encouraged.

b. Parking areas generally should be located to the rear of Structures.

c. Parking areas adjacent to the public sidewalk should use landscaping, trees, colonnades or other construction, to maintain the line formed by Structures along the sidewalk.

d. Intensity, location, color and direction of lighting shall be sensitive to nearby residential areas.

e. Adequate perimeter landscaping that screens vehicles, buffers adjacent residential areas, but allows people to feel safe shall be provided.

f. Interior landscaping should include shade trees.

g. The number and width of curb-cuts on the Corridor should be minimized. To promote pedestrian circulation, existing continuous curb-cuts should be reduced to widths necessary for vehicular traffic.

6. Signs

a. The number, type, setback and size of signs should be planned so as not to detract from the District's visual quality nor from the visual quality of the blockface in which the development is located.

b. i. Attached signs are preferred. Attached signage composed of individual letters or symbols is also preferred.

ii. Projecting signs and free-standing monument signs with a base affixed to the ground which measures at least two-thirds the horizontal length of the sign and has a maximum height of six feet (6'0") are acceptable when consistent with the pattern of business signs in the blockface in which the development is located.

iii. A free-standing sign mounted on its own support system typically a pole or post is inappropriate for a development with less than 120 feet of frontage on the corridor except where the denial of a free-standing sign would effectively prevent the business from adequately identifying itself. Under these circumstances a free-standing monument sign is preferred.

c. i. Signs should be designed for good graphic communication.

ii. Signs should be integrated with the design of the Structure or development with which they are associated and with the pattern of business signs in the blockface in which the development is located.

d. i. Signs should not be higher than 20 feet nor located above the cornice line of the Structure.

ii. Roof top signage is not appropriate.

iii. New outdoor advertising signs (billboards) are strongly discouraged; removal of existing billboards is encouraged.

e. The development proposals should provide for the removal of unused signs and supports on the property.

f. i. Type, direction and degree of illumination of signs should be of a low intensity, consistent with the project's design and surrounding developments.

ii. Internally illuminated signs should have opaque field (background) colors so that only the sign graphics are illuminated.

g. i. Traditional awnings on Structures used for commercial purposes are encouraged. No more than 33 percent of the total square footage of the awning shall be devoted to lettering, logos or other symbols. The color and size shall be appropriate to the design of the Structure and surrounding development.

ii. Backlit translucent awnings are discouraged.

7. Public Art and Amenities

a. Includes, but is not limited to, that form of sculpture, mural or painting, water element, lighting, or other form of creative expression which is viewable within a development site or upon a Structure.

b. Should be designed, executed and supervised by artists or other design professionals.

c. Should be integrated with the design of the overall project or development.

d. Should aesthetically enhance the urban environment of the District.

C. Exempt Activities

1. The following development activities shall be exempt from review under these regulations.

a. Ordinary repairs;

b. Removal of existing signage without replacement;

c. Emergency repairs ordered by a City Building Code enforcement official in order to protect health and safety;

d. Exterior alteration, addition or repair of a structure used as a single-family residence which does not increase the number of dwelling units in the structure or does not increase the total square footage of floor space in the structure by more than 20 percent;

e. Temporary signage, installed for a period of less than two months, during which time an application for permanent signage is pending under this Ordinance;

f. Maintenance of existing signage advertising an on-site business, including but not limited to rewording or replacing sign panels;

g. Alterations only to the interior of a Structure; and

h. Demolition of accessory Structures.

2. All development activity within the District, except for exempt activities described in item 1 above shall be classified pursuant to the procedures set forth in § 158.27 of the City of Louisville Ordinance as either requiring expedited or non-expedited review under the Guidelines, as follows:

a. The following development activities shall be subject to expedited review:

i. New awnings, business signs and replacement of structural elements of existing signs.

ii. An addition to a Structure used for commercial purposes which is not visible from the corridor and which does not increase the total square footage of floor space in the Structure by more than ten percent (10 percent).

b. All other development activities shall be subject to non-expedited review.

D. Permit Requirements and Appeal

1. No permit or certificate of occupancy shall be issued by any City agency for any development activity within the District unless a Permit for such development activity has been obtained pursuant to this regulation.

2. An application for development activity within the District shall be submitted to the Department of Inspections, Permits & Licenses. The application shall include at least the following information, unless waived pursuant to item D.3 below:

   a. A site plan, drawn to an appropriate scale, photographs or other presentation media showing the proposed development activity in the context of property lines, adjacent structures, trees, sidewalks, etc.

   b. Plans, elevations and other drawings, drawn to appropriate scale, as may be necessary to fully explain all proposed Structures or alterations to existing Structures.

   c. Details of urban design elements, off-street parking, landscaping, fencing or walls, signage, streetscape and other aspects as may be necessary to fully present the proposed development activity.

3. Applicants may seek review of a development proposal prior to making formal application pursuant to D.2 above. The preliminary review shall be conducted by the Staff to determine if the minimal requirements for acceptance of the application have been met. The Staff may agree to waive certain requirements set out in D.2 above if they determine that such requirements are not necessary for review of the application pursuant to this regulation.

4. Within two working days of receipt of an application determined to be complete, the Staff shall classify the development proposal as either exempt or not exempt, requiring either expedited or non-expedited approval. The Staff may classify an application as requiring non-expedited review even if the proposed development activity meets the definition for expedited review if it determines that the application would be more appropriately considered by the Committee.

5. A permit application classified as requiring expedited approval shall be reviewed by the Director, who shall within three working days after classification, approve the Permit, approve the Permit with conditions, or deny the Permit.

6. An application classified as requiring non-expedited approval shall be reviewed by the Committee within eight business days of classification. The applicant shall be sent, by first class mail, written notice of the date, time and location of the meeting of the Committee at which his application shall be considered. Notice of the application and of the date, time and location of the meeting of the Committee shall also be sent by first class mail to the owners of record of every property located within 100 feet of the property which is the subject of the application and to any business associations or neighborhood associations which have requesting in writing to receive such notices.

7. At the meeting scheduled to review the application, the Committee shall first hear a description of the proposed development activity and preliminary comments from the Staff which shall indicate which of the Guidelines apply to the proposed development activity. Following the Staff presentation, the applicant shall present such information as he chooses for the Committee's consideration. The Committee shall receive written comments from other parties and at the discretion of the Chairman may permit other parties to testify.

8. The Committee shall, by majority vote of the members present, make a recommendation to the Director, supported by a written finding of fact, which shall approve the Permit, approve the Permit with conditions, or deny the Permit.

9. The Director, within three business days following the receipt of the recommendation and finding of fact of the Committee shall make a decision to approve the Permit, approve the Permit with conditions, deny the Permit or refer the application to the Committee for further consideration. The decision of the Director shall be supported by a written finding of fact.

10. The Committee, in making its recommendations to the Director, and the Director in his decision-making capacity, shall each make written findings of fact based upon the information presented in each application and at each Committee meeting which support the written conclusion that the proposed development activity is or is not in compliance with the Guidelines.

11. If, after an applicant has obtained a Permit, the development proposal is amended, he shall submit the amended development proposal to the Staff who shall make a determination that the amendment has no significant impact or that the development proposal as amended requires additional review. Review of an amended proposal shall follow the same procedure as provided herein for an original application. Upon a determination by the Staff that the amended proposal requires review the previously issued Permit shall be suspended pending the review of the amended development proposal.

12. Any applicant who is denied a Permit shall have a right of appeal to the Board of Zoning Adjustment. The appeal from the written denial of the Permit shall be taken within 30 days of the date of such written denial.

APPENDIX 3B

Downtown Overlay District

A. General Regulations

1. Upon the effective date of this Ordinance, within the overlay districts, no person shall commence any development activity as defined in § 158.07 without obtaining a permit issued, without cost, pursuant to the procedures set forth in § 158.08 certifying compliance with the applicable overlay district development review guidelines.

2. The Development Review Guidelines, attached hereto as Exhibit D, as amended on the effective date of this Ordinance and incorporated herein by reference, are enacted. The Development Review Guidelines are not intended to discourage development or to dictate architectural design or style, but to encourage such development that contributes to the overall urban design quality of the downtown and of each district. These Development Review Guidelines and the distinctive characteristics for each overlay district shall be the basis for evaluating applications for development proposals as applicable within each district as follows:

   a. All Principles, as defined in Section 158.03, which are part of the Development Review Guidelines for a particular Overlay District, must be satisfied before an overlay district permit may be issued.

   b. In order to demonstrate conformance with a particular Principle for an Overlay District and compliance with the Development Review Guidelines, a development application need not satisfy all District guidelines, as defined in Section 158.03, which relate to that Principle if a determination is made pursuant to the provisions of Subsection (B)(3) below that one or more District Guidelines are not applicable.

   c. The Urban Design Administrator or Committee, as authorized respectively under Section 158.08(E) and Section 158.08(F), may determine that a District Guideline which relates to a Principle for an Overlay District should not be applied in evaluating whether a development application conforms to the Principle upon making findings of fact pursuant to Section 158.08 for each such District Guideline that:

      i. The particular location characteristics of the site or existing structure, make the District Guidelines inappropriate for purposes of determining conformance with the particular Principle in the Overlay District; or

ii. The applicant has demonstrated that the application addresses distinctive characteristics of the Overlay District not reflected in the District Guidelines which are applicable to the particular Principle and which provide an additional or alternative basis for determining conformance with that Principle in the Overlay District.

d. Upon making a determination that a development application concerns a site which is located in sufficient proximity to one or more other Overlay Districts and that it shares some of the characteristics of such nearby Overlay District or Districts, the Urban Design administrator or the Downtown Development Review Overlay District Committee, as authorized respectively under Section 158.08(E) and Section 158.08(F), may consider the District Guidelines applicable appropriate, in determining conformance with that same Principle in the Overlay District in which the proposed development is located. However, a development application shall not be required to satisfy all of the District Guidelines for that same Principle in the other Overlay Districts in order to demonstrate compliance with the Principle.

e. If a development application involves a phased project, the Urban Design Administrator or the Committee, as authorized respectively under Section 158.08(E) and Section 158.08(F), may, as a condition of approval of an overlay district permit for the first phase or phases, require landscaping, fencing, lighting and such other interim treatments as the Administrator or the Committee may determine appropriate for the undeveloped portion of the phased project.

3. It shall be a condition precedent to obtaining any permit for any development activity within an overlay district that the person has obtained an overlay district permit pursuant to this Section. Permits shall be issued only where it is determined, pursuant to the procedures established by this chapter, that the proposed development activity is in compliance with the Development Review Guidelines for the overlay district. In order to ensure that this Ordinance continues to further the goals and objectives of the Louisville Downtown Development Plan, the Committee shall review the Guidelines and recommend to the Board any amendments necessary.

4. The Downtown Review Overlay shall be comprised of the following four sections whose boundaries are described in the City of Louisville Code of Ordinances Title XV, Chapter 158, Exhibit A:

a. Core-Broadway Overlay District

b. East-West Downtown Overlay District

c. Main-Market Overlay District

d. Waterfront View Overlay District

B. Core-Broadway Overlay District

1. All new construction or improvements should be built to property lines.

2. Whenever nearby buildings are primarily built to the sidewalk, the shapes and forms of new construction or improvements should create a strong, well-defined base at pedestrian level that fits well into its context. As a general minimum, this base should be two to three stories.

3. To allow adequate light and air, tall building (over 14 stories) should generally:

   a. Keep 100 feet between other tall building within the same block.

   b. Make sure the upper stories of tall buildings are progressively narrower.

4. The shapes and forms of a building and its orientation to the street, to people and to nearby buildings should:

   a. Enhance existing views and vistas--or potential ones.

   b. Be sensitive to any impact on the pedestrian, including overexposure to the sun, too much wind, or not enough light or air.

   c. Relate strongly to nearby buildings, particularly at the edges of the district where stepbacks or changes in building height and volume are important.

5. Rooftops should avoid looking cluttered from any vantage point. All mechanical or utility equipment should be well-integrated into the overall design.

6. The exterior of any construction, improvements or alterations should be designed and detailed so that it fits well into its architectural surroundings. Exteriors should:

   a. Be compatible with the general character of nearby buildings.

   b. Reinforce the character of any buildings having historic or architectural significance according to the Downtown Development Plan.

c. Follow the latest edition of the Secretary of the Interior's Standards for Rehabilitation as a guide whenever historic or architecturally significant structures are involved; in short, don't alter significant features.

7. Blank, fortress-like walls at the street level are discouraged. Buildings in the Core-Broadway District should:

   a. Strive to maintain the vertical street-level patterns of architectural details common throughout the district. Columns, doorways, entrances, storefronts and other vertical elements should be approximately every 20 to 40 feet at pedestrian level.

   b. Use glass to encourage people activity and make buildings look and feel more inviting to the pedestrian. As a general rule, 50 percent of the wall surface next to the pedestrian should be clear.

   c. Use design details to emphasize the building's base, so that there's a strong horizontal feeling to which people at sidewalk level can easily relate.

8. Lighting--interior and exterior--is important in making buildings and the downtown in general look and feel more inviting 24 hours a day. Lighting should:

   a. Be integrated into the exterior design.

   b. Help create a greater sense of activity, security and interest to the pedestrian.

9. Any parking garage visible from the street should be integrated into its surroundings and provide an active and inviting street-level use and appearance. The garage should:

   a. Follow all guidelines for Building Design.

   b. Avoid ramped floors that are clearly visible from the street.

   c. Make sure the predominant vertical and horizontal architectural forms and patterns within the districts are followed.

   d. Be sensitive to conflicts between cars and pedestrians.

   e. Have openings and entrances that are in scale with people.

   f. Provide adequate direction and information signs for motorists.

10. Surface parking lots should ideally not create gaps along the street and sidewalk. Any surface lot in the district should:

a. Use landscaping, trees, colonnades or other construction to maintain the line formed by buildings along the sidewalk.

b. Make sure there is adequate perimeter landscaping that is high enough to screen but low enough to let people feel safe.

c. Interior landscaping should especially include shade trees.

d. Provide adequate direction and information signs for motorists.

11. Open space should reinforce the sense of building frontage along the street. As a general rule, any newly developed or improved open space should:

a. Be 100 feet away from any other open space.

b. Stay 100 feet from any intersection.

c. Avoid being any wider or deeper than 100 feet.

d. Use fences, trees, benches or other landscaping as a way to continue the sense of building frontage along the sidewalk.

12. Any newly developed or improved open space accessible to the public should generally:

a. Create a comfortable and interesting place to rest.

b. Let people clearly know it's there and that it's accessible.

c. Provide plenty of seating (about one linear foot for every 30 square feet of paved open space.

d. Have enough lighting to create a safe nighttime environment.

e. Use fountains or other water features.

f. Incorporate public art.

13. Any newly developed or improved open space not directly accessible to public should be designed like a garden and should generally:

a. Respect the sense of building frontage along the sidewalk.

b. Let pedestrians have a full view of the garden.

c. Use flowers and planting material that is attractive year-round.

d. Create a comfortable and interesting place to rest.

e. Have enough lighting to create a safe nighttime environment.

f. Use fountains or other water features.

g. Incorporate public art.

14. The West Main Street Urban Design and Streetscape Guidelines apply.

15. The Downtown Banner Guidelines (pursuant to Ordinance No. 99, Series 1992 and Street Banner Program Guidelines II. D, and IV. A, B, C) apply.

16. Fences and walls should create or imply the continuation of the sense of frontage on the sidewalk established by surrounding buildings. (See Open Space and Off-Street Parking Guidelines.)

17. Broadway and Second Street have been identified as future parkways. These streets should be tree-lined and parkway-like in appearance, with landscaping and other right-of-way improvements.

18. For the sake of visual continuity, large shade trees should be planted in the right-of-way every 25 feet to 35 feet along the curbline in order to create a continuous canopy.

19. A mix of ornamental and shade trees can be planted outside the right-of-way for both shade and visual variety.

20. Signs should be sensitive to the architectural character of the district, building and project. Accordingly:

    a. Integrate the sign into the design of the building or project; signs should fit, not cover.

    b. Avoid gaudy, moving or harshly illuminated signs.

21. Public art should be available for the enjoyment and enrichment of all the people within the community. Inclusion of a meaningful allowance for the Commissioning of public art in the planning and construction of all significant building projects is encouraged.

22. The public art planning and selection process should begin at the onset of individual projects. It should be designed, executed and/or supervised by artists or other design professionals to integrate the artwork with the overall project and aesthetically enhance the urban environment.

C. East-West Downtown District

1. Building should be about 20 feet from the sidewalk in the East-West Downtown District, a distance generally consistent with the setback pattern established by past Urban Renewal projects and developments. The 20-foot area should be mainly lawn-covered or landscaped.

2. To allow adequate light and air, high-rise buildings should generally:

   a. Keep about 100 feet between other tall buildings.

   b. Make the upper stories of tall buildings progressively narrower (similar to the Empire State Building); the higher the story, the narrower.

3. The shapes and forms of a building and its orientation to the street, to the people and to nearby buildings should:

   a. Enhance existing views and vistas--or potential ones.

   b. Be sensitive to the impact on the pedestrian, including overexposure to the sun, too much wind, or not enough light or air.

   c. Relate strongly to nearby buildings, particularly at the edges of the districts where stepbacks and changes in buildings height and volume are important.

4. Rooftops should avoid looking cluttered from any vantage point. All mechanical or utility equipment should be well-integrated into the overall design.

5. The exterior of any new construction and improvements should be designed and detailed so that is fits well into its architectural surroundings. Exteriors should:

   a. Be compatible with the general character of nearby buildings.

   b. Reinforce the character of any buildings having historic or architectural significance according to the Downtown Development Plan.

   c. Follow the latest edition of the Secretary of the Interior's Standards for Rehabilitation as a guide whenever historic or architecturally significant structures are involved; in short, don't alter significant features.

6. Lighting--interior and exterior--is important in making buildings and the downtown in general look and feel more inviting 24 hours a day. Lighting should:

a. Be integrated into the exterior design.

b. Help create a greater sense of activity, security and interest to the pedestrian.

7. Garages or parking lots visible from the street should be set back from sidewalk, or a distance equal to the prevailing building line, whichever is greater.

8. Any parking garage visible from the street should be integrated into its surroundings. The garage should:

a. Follow all guidelines for Building Design.

b. Avoid ramped floors that are clearly visible from the street.

c. Make sure the predominant vertical and horizontal architectural forms and patterns within the district are followed.

d. Be sensitive to conflicts between cars and pedestrians.

e. Have openings and entrances that are in scale with people.

f. Provide adequate direction and information signs for motorist.

9. Surface parking lots should ideally not create gaps along the street and sidewalk. Any surface lot in the district should:

a. Use landscaping, trees, colonnades or other construction to maintain the line formed by buildings along the sidewalk.

b. Make sure there is adequate perimeter landscaping that is high enough to screen but low enough to let people feel safe.

c. Interior landscaping--should especially include shade trees.

d. Provide adequate direction and information signs for motorist.

10. Any newly developed or improved open space accessible to the public should generally:

a. Reinforce the "campus-like" feeling associated with the East-West Downtown District.

b. Create a comfortable and interesting place to rest.

c. Let people know it's there and it's accessible.

d. Provide plenty of seating (about 1 linear feet for every 30 square feet of paved open space).

e. Have enough lighting to create a safe nighttime environment.

f. Use fountains or other water features.

g. Incorporate public art.

11. The Downtown Banner Guidelines (pursuant to Ordinance No. 99, Series 1992 and Street Banner Program Guidelines II. D, and IV. A, B, C) apply.

12. Fences and walls should create or imply the continuation of the sense of frontage on the sidewalk established by surrounding buildings. (See Open Space and Off-Street Parking Guidelines.)

13. Broadway, Second Street, and Roy Wilkins Boulevard/Ninth Street have been identified as future parkways. These streets should be tree-lined and parkway-like in appearance, with landscaping and other right-of-way improvements.

14. For the sake of visual continuity, large shade trees should be planted in the right-of-way every 25 feet to 35 feet along the curbline in order to create a continuous canopy.

15. A mix if ornamental and shade trees can be planted outside the right-of-way for both shade and visual variety.

16. Landscaped areas should have lawn, evergreen ground covers, shrubs, or ornamental plantings that create a pleasant environment for pedestrians.

17. Signs should be sensitive to the architectural character of the district, building and project. Accordingly:

    a. Integrate the sign into the design of the building or project; signs should fit, not cover.

    b. Avoid gaudy, moving or harshly illuminated signs.

18. Advertising signs and billboards are discouraged and should:

    a. Avoid blocking views and vistas or creating a cluttered appearance.

    b. Be integrated into the design of a building or project.

    c. Relate strongly to the character of the district.

19. Public art should be available for the enjoyment and enrichment of all the people within the community. Inclusion of a meaningful allowance for the commissioning of public art in the planning and construction of all significant building project is encouraged.

20. The public art planning and selection process should begin at the onset of individual projects. It should be designed, executed and/or supervised by artists or other design professionals to integrate the artwork with the overall project and aesthetically enhance the urban environment.

D. Main-Market District

1. All new construction or improvements should be built to the property lines.

2. New buildings and improvements should respect the strong cornice lines and the sense of light and air in the Main-Market District. Therefore:

   a. Step back any new construction or additions in the district above the cornice line of Main Street so that the addition or new construction isn't visible to a person standing on any Main Street sidewalk.

3. Whenever nearby buildings are primarily built to the sidewalk, the shapes and forms of new construction or improvements should create a strong, well defined base at pedestrian level that fits well into its context. As a general minimum, this base should be two to three stories.

4. To allow adequate light and air, tall buildings (over 14 stories) along Market Street should generally:

   a. Keep about 100 feet between other tall buildings within the same block.

   b. Make the upper stories of tall buildings progressively narrower.

5. The shapes and forms of a building and its orientation to the street, to people and to nearby buildings should:

   a. Enhance existing views and vistas--or potential ones.

   b. Be sensitive to the impact on the pedestrian, including overexposure to the sun, too much wind, or not enough light or air.

   c. Relate strongly to nearby buildings, particularly at the edges of the district where stepbacks and changes in building height and volume are important.

6. Rooftops should avoid looking cluttered from any vantage point. All mechanical or utility equipment should be well-integrated into the overall design.

7. The exterior of any new construction and improvements should be designed and detailed so that it firs well into its architectural surroundings. Exteriors should:

   a. Be compatible with the general character of nearby buildings.

   b. Reinforce the character of any buildings having historic or architectural significance according to the Downtown Development Plan.

   c. Follow the latest edition of the Secretary of the Interior's Standards for Rehabilitation as a guide whenever historic or architecturally significant structures are involved; in short, don't alter significant features.

8. Blank, fortress-like walls at the street level are discouraged. Buildings in the district should:

   a. Strive to maintain the vertical street-level patterns of architectural details common throughout the district. Columns, doorways, entrances, storefronts and other vertical elements should be approximately every 20 to 40 feet at pedestrian level.

   b. Use glass to encourage people activity and make buildings look and feel more inviting to the pedestrian. As a general rule, 50 percent of the wall surface next to the pedestrian should be clear.

   c. Use design details to emphasize the building's base, so that there's a strong horizontal feeling to which people at sidewalk level can easily relate.

9. Lighting--interior and exterior--is important in making buildings and the downtown in general look and feel more inviting 24 hours a day. Lighting should:

   a. Be integrated into the exterior design.

   b. Help create a greater sense of activity, security and interest to the pedestrian.

10. Garages, surface parking lots and parking structures within 50 feet of Main Street are discouraged.

11. Any parking garage visible from the street should be integrated into its surroundings and provide an active and inviting street-level use and appearance. The garage should:

   a. Follow all guidelines for Building Design.

   b. Avoid ramped floors that are clearly visible from the street.

c. Make sure the predominant vertical and horizontal architectural forms and patterns within the districts are followed.

d. Be sensitive to conflicts between cars and pedestrians.

e. Have openings and entrances that are in scale with people.

f. Provide adequate direction and information signs for motorists.

12. Surface parking lots should ideally not create gaps along the street and sidewalk. Any surface lot in the Main-Market District should:

a. Use landscaping, trees, colonnades or other construction to maintain the line formed by buildings along the sidewalk.

b. Make sure there is adequate perimeter landscaping that is high enough to screen but low enough to let people feel safe.

c. Interior landscaping should especially include shade trees.

d. Provide adequate direction and information signs for motorists.

13. No new open space should be created within 50 feet of Main Street.

14. New open space along Market Street should reinforce the sense of building frontage along the street. As a general rule, any newly developed or improved open space should:

a. Be 100 feet away from any other open space.

b. Stay 100 feet from any intersection.

c. Avoid being any wider or deeper than 100 feet.

d. Use fences, trees, benches or other landscaping as a way to continue the sense of building frontage along the sidewalk.

15. Any newly developed or improved open space accessible to the public should generally:

a. Create a comfortable and interesting place to rest.

b. Provide plenty of seating (about 1 linear foot for every 30 square feet of paved open space).

c. Have enough lighting to create a safe nighttime environment.

d. Use fountains or other water features.

e. Incorporate public art.

16. Any newly developed or improved open space not directly accessible to the public should be designed like a garden and should generally:

    a. Respect the sense of building frontage along the sidewalk.

    b. Let pedestrians have a full view of the garden.

    c. Use flowers and planting material that is attractive year-round.

    d. Create a comfortable and interesting place to rest.

    e. Have enough lighting to create a safe nighttime environment.

    f. Use fountains or other water features.

    g. Incorporate public art.

17. The West Main Street Urban Design and Streetscape Guidelines apply.

18. The Downtown Banner Guidelines (pursuant to Ordinance No 99, Series 1992 and Street Banner Program Guidelines II. D, and IV. A, B, C) apply to the Main-Market District.

19. Fences and walls should create or imply the continuation of the sense of frontage on the sidewalk established by surrounding buildings. (See Open Space and Off-Street Parking Guidelines.)

20. Roy Wilkins Boulevard/Ninth Street and Second Street have been identified as future parkways. These streets should be tree-lined and parkway-like in appearance, and landscaping and other right-of-way improvements.

21. For the sake of visual continuity, large shade trees should be planted in the right-of-way every 25 feet to 35 feet along the curbline on order to create a continuous canopy.

22. A mix of ornamental and shade trees can be planted outside the right-of-way for both shade and visual variety.

23. Signs should be sensitive to the architectural character of the district, building and project. Accordingly:

    a. Integrate the sign into the design of the building or project; signs should fit, not cover.

    b. Avoid gaudy, moving or harsh illuminated signs.

24. Advertising signs and billboards are discouraged and should:

    a. Avoid blocking views and vistas or creating a cluttered appearance.

    b. Be integrated into the design of a building or project.

    c. Relate strongly to the character of the district.

25. Public art should be available for the enjoyment and enrichment of all the people within the community. Inclusion of a meaningful allowance for the commissioning of public art in the planning and construction of all significant building projects is encouraged.

26. The public art planning and selection process should begin at the onset of individual projects. It should be designed, executed and/or supervised by artists or other design professionals to integrate the artwork with the overall project and aesthetically enhance the urban environment.

E. Waterfront View District

1. Buildings should be set back about 20 feet from the sidewalk in order to enhance views and access to the waterfront.

2. To allow adequate light and air, tall buildings (over 14 stories) should generally:

    a. Keep about 100 feet between other tall buildings within the same block.

    b. Make the upper stories of tall buildings progressively narrower.

3. The shapes and forms of a building and its orientation to the street, to people and to nearby buildings should:

    a. Enhance existing views and vistas--or potential ones.

    b. Be sensitive to any impact on the pedestrian, including overexposure to the sun, too much wind, or not enough light or air.

    c. Relate strongly to nearby buildings, particularly at the edges of the district where stepbacks and changes in building height and volume are important.

4. Rooftops should avoid looking cluttered from any vantage point. All mechanical or utility equipment should be well-integrated into the overall design.

5. The exterior of any construction, improvements or alterations should be designed and detailed so that it fits well into its architectural surroundings. Exteriors should be compatible with the general character of nearby buildings.

6. Lighting--interior and exterior--is important in making buildings and the downtown in general look and feel more inviting 24 hours a day. Lighting should:

   a. Be integrated into the exterior design.

   b. Help create a greater sense of activity, security and interest to the pedestrian.

7. In order to view the waterfront, any parking garages visible from the street should be set back 20 feet from the sidewalk, or a distance consistent with the prevailing building line, whichever is greater. The garage should:

   a. Follow all guidelines for Building Design.

   b. Avoid ramped floors that are clearly visible from the street.

   c. Make sure the predominant vertical and horizontal architectural forms and patterns within the district are followed.

   d. Be sensitive to conflicts between cars and pedestrians.

   e. Have openings and entrances that are in scale with people.

   f. Provide adequate direction and information signs for motorists.

8. Any surface lot in the district should:

   a. Make sure there is adequate perimeter landscaping that is high enough to screen but low enough to let people feel safe.

   b. Interior landscaping--should especially include shade trees.

   c. Provide adequate directions and information signs for motorists.

9. Any open space accessible to the public should generally:

   a. Enhance pedestrian access to the waterfront, Belvedere and surrounding areas.

   b. Reinforce views of the waterfront.

   c. Create a comfortable and interesting place to rest.

d. Let people clearly know it's there and that it's accessible.

e. Provide plenty of seating (about one linear foot for every 30 square feet of paved open space.)

f. Have enough lighting to create a safe nighttime environment.

g. Use fountains or other water features.

h. Incorporate public art.

10. The Downtown Banner Guidelines (pursuant to Ordinance No. 99, Series 1992 and Street Banner Program Guidelines II. D, and IV. A, B, C) apply.

11. Fences and walls should reinforce the sidewalk line while enhancing views of the waterfront.

12. River Road and Second Street have been identified as future parkways. These streets should be tree-lined and parkway-like in appearance, with landscaping and other right-of-way improvements.

13. For the sake of visual continuity, large shade trees should be planted in the right-of-way every 25 feet to 35 feet along the curbline in order to create a continuous canopy.

14. A mix of ornamental and shade trees can be planted outside the right-of-way for both shade and visual variety.

15. Landscaped areas should have lawn, evergreen ground covers, shrubs, or ornamental plantings that create a pleasant environment for pedestrians.

16. Signs should be sensitive to the architectural character of the district, building and project. Accordingly:

    a. Integrate the sign into the design of the building or project; signs should fit, not cover.

    b. Avoid gaudy, moving or harshly illuminated signs.

17. Advertising signs and billboards are discouraged and should:

    a. Avoid blocking views and vistas or creating a cluttered appearance.

    b. Be integrated into the design of a building or project.

18. Public art should be available for the enjoyment and enrichment of all the people within the community. Inclusion of a meaningful allowance for the Commissioning of public art in the planning and construction of all significant building projects is encouraged.

19. The public art planning and selection process should begin at the onset of individual projects. It should be designed, executed and/or supervised by artists or other design professionals to integrate the artwork with the overall project and aesthetically enhance the urban environment.

F. Exempt Activities

1. The following development activities shall be exempt from review under the Development Review Guidelines:

   a. Ordinary repairs

   b. Removal of existing signage without replacement

   c. Temporary signage or structures

   d. Emergency repairs ordered by a City Building Code enforcement official in order to protect health and safety

   e. Alterations or major structural change only to the interior of the structure

   f. Development activity which falls within the jurisdiction of the Louisville Landmarks Commission.

2. All development activity within the overlay districts established by this chapter, except for exempt activities described in Subsection (A) of this Section shall be classified pursuant to the procedures set forth in § 158.08 of this chapter as either requiring expedited or non-expedited review under the Guidelines, as follows:

   a. The following development activities shall be subject to expedited review:

      i. Landscaping,

      ii. Sidewalk/Street Paving; Lighting; Streetscape Furnishings; Banners,

      iii. Signage; and,

      iv. Exterior alterations which are not major structural changes.

   b. The following development activities shall be subject to non-expedited review:

i. New construction,

ii. Major structural change, and

iii. Parking facility development or redevelopment.

G. Permit Requirements and Appeal

1. No permit or certificate of occupancy shall be issued by any City agency for any development activity within an overlay district unless an overlay district permit for such development activity has been obtained pursuant to this chapter.

2. An application for development within an overlay district shall be submitted to the Department of Inspections, Permits and Licenses on a form prepared in collaboration with the Authority. The application shall include at least the following information, unless waived pursuant to Subsection (C) of this Section:

   a. A site plan, drawn to an appropriate scale, photographs or other presentation media showing the proposed development in the context of property lines, adjacent structures, streets, sidewalks, etc.

   b. Plans, elevations and other drawings, drawn to appropriate scale, as may be necessary to fully explain all proposed structures or alterations to structures.

   c. Details of urban design elements, off-street parking, landscaping, fencing or walls, signage, streetscape and other aspects as may be necessary to fully present the proposed development.

3. Applicants may seek review of a development proposal prior to making formal application pursuant to Subsection (B) of this Section. The preliminary review shall be conducted by the Urban Design Administrator to determine if the minimal requirements for acceptance of the application have been met. The Urban Design Administrator may agree to waive certain of the requirements set out in Subsection (B) of this Section if he determines that such requirements are not necessary for review of the application pursuant to this chapter. An applicant whose proposal has been determined to require non-expedited approval, may seek a preliminary review of his development proposal by the Committee.

4. Within two working days of receipt of an application determined to be complete, the Urban Design Administrator, shall classify the development proposal as either exempt, or not exempt, requiring either expedited or non-expedited approval.

5. A permit application classified as requiring expedited approval shall be reviewed by the Urban Design Administrator who shall, within three working days after classification, prepare a written decision supported by a finding of fact which shall approve the overlay district permit, approve the permit with conditions, or deny the permit. An applicant, within five days of receipt of the decision of the Urban Design Administrator on a proposal requiring expedited review, may request appeal of the application to the Committee. The application shall be reviewed as provided in paragraph (F) of this Section for applications classified as requiring non-expedited approval, except that the Committee shall consider the application at its next regularly scheduled meeting following the request, provided that such request is made not later than four working days prior to the meeting.

6. A permit application classified as requiring a non-expedited approval shall be reviewed by the Committee within 14 days of classification. The permit application shall be reviewed by the Urban Design Administrator in accordance with the Guidelines and forwarded to the Committee with the Urban Design Administrator's written recommendation to either approve the permit, approve the permit with conditions, or to deny the permit.

7. The applicant shall be sent, by first class mail, written notice of the date, time and location of the meeting of the Committee at which his application shall be considered. The notice shall be sent no later than ten days prior to the date of the meeting, unless such notice is waived by the applicant.

8. At the meeting scheduled to consider the applicant's permit request, the Committee shall consider the written recommendation of the Urban Design Administrator and such other information as the applicant chooses to present for the Committee's consideration.

9. The Committee shall, by majority vote of the members present, make a decision, supported by a written finding of fact, which shall approve the permit, approve the permit with conditions, deny the permit, or defer consideration of the application until the next meeting of the Committee. Consideration of an application shall not be deferred more than one time. If the Committee defers consideration of an application it shall state the reason for such deferral.

10. The Executive Director shall review all decisions of the Urban Design Administrator and the Committee and may, within three working days, refer any application back to the Urban Design Administrator or the Committee, as appropriate, if he determines the decision is not adequately supported by the finding of fact. The Executive Director shall state in writing his objections to the decision. The Committee shall consider and render a final decision upon the remanded application at its next regularly scheduled meeting.

11. The Urban Design Administrator, and the Committee shall, in their decision making capacities, each make written findings of fact based upon the information presented in each application which support written conclusions that the application demonstrates that the proposed development activity is in compliance with the Guidelines.

12. If, after an applicant has obtained an overlay district permit, the development proposal is amended, he shall submit the amended development proposal to the Urban Design Administrator who shall make a determination that the amendment has no significant impact or that the development proposal as amended requires additional review. Review of an amended proposal shall follow the same procedure as provided herein for an original application. Upon a determination by the Urban Design Administrator that the amended proposal requires review, the previously issued overlay district permit shall be suspended pending the review of the amended development proposal.

13. Any applicant who is denied a permit shall have a right of appeal to the Board of Zoning Adjustment. The appeal from the written denial of the permit shall be taken within 30 days of the date of such written denial.

Exhibit D

DEVELOPMENT REVIEW GUIDELINES URBAN DESIGN
PRINCIPLES AND DISTRICT GUIDELINES

The nine (9) urban design principles defined below were developed from the recommendations of the Louisville Downtown Development Plan adopted by the Board of Aldermen in August 1990. These nine principles apply to each of the four (4) development review overlay districts identified within the downtown area. For each of the four overlay districts, there are district guidelines that relate to each of the nine principles.

Principle 1

Building Location - How the building should relate to the sidewalk

Different downtown districts have taken on distinct identities over time that need to be respected. Buildings in some areas are set back from the sidewalk, creating an open feeling. Others give people a feeling of density and activity, with buildings built right up to the sidewalk.

Principle 2

Building Mass and Form - A building's exterior volume

Buildings should allow adequate light and air to get to the street level. Vistas and views from publicly owned areas are also important. Buildings shouldn't create canyons along sidewalks and streets.

Principle 3

Building-to-Building Character - How building facades should look along the street

A certain amount of architectural diversity is expected in any downtown. However, buildings should also be "good neighbors" by relating well to the common patterns of windows, entrances, cornice lines and column spacings around them and reinforcing the overall character of their immediate surroundings.

Principle 4

Building-to-Pedestrian Character - How building facades should relate to people on the street and sidewalk

People should have strong visual connections to buildings. That's because human-scaled details on buildings help create a vital, friendly place for pedestrians. A strong building-to-pedestrian relationship helps make downtown feel more inviting and active 24 hours a day.

Principle 5

Off-Street Parking

Parking garages and surface parking lots should have the same qualities and characteristics as any other downtown development. In other words, parking developments should relate strongly to nearby buildings and should be designed to promote comfort and safety for pedestrians on the street and the sidewalk.

Principle 6

Open Space

New open space should be located and designed to relate strongly to pedestrians and to buildings nearby. New or improved open space should make the downtown less barren and more active, livable and pleasant feeling.

Principle 7

Street and Sidewalk Character - Sidewalk and street paving, lighting, furniture, banners, fences, walls and landscaping

Downtown streets and sidewalks should be safe and attractive for both cars and pedestrians. Getting from one place to another should be a pleasant, comfortable and rewarding downtown experience.

Principle 8

Signs should provide clear information without overwhelming the reader. Signs should complement other signs and blend with buildings and the rest of their surroundings.

Principle 9

Art and Amenities

Public art and other amenities are part of our community's strong cultural heritage. They enrich and enliven people's experience of the downtown. Public art also creates a sense of pride, enhances property values and should be encouraged.

Waterfront Review Overlay District

162.40 Creation and boundaries
162.41 Definitions
162.42 Review of developmental activity and plans
162.43 Principles and guidelines
162.44 Administration and implementation
162.45 Exempt activities
162.46 Permit requirements and appeal
162.47 Permit agreement
162.48 Design guidelines
162.98 Severability
162.99 Penalty

WATERFRONT REVIEW OVERLAY DISTRICT

§ 162.40 CREATION AND BOUNDARIES.

(A) (1) Pursuant to KRS 82.660 - 82.670, the Waterfront Review Overlay District the "District") is created in order to provide additional regulations for design standards and development for the District.

(2) The boundaries of the District shall be as set forth on Exhibit A, attached to Ordinance No. 66-2004 and incorporated herein by reference.

(3) The distinctive characteristics of the District are described in Exhibit B, attached to Ordinance No. 66-2004 and incorporated herein by reference.

(B) Description of boundaries. The Waterfront Review Overlay (WRO) District, for the purpose of design reviews by the Waterfront Development Corporation, shall be considered to consist of three sub-areas with boundaries, which are incorporated by reference thereto and made a part of this subchapter.

(1) Area A-l: Downtown (CBD) waterfront area. Consistent with the W-l and C-3 zoning, the intent is to achieve a high degree of public use with parks, hotels, public assembly areas, high density residential areas, and river theme retail commercial uses. The character envisioned is an urban district with hard-edged landscape and streetscape treatment, especially pedestrian oriented for day and night use with continuous public access to the water's edge.

(2) Area A-2: This area provides the potential to expand the downtown waterfront oriented businesses and public uses. Protection of the established character of historic structures and the extension of the established Main Street scale are important. Transition and connection from the CBD to the river for the public, and especially pedestrian movement, are key concepts. Pedestrian and vehicular linkages north and south across River Road are important concerns.

(3) Area B: This area contains Eva Bandman Park which is a community active and passive recreation area and should serve as a transition buffer from the urbanizing waterfront of Areas A-l and B to the industrial waterfront in C-l. Area B is suited for a mix of public and private uses as permitted with W-2 zoning. Extension of the public assembly and gathering facilities and river's edge accessibility easterly from Area A-l is encouraged. A transition from the urban waterfront of A-l to a mix of developed and natural landscape at the water' s edge is expected. Residential use is encouraged with densities variable from high to medium, taking advantage of adjacency to the river and public park land and proximity to the CBD.

(4) Area C-I: The balance of C-I is primarily zoned W-3 with the intent of providing river-oriented industry a location for operation. Public access to the river's edge is preferred, but it is understood that safety, security or other business needs may make river edge access impractical. The key design issues for the area include the visual relationships of proposed development (height and mass) to River Road, to area C-2 south of River Road, and to vistas from 1-64, 1-71 and the river. Circulation and access impacts on the proposed River Road Parkway are also important issues. Industrial development proposed within the W-3 area, of the WRO district, shall receive a decreased level of review. Specifically, design criteria relating to the district's image will only apply to the areas visible from River Road and to a lesser degree from the Ohio River. Once it is determined that, by virtue of its "interior" location, a development proposal does not impact the district's image, notice will be given the applicant to proceed.

(5) Area C-2: This area is south of River Road and is expected to have both public and private open space and recreation and uses on the eastern end, and have the potential for private and public uses on the western side similar to the expectation for Area B. The design issues focus on the 1-64, 1-71 and River Road corridors, where it is desirable for these to continue to serve as scenic, landscaped approaches to Louisville' s CBD from the east. Development will be reviewed with the idea that intensity will diminish from the medium density dominant in Area B to the pastoral, open-space character present at the eastern edge of the Review District. (Lou. Metro Ord. No. 66-2004, approved 6-3-2004)

§ 162.41 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ALTERATION. A change to any part or to the whole of a structure that is not ordinary repairs.

BOARD. The Board of Directors of the Corporation.

BUILDING. Any type of man-made structure, except for temporary structures to be used for special events or emergency situations for a period not to exceed one month.

CORPORATION. The Waterfront Development Corporation.

DEVELOPMENT ACTIVITY. Any alteration, new construction or demolition of a structure, a change in business identification signs, a change in the use of a property, or the construction of public parking or other publicly accessible area.

DISTRICT. The Waterfront Review Overlay District established pursuant to this subchapter; as shown on Exhibit A attached to Ordinance No. 66-2004.

GUIDELINES. The statement of specific design standards for the Waterfront Review Overlay District set forth in § 162.48;

MAJOR STRUCTURAL CHANGE. Structural alterations and structural repairs made within any 12-month period costing in excess of 50% of the physical value of the structure, as determined by comparison of the extent/value of the alterations involved and the replacement value of the structure at the time the plans for the alteration are approved, using the Building Officials Conference of America (BOCA) chart for construction cost.

NEW CONSTRUCTION. The erection of the whole or any part of a structure.

ORDINARY REPAIRS. Nonstructural reconstruction or renewal of any part of an existing building for the purpose of its maintenance or decoration, which shall include, but not be limited to, the replacement or installation of nonstructural components of the building, such as the roofing, siding, windows, storm windows, insulation, drywall or lath and plaster, or any other replacement, in kind, that does not alter the structural integrity, alter the occupancy or use of the building, substantially alter appearance of the building, or affect by rearrangement, exit-ways and means of egress.

OVERLAY DISTRICT ADMINISTRATOR.
The member of the staff of the Corporation delegated the responsibilities under this subchapter by the Board.

WRO PERMIT. An overlay district permit issued by the Corporation pursuant to this subchapter. (Lou. Metro Ord. No. 66-2004, approved 6-3-2004)

§ 162.42 REVIEW OF DEVELOPMENTAL ACTIVITY AND PLANS.

(A) The Waterfront Development Corporation shall review any developmental activity within the waterfront review overlay district as provided in §§ 162.40 through 162.48. The review by the Corporation is limited to the policies and standards established in §§ 162.40 through 162.48 and shall not include any consideration of whether the use is appropriate under the zoning regulations.

(B) The Board shall review all plans for conformity with the design standards established in § 153.77, and, in addition, shall consider whether the developmental activity is compatible with the overall scheme of development for the waterfront area. In making that determination, the Board shall be guided by the following policy statements of basic goals and concepts for the Waterfront Review District:

(1) Unified public spaces. The waterfront and adjacent lands in the district should be planned in a coordinated manner, with connected open-space systems, pedestrian ways, and public activity areas. Landscape concepts and details of materials and construction shall be related to convey a sense of harmony and unity.

(2) Continuity and coordinated private development. Design theme and aesthetic concept should both exhibit a relationship to the waterfront, and be coordinated with adjacent development. As appropriate, circulation systems should have continuity between parcels.

(3) Public accessibility to river's edge. The Ohio River water's edge should be accessible to the public for view and use throughout the W-I and W-2 areas, and is preferred, where practicable, in the C-I portion of the W-3 area.

(4) River's edge treatment. The waterfront is viewed as the city's front door and the face of the community. The quality of its appearance is important. The views from the river, 1-71, 1-64 and other vantage points are to be considered in design.

(5) River Road Parkway. River Road serves as a main entrance to the city and as an access road to the waterfront. This resource should be developed as a unified visual experience, in the tradition of the city's existing parkway system.

(6) Downtown connection. The Central Business District (CBD) of the city should be tied directly to the waterfront through pedestrian and vehicular connections.

(7) River's edge concept. From the wharf and Belvedere area of the eastern limit of the WRO area the character of the river's edge will change from an urban "hard edged" setting to a natural and naturalized landscape appearance.

(8) River Road Parkway concept. The parkway is viewed as a man-made linear open space appearance. (Lou. Metro Ord. No. 66-2004, approved 6-3-2004)

§ 162.43 PRINCIPLES AND GUIDELINES.

(A) On and after the effective date of this subchapter no person shall make any alteration to a structure or building or undertake new construction as defined in § 162.41 within the District without obtaining a permit issued, without cost, pursuant to the procedures set forth in § 162.46 certifying compliance with the applicable design standards for the district as set forth in § 162.48.

(B) The purpose of the district is to control development within the district in order to:

(1) Protect waterfront property as a valuable asset to the community in terms of quality of life and economic development;

(2) Protect public investment in thewaterfront area;

(3) Create a character in the waterfront area that will stimulate private investment within the area;

(4) Enhance and encourage public enjoyment and use of waterfront scenic qualities and river activities;

(5) Encourage high quality development that is attractive to the public and enhances the waterfront's appearance; and

(6) Encourage development that is sensitive to the area's unique environmental qualities.

(C) The establishment of the district shall not be deemed to repeal or in any respect alter the provisions and requirements of the flood plain regulations. (Lou. Metro Ord. No. 66-2004, approved 6-3-2004)

162.44 ADMINISTRATION AND IMPLEMENTATION.

The responsibility for administering and implementing the guidelines is delegated to the Corporation, whose staff and Board shall have the following duties and responsibilities pursuant to this subchapter:

(A) Overlay District Administrator. The duties of the Overlay District Administrator shall be to:

(1) Classify all development activity in accordance with § 162.45 as:

(a) Exempt;

(b) Expedited; or

(c) Nonexpedited.

(2) Coordinate review of permit applications with the Departments of Public Works, Inspections, Permits and Licenses, and other agencies, commissions or boards.

(3) Review expedited developmentapplications;

(4) For expedited development applications, issue a WRO Permit, issue a WRO Permit with conditions, or deny a WRO Permit pursuant to the procedures set forth in § 162.46.

(5) Serve as staff to the Board in its consideration of applications classified as nonexpedited.

(B) The Overlay District Administrator may seek the advice of a body made up of persons possessing professional architectural or urban design expertise for review of applications as he deems necessary.

(C) The Board shall have the following duties and responsibilities with respect to applications for WRO Permits:

(1) Meet with applicants for nonexpedited development projects to review their applications;

(2) For nonexpedited development applications, issue a permit, issue a WRO Permit with conditions, or deny a WRO Permit pursuant to the procedures set forth in § 162.46;

(3) Review decisions of the Overlay District Administrator on expedited development applications upon request of the applicant pursuant to § 162.46;

(4) Recommend to the Metro Council amendments to the guidelines as needed.

(5) The Board shall provide not less than five days written notice to the Butchertown Neighborhood Association (the "Association") of any meeting of the Board where one or more agenda items concerns property located within the boundaries of the Butchertown Neighborhood as defined by the Metro Planning Commission. The association shall designate in writing to the Board the name, mailing address, and telephone or fax numbers of a representative for purposes of receiving notice under this section on behalf of the association. (Lou. Metro Ord. No. 66-2004, approved 6-3-2004)

§ 162.45 EXEMPT ACTIVITIES.

(A) The following development activities shall be exempt from review under the guidelines:

(1) Ordinary repairs;

(2) Removal of existing signage without replacement;

(3) Temporary signage or structures;

(4) Emergency repairs ordered by a Metro Building Code enforcement official in order to protect health and safety;

(5) Alterations or major structural change only to the interior of a structure, unless visible from outside building; and

(6) Demolition of an accessory structure, including but not limited to unconnected garages or storage sheds, billboards, fences or retaining walls.

(B) All development activity within the District, except for exempt activities described in division (A) shall be classified as either requiring expedited or nonexpedited review under the guidelines, as follows:

(1) The following development activities shall be subject to expedited review:

(a) Landscaping;

(b) Sidewalk or street paving, lighting, streetscape furnishings, and banners;

(c) Signage; and

(d) Exterior alterations which are not major structural changes.

(2) The following development activities shall be subject to nonexpedited review:

(a) New construction;

(b) Major structural change;

(c) Parking facility development or redevelopment; and

(d) Demolition of a non-accessory structure. (Lou. Metro Ord. No. 66-2004, approved 6-3-2004)

§ 162.46 PERMIT REQUIREMENTS AND APPEAL.

(A) It shall be a condition precedent to obtaining any permit for any development activity within the District that the person has obtained a WRO Permit pursuant to this section. A WRO Permit shall be issued only where it is determined, pursuant to the procedures established by this subchapter, that the proposed development activity is in compliance with the guidelines.

(B) No permit or certificate of occupancy shall be issued by any Metro Agency for any development activity within the District unless a WRO Permit for such development activity has been obtained pursuant to this subchapter.

(C) An application for a development activity within the District shall be submitted to the Corporation on a form established by the Overlay District Administrator. The application shall include at least the following information, unless waived pursuant to division (D):

(1) A site plan, drawn to an appropriate scale, photographs or other presentation media showing the proposed development in the context of property lines, adjacent structures, streets, sidewalks, etc.;

(2) Plans, elevations and other drawings, drawn to appropriate scale, as may be necessary to fully explain all proposed structures or alterations to structures; and

(3) Details or urban design elements, off-street parking, landscaping, fencing or walls, signage, streetscape and other aspects as may be necessary to fully present the proposed development.

(D) Applicants may seek review of a development proposal prior to making formal application pursuant to division (C). The preliminary review shall be conducted by the Overlay District Administrator to determine if the minimal requirements for acceptance of the application have been met. The Overlay District Administrator may agree to waive certain of the requirements set out in division (C) if he or she determines that such requirements are not necessary for review of the application pursuant to this subchapter.

(E) The Overlay District Administrator shall classify the development proposal as either exempt, or not exempt, requiring either expedited or nonexpedited approval.

(F) A WRO Permit application classified as requiring expedited approval shall be reviewed by the Overlay District Administrator who shall, after review of the application, prepare a written decision which shall approve the WRO Permit, approve the WRO Permit with conditions, or deny the WRO Permit. An applicant, within five days of receipt of the decision of the Overlay District Administrator on a proposal requiring expedited review, may request appeal of the application to the Board. The application shall be reviewed as provided in division (G) for applications classified as requiring non-expedited approval, except that the Board shall consider the application at its next regularly scheduled meeting following the request, provided that such request is made not later than seven working days prior to the meeting.

(G) A WRO Permit application classified as requiring a non-expedited approval shall be reviewed by the Board. The permit application shall be reviewed by the Overlay District Administrator in accordance with the guidelines and forwarded to the Board with the Overlay District Administrator's written recommendation to either approve the WRO Permit, approve the WRO Permit with conditions, or deny the WRO Permit.

(H) The applicant shall be sent, by first-class mail, written notice of the date, time and location of the meeting of the Board at which his or her application shall be considered. The notice shall be sent no later than ten days prior to the date of the meeting, unless such notice is waived by the applicant.

(I) At the meeting scheduled to consider the applicant's WRO Permit request, the Board shall consider recommendations of the Overlay District Administrator and such other information as the applicant chooses to present for the Board's consideration.

(J) The Board, by majority vote of the members present, shall prepare a written decision which shall approve the WRO Permit, approve the WRO Permit with conditions, deny the WRO Permit, or defer consideration of the application until the next meeting of the Board.

(K) If, after an applicant has obtained a WRO Permit, the development proposal is amended, he or she shall submit the amended development proposal to the Overlay District Administrator who shall make a determination that the amendment has no significant impact or that the development proposal as amended requires additional review. Review of an amended proposal shall follow the same procedure as provided herein for an original application. Upon a determination by the Overlay District Administrator that the amended proposal requires review, the previously issued WRO Permit shall be suspended pending the review of the amended development proposal.

(L) Any applicant who is denied a WRO Permit shall have a right of appeal to the Jefferson Circuit Court. (Lou. Metro Ord. No. 66-2004, approved 6-3-2004)

§ 162.47 PERMIT AGREEMENT.

The filing of an application to obtain a WRO Permit pursuant to this subchapter shall constitute an agreement by the applicant that he or she will undertake the development activity in conformity with the plans approved by the WRO Permit and that he or she will abide by any conditions imposed by a conditional approval of the WRO Permit. All conditions imposed by a WRO Permit shall be binding on the applicant, his or her successors, heirs or assigns, unless otherwise amended or released by the Board or Overlay District Administrator. (Lou. Metro Ord. No. 66-2004, approved 6-3-2004)

§ 162.48 DESIGN GUIDELINES.

(A) The Waterfront Development Corporation, in interpreting the design standards established by this subchapter shall consider the following design principles:

(1) Functional requirements. A design shall meet the basic criteria for satisfying it's program. Relationships between parking and buildings, for example, shall met accepted standards of design for engineering and accessibility.

(2.) Systems relationships and continuity. The project shall be into other projects and planned systems, such as pedestrian ways, landscaping patterns, lighting concepts, and traffic movements.

(3) Visual relationships and continuity. The way one sees the project in relation to its context is important. Such considerations as the view from the road, from the river, or from other vantage points such as from above, in vista or panorama, at day or night, or in different seasons may be of consequence.

(4) Aesthetic and symbolic meaning. The style and form should relate a project to the historic setting or to the unique qualities of its city waterfront location.

(5) Architectural and landscape composition. Scale, form, and materials are the basic elements of building and site design. The relationships between buildings and the relationship between projects and their settings are significant. A project should be expressive of contemporary thinking in design. Questions of style should be focused on relationships of form and material rather than replication of historic architectural periods.

(6) Pedestrian activity and scale. The quality of experience for the individual or for groups in varying activities is of great importance. Land use, architectural design, landscape design and public art combine at the human scale to contribute to quality places for people.

(B) The following general standards shall apply in the WRO District.

(1) Views:

(a) Maintaining and improving views of the river is desired. Structures should be designed to allow views of the river from adjacent streets; massing and placement of buildings should maximize a cone of vision that includes a view of the riverfront and does not obscure the view from other developments.

(b) Treatment of river edges should be visually appealing from the river vantage point as well as from the shore.

(2) Landscape and grading:

(a) Continuity of landscape concept and harmony between development parcels is expected.

(b) Design concept, materials selection, and detailing of public spaces should have a harmony and unity expressive of an overall scheme. In the absence of a detailed "master" site plan, the Corporation shall look for overall continuity and theme among projects.

(c) The filling of land for development purposes shall consider the scenic quality of the parkway and the river's edge. Fill operations are to be set-back from the landscape buffer area, graded with side slopes, and varied in contour as needed to present a "naturalized contour." Continuity between adjacent parcels is important.

(d) Maintaining the natural character and contours of grade of the existing river bank, within the designated setback, is encouraged, especially in Areas B and C-I.

(e) Surface areas used for parking should be landscaped or fenced to partially screen such areas from view from access streets, freeways, adjacent properties, and from the waterfront. Parking structures should include perimeter landscaping. Berms (in combination with plantings or low walls) screening parking are appropriate and desired, with variations in contours achieving either a natural or cultivated appearance as best relates to the land use it adjoins.

(f) When the top level of parking structures is used for parking and is readily seen from public streets or residential or hotel structures, rooftop landscape treatment shall be reviewed for its design quality

(g) In highly visible surface parking lots, use of alternative surfaces such as paving blocks or "grass-crete" is encouraged.

(h) Where landscaping is selected for screening purposes, the seasonal density and buffering capabilities of selected plan material shall be reviewed. Seasonal variety of color and form should be an important consideration in the choice of materials for aesthetic intent.

(3) Circulation (pedestrian and vehicular):

(a) Pedestrian systems and street crossings that encourage trips on foot, particularly from the downtown to the waterfront area, should be provided.

(b) The quality of the sidewalk environment should be enhanced by means of appropriate landscaping, lighting, graphics, street furniture, and design; concrete paving in compliance with the CBD sidewalk standards, or finish material such as brick or stone pavers, should be provided.

(c) Internal pedestrian circulation systems should coordinate with the parkway plans and river's edge plans and standards for walks, bikeways, jogging trails, and other movement systems or patterns.

(d) Parking lots, storage areas and similar uses should be located away from the river's edge and on unobtrusive sites. In areas characterized by buildings along the street line, parking lots should be located behind or on the side of buildings, whenever possible.

(e) Designated public pedestrian access ways between River Road and the river's edge should be encouraged.

(f) The public river walkway should be continued along the river's edge in Areas A-I and B. Its design should be sensitive to the character of the surrounding waterfront development.

(g) The pedestrian systems (walks, jogging trails) and bicycle paths should be developed along the parkway and in accordance with plans for River Road.

(h) Public transit service, through access to TARC routes, should be provided and should include shelters and waiting areas for in public and private developments.

(4) Building design, materials, and colors:

(a) The use of unfinished common concrete block, cinder block, or corrugated panel as the main facing material for exterior walls is discouraged.

(b) Construction should be of quality finish materials such as brick, stone masonry, and architectural concrete and should be in harmony with the surrounding character of the waterfront development.

(c) Simulated materials such as vinyl and aluminum siding should be avoided.

(d) Predominant exterior colors should be of natural materials or those that are complimentary and harmonious to the character of the surrounding waterfront development.

(e) Bright colors should not dominate but may be permitted as a compatible accent.

(f) Large areas of blank walls (including parking garage frontage) should be avoided. Pedestrian and active-use areas at street level are encouraged. Special treatment with screening, landscaping, and the like, is desired where such conditions are unavoidable.

(g) When the first or street level of a structure is used for parking, storage, or is a vacant area, appropriate treatment of masonry, finish material, screening, or landscaping should be provided to minimize unsightliness.

(h) Mechanical equipment or utility equipment located on the exterior of a building shoe appropriately screened from public view or designed as an integral part of the overall exterior appearances the building facade.

(i) Service areas, refuse collection areas, storage areas, and loading docks should be located away from or screened from public view.

(5) Preservation of historic structures and sites:

(a) Projects which provide for adaptive reuse of historic buildings and sites eligible for the National Register of Historic Places shall be favorably reviewed.

(b) All buildings are recognized as products of their own time. Contemporary design is encouraged except where such design would clearly detract from the design compatibility within a group of historically significant structures. Alterations, additions, and new developments should be sympathetic to and harmonious with the historic context, and not seek to mimic an earlier style.

(c) The distinguishing original qualities of a property should not be diminished through alteration or removal of distinctive architectural features. When replacing original material, new material should closely match the original in composition, design, color, texture, and other visual qualities.

(d) If cobblestones are located within the proposed development, they are to be collected and either reincorporated into the project's design or given to the city. Cobblestones are considered historical artifacts and are the property of the city.

(6) Lighting:

(a) Lighting fixtures in publicly accessible areas should be decorative and similar to or compatible with the Victorian fixtures installed downtown. In Areas A-l and B, light color should be the same as that used at the wharf.

(b) Exterior lighting should enhance the site and building design.

(d) Lighting should be restrained to prevent excessive brightness and undue glare on adjacent properties and the river.

(e) Lighting levels and color shall be designed in consideration of the overall effect on patterns, repetition, focal points, and rhythm within the panorama of the waterfront.

(7) Utilities:

(a) All utility services (telephone, electrical, cable, and the like) shall be installed underground.

(b) Utility components required to be above ground (transformers, meters, and the like) shall either be screened by landscaping or decorative wall or located away from public view.

(8) Retaining walls, fencing and railing:

(a) Retaining walls should be faced with masonry or other decorative screening or landscaping to minimize the blank appearance of such walls.

(b) Fence and rail design should be compatible with the surrounding character of the waterfront development.

(c) Proposed fencing should not limit actual or visual access to the waterfront, except where necessary for safety or security. Fencing material visible from publicly accessible areas should compliment surrounding architectural materials; chain link fencing is inappropriate in these areas.

(d) When determined that screening is necessary, fencing, if used as screening, shall be solid, and shall include vegetation. Landscaping used for screening shall form a complete year-round opaque screen.

(9) Flood plain:

(a) A flood control system shall be integrated within the development's design. Physical and visual barriers to the waterfront are discouraged.

(b) The design of lower levels, exposed to flood elevations, shall be integrated with the structure so it will not be unsightly or unrelated to either the habitable portion of the building or the surrounding landscape.

(10) Signage:

(a) Signs should be designed to enhance the area's visual appeal and ability to attract the public. The size, height, number and design of signs shall be reviewed for their ability to achieve these goals as well as their impact on traffic safety.

(b) In general, attached signs should be designed to fit within the architectural space intended for signage and not cover architectural features.

(c) Signs seen in relation to other signs should be designed to be compatible in location, shape, style, graphics, size, material, illumination, and color. Uniformity should be maintained in certain characteristics while other characteristics should be varied to permit individual expression and identification.(d) Outdoor advertising signs (billboards), pennants, streamers and temporary signs are not appropriate in the Waterfront area except for special events, building openings, and the like which shall be subject to expedited review under § 162.45(B)(1).

(C) The following standards shall apply only within the WRO sub-areas:

(1) Standards specific to Areas A-1 and A-2

(a) Strong access connections between Main Street and the waterfront should be maintained.

(b) The urban grid of streets and sidewalks should logical and appropriate manner to achieve a physical and perceptual relationship between the CBD and the waterfront.

(c) Individual buildings and structures should be situated in relation to the existing urban grid and historic context.

(2) Standards specific to Area B: Dock construction should be developed to meet recreational needs, with floating docks using support masts designed as an integral part of the overall appearance. Covered slips should not be permitted for the typical boat slips.

(3) Standards specific to Area C-l:

(a) Landscape and/or siting shall screen industrial and other uses from River Road and the river's view.

(b) Chain link fence may be used for security reasons but shall be sufficiently landscaped where visible from public areas and the river.

(D) The Corporation, or any body to which it has delegated responsibility for technical reviews of development plans under this subchapter may adopt additional standards consistent with the policies and standards established herein for the purpose of interpreting and supplementing the policies and standards established by this subchapter. (Lou. Metro Ord. No. 66-2004, approved 6-3-2004) Standards specific to Areas A-l and A-2:

§ 162.98 SEVERABILITY.

If any provision of this chapter as now or later amended or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions that can be given effect without the invalid provision or application. (1994 Jeff. Code, § 10.07) (Jeff. Ord. 36-1994, adopted and effective 12-20-1994)

§ 162.99 PENALTY.

(A) It shall be unlawful for any person to conduct any development activity within an overlay district in violation of the provisions of this chapter or contrary to the requirements and conditions set forth in any overlay district permit issued pursuant to this chapter. Violation of any provision of this chapter shall be enforced by the remedies set out in § 10.99.

(B) It shall be unlawful for any person to conduct any development activity within the District in violations of the provisions of this Ordinance or contrary to the requirements and conditions set forth in any Permit issued pursuant to this Ordinance. Violation of any provision of this Ordinance shall be enforced by the remedies set out in § 10.99. (1999 Lou. Code, § 158.99) (Lou. Ord. No. 233-1992, approved 12-28-1992; Lou. Am. Ord. No. 157-1996, approved 8-15-1996) 2004 S-3

Chapter 4	**Generally Applicable Development Standards**		
	Part 1	**General Compatibility Standards**	**4.1-1**
	4.1.1	Blasting ***(reserved)***	*reserved*
	4.1.2	Factory Built Housing	4.1-1
	4.1.3	Lighting	4.1-4
	4.1.4	Noise ***(reserved)***	*reserved*
	4.1.5	Odor ***(reserved)***	*reserved*
	4.1.6	Operating Hours	4.1-12
	Part 2	**Conditional Use**	**4.2-1**
	Part 3	**Permitted Uses with Special Standards**	**4.3-1**
	Part 4	**Accessory Uses and Miscellaneous Standards**	**4.4-1**
	4.4.1	Adult Entertainment	4.4-1
	4.4.2	Antenna Towers for Cellular Telecommunications Services or Personal Communications Services	4.4-2
	4.4.3	Fences, Walls and Signature Entrances	4.4-12
	4.4.4	Garage Sales	4.4-21
	4.4.5	Home Occupations	4.4-21
	4.4.6	Inactive Cemeteries	4.4-26
	4.4.7	Minor Earth Excavations	4.4-29
	4.4.8	Outdoor Sales, Displays and Storage	4.4-30
	4.4.9	Refuse Disposal Containers	4.4-35
	4.4.10	Swimming Pools	4.4-35
	Part 5	**Alternative Development Incentives**	**4.5-1**
	Part 6	**Development on Sites with Environmental Constraints**	**4.6-1**
	Part 7	**Development on Steep Slopes**	**4.7-1**

Chapter 4 Continued	**Part 8**	Waterways and Wetlands Protection	**4.8-1**
	Part 9	**Chapter 2 Karst *(reserved)***	*reserved*
	Part 10	**Community Facilities Review**	**4.10-1**
	Appendix 4A	*Examples of Acceptable Luminaires*	*4A-1*
	Appendix 4B	*Approximate Lumens Output for Various Lamps*	*4B-1*
	Appendix 4C	*Sample Light Readings*	*4C-1*
	Appendix 4D	*Illuminating Engineering Society of North America (IESNA) Maintained Horizontal Illuminance Recommendations*	*4D-1*
	Appendix 4E	*Recreational Facilities Standards*	*4E-1*
	Appendix 4F	*Conditional Use Table*	*4F-1*
	Appendix 4G	*Floodplain Management*	*4G-1*
	Appendix 4H	*Erosion Prevention and Sediment Control*	*4H-1*

4.1.1 BLASTING

***NOTE**: Section 4.1.1 is reserved. Standards may be drafted as part of a later phase of the Land Development Code, if regulation in addition to existing State requirements is deemed necessary.*

4.1.2 FACTORY BUILT HOUSING

Factory built housing may be placed on a lot zoned for residential use, in accordance with applicable zoning and form district requirements and provided that the standards of this section are met.

***NOTE:** Factory built housing includes manufactured homes and modular homes as defined in the 2002 Kentucky Residential Code.*

A. The following standards are applicable to all factory built housing:

1. The structure shall be permanently attached to a permanent foundation system and shall be anchored in accordance with the state standards set forth in KRS 227.570 through KRS 227.590.

2. Exterior material shall be material customarily used on site-built dwellings, such as board siding, plywood or press wood siding, non-glossy vinyl siding, stucco, brick or non-reflective aluminum.

3. Roofing material shall be of wood, tile or composition shingles, and must have an eave projection of no less than 6 inches.

4. Exterior covering material extending from the roofline to the ground or to the top of the foundation shall be used. Masonry type skirting shall be constructed from the ground to the bottom of the exterior wall.

5. Structural additions or alterations shall be subject to the same building code regulations as apply to additions or alterations to a conventionally built house. Any other alteration or conversion of a factory built house must be performed in accordance with KRS 227.550 et seq., 815 KAR 25:050, Section 2 and 42 USC Chapter 70.

6. An adequate guttering and roof drainage system shall be installed.

B. The following standards are applicable to all factory built housing to be placed on lots that qualify as infill sites in the form district regulation applicable to the site:

NOTE: *Infill development is defined in the Neighborhood and Traditional Neighborhood Form Districts:*

Infill in NFD: Where 50% or more of either the lots or street frontage (lineal distance) within 200 feet of the subject site and on the same side of the street are occupied by principal structures.

Infill in TNFD: Where 50% or more of either the lots or street frontage (linear distance) within the same block face are occupied by principal structures]

1. Roofed front porches must be included on each structure if more than 50% of the structures in the same block face or within 200 feet of the subject site, whichever is less, include them. Porches shall , equal the average size and must resemble the architectural style, roof pitch, foundation and façade material of porches existing within the block face. The Planning Director shall determine if the proposed porch design is sufficiently similar to those of adjacent residences.

2. Façade materials shall match in appearance[1] those of one of the adjacent residences (residential buildings on either side of the infill lot, or two nearest residences, if the adjacent structures are non-residential). The Planning Director may approve alternative materials, if the Director finds that the proposed design and façade materials are substantially in keeping with the existing character of the block face.

3. Front facing windows must have consistent size, spacing, and proportion to that of the adjacent residences (residential buildings on either side of the infill lot, or two nearest residences, if the adjacent structures are non-residential). The Planning Director may approve alternative window sizes and patterns, that the Director determines are in keeping with the existing character of the block face.

4. The first floor elevation of the proposed dwelling shall be no lower than the average floor elevations of the existing adjacent residential buildings (residential buildings on either side of the infill lot, or two nearest residences, if the adjacent structures are non-residential).

5. Minimum width of each unit's first story shall be at least equal to the average of the two nearest residential buildings in the same block face (residential buildings on either side of the infill lot, or two nearest residences, if the adjacent structures are non-residential).

[1] For example, an infill structure with four inch vinyl lapped siding may locate next to a home with wood lapped siding of similar dimension.

6. The roof of each infill unit shall have pitch at least as steep as the average of the roof pitch of the two nearest residential buildings in the same block face. The Planning Director may approve a lower roof pitch if the Director finds that the adjacent roof pitches are not representative of the block face in which the factory built home is to be located.
7. Infill structures shall be consistent in number of stories with the pattern established by surrounding residences; if more than 50% of existing residences within the block face (TNFD) or 200 feet distance (NFD) are more than one story in height, the infill structure shall be a two-story structure. Where the established pattern is story and a half (e.g., "camelback structures"), infill housing may have a full or partial second story.

8. HVAC units shall not be located between the front façade and the street.

9. In Landmarks Districts, design review and approval by the Landmarks Commission shall substitute for the requirements established in paragraphs B.1 through 8, above.

10. The Planning Director may approve proposed developments of five or more infill units that vary from the standards listed in this 4.1.3.B, if the Director finds that the units are compatible with the neighborhood in which they will be located.

C. The following standards are applicable to all factory built housing to be placed on lots that do not qualify as infill sites in the form district regulation applicable to the site:

1. The roof shall be pitched at a minimum slope of 5:12.

2. The minimum width of each structure's first floor shall be at least 20 feet. In the TNFD, 14 wide units are permissible, if the unit has a second story (full or partial) and has a main entrance facing the street.

3. HVAC units shall not be located between the front façade and the street.

4. Each residence must measure at least 900 square feet of floor area not including basement or garage space.

D. The Planning Commission may approve factory built housing that does not conform to one or more of the standards listed in sub-sections 4.1.2.B or C, above, if the Commission finds that the proposed housing:

- is compatible with existing housing located within a one-eighth mile radius;
- complies with applicable standards of the form district in which it is located; and conforms to applicable provisions of Cornerstone 2020.

4.1.3 LIGHTING

A. Purpose and Intent

The purpose of this section is to appropriately regulate outdoor lighting in Louisville and Jefferson County to reduce the effects of light trespass and glare, provide clear guidelines for the installation of outdoor lighting to maintain and compliment the community's character, and to provide a safe nighttime environment for pedestrians, motorists, and properties. This regulation will implement the following Cornerstone 2020 Community Form Strategy Goals and Objectives: A3.1, A3.4, B2.6, C2.5, C4.6, D4.3, E2.4, E4.3, F4.4, G2.4, G4.3, H2.5, and H4.3.

It is the intent of this regulation to provide for the health, safety and welfare of the residents of Jefferson County by regulating the placement, hours of operation, orientation, distribution patterns, intensity, and fixture types of all outdoor lighting used for the illumination outside the public right-of-way while encouraging lighting that conserves energy, reduces light pollution, and enhances nighttime enjoyment of the property within the County, without decreasing safety, utility, security, and productivity.

The following definitions are not a part of this Chapter, but are included to allow for the review of this Part without referring to other portions of this Land Development Code.

Direct Light = light emitted directly from the lamp, off of the reflector or reflector diffuser, or through the refractor or diffuser lens, of a luminaire.

Fixture = the assembly that houses the lamp or lamps and can include all or some of the following parts: a housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirror, and/or a refractor or lens.

Flood Light = a form of lighting fixture designed to direct the output of a contained lamp in a more-or-less specific direction, utilizing reflecting or refracting elements located external to the lamp.

Footcandle = the unit of illuminance on a surface one square foot in area on which there is a uniformly distributed flux of one lumen, or the illuminance produced on a surface all points of which are at a distance of one foot from a directionally uniform point source of one candela.

Fully-Shielded Light Fixture (also known as Full-cutoff) = a lighting fixture constructed in such a manner that all light emitted by the fixture, either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any part of the luminaire, is projected below the horizontal and meets IESNA criteria for fully-shielded (or full-cutoff) fixtures. Any structural part of the light fixture controlling light emissions must be permanently affixed.

Glare = light emitting from a luminaire with an intensity great enough to reduce a viewer's ability to see, and in extreme cases causing momentary blindness.

Height of Luminaire = the height of a luminaire shall be the vertical distance from the ground directly below the centerline of the luminaire to the lowest direct-light-emitting part of the luminaire.

Indirect Light = direct light that has been reflected or has scattered off of other surfaces.

Lamp = the component of a luminaire that produces the actual light.

Landscaping Lighting = type of outdoor lighting used to illuminate landscaping areas (flower beds, trees, vegetation) and other aesthetic features on a parcel (flag poles, etc.).

Light Trespass = the shining of light produced by a luminaire beyond the boundaries of the property on which it is located.

Lumen = a unit of luminous flux. One footcandle is one lumen per square foot. For the purposes of this Regulation, the lumen-output values shall be the INITIAL lumen output ratings of a lamp.

Luminaire = a complete lighting system, and includes a lamp or lamps and a fixture (*See Appendix 4A for examples of acceptable luminaires*).

Outdoor Lighting = the night-time illumination of an outside area or object by any man-made device located outdoors that produces light by any means. This includes luminaires used to illuminate advertising signs, landscaping, architectural features, walkways, driveways and parking areas.

Sag-lens or Drop-lens = a clear or prismatic refracting lens that extends below the lowest opaque portion of a light fixture.

Shielded (also known as cutoff) Light Fixture = a lighting fixture constructed in such a manner that no more than 2.5 percent of the lamp lumens, either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any part of the luminaire, are not emitted above the horizontal plane through the lowest direct-light-emitting part of the luminaire.

Spotlight = a lighting assembly designed to direct the output of a contained lamp in a specific tightly focused direction (a beam) with a reflector located external to the lamp.

Temporary Outdoor Lighting = the specific illumination of an outside area or object by any man-made device located outdoors that produces light by any means for a period of less than 15 days, with at least 180 days passing before being used again.

Uniformity Ratio = the relationship between the average level of illumination and the lowest level of illumination for a given area. For example, if the uniformity ratio is 3:1 and the average illumination of an area is 3.0 footcandles, then the lowest level of illumination allowed in the given area would be 1.0 footcandles.

B. Regulations

1. All public and private outdoor lighting shall be in conformance with the requirements established by this Regulation.

2. Control of Glare – Luminaire Design Factors

a. All luminaires shall be aimed, directed, or focused such as to not cause direct light from the luminaire to be directed toward residential uses or protected open spaces (i.e., conservation easements, greenways, parkways) on adjacent or nearby parcels, or to create glare perceptible to persons operating motor vehicles on public streets and right-of-way.

b. The following items shall apply to the mounting height of luminaires:

i. Within the Neighborhood or Village form district or within a form district transition zone related to a Neighborhood or Village form district, any luminaire with a lamp or lamps rated at a total of more than 1800 lumens, and all flood or spot luminaires with a lamp or lamps rated at a total of more than 900 lumens shall be mounted at a height equal to or less than thirty (30) feet unless otherwise approved by the Planning Commission.

ii. Within the Traditional Neighborhood, Traditional Workplace, or Traditional Marketplace Corridor form district or within a form district transition zone related to the Traditional Neighborhood, Traditional Workplace or Traditional Marketplace Corridor form district, any luminaire with a lamp or lamps rated at a total of more than 1800 lumens, and all flood or spot luminaires with a lamp or lamps rated at a total of more than 900 lumens shall be mounted at a height equal to or less than twenty (20) feet unless otherwise approved by the Planning Commission.

iii. Luminaires mounted on residential structures shall be exempt from items (i.) and (ii.) above.

c. Shielding

i. In the Neighborhood, Traditional Neighborhood or Village form districts, or within a form district transition zone related to the Neighborhood, Traditional Neighborhood or Village form districts, luminaires that emit more than 7,000 lumens shall be fully-shielded luminaires so that they do not emit any direct light above a horizontal plane through the lowest direct-light-emitting part of the luminaire.

ii. In all other form districts or form district transition zones, luminaires that emit more than 7,000 lumens shall be shielded luminaires so that they do not emit more than 2.5 percent of the lamp lumens above the horizontal plane through the lowest direct-light-emitting part of the luminaire.

3. Exceptions to Control of Glare

a. Street lights, including all lights installed by or funded by government agencies shall be exempt from the provisions of this section.

b. All hazard warning luminaires required by Federal regulatory agencies are exempt from the requirements of this article, except that all luminaires must meet all Federal design standards and must be shown to be as close as possible to the Federally required minimum lumen output requirement for the specific task. Strobe lights shall be permitted only if there is no other federally approved hazard warning illumination technique.

c. Luminaires used primarily for sign illumination shall not extend more than one foot above the sign which they are lighting.

d. Decorative luminaires installed in public parks shall be shielded so as to not cause direct light from the luminaire to affect residential uses or to create glare perceptible to persons operating motor vehicles on public streets, however these luminaires are not subject to the shielding requirements of paragraph 2.c, above.

e. Law Governing Conflicts. Where any provision of federal, state, county, or city statutes, codes, or laws conflicts with any provision of this code, the most restrictive shall govern unless otherwise regulated by law.

4. Freestanding Business Signs

a. Lighting fixtures used to illuminate a freestanding business sign shall be mounted on the top of the sign structure and directed towards the ground. Freestanding business signs with bottom-mounted lighting shall only be used if the fixtures are pointed directly at the sign.

b. Freestanding business signs of the type constructed of translucent materials and wholly illuminated from within do not require shielding.

5. Canopy, Pavilion, or Drive-Through Bays Lighting

a. All luminaires mounted on or recessed into the lower surface of canopies, pavilions, or drive-through bays shall be fully shielded and utilize flat lenses.

b. The following maximum illumination levels shall apply to canopy, pavilion or drive-through bay lighting:

   i. The level of lighting shall not exceed 50 footcandles at any point beneath a canopy, pavilion, or drive-through bay located in the Neighborhood, Traditional Neighborhood, Traditional Workplace, Traditional Marketplace Corridor and Village form districts.

   ii. In all other form districts, the level of lighting shall not exceed 70 footcandles at any point beneath a canopy, pavilion, or drive-through bay.

c. In all form districts, all canopy, pavilion, or drive-through bay lighting shall maintain a uniformity ratio of 4:1.

6. Recreational Facilities

a. Any light source permitted by this Code may be used for lighting of outdoor recreational facilities (public or private), such as, but not limited to, football fields, soccer fields, baseball fields, softball fields, tennis courts, or equestrian arenas, provided all of the following conditions are met:

   i. All fixtures used for recreational facilities lighting within 500 feet of any residential use shall be fully shielded, or be designed or provided with sharp cut-off capability, so as to minimize up-light, spill-light, and glare.

   ii. Illumination of any playing field, court, or track located within 500 feet of any residential use shall be permitted after 11:00 p.m. only to conclude an event normally expected to end before 11:00 p.m. and circumstances prevented concluding before 11:00 p.m.

c. Recreational facilities shall be required to submit a lighting plan for review and approval by the Planning Commission.

   The plan shall document the effect of lighting on adjacent residential areas. The Planning Commission may require modification of the lighting plan or impose conditions on its approval as necessary to mitigate the impacts of the lighting.

7. Pedestrian Areas

a. Pedestrian facilities (sidewalks, paths, etc.) leading from a building to parking facilities shall not exceed an average lighting level of 2.5 footcandles.

b. Luminaires used only to illuminate pedestrian facilities shall not be mounted higher than 15 feet from the finished grade of the walking surface.

8. Temporary Lighting

Temporary lighting shall be permitted in accordance with the following guidelines:

a. The purpose for which the lighting is proposed is not intended to extend beyond fifteen (15) days.

b. The proposed lighting is designed in such a manner as to minimize light pollution and light trespass.

c. The proposed lighting will comply with the general intent of this regulation.

d. The permit will be in the public's best interest.

9. Prohibitions*

a. The use of search lights except by civil authorities is prohibited.

Note: This does not prohibit the use of holiday lighting.

b. Fixtures with drop or sag lens lighting are prohibited.

Flashing and strobe lights employed to draw attention to business establishments, special events, etc. are prohibited. Please see Section 4.3.2 C.1 for information regarding federal hazard warning luminaries.

10. Architectural Lighting

a. Architectural lighting used to illuminate building facades, walls, landscaping, flags, fountains, statues, or other architectural or design items shall be carefully located and aimed so that light is directed only onto the surface of the building façade, wall, landscaping, flag, fountain, statue or other architectural or design item it is intended to light.

b. Architectural lighting used to illuminate building facades, walls, landscaping, flags, fountains, statues, or other architectural or design items shall not create glare for traffic on streets or roads.

11. Light Trespass

a. The following provisions shall apply to light trespass:

i. The level of lighting resultant from luminaires installed on a subject site shall not exceed one-half (0.5) footcandles at any property border adjoining a low- to medium-density residentially zoned or used[2] property border, and 1.0 footcandles on any high–density residentially zoned or used[3] property border, or public right of way parcel of land.

ii. If the ambient level of lighting at any property border exceeds one-half (0.5) footcandles prior to the development of the subject site, then the level of lighting resultant from luminaires installed on that site shall not increase the ambient level of lighting at any property border by more than one-half (0.5) footcandles.

b. In all zoning and form districts, any lighting shall be arranged so as not to shine directly on an adjoining property.

C. Permit Required

1. Whenever a person is required to obtain a building or electrical permit, a Conditional Use Permit, or any development plan approval by the County, the applicant shall, as a part of said application, submit sufficient information to enable the permit issuing agency to determine whether the proposed lighting will comply with this Regulation.

D. Enforcement and Penalty

1. The following standards shall be used when measuring and inspecting outdoor lighting complaints:

a. When inspecting light fixtures the inspector shall do a visual evaluation to determine whether the fixture meets the requirements established in this Regulation.

b. When inspecting light trespass complaints, the inspector shall use an approved instrument to take a footcandle reading to determine whether the light brightness exceeds the standards set in this regulation. The inspector shall stand at the property line (as mapped on PVA maps) and hold the detector approximately three (3) feet off the ground. The inspector shall take measurements on the horizontal plane to assure proper measurement of light at the property line. The average of the vertical and horizontal measurements shall be used to determine compliance with applicable standards.

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[2] "Low- to medium-density residentially zoned" parcels include R-R, R-E, R-1, R-2, R-3, R-4, R-5, PRD, PVD R-5A, and R-5B.

[3] "High-density residentially zoned" parcels include TNZD, U-N, R-6, R-7, and R-8A.

E. Severability

1. Should any section, clause or paragraph of this regulation be declared by court of competent jurisdiction to be invalid, the same will not affect the validity of the regulation as a whole or part hereof other than the part declared to be invalid.

F. Effective Date

1. This regulation shall take effect from and after its passage, approval and publication according to law.

2 Amortization/Alternative Provisions (Reserved)

G. Installation

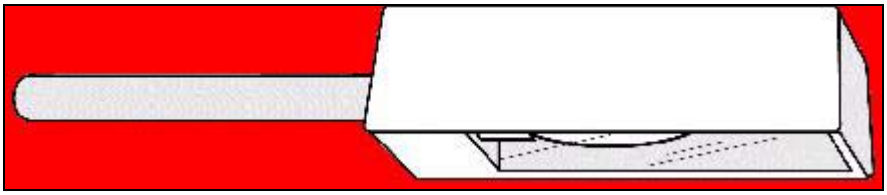
1. The owner or contractor of record shall install the approved outdoor lighting fixtures in conformance to the listing, manufacturer's specifications, and all applicable local building and electrical codes. An electrical permit and inspection by the permit-issuing agency is required.

H. Modifications, Waiver or Variation

Waivers may be granted in accordance with Chapter 11 Part 8.

I. Illustrations

Example of a fully-shielded or full-cutoff light.



4.1.4 Noise

***NOTE**: Section 4.1.4 is reserved. Noise standards may be drafted as part of a later phase of the Land Development Code, if regulation in addition to the existing noise ordinance is deemed necessary.*

4.1.5 Odor

Refer to applicable regulations administered by the Air Pollution Control District.

4.1.6 Operating Hours

The following operating hour restrictions shall apply to all uses that are within 100 feet of any property that is zoned residential, any solely residential use or any mixed use development that contains residential uses on the ground floor as measured from the closest property line of the proposed use.

A. Collection of Garbage and Recyclables - No garbage or recyclables collection services shall be conducted between the hours of 10:00 p.m. and 7:00 a.m.

B. Loading Operations - No loading or unloading operations shall be conducted between the hours of 10:00 p.m. and 7:00 a.m. This restriction shall also be applicable to the idling of any heavy or medium trucks on the site for the purpose of conducting loading or unloading operations regardless of whether said activities have already occurred or are scheduled to occur in the future.

4.2.1 Intent and Applicability[1]

Certain land uses due to their extent, nature of operation, limited application, or relationship to natural resources are considered as exceptional cases. The uses listed in this Part may be permitted in certain districts by Conditional Use Permit following a public hearing before the Board of Zoning Adjustment provided such uses will not have an adverse effect on neighboring property, are not in conflict with the goals and plan elements of the Comprehensive Plan, the proposed uses are essential to or will promote the public health, safety, and the general welfare in one or more zones, and are in compliance with the listed standards and requirements.

The following uses are subject to the Conditional Use Permit process:

4.2.3	Accessory Apartments
4.2.4	Airports, Heliports and Other Aviation Uses
4.2.5	All-Terrain Vehicle (ATV) Courses
4.2.6	Amusement Parks, Circuses and Carnival Grounds
4.2.7	Animal Race Tracks
4.2.8	Athletic Facilities
4.2.9	Bed and Breakfast Inns
4.2.10	Boarding Homes
4.2.11	Camping Areas and Recreational Vehicle Parks, Public and Private
4.2.12	Cemeteries, Mausoleums and Crematories
4.2.13	Commercial Animal Feeding Yards
4.2.14	Commercial Communication Towers
4.2.15	Commercial Greenhouses
4.2.16	Commercial Kennels
4.2.17	Commercial Lakes
4.2.18	Day Care Facilities (providing care for 8 or more persons)
4.2.19	Doctor, Dentist or Chiropractor
4.2.20	Drive-In Theaters
4.2.21	Earth Excavation, Filling and Refuse Disposal Operations, Major
4.2.22	Earth Excavations/Fill, Minor
4.2.23	Electric Power or Steam Generating Plants
4.2.24	Extraction and Development of Oil, Gas, and other Hydrocarbon Substances
4.2.25	Funeral Homes
4.2.26	Golf Driving Ranges, Miniature Golf Courses, and Privately Owned Golf Courses Operated for a Commercial Purpose

[1] See Appendix 1C for changes to this part in effect within the City of Middletown.

4.2.27	Home Occupations
4.2.28	Hospitals, Clinics, and other Medical Facilities
4.2.29	Institutions
4.2.30	Mobile Homes and Manufactured Housing Sales, Display or Storage
4.2.31	Marinas and Boat Rental Facilities
4.2.32	Marinas and Boat Rental Facilities, Commercial
4.2.33	Mini-warehouses
4.2.34	Mobile Home Parks
4.2.35	Multi-Family Dwellings
4.2.36	Nursing Homes and Homes for the Infirm or Aged
4.2.37	Off-Street Parking Areas
4.2.38	Outdoor Paint Ball Ranges
4.2.39	Potentially Hazardous or Nuisance Uses
4.2.40	Private Non-profit Clubs
4.2.41	Private Proprietary Clubs
4.2.42	Ranges for Shotgun, Rifle, Pistol, Air Rifle, Air Pistol or Other Firearms
4.2.43	Riding Academies and Stables
4.2.44	Scrap Metal Processing Facilities and Junkyards
4.2.45	Sewage Disposal Plants
4.2.46	Solid Waste Management Facilities
4.2.47	Sports Arenas
4.2.48	Storage Yards
4.2.49	Underground Space
4.2.50	Zoos

4.2.2 General Provisions

All Conditional Uses shall meet the following standards in addition to requirements listed for each section:

A. Additional Requirements **-** Where the Board finds that the conditions or circumstances relating to a particular application warrant more requirements in addition to those listed in connection with the particular use applied for, the Board may attach additional conditions; refer to 11.5.A.

B. Relief From Listed Requirements **-** The Board may decrease or waive listed requirements, either permanently or on a temporary basis; refer to 11.5.A.

C. Compliance With Listed Requirements and Attached Conditions **-** The Board shall have the power to revoke Conditional Use Permits for noncompliance with listed requirements or attached conditions. Furthermore, the Board shall have a right of action to compel the

removal of offending structures or uses at the cost of the violator and may have judgment in personam for such cost.

D. Drives and Parking Areas **-** All drives and parking areas (except landscaping areas) shall be surfaced with a hard and durable material and properly drained. Gravel drives and parking areas, as well as drives and parking areas constructed with semi-pervious materials approved by the Board, may be permitted.

E. Compatibility - Conditional Uses shall comply with all applicable standards of the Land Development Code, including the form district regulations, form district transition standards, and landscaping. Additional standards may be included in the listed requirements for a particular use.

F. Off-Street Parking Requirements - Off-street parking spaces shall be provided in accordance with Chapter 9, Parking Regulations unless otherwise listed. The Board may establish additional parking requirements

G. Lighting Requirements – Outdoor lighting shall conform to the design, light glare, and light trespass standards as stated in Chapter 4 Part 1, Outdoor Lighting Regulations.

H. Setbacks and Required Yards - All buildings, structures and facilities, whether permanent or temporary shall observe setbacks and yards in accordance with the appropriate Form District standards. Additional standards may be included in the listed requirements for that use.

I. Request For A Conditional Use Permit - Application Procedures for Conditional Uses are listed in Chapter 11, Development Review Procedures; of the Land Development Code. Additional requirements for applications may be included in the listed requirements for that use.

J. The Board of Zoning Adjustment shall have jurisdiction to waive any of the General Provisions and shall have jurisdiction to determine the scope, intensity, and activities included on a property.

K. Conditional uses are allowed in certain zoning districts. Zoning districts that contain permitted uses from other zoning districts do not allow the same conditional uses (e.g. C-2 zoning district conditional uses are only applicable in the C-2 zoning district, not within the C-M or EZ-1 zoning district). Always check the conditional use list in Chapter 4 Part 2 to determine whether the particular zoning district allows that conditional use.

L. Before the Board shall release any bond or other assurances given by the applicant for a conditional use permit as provided in this section, the applicant shall file with the Board the following:

1. Sworn statement of the holder of the conditional use permit that all the requirements, conditions, and assurances which were included in the application have been met.

2. If the approval of a conditional use permit included or referred to any surveys, drawings, plans, or specifications which showed the existing, proposed, and ultimate development of the conditional use, the applicant shall file with the Board a written opinion, certified by a professional engineer registered in Kentucky, that all work, improvements and developments have been constructed or installed in conformity with the plans filed with the conditional use application. Copies of this information shall be forwarded to the Director of Public Works for his/her review and recommendation to the Board. In case of a conditional use permit allowing excavation and filling operations, there shall be filed with the Board a survey, certified by a professional engineer registered in Kentucky, showing the finished surface and indications showing the layer of clean earth which was installed and compacted over the fill when the surface was brought to finished grade, in conformance with the approved plan. The indications shall be based on test hole borings taken no farther than 100 feet apart, starting no more than fiv feet inside and along the edges or boundaries of the fill.

3. A letter of recommendation to the Board from the Director of Works that all work, improvements or development are in conformity with his/her requirements, including a statement that he/she has reviewed the opinion of the engineer.

4.2.3 Accessory Apartments

Accessory Apartments may be allowed in the R-R, R-E, R-1, R-2, R-3, R-4, R-5 and U-N districts upon the granting of a conditional use permit and compliance with the listed requirements.

A. The principal and accessory dwellings shall be owned by the same person(s). Occupancy of the accessory unit shall occur only while the property owner(s) resides in the principal dwelling on the premises.

B. The accessory apartment shall be no greater than 650 sq ft or 30% of the floor area of the principal residence, whichever is greater.

C. If the accessory apartment is located in a freestanding structure, it shall not exceed the height of the principal residence. In the TNFD, permissible height shall be as allowed by the form district regulation, unless the Board approves a differing height. In all other form districts, if the freestanding structure is located within 25 feet of a property line, the height of the structure shall not exceed the average height of accessory structures on abutting parcels or 15 feet, whichever is greater, unless the Board finds that a different height limit is appropriate.

D. Sites having accessory apartments shall provide off-street parking for the principal and accessory apartment as follows:

1. Neighborhood Form District - at least three off-street spaces provided on the lot, no more than two spaces outdoors;

2. Traditional Neighborhood - at least one off-street space provided on the lot; and

3. Other form districts - at least two off-street spaces provided on the lot; the Board may require additional parking spaces as appropriate.

4.2.4 Airports, Heliports and Other Aviation Uses

Airports, Heliports and Other Aviation Uses may be allowed in any district upon the granting of a Conditional Use Permit and compliance with the following requirements:

A. Landing Areas - Landing areas shall be set back at least 50 feet from any property line.

B. Application - Applications for landing areas shall be sealed by a registered engineer, architect or surveyor depicting pertinent setback and spacing requirements and all associated approach/departure flight paths.

C. Evidence of Air Rights - Evidence shall be furnished to the Board of the acquisition of property or air rights over all land at the ends of all runways where the required glide path of aircraft, for the class of the airport, is 35 feet or less elevation from the ground.

D. All buildings and structures shall be at least 30 feet from any property line.

E. Permitted Hours of Operation – The Board shall determine hours of operation for aviation uses that may impact residential and other noise sensitive uses.

F. Parking – A minimum of one off-street parking space for each 100 square feet of waiting room space shall be provided. Where no waiting room is provided, two spaces for each craft staging or tie down pad or area shall be provided. The Board of Zoning Adjustment may waive the need for parking areas under appropriate conditions.

G. Lighting – Strobe lights shall be used only if no alternative lighting is permitted by federal regulation.

4.2.5 All Terrain Vehicle (ATV) Courses

All Terrain Vehicle (ATV) Courses may be allowed in the R-R, R-1, C-2 and C-M Districts upon the granting of the Conditional Use Permit and compliance with the listed requirements:

A. All buildings and structures shall be at least 30 feet from any property line.

B. A buffer strip shall surround the ATV course on all sides, with a minimum dimension of 50 feet. Fencing or other means to exclude vehicles from the buffer area shall be installed.

C. A noise impact study shall be prepared by an individual or firm with expertise and experience in the field of traffic noise demonstrating that noise levels at any perimeter of the site adjoining residentially zoned property do not exceed 50 dB(A).

D. An erosion and sedimentation control plan shall be prepared and approved by the Jefferson County Conservation District and MSD.

E. A tree preservation/landscaping plan shall be prepared, showing trees to be preserved in the buffer area and elsewhere on site as needed to preserve trees and to promote soil stability. The plan shall also show additional landscaping as needed to create a visual screen of the property from adjacent residentially zoned land.

F. One non-illuminated identification sign not to exceed 30 square feet in area and 10 feet in height may be provided at the main entrance.

4.2.6 Amusement Parks, Circuses and Carnival Grounds

Amusement Parks, Circuses and Carnival Grounds may be allowed in the R-1, C-2, C-M, M-1, M-2, M-3 and EZ-1 Districts upon the granting of a Conditional Use Permit and compliance with the listed requirements:

A. Signs - Except in districts where signs are allowed, one illuminated sign, not to exceed 100 square feet in area and not to exceed 10 feet in height may be erected at each major entrance.

B. Fences – A continuous fence, with a minimum height of 6 feet, shall be erected around the premises with openings only for ingress and egress into a public way.

C. All buildings and structures shall be located at least 50 feet from any property line.

4.2.7 Animal Race Tracks

Animal Race Tracks may be allowed in the R-1, C-2, and C-M Districts upon the granting of a Conditional Use Permit and compliance with the listed requirements:

A. Setbacks - All buildings, structures, facilities, or storage areas shall be at least 100 feet from any property lines.

B. Except in districts where signs are allowed, one sign, not to exceed 100 square feet in area and not to exceed 10 feet in height, may be located at each of the major entrances.

C. Animal race tracks located within one-half mile of residentially used or zoned property shall provide information on sound levels resulting from loudspeakers and hours of operation. The Board may establish conditions necessary to protect nearby residents.

4.2.8 Athletic Facilities

Indoor and outdoor athletic facilities, including sports fields, basketball and tennis courts, and related facilities such as equipment storage facilities, spectator seating, refreshment stands, restrooms, locker rooms and parking except for paint ball ranges are permitted in the M-1, M-2, and M-3 districts provided that the following standards are met:

A. The athletic facilities are located in a suburban form district; and

B. Pedestrian and vehicular circulation patterns, including location of parking lots and driveways, must be designed to safely accommodate recreational users and avoid conflict with truck traffic, as determined by the Director of Works ; and

C. If recreational uses are located within 500 feet of residential use or zone, the applicant shall submit a lighting plan documenting compliance with Section 4.1.3 (Lighting ordinance); and

D. Athletic facilities in the M-1, M-2 and M-3 districts subject to special standards may serve three purposes:

1. To allow a transitional use of industrially zoned land, while preserving the community's supply of industrially zoned property until such time as market demand justifies use of such property in a manner that will significantly meet the community's economic development needs; or
2. To allow use of parcels for permanent open space or recreational purposes serving employees of an industrial development; or
3. To accommodate greenways or similar open space use of environmentally constrained land, with or without trail systems or other recreational facilities.

Thus, athletic facilities are permitted only when the applicant indicates which of the three purposes the proposed use will meet, and can demonstrate the following to the satisfaction of the Board of Zoning Adjustment or the Board's designee:

If Transitional Use: The proposed athletic facilities do not entail construction of permanent facilities that are inconsistent with industrial use of the site.

If Permanent Open Space/Recreation Use: The site is an integral component of a multi-lot business or industrial park, and the recreation facilities primarily benefit persons working at the industrial park.

If Greenway or Environmentally Constrained: The site is subject to environmental constraints regulated in Chapter 4 Parts 6, 7, or 8, and is precluded from development by conservation easement or restriction on the development plan.

4.2.9 Bed and Breakfast Inns

Bed and Breakfast Inns may be allowed in the R-R, R-1, R-2, R-3, R-4, R-5, U-N, R-5A, R-5B, and R-6 Districts upon the granting of a Conditional Use Permit and compliance with the listed requirements.

A. Number of guest rooms permitted:

1. R-R, R-1, R-2, R-3, R-4, R-5, U-N, R-5A, and R-5B – limited to 4.

2. All other districts where permitted – maximum of 8.

B. Guests are limited to a length of stay no more than 7 consecutive days. The resident owner shall keep a current guest register including names, permanent addresses, dates of occupancy, and motor vehicle license number of all guests.

C. Bed and Breakfasts may provide food service or space for gatherings such as meetings, receptions, or other social events only to overnight guests. No food preparation will be allowed in any guest bedroom.

D. Any signage which identifies the use shall be in accordance with the underlying zoning and form district standards.

E. The location of parking shall comply with the same parking standards as a single family detached dwelling unit, except any additional parking beyond what can be accommodated in a driveway no wider than to sufficiently park two (2) cars must be out of the required setback and yards as specified in the underlying Form District requirements. Parking for guests shall not be served by a separate driveway from that serving the principal residential structure.

NOTE: *Owners are required to reside in the primary structure on the premises; see Definitions (Chapter 1 Part 2).*

4.2.10 Boarding Homes

Boarding Homes may be allowed in the R-R, R-E, R-1, R-2, R-3, R-4, R-5, and R-6 districts upon the granting of a Conditional Use Permit and compliance with the following requirements.

A. Boarding Homes located in R-E, R-R, R-1, R-2, R-3, R-4 and R-5 single-family districts shall have a maximum of 3 boarders in addition to resident family members of the boarding house keeper. Those Boarding Homes located in other districts shall have a maximum of 8 boarders.

B. All boarding homes shall comply with the administrative and maintenance requirements established in 902 KAR 20:350.

C. Boarding Homes shall not have any signage which identifies the use.

4.2.11 Camping Areas and Recreational Vehicles Parks, Public and Private

Camping Areas and Recreational Vehicles Parks, Public and Private may be allowed in any district upon the granting of a Conditional Use Permit and compliance with the following requirements:

A. Buffer Strips - An open space buffer strip shall be maintained along all property lines in which campfires, or any other camping appurtenances shall not be located. The open space buffer strip shall be a minimum of 10 feet along any side or rear property line and a minimum of 30 feet along any front or street side property line.

B. Signs - Except in districts where signs are allowed, there shall be no more than one non-illuminated sign not to exceed 30 square feet in area, with a maximum height of 10 feet, located at the major entrances.

C. Traffic Impacts - Facilities shall be located and designed so that no entrance or exit shall require movement of traffic to or from the camping area or park through a recorded single-family subdivision.

D. Limits on Periods of Use - No property, camp, or individual camp site shall be sold or leased for a longer period than one month, that does not conform to the minimum lot area established for the district in which it is located or to a minimum lot area of 6,000 square feet for a district having no minimum lot area.

E. Trash and Garbage Collection - The RV Park or Camping Area Management shall be responsible for internal trash and garbage collection. Central trash collection points shall be completely screened from view from outside the park.

F. Health and Safety - Parking pads for recreational vehicles and individual camp sites shall not be exposed to conditions that create hazards to the property or the health or safety of the occupants. No portion of the park or camping area subject to flooding or subsidence shall be used for any purpose which would expose persons or property to hazards.

G. Vehicular Use Areas - Vehicular use areas shall be paved and shall be clearly marked as to internal circulation and direction of travel. Pavement widths for travel lanes shall be as follows:

1. One-way Travel Lane - 18 Feet

2. Two-way Travel Lane - 24 Feet

3. Cul-de-sac Diameter - 80 Feet

4.2.12 Cemeteries, Mausoleums, and Crematories

Cemeteries, Mausoleums, and Crematories may be allowed in any district upon the granting of a Conditional Use Permit and compliance with the following requirements:

A. Fences - A fence, with a minimum height of 6 feet, shall be erected around the premises with openings only for ingress and egress to a public way.

B. Required Yards - No required yard shall be occupied by graves. There shall be a 30 foot landscaped or open space buffer between the property line and any building, structure, or gravesite. No gravesites shall be placed closer than 30 feet from any property line and at least 30 feet from the right-of-way line for existing and planned public streets. This shall not apply to roads designed for internal circulation within the cemetery, mausoleum or crematory property.

C. All roads used solely for internal circulation shall have a minimum pavement width of 16 feet and a minimum shoulder width of 6 feet on each side of the pavement. Roads providing access to chapels or offices shall have minimum pavement width of 18 feet.

4.2.13 Commercial Animal Feeding Yards (including hogs, chickens, and other animals as determined by the Board of Zoning Adjustment) (*Not in effect within the City of Jeffersontown, see appendix 1B for details*)

Commercial Animal Feeding Yards may be allowed in M-2 and M-3 Zoning Districts upon the granting of a Conditional Use Permit and compliance with the listed requirements.

A. All buildings, structures, pens, and yards shall be at least 100 feet from all property lines.

B. Adequate water supply shall be available to maintain the premises in a sanitary condition.

C. The applicant shall demonstrate adequate provisions to prevent surface water quality impacts due to animal wastes.

4.2.14 Commercial Communication Towers (including radio and television towers)

Commercial Communication Towers may be allowed in any district upon the granting of a Conditional Use Permit and compliance with the listed requirements.

A. All buildings and structures shall be at least 30 feet from any property line.

B. The property shall be landscaped to blend with the character of the area.

C. No signs except those signs showing the address and/or emergency contact information shall be allowed on the property.

D. When a tower is higher than the distance from its base to the nearest property line, there shall be a certification from a registered engineer that the tower will withstand winds of 100 miles per hour.

E. Strobe lights are prohibited unless they are the only marking technique that satisfies federal regulations.

4.2.15 Commercial Greenhouses/Plant Nurseries

Commercial Greenhouses/Plant Nurseries may be allowed in the R-R, R-1, R-2, R-3, R-4, R-5, R-5A, R-5B, R-6, R-7, R-8A, OR-1, OR-2, OR-3 and OTF Districts upon the granting of a Conditional Use Permit and compliance with the listed requirements.

A. Buffers and Screening - Greenhouses and other structures shall be buffered and screened in accordance with standards for commercial uses in Chapter 10, Landscaping, Screening, and Open Space. Parking lots shall be screened from adjacent properties in accordance with the provisions of the Development Code.

B. Setbacks – All buildings and structures shall be at least 50 feet from the front property line and a minimum of 20 feet from any other property line.

C. Freestanding Signs - Only one freestanding sign shall be permitted. The freestanding sign shall not exceed 32 square feet in area per side and shall not exceed a height of 6 feet. The maximum height shall include any berm, landscape mound, or other manmade alteration above the surrounding ground level.

D. Attached Signs – Only one attached sign shall be permitted. The one attached sign permitted shall be attached to the primary building only and no attached sign shall be permitted on any other buildings on the site. The attached sign shall not exceed 20 square feet in area, shall be attached flat to the face of the building, and shall not project more than 18 inches from the face of the building.

E. Outdoor Display and Storage - No plant material offered for sale shall be permitted in any required front, street side or side yard.

F. Sale of other plant or landscape-related materials, including but not limited to fertilizer, mulch, flower pots, and landscape timbers, is permissible only if sale of such items is clearly accessory to the growing and sale of plant material.

4.2.16 Commercial Kennels

Commercial Kennels may be located in the R-R, R-E, R-1, R-2, R-3, R-4, R-5, C-1, C-2, C-M, M-1, M-2, and M-3 Zoning Districts where such use is compatible with surrounding land uses upon the granting of a Conditional Use Permit when developed in compliance with the listed requirements.

A. Facilities Enclosed - All facilities, except parking, shall be within a totally enclosed building except where it can be demonstrated that a nuisance is not created thereby.

B. Signs - Except in districts where signs are allowed, there shall be no more than one non-illuminated sign not to exceed 12 square feet in area and not to exceed 6 feet in height.

C. Fences - A continuous fence at least 6 feet high shall be erected around the portion of the site used for the kennel operation.

D. Screening – Any outdoor animal facilities shall be screened from view.

E. Noise - The design of the structures shall include features that acoustically shield any animal noises from surrounding property.

F. The applicant shall demonstrate adequate provisions to prevent surface water quality impacts due to animal wastes.

4.2.17 Commercial Lakes

Commercial Lakes may be allowed in any district upon the granting of a Conditional Use Permit and compliance with the following requirements:

A. All buildings and structures shall be at least 30 feet from any property line.

B. Signs - Except in districts where signs are allowed there shall be no more than one non-illuminated sign not to exceed 12 square feet in area, nor exceed a maximum height of 6 feet, at the major entrances.

C. Construction Standards - The construction of the lake shall conform to the requirements as set forth under excavation and filling operations.

D. Off-street parking spaces shall be provided in the ratio of one space for every 100 feet of lakeshore, with a minimum of 10 spaces.

4.2.18 Day Care Facilities (providing care for 8 or more children)

Day Care Facilities may be allowed in the R-R, R-E, R-1, R-2, R-3, R-4, R-5, U-N, R-5A, R-5B, R-6, and R-7 districts upon the granting of a Conditional Use Permit and in compliance with the listed requirements.

A. Signs - There shall be allowed one non-illuminated sign identifying the name and use, which sign shall be limited in size to four square feet and be placed on the building.

B. Residential Structure - The structure shall remain or shall be constructed so that the exterior design and ornamentation is residential in character and compatible with the immediate neighborhood, so that there is no evidence from the street that the use is other than residential (except for the sign).

C. Alterations or Improvements to the Structure - Where such a use is permitted in a structure which has been used as a residence, the permittee shall make no substantial alterations or improvements to the structure which would impair the structure's use as a residence at a later time.

D. On-Site Drop-off and Pick-up Area - An on-site area shall be provided where passengers from automobiles may safely exit the automobile and enter the building and vice versa. The design of this area must be approved by the appropriate agency responsible for traffic engineering.

E. Parking Spaces - The appropriate number of parking spaces shall be provided for members of the day care center staff. The number of parking spaces required pursuant to this section shall be determined by the Board of Zoning Adjustment, and may thereafter be modified by the Board of Zoning Adjustment by petition from the owner of the premises granted a Conditional Use Permit or upon recommendation from the zoning inspector or other authorized personnel after an annual inspection of the premises or other such inspection. The parking layout must be approved by the appropriate agency responsible for traffic engineering.

F. Drainage Control - The development plan shall have the approval of the appropriate agency responsible for surface drainage control.

G. All buildings and structures shall conform to the requirements of the zoning and form district in which they are located.

H. Fence - A fence with a minimum height of 4 feet shall be erected around the outdoor play area.

4.2.19 Doctor, Dentist or Chiropractor Office

One office for one medical doctor, dentist or chiropractor may be allowed on a lot in the R-4, R-5, R-5A, R-5B, R-6, and R-7 districts where the premises abuts a major or minor arterial designated in the Comprehensive Plan for all of Jefferson County, Kentucky, upon the granting of a Conditional Use Permit and compliance with the listed requirements

A. Floor Area - The maximum floor area for the office use is 800 square feet.

B. Parking Areas - parking spaces shall be provided off of the street in an area to the rear of the premises, so that the off-street parking area shall not be between a street and the building. Said parking area must be paved by asphalt or concrete and shall be screened by a dense evergreen shrub screen with a minimum height of five feet, or a wall constructed of brick, stone or wood with a minimum height of five feet.

C. Signs - There shall be allowed one non-illuminated identification sign indicating the name and occupation, which sign shall be limited in size to four square feet and placed on the building.

D. Exterior Design - The building shall remain or shall be constructed so that the exterior design and ornamentation is of residential character in keeping with the immediate neighborhood, so that there is no evidence from the street that the use is other than residential (except for the sign).

4.2.20 Drive-In Theaters

Drive-In Theaters may be allowed in the R-R, R-1, C-2, and C-M Districts upon the granting of a conditional use permit and compliance with the listed requirements.

A. Approval of plan of access to the highway from the agency responsible for maintenance of such highway shall be obtained.

B. There shall be no direct access to a major or minor arterial as designated in the Comprehensive Plan for all of Jefferson County, Kentucky, where there is a possibility of access to a lesser road.

C. All buildings and structures except fencing shall be at least 100 feet from any property line.

D. Provisions shall be made for temporary stoppage of vehicles on the premises of at least 30 percent of the capacity of the theater, to prevent traffic congestion on adjacent public ways.

E. The picture screen shall not face or be placed to be viewed from any major or minor arterial as designated in the Comprehensive Plan for all of Jefferson County, Kentucky, and shall be screened from view by trees or fences from any adjacent road.

F. Drive-in Theaters located within one-half mile of residentially used or zoned property shall provide information on sound levels resulting from loudspeakers and hours of operation. The Board may establish conditions necessary to protect nearby residents.

G. The entrances and exits shall be located so as to afford unobstructed sight distance for 300 feet in each direction along the highway.

H. Except in districts where signs are allowed, no sign shall exceed one square foot in area for each foot of frontage on the highway, but in no case shall exceed 200 square feet in area and no sign shall exceed 10 feet in height. In no case shall signs which face a residential district be of the flashing type.

4.2.21 Earth Excavation, Filling, and Refuse Disposal Operations, Major

Excavation, Filling, and Refuse Disposal Operations, Major may be allowed in R-R, R-1, M-2 and M-3 Districts upon the granting of a Conditional Use Permit and compliance with the listed requirements.

A. Defined - Any operation which involves a change in the existing ground surface, except (1) grading and shaping of land around a building or structure and except (2) minor earth excavations not constituting a quarry, borrow pit, or commercial operation and/or filling of land with non-combustible, inorganic materials (See Section 04-02-21) shall be subject to the following regulations. Such uses include but are not limited to the following:

1. Extraction and development of earth products, mineral and other natural resources, including sand, gravel pits, quarries, and borrow pits.

2. Landfills for non-combustible materials.

3. Incinerators, public/private.

4. Any other landfills (except for hazardous material).

5. Commercial composting.

B. Other Standards - The proposed operation shall meet all requirements of the adopted Environmental Performance Standards.

C. Neighborhood Protection - The operation shall be conducted in such a manner as to offer protection to the neighborhood against possible detrimental effects, taking into consideration the physical relationship to surrounding properties and access to the site including any nearby local (residential) streets

D. Information to be Filed:

1. Drawings - A plan drawn at a scale of not less than 100 feet to the inch showing the following:

   a. Boundaries - The exact boundaries of the site and access to public ways.

   b. Use of Land - Present and proposed use of land, the arrangement, fully dimensioned, of all existing and proposed buildings, structures, roads, drives, parking areas, loading spaces, water, sewer, power, and other utility lines, sanitary facilities, surface drainage, landscaping, fencing, and all other features and facilities to be installed or used in connection with the proposed operation.

   c. Contours - Show by contours of not less than 2 foot intervals (except on extremely steep slopes):

      i. The present surface of the site and the surrounding properties within 50 feet from its boundaries by the use of dashed contours.

      ii. The ultimate depth elevations of the area to be excavated or filled by the use of dot and dash contours.

      iii. The ultimate finished surface of the site after all excavation and filling operations are completed by the use of solid line contours.

      iv. If the ultimate finished surface elevation is exactly the same as the ultimate depth elevation, solid line contours alone may be used, but must be so labeled in the plan legend.

   d. Excavation Methods - Cross sections at critical points to illustrate the methods to be employed in the process of excavation and fill.

   e. Sequence of Operations - Locations where excavation and filling operations will commence and the procedural sequence of operations.

   f. Surface Drainage - Methods to be employed for the management of quantity and quality of surface drainage during and after completion of operations.

   g. Volumes - The volumes of materials to be excavated and filled for each location on the site where operations are to take place.

   h. Off-Site Improvements - Improvements such as new roads and pavement to be installed off the site to enable the operation to be carried out.

i. Adjoining Property Owners - The plan shall show the names and addresses of the owners of the site and all adjoining properties, the name and address of the engineer who prepared the plan, scale, northpoint, the geographical relationship of the site to existing public ways and major or minor arterials as designated in the Comprehensive Plan for all of Jefferson County, Kentucky.

E. General Standards:

1. No excavation nor filling shall be made within 50 feet of any boundary of the site.

2. Side slopes of excavation and fills in earth, sand or gravel shall not exceed one foot vertical to two feet horizontal and shall be blended into undisturbed existing surfaces.

3. A continuous fence a minimum of 6 feet high shall be placed along the boundaries of excavated areas and provided with gates of the same construction as the fence which shall remain locked at all times when active operations are not taking place and shall be properly maintained until all operations are completed.

4. Additional landscaping is required in the buffer areas between excavation and fill areas and buildings and structures.

5. Provisions shall be made for the disposal of surface water falling on or crossing the site at all times during and after completion of the operations. The operations shall not obstruct the normal flow of any public drain, or abrogate the riparian rights of any other party to a stream or drain. No operation shall begin until construction approval has been approved from the agency responsible for surface water drainage.

6. The depth of excavation and the materials to be used for fill shall not have any adverse effect on the supply, quality, or purity of ground water or wells. In no case shall an excavation be carried to a depth below an elevation of 410 feet above mean sea level.

7. A layer of clean earth at least two feet thick shall be deposited and thoroughly compacted over all fill to bring the surface to the finished surface grade as shown on the topographic plan filed with the application.

8. The finished surface of the site shall bear the proper relationship to that of adjoining properties.

9. The installation of roads, parking areas, buildings, structures, and operational facilities and equipment shall be located on the site so that adjoining properties will not be adversely affected.

10. Excavation and fill materials shall be moved off and onto the site in vehicles approved by the appropriate Director of Works.

11. All filling operations and final approval shall be in strict conformity with the regulations of the Louisville and Jefferson County Board of Health; Air Pollution Control District; Kentucky Department for Environmental Protection and the appropriate Director of Works. Letters or Certificates of Approval of the plans by the above agencies indicating prior review shall be filed prior to the issuance of any Conditional Use Permit. Uses shall not begin until final approval has been obtained and filed in the Board of Zoning Adjustment docket file.

12. The operation shall be conducted so as not to create a nuisance or cause undue noise, vibration, dust, odor, or light to adjacent properties. The premises shall be kept in a neat and clean condition at all times. No loose paper or debris shall be allowed on the site except on areas where active filling operations are taking place. Dusty conditions shall be corrected by sprinkling with water or by the use of calcium chloride or other method that meets current state standards. No fires shall be permitted. Any smoldering flame or spontaneous combustion shall be immediately extinguished.

13. In no event will the premises be used for salvage operations of any kind. No separation or picking of waste materials will be permitted. All unacceptable fill materials as noted elsewhere in this section shall be removed from the premises immediately after delivery.

14. Except for protective fences, no building or structure erected in connection with the operation shall be located in any required yard or closer than 30 feet from any property line.

15. A specific written or site plan for vehicle cleaning facilities to prevent the tracking of mud, dirt or other debris onto any public roadway shall be reviewed and approved by the appropriate Director of Works before public hearing.

16. No materials defined as hazardous by these regulations, by the Kentucky Cabinet for Natural Resources and Environmental Protection or Federal Environmental Protection Agency will be allowed as fill.

F. Standards for Specific Operations:

1. In addition to the general standards listed above, the following additional standards shall apply to:

   a. Land-fills for non-combustible material:

i. Fill material shall be limited to inorganic materials and other substances not subject to decomposition, combustion, or the production of odors.

ii. Materials shall be spread and thoroughly compacted as they are deposited.

b. Incinerators, public and private:

i. No incinerator building or structure shall be located closer than 200 feet from any site boundary line, and no other building or structure used in connection with the operation shall be located closer than 30 feet from any site boundary line.

ii. The entire site shall be enclosed with fencing and gates as required by this Section.

iii. All materials delivered to the site which are organic or of organic origin or other combustible materials such as paper, cardboard, rubber, plastic, wood fiber, sawdust, floor sweepings, plaster board, framing, lumber, laths, tree stumps, trunks, branches, foliage, furniture, rags, garbage, and industrial wastes and including metal and glass containers shall be burned in the incinerator.

iv. All residue resulting from the burning operations and other fill materials which are inorganic or substances which are not subject to decomposition, combustion, or the production of odors shall be disposed of properly.

v. All materials which are to be burned shall be placed on or in a concrete slab or hopper enclosed by a building, masonry walls, or chain link type fencing at least 6 feet high provided with doors or gates which shall be securely locked when the incinerator is not in operation. The materials shall be transferred from the slab or hopper into the incinerator and shall be burned as soon as practicable. The slab or hopper shall be kept clear of all materials when not in active use.

vi. There shall be no separation or picking of materials or storage for salvage thereof on the site (scavenging).

vii. All deliveries of materials to the site, shall be done between the hours of 7:00 A.M. and 6:00 P.M. on weekdays only, except otherwise necessitated by extraordinary circumstances.

viii. A watchman shall be stationed at the site at all times for whom a suitable shelter or living quarters shall be provided.

ix. Sanitary toilet facilities shall be provided on the site in accordance with the requirements of the Department of Health.

c. Any other land fills (except hazardous materials):

i. No building or structure, except fencing, used in connection with the operation shall be located closer than 30 feet to any site boundary line.

ii. All plans shall show all pipelines used for gas collection, migration, etc. as well as the location of vents, flares, etc.

iii. The entire site shall be enclosed with fencing and gates as required by this Section.

iv. All materials delivered to the site which are organic in origin and all paper, cardboard, plastic, metal and glass containers, wood fiber, sawdust, floor sweepings, plaster board, framing lumber, laths, tree stumps, trunks, branches, foliage, furniture, rags, garbage, and industrial wastes shall be deposited and thoroughly compacted in layers not to exceed two feet in depth. Rubber tires, dead animals, and by-product wastes of a gaseous, liquid, or semi-liquid nature such as tar, paints, solvents, sludge, rubber, and plastics and other flame or fume producers may be permitted as fill material after the Kentucky Natural Resources and Environmental Protection Cabinet issues permission, unless specifically prohibited by the Board of Zoning Adjustment. Each day's deposit, after compaction, shall be covered with a layer of earth at least 6 inches in thickness after compaction. The face of the fill as well as the horizontal surface shall be covered with a layer of earth to prevent any movement of fill by wind or water erosion. Alternative methods may be allowed if approved by the Kentucky Natural Resources and Environmental Protection Cabinet and the Board.

v. There shall be no separation or picking of materials or storage for the salvage thereof (scavenging) on the site. All unacceptable fill materials as noted above shall be removed from the premises immediately after delivery.

vi. Water lines shall be installed, connected to a public water supply, or to some other source, which by use of pumps will provide water in sufficient quantity to combat fires or settle dust.

vii. Sanitary toilet facilities shall be installed in accordance with the requirements of the Department of Health.

viii. No fires shall be permitted. Any smoldering flame or spontaneous combustion in the fill shall be immediately extinguished.

ix. A watchman shall be stationed at the site at all times for whom a suitable shelter or living quarters and sanitary facilities shall be provided on the site.

x. The premises shall be kept neat and clean at all times, no loose paper or debris shall be allowed on the site except on areas where active filling operations are taking place. Dusty conditions shall be corrected by sprinkling with water or by the use of calcium chloride or some other method that meets current state standards.

xi. All deliveries of materials to the site, filling, spreading, compacting, and grading shall be done between the hours of 7:00 A.M. and 6:00 P.M. on weekdays only.

xii. Filling operations shall begin immediately upon the issuance of a permit. All areas shall be refilled to finish grades as shown on the topographic map filed with the application within a period of five years after commencement of operations. The Board may extend such time limit after a public hearing, but in any event all excavations on the site shall be refilled to finish grade within 10 years after commencement of operations.

xiii. No filling activities shall occur within 200 feet of a residential structure existing at the time of issuance of the Conditional Use Permit.

d. Borrow pits and Earth Excavations:

i. No building or structure, except fencing, used in connection with the operation shall be located closer than 30 feet from any site boundary line.

ii. Areas where excavations have been made and are taking place shall be enclosed with fencing as required above.

iii. Sanitary toilet facilities shall be installed in accordance with the requirements of the Department of Health.

iv. A watchman shall be stationed at the site at all times when active operations are taking place for whom a suitable shelter or living quarters and sanitary facilities shall be provided on the site.

v. No excavation, screening, stockpiling, filling or hauling shall be done except between the hours of 7:00 A.M. and 6:00 P.M. on weekdays.

vi. Re-filling operations as required shall begin immediately on areas when excavations have been made to the ultimate depth and such areas shall be refilled to finish grade as shown on the topographic map filed with the application within a period of five years after commencement of excavation operations. The Board may extend such time limit after a hearing, but in any event all excavations on the site shall be refilled to finish grade within 10 years after commencement of operations.

G. Guarantee:

To insure the strict compliance with all of the above conditions and requirements, the applicant shall deposit with the Board cash or a certified check, or execute a bond with a corporate surety authorized to do a surety business in Kentucky. The amount of cash, certified check, or bond shall be fixed at the rates as listed below for each acre, or portion thereof, of the site where the excavation or filling operation is located.

1. Extraction and development of earth products, minerals, and other natural resources - $2,000.00 per acre

2. Borrow pits and earth excavations - $2,000.00 per acre

3. Landfills for non-combustible materials - $2,000.00 per acre

4. Incinerators, public and private - $25,000.00 per incinerating unit

5. Lakes and lagoons - $2,000.00 per acre

6. Contained landfills - $5,000.00 per acre

7. Commercial composting - $5,000.00 per acre

If there is a combination of any of the above operations, the larger amount shall apply.

4.2.22 Earth Excavations/Fill, Minor

Earth Excavations/Fill, Minor not constituting a quarry, borrow pit or commercial operation and/or filling of land with non-combustible inorganic materials are allowed in any district upon the granting of a Conditional Use Permit and compliance with the listed requirements.

A. A plan for minor excavations and/or filling must receive approval from the Metropolitan Sewer District, and the director of the Planning Commission with review and comment by the Soil Conservation Service.

B. No excavation shall be below the normal water table, nor shall such operation have an adverse effect on the supply, quality, or purity of ground water or wells.

C. The finished surface of the site shall bear the proper relationship to that of adjoining properties.

D. Excavation and fill materials shall be moved off and on the site in vehicles approved by the City of Louisville and Jefferson County.

E. The operation shall be conducted so as not to create a nuisance or cause undue noise, vibration, dust, odor, or candescence to adjacent properties. The premises shall be kept in a neat and clean condition at all times. No loose paper or debris shall be allowed on the site except on areas where active filling operations are taking place. Dusty conditions shall be corrected by sprinkling with water or by the use of calcium chloride or some other approved method. No fires shall be permitted. Any smoldering flame or spontaneous combustion shall be immediately extinguished.

F. In no event will the premises be used for salvage operations of any kind. No separation or picking of waste materials will be permitted. All unacceptable fill materials as noted elsewhere in this section shall be removed from the premises immediately after delivery.

G. No building or structure shall be erected in connection with the operation.

H. Fill material shall be limited to nonpolluting, inorganic, non-combustible materials and soil. Rubber tires, dead animals, and by-product wastes of a gaseous liquid, or semi-liquid nature such as tar, paints, solvents, sludge, rubber, and plastics and other flame or fume producers shall not be permitted as fill material.

I. Any of the requirements of Section 4.2.21 of this section which the Board finds to be appropriate or necessary may be applied to the operation.

J. Time limits and stabilization measures on completion shall be specified.

4.2.23 Electric Power or Steam Generating Plants

Electric Power or Steam Generating Plants may be allowed in the M-3 and EZ-1 districts upon granting of a Conditional Use Permit and compliance with the following regulations:

A. When applicable, the applicant shall provide documentation from the Kentucky State Board on Electric Generation and Transmission Siting that a complete application required to obtain a construction certificate to construct a merchant electric generating facility has been submitted. Relevant portions of the application shall be submitted for the Board's consideration, as requested by staff.

B. All structures housing generating equipment and outdoor storage facilities shall be set back at least 1,000 feet from the property line when adjacent to any non-industrial use or zoning district. Offices and employee parking areas are required to be located at least 30 feet from any property line.

C. Facilities adjacent to property used or zoned for residential purposes shall provide a landscape buffer 60 feet wide and planted with three staggered rows of trees, half evergreen and half deciduous, with trees in each row no more than 20 feet apart.

D. All facilities shall be enclosed within a continuous fence with a minimum height of 8 feet.

E. The applicant shall submit to the Board of Zoning Adjustment a copy of any applicable requirements or permits approved by the Air Pollution Control District.

F. Merchant Power Plants must comply with all the applicable regulations in KRS Chapter 278.

4.2.24 Extraction and Development of Oil, Gas, and other Hydrocarbon Substances

Extraction and Development of Oil, Gas, and other Hydrocarbon Substances may be allowed in any district (unless otherwise restricted) upon the granting of a Conditional Use Permit and compliance with the following requirements:

A. Location of Bore Holes - No oil or gas bore hole shall be drilled within 300 feet of a state highway or county road or within 150 feet of any other public way. No building or structure, except fencing, shall be located closer than 30 feet from any site boundary line.

B. Limit on Wells - No more than one well shall be permitted for each 5 acres of land.

C. Removal of Drilling Equipment - Within 90 days after the drilling of each well has been completed and production started, the derrick and all other drilling equipment shall be removed from the site.

D. Portable Derricks - Any derrick erected for servicing operations shall be of a portable type.

E. Storage of petroleum or its By-products - After a well has been brought into production, no earthen sumps shall be used for the storage of petroleum or its by-products.

F. Fire Protection - Fire fighting equipment, as required and approved by the fire department concerned, shall be maintained on the premises at all times during drilling and production operation.

G. Landscape Restoration - Any areas of site disturbance resulting from construction operations shall be landscaped or replanted to native plant materials.

H. Refining of Petroleum Products - No plant for the refining of petroleum products from such operation shall be permitted on the site.

I. Signs - One sign, not to exceed 12 square feet in area and not to exceed 6 feet in height, may be erected at each of the major entrances to the site, except in districts where signs are allowed.

J. Operations - All drilling and production operations shall be conducted in such a manner as to eliminate, as far as practicable, dust, noise, vibration, and obnoxious odors, in accordance with the best accepted practices incident to drilling for, and production of, oil, gas, and other hydrocarbon substances.

K. Removal of Facilities and Equipment - In the event oil or gas is not produced in paying quantities all material, equipment, and structures used in the drilling operations shall be completely removed from the site, and the well properly abandoned within one hundred twenty days after drilling operations cease.

L. Abandonment of Wells - Upon completion of drilling, redrilling, or conditioning operations, and on abandonment of the well, all earthen sumps shall be drained and backfilled to the natural grade. Subject to the above conditions, a new sump may be constructed upon resumption of conditioning or redrilling operations.

M. Deposit - The applicant shall deposit cash, certified check, or bond with surety made in favor of the Louisville and Jefferson County Board of Zoning Adjustment to insure proper compliance with these regulations before drilling operations are commenced.

4.2.25 Funeral Homes

Funeral Homes may be allowed in the R-7, OR-1, OR-2, OR-3, OTF, and C-R Districts upon the granting of a Conditional Use Permit and compliance with the listed requirements:

A. Funeral homes shall abut on a major or minor arterial as designated in the Comprehensive Plan for all of Jefferson County, Kentucky.

B. Signs - One non-flashing identification sign, not to exceed 15 square feet in area and not to exceed 10 feet in height, may be allowed, provided such sign is not in or over a required yard.

C. The main building shall be located at least 30 feet from any property line.

4.2.26 Golf Driving Ranges, Miniature Golf Courses, and Privately Owned Golf Courses Operated for a Commercial Purpose

Golf Driving Ranges, Miniature Golf Courses, and Privately Owned Golf Courses Operated for a Commercial Purpose may be allowed in the R-R, R-1, C-2, and C-M Districts upon the granting of a Conditional Use Permit and compliance with the listed requirements.

A. All buildings and structures shall be at least 30 feet from any property line.

B. Protection of Adjacent Properties - Fences, plantings, or sufficient area shall be provided to insure the safety and protection of persons on all adjacent land. Any netting used for the protection of adjacent properties shall observe yard and height requirements of the district in which it is located.

C. Signs - Except in districts where signs are allowed, one non-flashing sign, not to exceed 60 square feet in area and not to exceed 10 feet in height, may be provided at the major entrance.

D. Driving Directions - All driving directions shall be away from any street, highway or residential area.

4.2.27 Home Occupations

Home Occupations seeking to have additional nonresident employees (beyond the extent of what is allowed in Section 4.4.5) may be allowed in any residential zoning district upon granting of a Conditional Use Permit and compliance with the listed requirements:

A. The additional nonresident employee(s) will not cause the home occupation to be a nuisance to adjacent or nearby residences or a detriment to the residential character of the neighborhood.

B. The applicant should demonstrate that the additional parking needed to accommodate the additional nonresident employee(s) can be provided on an existing driveway in a manner that is similar to adjacent or nearby residences or on-street in accordance with the provisions of Chapter 4 Part 4 of the Land Development Code.

C. The home occupation will continue to meet all other applicable requirements of Chapter 4 Part 4 of the Land Development Code.

4.2.28 Hospitals, Clinics, and Other Medical Facilities

Facilities requiring a Certificate of Need issued by the Commonwealth of Kentucky, including hospitals, clinics, and other medical facilities, may be allowed in any district upon the granting of a Conditional Use Permit and compliance with the listed requirements:

A. Signs - One freestanding sign, not to exceed 80 square feet in area or 10 feet in height, may be placed at each of the major entrances, except in districts where signs are allowed. Attached signs may be located at any height. The Board shall determine the size of all attached signs.

B. All buildings and structures shall be at least 30 feet from any property line.

4.2.29 Institutions

Institutions may be allowed in any district upon the granting of a Conditional Use Permit and compliance with the listed requirements.

A. If using an existing residential building constructed contemporaneously with the surrounding neighborhood, its exterior appearance shall not be substantially altered.

B. New construction within an area having an established front building setback shall be constructed at the average setback line or the minimum front yard of the form district, whichever is less. Structures adjacent to residential uses or zoning districts shall increase side yards by 10 feet for each story over two.

C. One parking space on site shall be provided for each staff person, plus two spaces for each five residents, or five clients served by the institution. Parking shall be reduced to one space per five residents/clients if the institution serves persons with disabilities that preclude operation of an automobile.

D. One freestanding sign not to exceed 10 square feet and 4 feet in height shall be allowed.

E. The Board shall add any additional restrictions necessary to mitigate nuisances or adverse effects.

4.2.30 Mobile Homes and Manufactured Housing Sales, Display or Storage

The retail sale, display, or storage of more than one mobile or manufactured home may be allowed only in the C-2, C-3, C-M, and EZ-1 Districts upon the granting of a Conditional Use Permit and compliance with the listed requirements.

A. All buildings and structures, including the mobile homes, shall observe the yard requirements of the District.

B. The portion of the tract subject to the sale and display shall be paved with a hard and durable surface approved by the Director of Works. The Director of Works shall review and make recommendations on applicant's plans for entrance to streets.

C. Screening shall be provided in accordance with Chapter 10 Landscaping, Screening and Open Space.

4.2.31 Marinas and Boat Rental Facilities

Marinas and Boat Rental Facilities may be allowed in any district upon the granting of a Conditional Use Permit and compliance with the following requirements:

A. The applicant shall have an approved permit required by Section 404 of the Clean Water Act before a public hearing date is set for review of the facility plan.

B. No off-street parking space shall be used for the storage of a boat trailer. All boat trailer storage areas shall be designated and have adequate access and egress facilities.

C. Construction Operations - The construction of any harbor, lake, or basin shall conform to the requirements as set forth under Section 4.2.21 of this chapter.

D. Retail activities shall be confined to a space no larger than 500 square feet.

E. Signs - Except in districts where signs are allowed, there shall be no more than one non-flashing sign, not to exceed 60 square feet in area or 10 feet in height, located at the major entrances.

NOTE: Marina and Boat Rental, Commercial *– A facility which allows the storage or docking of boats, minor servicing and repair of boats while in the water, the sale of fuel and supplies, lodging, food sales, and restaurant facilities.*

4.2.32 Marinas and Boat Rental Facilities, Commercial

Commercial Marinas and Boat Rental Facilities may be allowed in zoning districts which allow the use of lodging, food sales, and restaurant facilities upon the granting of a Conditional Use Permit and compliance with the following requirements:

A. The applicant shall have an approved permit required by Section 404 of the Clean Water Act before a public hearing date is set for review of the facility plan.

B. No off-street parking space shall be used for the storage of a boat trailer. All boat trailer storage areas shall be designated and have adequate access and egress facilities.

C. Construction Operations - The construction of any harbor, lake, or basin shall conform to the requirements as set forth under Section 4.2.21, Excavation and Filling and Refuse Disposal Operations of this chapter.

D. Signs - Except in districts where signs are allowed, there shall be no more than one non-flashing sign, not to exceed 60 square feet in area or 10 feet in height, located at the major entrances.

4.2.33 Mini-warehouses

Mini-warehouses may be allowed in the C-2 District where the premises abut on a roadway classified as a collector or major or minor arterial as designated in the Comprehensive Plan for all of Jefferson County, Kentucky, upon the granting of a Conditional Use Permit and compliance with the listed requirements.

A. The property shall be landscaped so as to blend in with the surrounding area and shall be screened and buffered from adjacent uses of a non-industrial nature.

B. No building, structure or pavement shall be located closer than 30 feet to side property lines or property lines abutting residential areas. This area is reserved as a landscape buffer area.

C. No outside storage shall be allowed on the property.

D. No storage of toxic or hazardous materials shall be allowed on the property.

E. There shall be no retail or wholesale sales or distributing activities on site.

F. Loading doors and vehicle maneuvering areas shall be located away from the exterior of the property.

G. No structure on the site shall be taller than one story and shall not exceed 15 feet in height (except for one freestanding sign as allowed in H below).

H. Signs - Only one freestanding sign shall be allowed and shall conform to limits established for the form district in which the sign is located.

4.2.34 Mobile Home Parks

Mobile Home Parks may be allowed in the R-6, R-7, R-8A, OR-2, OR-3, C-1, C-2, and CM Districts upon the granting of a Conditional Use Permit and compliance with the listed requirements.

A. Minimum Area **-** The minimum area for a mobile home park shall be three acres.

B. Mobile Home Setbacks **-** No mobile home shall be located closer than 50 feet to the front property line or closer than 20 feet to any other property line. In an instance where there is a required yard of greater depth, the more restrictive shall apply.

C. Mobile Home Spaces **-** Mobile home spaces shall be no smaller than 4,000 Square Feet and minimum 32 feet wide. Each mobile home space shall have unobstructed access at least 15 feet wide to a public or private street within the Mobile Home Development which shall have unobstructed access to an exterior public street. No mobile home space shall be directly accessible from any exterior street or thoroughfare.

D. Signs - Except in districts where signs are allowed, one stationary non-flashing sign, not to exceed 60 square feet in area, may be located at the vehicular entrance to the park. No sign shall extend into or over a required yard.

E. Mobile Home Location **-** Mobile homes shall be so harbored on each space that there shall be at least a 20-foot clearance between each mobile home and mobile homes and structures.

F. Driveways **-** All mobile home spaces shall front on a paved driveway of not less than 18 feet in width, which shall have unobstructed access to a public way.

G. Recreational Vehicles **-** Recreational Vehicles shall be prohibited as a principal use in any Mobile Home Development.

4.2.35 Multi-Family Dwellings

Multi-Family Dwellings may be permitted in the OR Office Residential District upon the granting of a Conditional Use Permit and compliance with the listed requirements.

A. There shall be no more than one multi-family residential identification sign facing each street bordering the site. Signs shall not be illuminated, OR illumination of the sign shall be limited to internal lighting of the address portion of the sign.

B. Landscaping – A planting/buffer strip with average width of at least 15 feet shall be provided along any property boundary adjacent to single family zoned land. This strip shall be planted in accordance with the screening requirements of Chapter 10, Part 2. A landscape plan which addressed the buffer strip, tree preservation and interior parking lot landscaping shall be submitted as part of the Conditional Use Permit application.

C. Type and location of trash containers and related screening shall be indicated on the plan.

4.2.36 Nursing Homes and Homes for the Infirm or Aged

Nursing Homes and Homes for the Infirm or Aged may be permitted in any district upon the granting of a Conditional Use Permit and compliance with the listed requirements.

A. All buildings shall be located at least 30 feet from any property line.

B. One sign, not to exceed 60 square feet and six feet in height, may be placed at each of the major entrances, except in districts where larger signs are allowed.

C. The Board of Zoning Adjustments shall add any restrictions to mitigate nuisances or adverse effects.

4.2.37 Off-Street Parking Areas

An Off-Street Parking Area may be permitted in a district where it is ordinarily prohibited, provided it serves a use in a building for which insufficient off-street parking space is provided, and where the provision of such parking space will materially relieve traffic congestion on the streets and when developed in compliance with the listed requirements.

A. The area shall be located within 200 feet of the property on which the building to be served is located measured by the shortest walking distance (using sidewalks and designated crosswalks).

B. Walls, fences, or plantings shall be provided in a manner to provide protection for and be in harmony with surrounding residential property.

C. The minimum front, street side, and side yards required in the district shall be maintained free of parking.

D. The area shall be used exclusively for transient parking of motor vehicles belonging to invitees of the owner or lessee of said lot.

E. The approval of all plans and specifications for the improvement, surfacing, and drainage for said parking area will be obtained from the appropriate Director of Works prior to use of the parking area.

F. The approval of all plans and specifications for all entrances, exits, and lights shall be obtained from the department responsible for traffic engineering prior to the pubic hearing on the Conditional Use Permit.

4.2.38 Outdoor Paint Ball Ranges

Outdoor Paint Ball Ranges may be located in the R-R and R-1 Districts upon the granting of a Conditional Use Permit.

A. All buildings and structures shall be at least 30 feet from any property line.

B. Protection of Adjacent Properties - Fences, plantings, or sufficient area shall be provided to insure the safety and protection of persons on all adjacent land. Any netting used for the protection of adjacent properties shall observe yard and height requirements of the district in which they are located.

C. All outdoor ranges shall be enclosed by a continuous fence at least 6 feet in height to exclude animals and people.

D. Warning signs shall be placed at intervals of 100 feet along all range fences.

4.2.39 Potentially Hazardous or Nuisance Uses

The following uses (manufacture, processing, treatment, or storage unless otherwise specified), having accompanying hazards such as fire, explosion, noise, vibration, dust, or the emission of smoke, odor, or toxic gases may, if not in conflict with other laws or ordinances, be located in industrial zones as indicated below by Conditional Use Permit after the location and nature of such use shall have been approved by the Board of Zoning Adjustment. In reviewing an application for a CUP, the Board of Zoning Adjustment shall review the plan and statements of the applicant and the following:

A. The Comprehensive Plan;

B. Environmental and health related concerns raised by the operation and the applicant's proposal to mitigate any adverse effects to the public's health, safety and general welfare;

C. The applicant's site design, buffering, and security measures and their adequacy to mitigate any adverse effects to the public's health, safety and general welfare;

D. Any other evidence submitted by the applicant and any other party addressing the issues.

A Conditional Use Permit under this section shall be issued only if the evidence shows the applicant's operation and associated nuisances will be properly managed and the public's health, safety and general welfare will be protected. The Board of Zoning Adjustment may impose additional conditions to protect surrounding properties. All Conditional Use Permits under this section shall be issued subject to the applicant also receiving all necessary permits from local, state and federal regulatory agencies.

EZ-1 and M-3

Aluminum powder
Brick, fireback, tile, clay products, including refractories: manufacturing, processing or treatment but not including storage
Cement, gypsum, lime, and plaster of paris (but not storage)
Charcoal, lampblack, carbon black, bone black, and fuel briquettes, including pulverizing
Chemicals, including acetylene, acids and derivatives, alcohol (industrial), ammonia, aniline dyes, carbide, caustic soda, cellulose and cellulose storage, chlorine, cleaning and polishing preparation (non-soap), dressings and blackings, creosote, dyestuffs, exterminating agents and poisons, hydrogen and oxygen, plastic materials, and synthetic resins, potash, pyroxylin, tar products, turpentine and resin, and solvent-extracting
Coal, coke, or tar products including fuel gas, and coke-oven products
Distillation, manufacture, or refinement of coal, tar, asphalt, or asphalt products
Metal and metal ores, reduction, refining, smelting, alloying, including blast furnaces, cupolas, and blooming mills (but not storage of metal products)
Minerals and earths (including sand-lime products), grinding, crushing, processing or storage
Paint manufacture, processing, or treatment (but not storage)
Petroleum or petroleum products, refining, bulk storage, including gasoline or other petroleum products
Plastic, manufacture, processing, treatment, or bulk storage
Radioactive materials
Steel works and rolling mills (ferrous) for steel, structural iron and steel fabrication, and structural products, including bars, cables, girders, rails, wire rope, or similar products
Waste paper and rag operations
Wood pulp or fiber, reduction or processing (including paper mill operations)

M-3 Only

Distillation of wood and bones
Explosives (when not prohibited by other ordinances) including ammunition, fireworks, nitrating of cotton or other materials, nitrates (manufactured and natural) of an explosive nature, and storage of latter
Exterminating operations where exterminating chemicals or agents are stored
Fertilizer (organic and non-organic), including fish, oils, manure, or peat
Glue and size (vegetable), gelatin (animal), and starch manufacture
Grain storage or grain elevators
Hair, hides, raw fur, leather, curing, dressing, dyeing, finishing, tanning, and storage
Match manufacture, processing, or treatment
Meat and fish products, including slaughtering of meat or curing of fish, packing, and storage
Ore dumps, slag piles

Rendering, incineration or reduction, and storage of dead animals, garbage, offal, or waste products (the entire operation to be performed within a building)
Slaughtering of animals or poultry
Stock yards and feed lots

4.2.40 Private Non-profit Clubs

Private Non-profit Clubs may be located in the R-R, R-E, R-1, R-2, R-3, R-4, R-5, U-N, R-5A, R-5B, R-6, R-7, R-8A, OR-1, OR-2, C-R or PTD Districts where such use is compatible in size and scale with surrounding land uses upon the granting of a Conditional Use Permit..

A. All new buildings, structures, and facilities (except parking) shall be at least 30 feet from any property line.

B. Outdoor swimming pools shall be enclosed within a fence at least six feet high.

C. All recreation areas or play fields and parking lots shall be separated from adjacent properties by a solid fence or dense evergreen shrubbery plantings at least five feet high.

D. One sign only may be permitted showing the name and address of the club. An attached sign shall not exceed 30 square feet in area, shall be attached flat to the face of the building, and shall not project more than 18 inches from the face of the building. A free-standing sign shall not exceed 20 square feet in area per side, shall not have more than two sides, and shall not exceed a height of six feet. Either an attached sign or a free-standing sign may be permitted, but not both. No sign shall project into any required yard. The sign may be illuminated but non-flashing.

4.2.41 Private Proprietary Clubs

Private Proprietary Clubs may be located in the R-R, R-E, R-1, R-2, R-3, R-4, R-5, U-N, R-5A, R-5B, R-6, R-7, OR-1, OR-2, OR-3, OTF, C-R or PTD Districts where such use is compatible in size and scale with surrounding land uses and where the lot contains at least 2 acres upon the granting of a Conditional Use Permit.

Tennis centers, racquetball clubs or similar operations requiring large structures to house the facilities shall have a development plan approved by the Planning Commission prior to filing an application for a Conditional Use Permit.

A. All new buildings, structures and facilities shall be at least 30 feet from any property line.

B. Outdoor swimming pools shall be enclosed with a fence at least six feet high.

C. All recreation areas or play fields and parking lots shall be separated from adjacent properties by a solid fence or dense evergreen shrubbery plantings at least five feet high.

D. One sign only may be permitted showing the name and address of the club. An attached sign shall not exceed 30 square feet in area, shall be attached flat to the face of the building, and shall not project more than 18 inches from the face of the building. A free-standing sign shall not exceed 20 square feet in area per side, shall not have more than two sides, and shall not exceed a height of six feet. Either an attached sign or a free-standing sign may be permitted, but not both. No sign shall project into any required yard. The sign may be illuminated but non-flashing.

4.2.42 Ranges for Shotgun, Rifle, Pistol, Air Rifle, Air Pistol or Other Firearms

Ranges for shotgun, rifle, pistol, or other firearms or for air rifle or air pistol may be allowed in the R-R, R-1, and C-2 Districts upon the granting of a Conditional Use Permit and compliance with the listed requirements.

A. All target ranges shall be of sufficient length and be provided with an earthen back stop of sufficient height and thickness to safely stop all projectiles from the various types of weapons used.

B. All outdoor ranges shall be enclosed by a continuous fence at least 6 feet in height to exclude animals and people.

C. Warning signs shall be placed at intervals of 50 feet along all range fences. Indoor ranges shall have one warning sign at each entrance and at any windows, doors, or other openings in the walls.

D. The applicant shall present a plan for removal of spent ammunition that meets state requirements for remediation of heavy metals.

E. Indoor target ranges shall have sufficient sound proofing to prevent the sound of firearm discharge from being heard outside the walls of the range facilities.

4.2.43 Riding Academies and Stables

Riding Academies and Stables may be allowed in the R-1, R-2, R-3, R-4, C-2, and C-M Districts upon the granting of a Conditional Use Permit and compliance with the listed requirements.

A. All buildings, structures, and facilities associated with the activity shall be at least 50 feet from any property line.

B. Exercise tracks shall be maintained in non-dust condition at all times.

C. A five-foot tall fence shall be erected.

D. A minimum of one off-street parking space shall be provided for each three stalls for horses.

4.2.44 Scrap Metal Processing Facilities and Junkyards

Scrap Metal Processing Facilities and Junkyards as defined in the Jefferson County Code of Ordinances may be allowed in the M-3 District upon the granting of a Conditional Use Permit and compliance with the listed requirements:

A. Scrap Metal Operations shall be prohibited in all primary groundwater recharge areas.

B. Operations shall be required to provide a detailed plan approved by the Metropolitan Sewer District illustrating measures taken to ensure the protection of surface and groundwater sources. Contamination of any domestic water supply, or surface run-off from the site onto any adjoining land, surface water body or wetland shall be mitigated by use of holding tanks, settling ponds or other necessary devices.

C. All evidence of the Scrap Metal Operations shall be removed by the property owner promptly after its discontinuance as a business enterprise.

D. The screening, buffering, security and operating standards shall comply with the requirements set forth in Jefferson County Code of Ordinances, Chapter 114.

4.2.45 Sewage Disposal Plants

Sewage Disposal Plans shall be located in any district upon the granting of Conditional Use Permit and compliance with the following standards:

A. A building, structure, basin, lagoon, or appurtenance shall be located no closer to the property lines than as limited by the Louisville and Jefferson County Board of Health, but in any case all yards shall be provided as required in the district in which the plant is located.

B. All facilities shall be enclosed within a continuous fence with a minimum height of 6 feet.

C. All residue from the treatment plant shall be removed from the premises unless fully enclosed storage facilities are provided and maintained free of nuisance, by reason of odor, sight, or insect breeding, to neighboring properties.

D. All facilities shall be sufficiently landscaped to screen them from neighboring properties and to blend with the district in which it is located.

E. Provisions for continuous responsible operation and maintenance of the plant shall be filed with the Board prior to the public hearing on the Conditional Use Permit.

F. Written approval of the site location from the Louisville and Jefferson County Board of Health, Metropolitan Sewer District, and the Kentucky Department of Natural Resources and Environmental Protection, shall be filed with the Board prior to the public hearing on the Conditional Use Permit.

NOTE: *Water quality concerns for a composting facility currently need approval from the KY Division of Waste Management, KY Division of Water, and MSD.*

4.2.46 Solid Waste Management Facilities

Solid Waste Management Facilities, including composting facilities, construction/demolition debris facilities, indoor recycling facilities, outdoor recycling facilities, and solid waste transfer stations may be permitted subject to the conditions and in the zoning districts listed in the following sub-sections. In addition, the following conditions apply to all of these types of facilities:

A. All of the facilities referenced in this sub-section 4.2.46 are required to have a license to operate from the Jefferson County Waste Management District (SWR 20.0).

B. A specific written or site plan for vehicle cleaning facilities to prevent the tracking of mud, dirt or other debris onto any public roadway shall be reviewed and approved by the Director of Works before public hearing.

C. A continuous fence a minimum of 6 feet high shall be placed along the boundaries of all work and storage areas and provided with gates of the same construction as the fence which shall remain locked at all times when active operations are not taking place and shall be properly maintained until all operations are completed.

D. When adjoining any residential zoning district, the facility may not be operated on Sunday or earlier than 7:00 a.m. or later than 6:00 p.m. on any other day.

E. In addition to these conditions, the following conditions apply to the respective category.

1. **Composting Facilities** may be located in R-R, R-1, M-2, and M-3 Districts upon the granting of a Conditional Use Permit when developed in compliance with the following listed requirements:

   a. All composting facilities must demonstrate compliance with the applicable state statutes dealing with said facilities (401 KAR Chapters 45 through 49).

   b. No composting operation shall occur within 50 feet of any boundary of the site.

   c. Additional landscaping is required in the buffer areas between composting activity areas and any adjacent non-industrial uses.

d. Provisions shall be made for the disposal of surface water falling on or crossing the site at all times during and after completion of the operations. No operation shall begin until approval has been obtained from the agencies responsible for surface water drainage and surface water quality.

e. The installation of roads, parking areas, buildings, structures, and operational facilities and equipment shall be located on the site so that adjoining properties will not be adversely affected.

f. Composting materials shall be moved off and onto the site in vehicles approved by the appropriate Director of Works.

g. All composting operations shall be in strict conformity with the regulations of the Louisville and Jefferson County Board of Health; Air Pollution Control District; Kentucky Department for Environmental Protection and the Director of Works. Letters or Certificates of Approval of the plans by the above agencies indicating prior review shall be filed prior to the issuance of any Conditional Use Permit. Uses shall not begin until final approval has been obtained and filed in the Board of Zoning Adjustment docket file.

h. The operation shall be conducted so as not to create a nuisance or cause undue noise, vibration, dust, odor, or light to adjacent properties. The premises shall be kept in a neat and clean condition at all times. No debris shall be stored on the site except on areas where active composting operations are taking place. No fires shall be permitted. Any smoldering flame or spontaneous combustion shall be immediately extinguished.

i. Grinding or other heavy machinery associated with composting operations located within one-half mile of residentially used or zoned property shall provide information on sound levels resulting from operation of said equipment, and hours of operation. The Board may establish conditions necessary to protect nearby residents.

j. Except for protective fences, no building or structure erected in connection with the operation shall be located in any required yard or closer than 30 feet from any property line.

k. All composting facilities shall also meet the Jefferson County Waste Management District regulations covered in SWR 62.0.

2. **Construction/Demolition Debris Facilities** shall be located in the R-1, M-2, M-3, and EZ-1 Districts upon the granting of a Conditional Use Permit when developed in compliance with the following conditions.

a. All construction/demolition debris facilities must demonstrate compliance with the applicable Jefferson County Waste

Management District regulations (SWR 63.0, Construction/demolition Debris Facilities).

b. All work and storage areas shall be at least 100 feet from the exterior property lines. If there are any abutting residentially zoned or used parcels then all work and storage areas shall be at least 200 feet from the exterior property line.

c. Grinding or other heavy machinery associated with operations located within one-half mile of residentially used or zoned property shall provide information on sound levels resulting from operation of said equipment, and hours of operation. The Board may establish conditions necessary to protect nearby residents

3. **Indoor Recycling Facilities**, if not in conflict with other laws or ordinances, may be located in the M-2, M-3 and EZ-1 Industrial Districts upon granting of a Conditional Use Permit after the location and nature of such use have been approved by the Board of Zoning Adjustment. The Board of Zoning Adjustment shall review the Comprehensive Plan, the plans and statements of the applicant and shall not permit such buildings, structures, or uses until it has been shown that the public health, safety, and general welfare will be properly protected, and that necessary safe guards will be provided for the protection of surrounding property and person.

Recycling and/or storage of the following materials:

Glass and glass products
Paper and paper board and fiber
Non-ferrous metals
Ferrous metals (limited to food and beverage containers)
Wallboard
Plastic and rubber products, and Insulation;

may be permitted when developed in compliance with the following conditions:

a. The operation including loading and unloading operations is completely enclosed in building(s) approved for such purposes by all applicable fire protection authorities.

b. The operation will not have or require any fire, smelting, fumes, chemicals or other toxic materials, hazardous waste or by-products, and the use and site shall conform to such other requirements and conditions as the Board in the exercise of sound discretion may require for the protection of surrounding property, persons, and neighborhoods values.

c. The building(s) shall be a minimum of 200 feet or a lesser distance if approved by the Board of Zoning Adjustment from any surrounding residential district(s). The Board may substitute additional screening requirements for a reduction of the 200-foot setback.

4. **Outdoor Recycling Facilities** (not constituting Scrap Metal Processing Facilities or Junkyards as defined in the Jefferson County Code of Ordinances) may be allowed in the M-3 Districts upon the granting of a Conditional Use Permit when developed in compliance with the following requirements:

   a. Outdoor recycling facilities located within one-half mile of residentially used or zoned property shall provide information on sound levels and hours of operation. The Board may establish conditions necessary to protect nearby residents.

   b. All outdoor recycling work and storage areas shall be at least 100 feet from the exterior property lines. If there are any abutting residentially zoned or used parcels then all work and storage areas shall be at least 200 feet from the exterior property line.

   c. Landscaping shall be placed between the exterior property lines and all outdoor recycling work and storage areas as described in Chapter 10.

   d. The operation shall be conducted so as not to create a nuisance or cause undue noise, vibration, dust, odor, or light to adjacent properties. The premises shall be kept in a neat and clean condition at all times. No loose paper or debris shall be allowed on the site. Any smoldering flame or spontaneous combustion shall be immediately extinguished.

5. **Solid Waste Transfer Stations** may be allowed in the M-2 and M-3 Districts upon the granting of a Conditional Use Permit when developed in compliance with the following requirements:

   a. The minimum site size is 3 acres.

   b. All on-site transferring of solid waste will be conducted entirely within an enclosed building(s).

   c. Doors to the building(s) shall remain closed except to temporarily allow transport trucks to enter and exit the building.

   d. Vehicle access to the site will be paved and will be provided only from a street classified as a collector or arterial, or from any street which leads directly from a collector street. Acceleration/deceleration lanes will be provided unless the appropriate transportation department determines they are not suitable at that particular location. All access driveways which provide site ingress or egress must be wide enough to accommodate two lanes of traffic. An area on the site must be provided between the entrance off the street and the solid waste transfer building to accommodate a minimum of ten vehicles and no vehicles will be allowed to back up on any public right-of-way.

e. All waste processing/storage activities of a solid waste transfer station must be located a minimum of 100 feet from any exterior property line, except the minimum shall be increased to 300 feet from any residentially used or zoned property.

f. All existing trees and vegetation on the solid waste transfer station site are to remain in an undisturbed condition in the setback areas established in Number 5, above. Where the natural growth does not provide an effective visual barrier from the view of adjoining properties and/or from a public street, vegetation will be provided according to landscaping requirements as stated in Chapter 10.

g. Solid waste transfer stations must be served by public water and sewer facilities.

h. All solid waste transfer stations shall comply with all the requirements of the Sanitary Code of the Louisville and Jefferson County Board of Health or its successor. These facilities shall pay special attention to Section 1302.3 regarding the storage of garbage and rubbish.

i. All solid waste transfer stations shall also meet applicable Jefferson County Waste Management District regulations (SWR 61.0).

4.2.47 Sports Arenas

Sports Arenas may be allowed in the R-R, R-1, C-2, C-M, EZ-1 and PTD Districts upon the granting of a Conditional Use Permit and compliance with the listed requirements.

A. All buildings and structures shall be at least 30 feet from any property line.

B. There may be one non-flashing sign, not to exceed 50 square feet in area and not to exceed 10 feet in height, located at thee major entrances.

4.2.48 Storage Yard and Contractor's Yard

Storage Yard and Contractor's Yard may be allowed in the C-2, M-1 and C-M Districts upon the granting of a Conditional Use Permit and compliance with the listed requirements, except that a C.U.P. shall not be permitted within the Traditional Neighborhood and Traditional Marketplace Corridor Form Districts.

A. Outdoor storage areas prohibited within form district transition zone.

B. Stacked materials and equipment shall not exceed a height of five feet.

C. Outdoor storage areas shall be screened from adjacent streets and properties.

D. Storage of combustible materials shall conform to the requirements of NFPA Pamphlet 30 (information on NFPA pamphlet 30 may be obtained from local fire department).

4.2.49 Underground Space

Use of underground space may be permitted upon the granting of a Conditional Use Permit and may be located beneath any surface zoning district provided that the permit shall apply only to the subsurface and shall not affect the zoning district or districts designated for the surface above the underground space and provided that the vehicular access points entering and exiting the underground space shall be classified in one of the following districts: M-1, M-2, M-3, PEC, PRO, C-M, C-2, or EZ-1.

The following uses of underground space may be permitted upon the granting of a Conditional Use Permit:

- Any use permitted by right in the zoning district controlling the primary vehicle entrance.
- Any use permitted by Conditional Use Permit in the zoning district controlling the primary vehicular entrance. Such use shall comply with the listed requirements for that specific conditional use.
- Removal of previously mined materials

The granting of a Conditional Use Permit shall be subject to the following listed requirements:

A. Applicant shall furnish to the Board of Zoning Adjustment proof of subsurface ownership rights at the time of application.

B. Any materials stored or operations conducted therein shall be in accordance with all applicable governmental regulations, including Metropolitan Sewer District, Air Pollution Control District, Kentucky Cabinet for Natural Resources and Environmental Protection, or the Federal Environmental Protection Agency.

C. A specific written or site plan for vehicle cleaning facilities to prevent the tracking of mud, dirt or other debris onto any public roadway shall be reviewed and approved by the Jefferson County Engineer or City of Louisville Department of Public Works prior to the public hearing.

D. Certification of adequate surface support to prevent cave-ins and subsidence prepared by a professional engineer registered in Kentucky shall be submitted at the time of application. Such certification may provide for exceptions or conditions which must be adhered to as a condition of Conditional Use Permit approval and must have been dated within the past three (3) years.

E. Where applicable, underground space must have a valid building permit to develop a habitable underground building and to qualify for a certificate of occupancy.

F. The entrances to all Underground Space sites shall be through property owned or controlled by the owners or operators of the underground space. Such entrances shall be on property properly zoned to contain the uses developed within the underground space.

4.2.50 Zoos

Zoos may be allowed in any district upon the granting of a Conditional Use Permit and compliance with the following requirements:

A. A continuous fence at least 6 feet high shall be erected around portions of the site used for cages, pens, or yards.

B. Except in districts where signs are allowed, there shall be no more than one non-flashing sign, not to exceed 30 square feet in area and not to exceed 10 feet in height, located at the major entrances.

C. Buffers and Screening – There shall be a 100-foot open space and landscaped buffer between all property lines and all buildings and structures.

4.3.1 Intent and Applicability

Certain uses are appropriate in certain districts only if special standards are applied. These uses listed in this Part are permitted in the districts indicated provided they conform to the standards and requirements listed in each section.

4.3.2 General Provisions

In addition to meeting the special standards listed under the particular use in this Section, all Permitted Uses with Special Standards shall be required to comply with the requirements of this Land Development Code, except to the extent that they conflict with an applicable special standard, in which case the special standard shall prevail. Proposed developments in accordance with this Part shall be processed using the Category 2 review procedure (Section 11.6.3). Applications shall include materials needed to demonstrate compliance with the special standards.

4.3.3 **Dwellings in EZ-1 District - Single Family**

Single family residential dwellings are permitted in the EZ-1 district provided they comply with the following standards:

A. The property is located in the Traditional Neighborhood, Traditional Workplace, or Traditional Marketplace Corridor Form District

4.3.4 Dwellings in EZ-1 District - Multiple family, as a reuse of an existing structure

Multiple family residential dwellings are permitted in the EZ-1 district provided they comply with the following standards:

A. The property is located in the Traditional Neighborhood, Traditional Workplace, Traditional Marketplace Corridor, or Downtown Form District.

B. The purpose of permitting multi-family dwellings in the EZ-1 district subject to special standards is to encourage the adaptive reuse of existing structures that are at least twenty-five (25) years old and which are currently unutilized or underutilized. Thus, multiple family dwellings are permitted only when locating in a building existing on March 1, 2003 (effective date of the LDC) and which is at least twenty-five (25) years old, all or only a portion of which is converted to multi-family residential use.

C. Maximum Density

1. For 0 bedroom dwelling units only……435 Dwelling units per acre

2. For 1 bedroom dwelling units only……217 Dwelling units per acre

3. For 2 or more bedroom dwelling units only….145 Dwelling units per acre

4.3.5 Accessory Structures Greater Than 1000 Square Feet

Accessory structures for single family residential uses may have building footprints greater than 1,000 square feet provided they comply with the following standards:

A. The accessory structure is located in the Neighborhood or Village Form District; and

B. The footprint of the accessory structure is no more than 1.5 times the footprint of the principal structure or the total building coverage of the lot including proposed accessory structure shall not exceed 25%, whichever is less; and

C. The accessory structure is located at least 10 feet from a side or rear property line; and

D. All owners of abutting residentially zoned property have signed a statement indicating that they have seen a plan of the proposed accessory structure and do not oppose its construction.

Note: This section 4.3.5 does not apply to agricultural uses and related accessory structures (e.g., barns, stables.)

4.3.6 Temporary Activities

Temporary activities may be permitted by the Planning Director or designee within any form district and zoning district in accordance with the standards set forth below:

A. Pavement or gravel used for the event shall be removed after the completion of the event and the ground reseeded within 2 weeks of removal of pavement or gravel; and

B. No activities shall take place on land within the required stream buffer of a blue line stream or wetland as specified in Chapter 4 Part 8; and .

C. A temporary fence shall be provided to prevent access and parking from crossing over into adjacent properties and within environmentally sensitive areas (e.g. wetlands, stream buffers, etc.); and

D. No event shall exceed 10 days in duration within a residential zoning district. No event shall exceed 30 days in duration in any non-residential zoning district. No more than two events shall be permitted on the same property within a calendar year; and

E. Permanent changes to the site are prohibited; and

"Temporary Activities" definition: *- Temporary activities are characterized by their short term or seasonal nature and by the fact that permanent improvements are not made to the site. Temporary activities include: temporary carnivals and fairs, temporary parking lots, temporary circus, temporary rodeo, temporary "Haunted House",*

F. Vehicle ingress and egress to the site shall be approved by the Director of Works or designee Gravel or other measures to accommodate vehicles and prevent tracking of the public right-of-way may be required; and

G. No temporary activity within a residential zoning district shall take place within 200 feet of a dwelling unit(s) unless approval is obtained in writing from the owner(s) of the dwelling unit(s).

The following topics are discussed in this section:

4.4.1	Adult Entertainment Activities
4.4.2	Antenna Towers for Cellular Telecommunications Services or Personal Communications Services
4.4.3	Fences, Walls and Signature Entrances
4.4.4	Garage Sales
4.4.5	Home Occupations
4.4.6	Inactive Cemeteries
4.4.7	Minor Earth Excavations
4.4.8	Outdoor Sales, Displays and Storage
4.4.9	Refuse Disposal Containers
4.4.10	Swimming Pools

4.4.1 ADULT ENTERTAINMENT ACTIVITIES

A. "Adult entertainment activity" shall mean any one or more of the following activities defined in Chapter 1 Part 2 of the Land Development Code, unless otherwise defined by municipal ordinance:[1]

Adult Amusement Arcade
Adult Book Store
Adult Motion Picture Theater
Adult Novelty Center
Adult Stage Show Theater
Adult Video Cassette or DVD Rental Center
Cabaret
Commercial Sexual Entertainment Center
Self Designated Adult Entertainment Center

B. Adult entertainment activity may be permitted in the M-3 Industrial zoning district provided it is in conformance with all applicable federal, state, and local laws and regulations, including the provisions of this Land Development Code, and the following requirements:

[1] See Appendices 1B and 1C for addition of “escort services” as an adult entertainment activity within the Cities of Jeffersontown and Middletown.

1. The public entrance to an establishment engaging in adult entertainment activity shall not be located within 1,000 feet of any building containing a public or private elementary, middle, or secondary school, institution of higher education or business college, or any park-mall or park-like area of open space under the control of a governmental agency, or any building used for a place of religious worship, or any building used for a governmental function or public library. Such distance shall be measured along a straight line from the nearest property line of the property on which the building or public park-like area is located to the entrance to such establishment engaging in adult entertainment activity.

2. The public entrance to an establishment engaging in adult entertainment activity shall not be located within 1,000 feet of any area zoned R-R, R-E, R-1, R-2, R-3, R-4, R-5, R-5A, R-5B, R-6, R-7, R-8A, UN, OR, OR-1, OR-2, OR-3, OTF, TNZD, PRD, PVD or any property used for residential purposes. Such distance shall be measured along a straight line from the boundary line of the nearest area zoned R-R, R-E, R-1, R-2, R-3, R-4, R-5, R-5A, R-5B, R-6, R-7, R-8A, UN, OR, OR-1, OR-2, OR-3, OTF, TNZD, PRD, PVD or used for residential purposes to the entrance to such establishment engaging in adult entertainment activity.

3. The public entrance to an establishment engaging in adult entertainment activity shall not be located within 1,000 feet of the public entrance of another adult entertainment activity establishment.

4. The public entrance to an establishment engaging in adult entertainment activity shall not be located within 1,000 feet of the public entrance of an establishment licensed to serve alcoholic beverages.

Note: Persons engaging in or intending to engage in the business of conducting an adult entertainment activity are advised to consult the applicable ordinance of the jurisdiction regulating such activity to ascertain the extent of zoning and licensing regulations of such activities and whether the premises on which they are conducting or intending to conduct adult entertainment activities conform with said ordinances.

4.4.2 ANTENNA TOWERS FOR CELLULAR TELECOMMUNICATIONS SERVICES OR PERSONAL COMMUNICATIONS SERVICES

An antenna tower for cellular telecommunications services or personal communications services may be allowed in any district after receiving Planning Commission review and approval in accordance with this section. The Planning Commission may delegate its approval authority to a committee of the Planning Commission. The Planning Commission may approve the proposed antenna tower only upon finding that the proposal complies with the Comprehensive Plan and the zoning regulations, including this section. Reasonable attempts to co-locate additional transmitting or related equipment are required. Any request for review of a proposal to construct such an antenna tower shall be made only in accordance with this section.

NOTE: Revised plans are required for co-locations as well as new towers.

If the property is subject to an existing district development plan or to an existing Conditional Use Permit, the property owner shall obtain approval of the appropriate amendment or modification request. Such request shall be filed simultaneously with the antenna tower for cellular telecommunications services or personal communications services request filed pursuant to this section. The property owner shall be responsible for making alternative provisions for any alteration of the district development plan or Conditional Use Permit or shall obtain a variance or waiver of the specific plan or Permit requirement affected by the location of the tower on the site.

A. General Provisions:

1. Documentation: Every utility or a company that is engaged in the business of providing the required infrastructure to a utility that proposes to construct an antenna tower for cellular telecommunications services or personal communications services within Jefferson County shall submit a completed uniform application to the Planning Commission, which shall include the following:

   a. A grid map showing the location of all existing cellular antenna towers and indicating the general position of proposed construction sites for new cellular antenna towers within an area that includes:

      i. All of the planning unit's jurisdiction; and

      ii. A one-half (1/2) mile area outside of the boundaries of the planning unit's jurisdiction, if that area contains either existing or proposed construction sites for cellular antenna towers

   b. The full name and address of the applicant;

   c. The applicant's articles of incorporation, if applicable;

   d. A geotechnical investigation report, signed and sealed by a professional engineer registered in Kentucky, including boring logs and foundation design recommendations;

   e. A written report, prepared by a professional engineer or land surveyor, of findings as to the proximity of the proposed site to flood hazard areas;

   f. Directions from the county seat to the proposed site, including highway numbers and street names, if applicable, with the telephone number of the person who prepared the directions;

g. The lease or sale agreement for the property on which the tower is proposed to be located, except that, if the agreement has been filed in abbreviated form with the county clerk, an applicant may file a copy of the agreement as recorded by the county clerk and, if applicable, the portion of the agreement demonstrating compliance with KRS 100.987(2);

h. The identity and qualifications of each person directly responsible for the design and construction of the proposed tower;

i. A site development plan or survey, signed and sealed by a professional engineer registered in Kentucky, that shows the proposed location of the tower and all easements and existing structures within five hundred (500) feet of the proposed site on the property on which the tower will be located, and all easements and existing structures within two hundred (200) feet of the access drive, including the intersection with the public street system;

j. A vertical profile sketch of the tower, signed and sealed by a professional engineer registered in Kentucky, indicating the height of the tower and the placement of all antennas;

k. The tower and foundation design plans and a description of the standard according to which the tower was designed, signed, and sealed by a professional engineer registered in Kentucky;

l. A map, drawn to a scale no less than one (1) inch equals two hundred (200) feet, that identifies every structure and every owner of real estate within five hundred (500) feet of the proposed tower;

m. A statement that every person who, according to the records of the property valuation administrator, owns property within five hundred (500) feet of the proposed tower or property contiguous to the site upon which the tower is proposed to be constructed, has been:

    i. Notified by certified mail, return receipt requested, of the proposed construction which notice shall include a map of the location of the proposed construction;

    ii. Given the telephone number and address of the local planning commission; and

    iii. Informed of his or her right to participate in the planning commission's proceedings on the application;

n. A list of the property owners who received the notice, together with copies of the certified letters sent to the listed property owners;

o. A statement that the chief executive officer of the affected local governments and their legislative bodies have been notified, in writing, of the proposed construction;

p. A copy of the notice sent to the chief executive officer of the affected local governments and their legislative bodies;

q. A statement that:

   i. A written notice, of durable material at least two (2) feet by four (4) feet in size, stating the "[Name of applicant] proposes to construct a telecommunications tower on this site" and including the addresses and telephone numbers of the applicant and the planning commission, has been posted and shall remain in a visible location on the proposed site until final disposition of the application; and

   ii. A written notice, at least two (2) feet by four (4) feet in size, stating that "[Name of applicant] proposes to construct a telecommunications tower near this site" and including the addresses and telephone numbers of the applicant and the planning commission, has been posted on the public road nearest the site;

r. A statement that notice of the location of the proposed construction has been published in a newspaper of general circulation in the county in which the construction is proposed;

s. A brief description of the character of the general area in which the tower is proposed to be constructed, which includes the existing land use for the specific property involved;

t. A statement that the applicant has considered the likely effects of the installation on nearby land uses and values and has concluded that there is no more suitable location reasonably available from which adequate service to the area can be provided, and that there is no reasonably available opportunity to locate its antennas and related facilities on an existing structure, including documentation of attempts to locate its antennas and related facilities on an existing structure, if any, with supporting radio frequency analysis, where applicable, and a statement indicating that the applicant attempted to locate its antennas and related facilities on a tower designed to host multiple wireless service providers' facilities or on an existing structure, such as a telecommunications tower or other suitable structure capable of supporting the applicant's antennas and related facilities; and

u. A map of the area in which the tower is proposed to be located, that is drawn to scale, and that clearly depicts the necessary search area within which an antenna tower should, pursuant to radio frequency requirements, be located.

2. Notice: Written notice of the meeting at which the application to construct an antenna tower will be considered shall be given to the owner of every parcel of property adjoining at any point or across the street from the property on which the antenna tower is proposed to be constructed at least ten (10) calendar days prior to the meeting. In addition, staff shall endeavor to assure that notice is given to all neighborhood groups who have registered to receive notice of development applications.

3. Procedure: After an applicant's submission of a completed uniform application to construct an antenna tower, the Planning Commission shall:

   a. Review the uniform application in light of its agreement with the Comprehensive Plan and the Land Development Code;

   b. Make its final decision to approve or disapprove the uniform application; and

c. Advise the applicant in writing of its final decision within sixty (60) days commencing from the date that the completed uniform application is submitted to the Planning Commission or within a date certain specified in a written agreement between the Planning Commission and the applicant. If the Planning Commission fails to issue a final decision within sixty (60) days and if there is no written agreement between the Planning Commission and the applicant to a specific date for the Planning Commission to issue a decision, the uniform application shall be deemed approved.

If the Planning Commission disapproves of the proposed construction, it shall state the reasons for disapproval in its written decision and may make suggestions which, in its opinion, better accomplish the objectives of the Comprehensive Plan and the Land Development Code. No permit for construction of a cellular or personal communications services antenna tower shall be issued until the Planning Commission approves the uniform application or the sixty (60) day time period has expired and the Planning Commission has failed to issue a decision.

The Planning Commission may require the applicant to make a reasonable attempt to co-locate additional transmitting or related equipment. The Planning Commission may provide the location of existing cellular antenna towers on which the Commission deems the applicant can successfully co-locate its transmitting and related equipment. If the Planning Commission requires the applicant to attempt co-location, the applicant shall provide the Planning Commission with a statement indicating that the applicant has:

i. Successfully attempted to co-locate on towers designed to host multiple wireless service providers' facilities or existing structures such as a telecommunications tower or another suitable structure capable of supporting the applicant's facilities, and that identifies the location of the tower or suitable structure on which the applicant will co-locate its transmission and related facilities; or

ii. Unsuccessfully attempted to co-locate on towers designed to host multiple wireless service provider's facilities or existing structures such as a telecommunications tower or another suitable structure capable of supporting the applicant's facilities and that:

(a.) Identifies the location of the towers or other structures on which the applicant has attempted to co-locate; and

(b.) Lists the reasons why the co-location was unsuccessful in each instance.

d. The Planning Commission may deny a uniform application to construct a cellular antenna tower based on an applicant's unwillingness to attempt to co-locate additional transmitting or related equipment on any new or existing towers or other structures.

Upon the approval of an application for the construction of a cellular antenna tower by the Planning Commission, the applicant shall notify the Public Service Commission within ten (10) working days of the approval. The notice to the Public Service Commission shall include a map showing the location of the construction site. If an applicant fails to file notice of an approved uniform application with the Public Service Commission, the applicant shall be prohibited from beginning construction on the cellular antenna tower until such notice has been made.

i. Guarantee: Any contract with an owner of property upon which a cellular antenna tower is to be constructed, shall include a provision that specifies, in the case of abandonment, the method that will be followed for dismantling and removing a cellular antenna tower, including a timetable for removal. To insure the removal of all improvements at any abandoned telecommunications facility, any applicant filing a request under this section shall, at the time of submittal of the list of existing towers, deposit with the Planning Commission and to the benefit of the Planning Commission a letter of credit, a performance bond, or other security acceptable to the Planning Commission in the amount equal to the cost of the demolition and removal of the telecommunications tower. An applicant having multiple towers within Jefferson County may deposit a single guarantee in the amount equal to the cost of demolition and removal of the one telecommunications tower it owns which would cost the most to demolish and remove until such time as the number of its towers exceeds four (4) such facilities, both existing and projected within the current calendar year. At such time as the approved number of an applicant's towers exceeds four (4) such facilities, the applicant shall increase the amount on deposit to an amount equal to the cost of the most costly demolition and removal times 25% percent of that applicant's total number of towers both existing and projected within the next calendar year. Any guarantee submitted shall be irrevocable and shall provide for the Planning Commission to collect the full amount of the guarantee if the applicant fails to maintain the guarantee.

ii. Special expert Consultants and Costs: The Planning Commission may retain special expert consultants as it deems necessary to provide assistance in the review of site location alternative analysis. Application fees may be established to cover the costs of staff and/or special expert consultant review of requests filed under this section, within any limits established by KRS Chapter 100.

iii.. Confidentiality: With the exception of the map or other information that specifically identifies the proposed location of the cellular antenna tower then being reviewed, all other information contained in the uniform application and any updates shall be recognized as confidential and proprietary within the meaning of KRS 61.878. The Planning Commission shall deny any public request for the inspection of such information, whether submitted under Kentucky's Open Record Act or otherwise, unless ordered to disclose such records by a court of competent jurisdiction or unless confidentiality is waived in writing by the applicant.

B. Design Standards: At the time of filing of a request under this section, the applicant shall provide information demonstrating compliance with the requirements listed below. Waivers of the following standards may be requested by the applicant and granted by the Planning Commission in accordance with the provisions of Chapter 11 Part 8.

1. All structures, except fences, shall be located at least 50 feet from the property line of any residentially zoned property and shall, in all other circumstances, observe the yard requirements of the district in which they are located.

2. The site shall be landscaped in accordance with the requirements of Chapter 10 Part 2 for utility substations. If the site is an easement, the easement boundaries, exclusive of that portion used strictly for vehicular access, shall be treated as property boundaries for the purposes of applying Chapter 10 Part 2.

3. Any monopole, guyed, lattice, or similar type cellular antenna tower and any alternative cellular antenna tower structure similar to these towers, such as light poles, shall be maintained in either galvanized steel finish or be painted light gray or light blue in color. Alternate sections of aviation orange and aviation white paint may be used ONLY when the FAA finds that none of the alternatives to such marking are acceptable.

4. A cellular antenna tower or alternative cellular antenna tower structure may be constructed to a maximum height of 200 feet regardless of the maximum allowed height for the district in which it is located. This also applies to any tower taller than 15 feet constructed on the top of another building, with the height being the overall height of the building and tower together measured from the grade to the highest point. When any cellular antenna tower or alternative cellular antenna tower structure is taller than the distance from its base to the nearest property line, the applicant shall furnish the Planning Commission with a certification from an engineer registered in the Commonwealth of Kentucky that the tower will withstand winds of 70 miles per hour in accordance with current ANSI/EAI/TAI standards. When a tower taller than 15 feet constructed on the top of another building results in the overall height of the building and tower, including any antenna, being greater than the distance from the base of the building to the nearest property line, the applicant shall furnish to the Planning Commission this same certification.

5. A cellular antenna tower or alternative cellular antenna tower structure may be artificially lighted ONLY with steady-burning red obstruction lights (FAA type L-810) or flashing red obstruction lights (FAA type L-864) flashing no faster than 20 flashes per minute. Flashing red obstruction lights (FAA type L-864) flashing faster than 20 flashes per minute, medium intensity flashing white obstruction lights (FAA type L-865 or L-866), high intensity flashing white lights (FAA type L-856 or L-857), or dual flashing red obstruction lights and medium intensity flashing white obstruction lights (FAA types L-864/L-865) may be used ONLY when the FAA specifies that the specific lighting pattern is the ONLY lighting pattern acceptable to promote aviation safety.

6. The site shall be unstaffed. Personnel may periodically visit the site for maintenance, equipment modification, or repairs. To accommodate such visits, access shall be only from access points approved by the applicable Works Department, and there shall be provided on site an area sufficient to accommodate the parking of the service vehicle.

7. The site shall be enclosed by an eight (8) foot high security fence, and the fence may be located in any required yard at any height, but not in the sight triangle described in Section 5.1.7.H.

8. Any site to be purchased or leased for the installation of a cellular antenna tower or alternative cellular antenna tower structure and ancillary facilities shall comply with the minimum lot size requirements of the district in which the site is located.

9. The facility shall comply with the FCC's regulations concerning radio frequency emissions. To the extent that the facilities do not comply with the FCC's regulations, the Planning Commission may establish additional requirements on the basis of the environmental effects of radio frequency emissions. (See P.L. 104-104, Sec. 704).

10. If the use of any cellular antenna or cellular antenna tower or alternative cellular antenna tower structure is discontinued, the owner shall provide the Planning Commission with a copy of the notice to the FCC of intent to cease operations within 30 days of such notice to the FCC. If the cellular antenna or cellular antenna tower or alternative cellular antenna tower structure will not be reused, the owner shall have 180 days from submittal of the FCC notice to the Planning Commission to obtain a demolition permit and remove the antenna or tower that will not be reused. If the cellular antenna or cellular antenna tower or alternative cellular antenna tower structure is to be reused, the owner shall have no more than twelve (12) months from submittal of the FCC notice to the Planning Commission in which to commence new operation of the antenna or tower to be reused. Upon failure to commence new operation of the antenna or tower that is to be reused within twelve (12) months, the cellular antenna or cellular antenna tower or alternative cellular antenna tower structure shall be presumed abandoned, and the owner shall immediately obtain a demolition permit and remove the antenna or tower that is presumed abandoned. If the owner fails to remove an antenna or tower in the time provided by this paragraph, the Planning Commission may cause the demolition and removal of the antenna or tower recover its costs of demolition and removal from the Guarantee deposited by the applicant pursuant to this section.

11. The only signs allowed shall be emergency information signs, owner contact information, warning or safety instructions, and signs required by a federal, state, or local agency. Such signs shall not exceed five (5) square feet in area.

The following terms relating to Antenna Towers, or Cellular Telecommunications are included in

the Definitions (Chapter 1 Part 2**):***Antennas or related equipment*, *Cellular antenna tower*, *Cellular telecommunications service*, *Co-location*, *Personal communication service*, *Uniform application Utility*

4.4.3 FENCES, WALLS AND SIGNATURE ENTRANCES

A. Fences and Walls

__NOTE__: Refer to Chapter 5 Part 4 for design standards applicable to fences in traditional form districts.

1. Height and Location:

a. In the R-R, R-E, R-1, R-2, R-3, R-4, R-5, PRD, U-N, R-5A, R-5B, TNZD, R-6, R-7, R-8A, OR, OR-1, OR-2, OR-3 and OTF Districts:

i. Fences and walls, up to 48 inches in height in the suburban form districts and 42 inches in the traditional form districts, may be located within required front and street side yards except as provided in Figure 4.4.1.

ii. Fences and walls up to 8 feet in height and constructed of a solid material (masonry, wood) with an opacity of at least 80% may be located within required side and rear yards. Fences and walls with an opacity less than 80% (e.g. chain link fences) up to 6 feet in height may be located within required side and rear yards. Exception: Wrought iron fences up to 8 feet in height may be located within the required side and rear yards.

__NOTE:__ It is important to check a property's deed for restrictions on fences (location, materials and general permissibility).

iii. The height of fences or walls located in a required side or rear yard shall be measured from the lowest grade within a distance of one foot on either side of the fence to the highest point of any portion of the fence.

__NOTE__: If a fence is mandated by the Land Development Code, the finished side of the fence must face the lower intensity use. See Section 10.4.9

iv. The total height of fences within 5 feet of a public sidewalk or roadway pavements shall be measured by adding the height of the fence and the height of the change of grade. The total height of fences more than 5 feet from a public sidewalk or roadway pavements shall be measured by measuring the height of the fence only. Refer to Figure 4.4.2 for an example of the correct method of measuring fence heights.

v. On double frontage lots, where one of the required front yards adjoins a major arterial, minor arterial or collector roadway, and where access is prohibited, a fence or wall may be constructed within that yard up to a height of 8 feet.

b. In all other zoning districts:

i. Fences and walls in all other zoning districts shall be restricted by the maximum building height of that district except when abutting R-R, R-E, R-1, R-2, R-3, R-4, R-5, PRD, U-N, R-5A, R-6, R-7, R-8A, OR-1, OR-2, OR-3 and OTF Districts in which case a. i), ii) and iii) above shall apply.

2. Fences and walls not located within a required yard shall be restricted by the maximum building height of that zoning district.

3. Fences and walls required for swimming pools shall be a minimum height of 4 feet above grade and have a self-closing, self-latching lockable gate.

4. No person shall install, construct, maintain, or permit the installation, construction or maintenance of barbed wire fence or fence including barbed wire or razor wire components, partially or wholly upon property owned, occupied or controlled by such person, firm, corporation or other legal entity except in accordance with the following standards.

a. Razor wire is permitted only if located at all points at least 8 feet above grade level.

b. In residential form districts (TNFD, NFD, VFD), barbed wire fencing located less than six feet above grade level is permissible only when used to enclose livestock.

c. In workplace form districts (TWFD, SWFD) barbed wire and razor wire fencing is permitted, provided that paragraphs a and d of this section are met.

d. Fences that adjoin residentially used or zoned property in any form district may include barbed wire or razor wire only if reviewed and approved by the Planning Director or designee based on a finding of unique circumstances or exceptional security needs.

e. Agricultural uses are exempt from items a through d above.

B. Signature Entrances

1. Definition:

Signature entrance: Any wall(s), fence(s), guard house, or similar structures exceeding 4 feet in height, constructed at an entrance to a major single family subdivision or to a multi-family complex of ten units or more.

2. Location:

The signature entrance shall not obstruct roadside drainage or through-drainage facilities and shall allow for adequate sight distance. The Public Works Department may require that the location of the proposed signature entrance be staked in the field and reviewed prior to construction plan approval. [2]

Signature entrances shall not be permitted within utility or drainage easements without prior approval from the agency to whom the easement has been dedicated.

Signature entrances shall not be permitted within the right-of-way of major arterial, minor arterial or collector roadways except those collector roadways functioning as the primary entrance to the proposed development and provided that approval from the appropriate Public Works Department is obtained.

Signature entrances may be located within the right-of-way of a local or minor level street if approved by the Public Works Department.

Encroachment permits and proof of permanent maintenance must be received prior to construction plan approval for any signature entrance to be located within a right-of-way.

Prior to construction of any signature entrance within a right-of-way, an indemnity agreement must be provided by the developer or owner to the applicable government agency. Such agreement shall conform to the format approved by the Planning Commission (see attachment).

Any public agency responsible for maintenance of facilities within the right-of-way may require for any reason the removal of a signature entrance located within the right-of-way. The removal shall be done at the owner(s) expense and within 30 days from receiving a written notice.

3. Height:

The height of a signature entrance shall be measured from the ground to the highest point including columns or other ornamentation. When signature entrances are constructed on man-made berms, the berm will be considered in the overall height.

The maximum height of a signature entrance shall be 14 feet depending on the setback (see Table 4.4.1). Light fixtures and guard houses may extend an additional 4 feet (see illustrations, below).

[2] See appendices 1B and 1C for specific changes to this section for the Cities of Jeffersontown and Middletown.

4. Length:

   The maximum length of a Signature Entrance shall not exceed 150 feet on each side of the entrance roadway. Any structure extending beyond this length shall be considered a fence or wall and the requirements as stated in Section (B) of this regulation shall apply (see illustrations, below).

5. Proximity to Structure on Lot and Driveway:

   Signature Entrances shall be constructed a minimum of 20 feet from dwellings and driveway entrances (see illustrations, below).

6. Signage on Signature Entrances

   Two signs, not exceeding 15 square feet in area each, attached to the signature entrance may be provided at each entrance to the development. Refer to Chapter 8 (Sign Regulations) for specific information.

7. Setback Requirements

   Any signature entrance exceeding 4 feet in height as allowed in this section shall be setback from the right-of-way on which it fronts a distance of not less than that prescribed in Table 4.4.1. Columns, light fixtures and similar ornamentation may extend a maximum of 24 inches into this setback area. Any portion of a signature entrance, wall or fence constructed with appropriate Public Works Department approval in the right-of-way shall be exempt from the setback requirement.

TABLE 4.4.1

[redacted]	[redacted]
10’	14’
9’	13’
8’	12’
7’	11’
6’	10’
5’	9’
4’	8’
3’	7’
2’	6’
1’	5’
0’	4’

In order to mitigate the visual impact of lengthy structures on adjacent vehicular corridors and land uses, any signature entrance, fence or wall greater than or equal to 8 feet in height as allowed in this section and 100 feet in length shall have plantings adjacent to at least 50% of its exterior facade. Such plantings shall conform to the standards of variety, size, spacing and quality set forth in Chapter 10 Part 4 of this regulation. In no such case shall fences or walls extend a distance greater than 100 feet without providing a visual break in the form of evergreen shrubs spaced one plant every 4 feet or evergreen trees spaced as indicated in Chapter 10 Part 4 of this regulation, which, at maturity, will equal or exceed one-half the height of the fence or wall.

NOTE: *See Section 7.1.40 and Part 11.5B,relating to Planning Commission approval of variances in conjunction with subdivision review.*

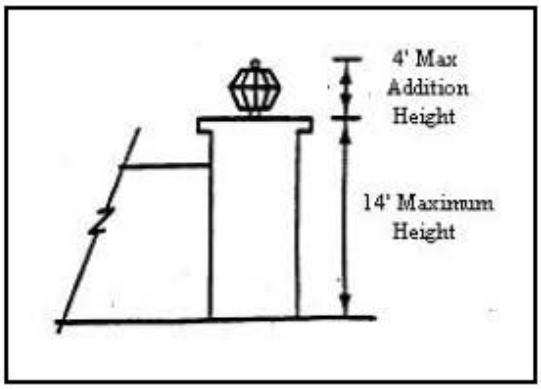
8. Dimensional Variances

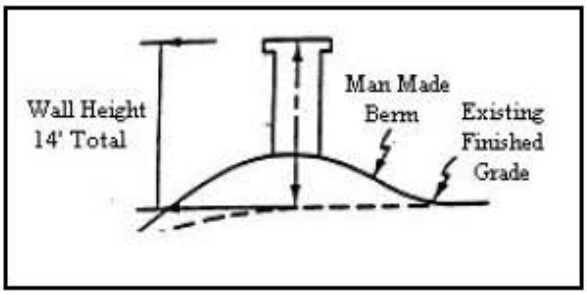
Portions of this regulation that govern height or length or setback requirements may be modified by the Board of Zoning Adjustment. The Board may grant a dimensional variance after a public hearing if the requirements of KRS 100.243 are found to be met. A variance application filed simultaneous with a zoning change request or subdivision request for a given property may be granted by the Planning Commission.

9. Plan Approval Process

Signature Entrance plans shall be reviewed for compliance and approved by the Division of Planning and Design Services, as well as Public Works Department if the signature entrance is located in the public right-of-way. Signature entrance plans submitted shall bear the seal of a registered engineer, architect or landscape architect licensed to practice in the Commonwealth of Kentucky.

ILLUSTRATIONS





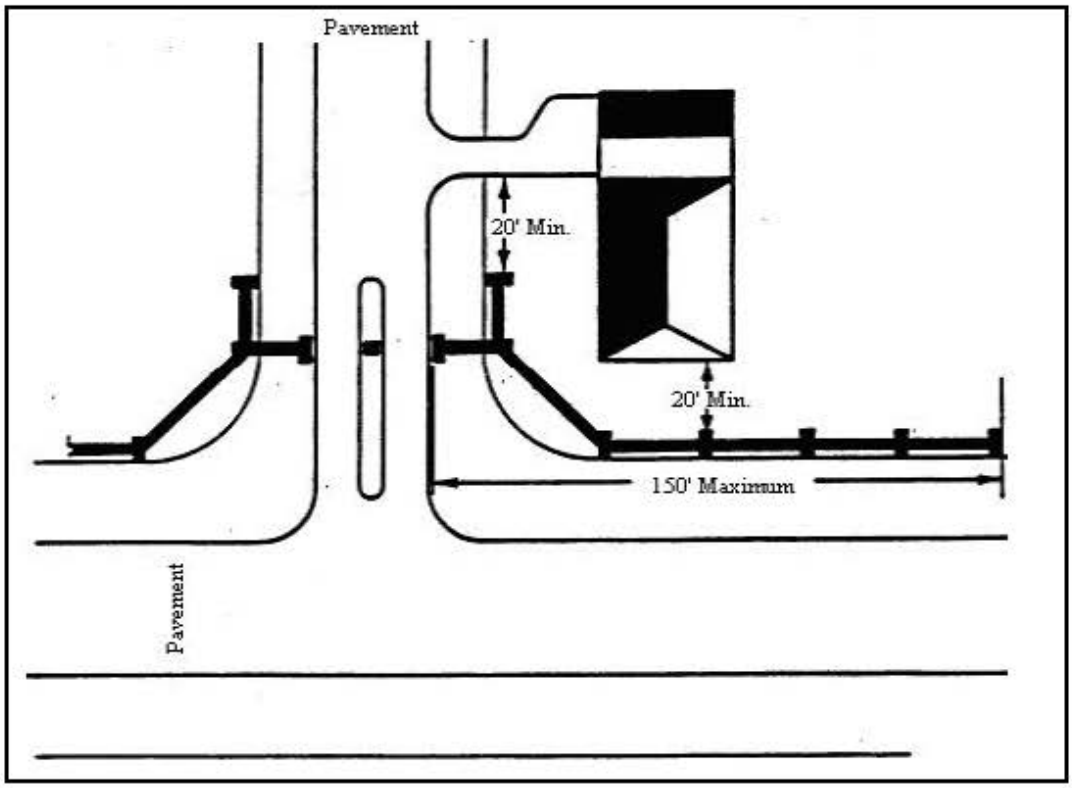
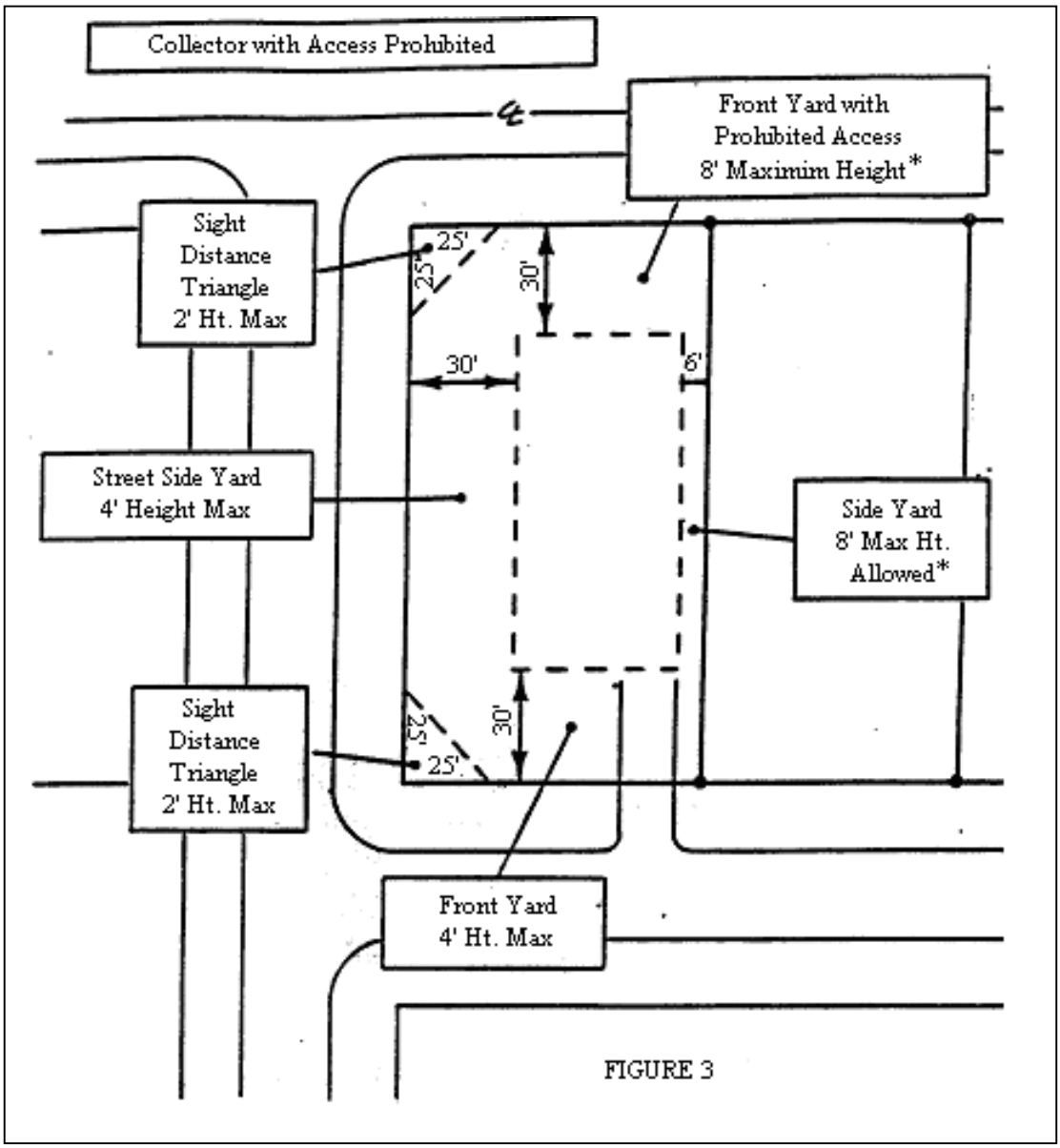


Figure 4.4.1

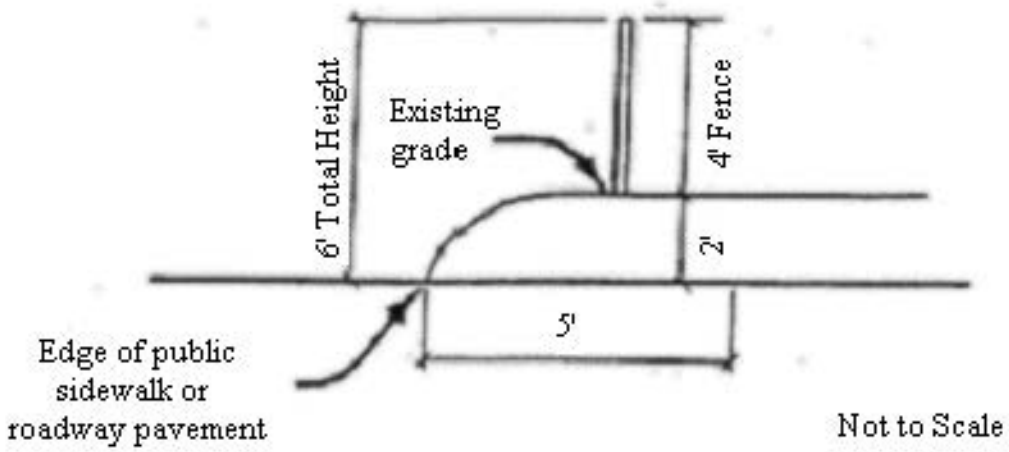


* For fences and walls constructed of solid materials or wrought iron only. Fences and walls constructed of chain link material have a 6' maximum height allowance.

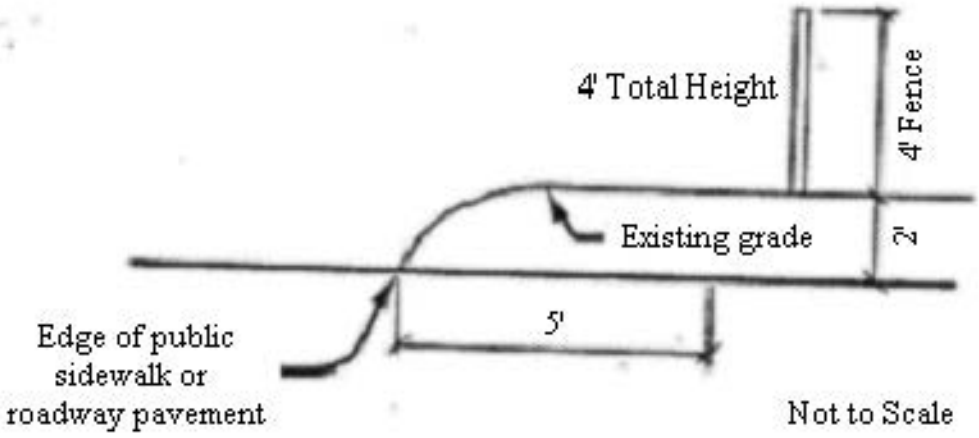
Figure 4.4.2

Example for Fence Height Measurement Standard:
Front and Street Side Yards

(A) Measure fence height within 5 feet of a sidewalk or roadway pavement like this
Total Height = 6 feet (4 feet fence + 2 feet change in grade)



(B) Measure fence more than 5 feet from a sidewalk or roadway pavement like this:
Total Height = 4 feet (measure from existing grade only)



INDEMNITY AGREEMENT

_____, hereby agrees to indemnify and hold the Greater Louisville consolidated local government, its council, departments and agencies harmless from and against any and all loss, damage, injury, liability and claim therefore, howsoever caused, resulting directly or indirectly from the construction of _____

_____

_____

_____

in the right-of-way of _____

_____

_____
Signature

_____
Signature

4.4.4 GARAGE SALES

A. Definition:

Garage Sale: As an accessory use of residential property, the sale of goods that are no longer needed or used at the site of the sale, whether advertised in local media, by signs, or otherwise as a garage sale, yard sale, household sale, moving sale, barn sale or other sale, accomplished by direct sale; or

The sale, at the seller's place of residence, of all or part of the household goods or items, in conjunction with vacating the residential premises by the seller or the seller's estate, whether accomplished by direct sale or auction; or

Sales conducted by civic groups, school groups, church groups, charitable or fraternal organizations and other non-profit organizations if such sale is held on the organization's premises. The sale of new or used goods purchased or consigned specifically for garage sales is prohibited.

B. No more than two garage or yard sales per calendar year, lasting no more than two days each, may be conducted on a given property.

C. A garage or yard sale may not exceed 1,800 square feet of sales area.

D. No garage sale item(s) may be placed in the right-of-way.

E. All signs used to advertise or direct traffic to a garage sale must be removed within 48 hours of the conclusion of the sale.

4.4.5 HOME OCCUPATIONS[3]

A. Intent.

The intent of this Section is to allow an occupant or occupants of a residence located on residentially zoned property to engage in a home occupation, trade, profession or business within said residence and its accessory structure(s) provided that such an activity does not adversely affect adjacent or nearby residents or the neighborhood as a whole.

B. Employees.

1. Employees working or meeting at the home occupation site shall be limited to persons who reside in the dwelling unit except that one nonresident employee shall be permitted to be at the site at any one time.

2. The owner/operator of a home occupation may apply for a conditional use permit to allow up to two additional nonresident employees (up to three total) if the following criteria are met:

NOTE: *Some subdivisions may restrict or prohibit home occupations through deed of restrictions.*

"Home Occupation" *shall mean an occupation, trade, business or profession conducted within a dwelling unit or a structure accessory to a dwelling unit by an individual or group of individuals who are residents of the dwelling unit. This use shall be clearly incidental and secondary to the primary use as a residence.*

[3] See Appendix 1C for specific changes to this section in effect within the City of Middletown.

a. The property on which the home occupation is located must be at least three acres in size to apply for one additional nonresident employee (two total).

b. The property on which the home occupation is located must be at least five acres in size to apply for two additional nonresident employees (three total).

C. Exterior Appearance.

There shall be no change to the exterior appearance of the dwelling unit that houses the home occupation and there shall be no visible evidence of the conduct of a home occupation as viewed from the public-right-of-way and adjacent properties.

D. Number of Customers, Clients and Pupils Permitted.

No more than two customers, clients or pupils shall be permitted on the site at any one time except that (i) the occupant of a single-family dwelling may provide day care services for no more than eight individuals at one time; and (ii) the occupant of a single-family dwelling may provide group or professional therapy for no more than four individuals at one time. Appointments for clients must be scheduled with an allowance of time for one client or group of clients to leave before the succeeding client or group of clients arrive so as to avoid parking conflicts.

E. Signage.

No signage associated with a home occupation shall be permitted. This includes, but is not limited to, the placement of a business sign on or near the site. This shall not preclude the placement of a sign on a vehicle owned or leased by a resident that is parked on the premises in accordance with applicable regulations.

F. Parking and Deliveries.

1. Any parking needed to accommodate the customers, clients or pupils being served by a home occupation shall be provided off-street on the dwelling unit's existing parking area/ driveway, except as provided in (2) below. The permit issuing authority shall determine whether the site has enough parking available in the parking area/ driveway to accommodate the parking generation expected from the proposed home occupation. Driveways may not be expanded or altered in any way to accommodate the expected parking needs of a home occupation.

2. On-street parking spaces may be used to accommodate a home occupation only if the owner/operator provides the Planning Director with a parking study that meets the requirements of Section 9.1.17 (Parking Studies) of the Land Development Code and the Planning Director finds that the use of the on-street parking spaces by the home occupation will not adversely affect adjacent or nearby residences. If the Planning Director is unable to make such a determination, he/she may forward the request to the Planning Commission or its designee for final approval.

3. Deliveries associated with the home occupation shall not be made using tractor- trailers. No more than two commercial deliveries (e.g. UPS, Federal Express, US Postal Service Express Mail) shall be made in any 24-hour period.

G. Permitted Locations and Maximum Size/Area.

1. The operation of home occupations shall be limited to the dwelling unit (including the basement and attached garage) and one roofed and fully enclosed accessory structure located on the site.

2. The area occupied by home occupations shall not exceed the limits specified below. The maximum area calculation shall include the space in which the home occupation is conducted as well as any areas that the home occupation's employees, customers, clients or pupils typically use including hallways, bathrooms and kitchens, when applicable. When all or a portion of the activity associated with a home occupation is proposed to occur in an accessory structure then the floor area of that accessory structure may be included in the calculation of the residence's floor area.

   a. A home occupation situated on a lot of less than one acre shall occupy no more than 25% of the floor area of the residence or 500 square feet in area, whichever is less.

   b. A home occupation situated on a lot greater than one acre shall occupy no more than 25% of floor area or 1,000 square feet, whichever is less.

3. All activities associated with a home occupation are prohibited from occurring outside of the residence and its accessory structure except as specifically permitted.

H. Hours of Operation.

1. Any home occupation that accommodates customers, clients or pupils on the site shall not be permitted to operate between the hours of 9 P.M. and 7 A.M.

2. No nonresident employee may work at a home occupation between the hours of 9 P.M. and 7 A.M.

I. Other Requirements.

1. No machinery, equipment, or process used or conducted in association with a home occupation shall create any noise, vibration, fumes, odors, dust or electrical interference that is detectable:

   a. Off the lot if the home occupation is conducted in a single family dwelling unit; or

   b. Outside the dwelling unit if the home occupation is conducted in something other than a single-family dwelling unit.

2. No equipment discernibly identified with a home occupation may be stored outside the residence unless it is located within an accessory structure. Children's play equipment associated with a day care shall be exempt from this restriction.

3. The sale of agricultural goods (e.g. flowers and vegetables) that are grown on the site shall be permitted as a home occupation as long as the other requirements of this Section are met.

4. More than one home occupation may be permitted within a dwelling unit, however the cumulative impact of the home occupations shall not exceed the maximum limits for the number of employees, number of customers, clients and pupils, parking and delivery restrictions, and maximum size/ area limits prescribed by this Section.

NOTE: Uses generally acceptable as home occupations include:

Day care facilities (7 or less individuals)
Mail Order Operations
Woodshops
Beauticians
The offices of the following professionals:
Accountants, Architects, Attorneys, Engineers, Real estate brokers, Sales and Manufacturing Representatives, Financial advisors, Insurance agents, Landscape architects Counselors, Mediators
Travel agents, Therapists, Chiropractors, Psychologists, and Psychiatrists

J. Prohibited Home Occupations.

The following uses/activities are prohibited as home occupations unless expressly permitted by other provisions of this Section. If, in the opinion of the permit issuing authority, a use or activity that is proposed as a home occupation is not specifically listed as prohibited, but has characteristics of a use or uses that are listed and could negatively impact the residential character of the neighborhood in which it is proposed, then that use/activity shall be prohibited as a home occupation. Such determinations may be appealed to the Board of Zoning Adjustment..

Any use or activity that does not meet the requirements of this Section;
Adult Entertainment;
Auto or Other Vehicle Sales, Service, Rental or Repairs (excluding minor repairs made to vehicles owned or leased by residents of the site);
Bed and Breakfast;
Daycare Facilities (except as otherwise permitted);
Clubs;
Dentistry;
Drive-In Facilities;
Eating and Drinking Establishments;
Escort Services
Group Instruction or Therapy with more than four students or clients on the premises at a time;
Gun Dealers;
Health Spas (excluding personal trainers / massage therapist);
Hospitals and Clinics;
Hotels/Motels;

Kennels;
Large appliance repair
Lawn mower repair
Machine shop
Medical examinations or treatment (other than psychiatry as expressly permitted herein);
Plasmapheresis;
Retail Advertising;
Retail and Wholesale Sales (except as otherwise permitted);
Taxi or Limousine Service;
Whole Blood Facilities;
Manufacture of Goods;
Distribution of Goods (excluding mail order operations);
Storage of Goods to be Offered for Sale;
Display of Goods

K. Registration of Home Occupations.

Prior to the establishment of any home occupation that (i) serves customers, clients or pupils at the site, or (ii) has one or more non-resident employees, the proprietor shall register the occupation. Day care centers as a home occupation shall require a home occupation registration The registration shall not be transferable and shall not run with the land; it shall terminate upon sale or transfer of the property to a new owner or tenant. The Planning Director shall maintain records of registered home occupations.[4] The registration form shall be the basis for determining compliance with the requirements of this section 4.4.5. Home occupation proprietors shall be responsible for updating their registration forms, at such time as their operations change from the activities described in the registration documents. Any home occupation meeting either criteria (i) or (ii) above that was established before the effective date of this Section shall have one year from the effective date of this Section to register the home occupation.

[4] See appendix 1B for specific changes to this section approved by the City of Jeffersontown.

4.4.6 INACTIVE CEMETERIES

A. Definition:

Inactive cemetery, for the purposes of this section, shall mean any cemetery, private or family cemetery, church cemetery, or historic or prehistoric burial ground not used for interment of human remains within the last ten years.

Cemetery with undefined boundaries, for the purposes of this section, shall mean any cemetery or burial ground the limits of which are not delineated on any ~~a~~ map, in a written description in wills or deeds, or by a wall or fence. or specific cemetery vegetation. This term shall also apply to any burial site(s) where graves are discovered outside of defined cemetery boundaries.

NOTE: *The procedure for the removal and relocation of a cemetery is set out in KRS 381.720 - KRS 381.767.*

B. Requirements:

A parcel of land on which an inactive cemetery is located or an adjacent parcel of land may be used as allowed by the site's zoning classification and other applicable regulations, with the following additional restrictions:

1. Preservation: All existing cemeteries and burial grounds shall be preserved and maintained in accordance with applicable Kentucky Revised Statutes, Kentucky Administrative Regulations, and federal laws and regulations state law. Relocation or removal of gravesites shall occur only as specified in applicable federal, state and local laws and regulations. The Jefferson County Office of Historic Preservation and Archives shall be notified in writing by supplying to the office copies of all state and local applications and permits prior to the relocation procedure.

2. Notification: The applicant shall notify the Jefferson County Office of Historic Preservation and Archives and the Kentucky Historical Society of the location of any cemetery or burial ground prior to development or subdivision of the parcel.

3. In preserving a cemetery while at the same time developing a parcel, an applicant, property owner, or developer has the following options:

   a. Transfer the existing cemetery as part of a buildable lot. Ownership and maintenance of the cemetery shall be transferred to the individual lot owner.

b. Make the existing cemetery a separate lot permanently preserved from development of structures or other non-cemetery improvements. Ownership and maintenance of the cemetery shall be transferred by written agreement to either a subdivision Homeowner's Association, a local legislative unit, or an historical organization. A legally created transfer agreement must be finalized and executed, and a copy provided to DPDS, within 90 days of any final approval of a record plat or development plan. The Planning Commission or its designee may grant up to two thirty-day extensions for the execution of said transfer agreement. Failure to execute the agreement or provide the copy may render the final approval of a subdivision plan or district development plan null and void.

c. The applicant shall inform the Planning Commission which of the above listed options they choose to pursue prior to approval of any development or subdivision.

4. Building Setbacks

a. For cemeteries with defined boundaries (such as a wall or fence), all buildings and structures other than fences and walls shall be set back at least 30 feet from the perimeter. Land disturbance within 30 feet of the perimeter except as described in number 6 below shall not be allowed. Prior to initiating any site disturbing activities and for the duration of the site preparation and construction processes, the 30-foot buffer area shall be delineated by installation of temporary fencing so as to be readily identifiable.

b. For cemeteries with undefined boundaries, the Commission may require certification of a cemetery with undefined boundaries by an archaeologist (as defined in 36 CFR Part 61). Documentation of acceptance of the cemetery boundaries by the Historic Landmarks Commission or delegated staff persons shall be provided for Planning Commission and building permit agency files prior to initiation of any site disturbance activities. After the boundary has been approved, all buildings and structures other than fences and walls shall be set back at least 30 feet, or another distance set by the Jefferson County Historic Landmarks Commission.

5. Security: Existing cemetery fences and walls shall be maintained and repaired. The property owner or developer is required to erect a new permanent enclosure (if one does not exist) surrounding the cemetery. For cemeteries with undefined boundaries, the location of the fence shall be established in accordance with procedures acceptable to the Jefferson County Historic Landmarks Commission. The new permanent fence shall be made of a material compatible with the character of the existing cemetery and surrounding residences. If a portion of an original wall or fence remains, and it is a compatible material (e.g. stone, brick, cast iron, wooden picket) the permanent fence or wall shall be properly repaired using the same material. If the existing fence is an inappropriate material (e.g. barbed wire or farm fence), it shall be replaced with a new fence of an appropriate material. Although the permanent fence must be erected as soon as practical, a temporary fence must be erected and maintained at all times during site development and construction. The Jefferson County Historic Landmarks Commission shall be responsible for determining the appropriateness of materials.

6. Maintenance: Existing cemetery planting or foliage shall be pruned and generally left in its natural state. The Jefferson County Historic Landmarks Commission shall be responsible for determining the appropriateness of landscaping used in and immediately surrounding all inactive cemeteries. Cemeteries shall be maintained both during site development and after construction is complete in accordance with Chapter 96 of the Jefferson County Code of Ordinances.

7. Public access shall be provided and permanently maintained to an existing cemetery with a minimum 15-foot recorded ingress-egress access easement.

8. A statement by the property owner, applicant, or developer shall be made on the site plan or subdivision plan regarding permanent cemetery ownership and maintenance. This information shall also be included on a Final Plat for a subdivision if recorded after the effective date of this regulation.

9. A deed restriction in a form approved by the Planning Commission legal counsel shall be recorded acknowledging the location, site, ownership, and maintenance of a cemetery.

10. Yard Requirements: No area occupied by graves may be counted toward the area required for front, side, street-side or rear yard requirements.

11. If human remains are discovered during the excavation or development of a site the applicant shall immediately cease excavation activities and notify the Jefferson County Coroner and the Jefferson County Historic Landmarks Commission.

4.4.7 MINOR EARTH EXCAVATIONS

A. On land in any zone, at the option of the property owner, a minor earth excavation not constituting a quarry, borrow pit or commercial operation, and/or filling of land with non-combustible, inorganic materials may be performed without a conditional use permit where all of the following conditions are met and agreed to:

1. The operation is performed in compliance with a plan which has received approval of the agency responsible for surface drainage/storm water drainage and from the Planning Director of the agency that provides staffing to the Planning Commission which may include provisions relating to bonding, remedies for violations, and correction of problems not anticipated at the time of approval. Approval by the responsible governmental officials shall be based on a finding that the plan complies with the Erosion Prevention and Sediment Control ordinance and that it will not likely result in unreasonable inconvenience, annoyance, or harm of any nature to the public, nearby property, or environmental features (i.e. karst features, streams) because of circumstances associated with the area or the operation.

2. Earthfills shall be permitted when the volume does not exceed 1,500 cubic yards for each acre to be filled or 250 total cubic yards of fill material, whichever limit is less restrictive. Excavations shall be permitted when the volume does not exceed 750 cubic yards of excavated material for each acre excavated or 100 total cubic yards of excavated material, whichever limit is less restrictive. An earthfill or excavation which exceeds the restrictions of this paragraph may be permitted if the earthfill or excavation is for a foundation of a structure or structures or other development which has (have) received all necessary Planning Commission, Board of Zoning Adjustment, and other government approvals and permits.

3. The filling or excavation shall be completed and the area involved shall be stabilized and re-vegetated in accordance with the approved plan within nine (9) months of approval of the plan. Refer to Chapter 4 Part 12 Erosion Prevention and Sediment Control for specific site stabilization standards.

4. Fill materials are limited to clean (or uncontaminated) sand, clay, silt, gravel, soil, or other non-polluting, inorganic, non-combustible material approved by the Metropolitan Sewer District or successor.

5. Failure to comply with the approved plan or the violation of any order of any reviewing governmental official relating to the operation shall constitute a violation of these regulations resulting in the imposition of penalties set out in Part 11.10 in addition to all other appropriate remedies agreed to in the plan or otherwise allowed by law.

This exception is made primarily for the purpose of reducing frequently unnecessary delay caused by the strict enforcement of Section 4.2.22, and the exclusive remedy for any property owner complaining of an action or order of a reviewing governmental official relating to the operation shall be to seek a conditional use permit from the Board of Zoning Adjustment in accordance with Section 4.2.22.

4.4.8 OUTDOOR SALES, DISPLAYS AND STORAGE

The intent of this Section is to provide for the appropriate location and design of outdoor sales, display and storage areas and to mitigate any adverse impacts that such uses may have on adjacent properties and rights-of-way.

A. Definitions.

Outdoor Sales and Display is the placement of any items(s) outside a building in a nonresidential zoning district for the purpose of sale, rent or exhibit. (This shall not include outdoor dining and seating areas associated with a restaurant.)

Outdoor Storage is the keeping or stockpiling of any item(s) outside a building in a non-residential zoning district that is not directly accessible by the general public for more than twenty-four hours. The placement of moveable containers, including semi trailers and containerized freight boxes, for the purpose of storage of inventory on a temporary basis (not to exceed two months in any calendar year) shall be considered outdoor storage.

Screened from View shall mean either visually continuous plantings, a solid fence, wall or earth mound, or a combination of such elements that provide a barrier with an average height of one foot above the material being screened, except that said screening shall not be required to exceed eight feet in height. All screening material shall meet the criteria stated in Chapter 10 of the Land Development Code in terms of quality and design.

B. Outdoor sales, display and storage shall be permitted in the C-1, C-2, C-M, EZ-1, M-2, M-3 and PEC zoning districts only when the requirements of this Section are met.

C. Outdoor sales, display and storage shall be permitted in the C-1, C-2 and C-M zoning districts as well as commercial uses permitted within the M-2, M-3, EZ-1, and PEC zoning districts only when the following standards are met.

1. Outdoor Sales and Display Standards:

a. Outdoor sales and display may be permitted within an area not greater than 800 square feet or 10% of the ground floor area of the building, whichever is greater, and shall be located at least 25 feet from any residentially used or zoned property.

b. When outdoor sales and display occurs within 25 feet of a public right-of-way, item(s) shall not exceed 5 feet in height and shall be *screened from view* from the public right-of-way.

c. Stacked items located less than 50 feet from a public right-of-way shall not exceed 5 feet in height. Any material within 3 feet of any building entry shall not exceed 3.5 feet in height. (see illustration, below)

d. Vending and ice machines shall be permitted outside of the building when located against and parallel to the building facade. These items shall count towards the total outdoor sales and display area permitted by this Section. Vending machines shall include newspaper, beverage, food, or snack dispensers. Public telephones and mailboxes are excluded from this regulation.

e. Outdoor sales and display of items shall be located on a "hard and durable" surface as defined by Metro Public Works Standards.

2. Outdoor Storage Standards:

a. Outdoor storage may be permitted in areas that are designated for employees only and made inaccessible to the general public by means of a fence, wall or other permanent, secured enclosure or in areas that are set back a distance of not less than 50 feet from any public building entry, parking lot, pedestrian facility or similar publicly used area.

b. Outdoor storage shall not occur within 25 feet of any public right-of-way.

c. Outdoor storage shall be *screened from view* from any abutting property.

d. Moveable storage containers including semi trailers and containerized freight boxes, for the purpose of storage of inventory on a temporary basis, shall meet the following requirements in addition to the other provisions of this Section:

i. Containers shall be allowed on the site only in accordance with a permit issued by the building permit issuing authority. A copy of the permit shall be kept on the site and shall be available for inspection.

ii. The use of containers on the site shall be allowed for no more than two months in any 12- month period.

e. Outdoor storage of new or used tires shall meet the following standards:

i. Tires shall be stored in compliance with applicable public health regulations.

ii. Outdoor tire storage shall not occupy an area greater than 300 square feet, unless a conditional use permit (4.2.44) has been granted.

iii. Tires stored outside shall be neatly stacked; no stack shall be higher than 8 feet.

f. All items stored outside shall be placed on a "hard and durable" surface as defined by Metro Public Works Standards.

D. The following uses are exempt from the requirements set forth in (C) of this Section as follows:

1. Areas designated for the outdoor sale, display or storage of plant material including live plants, fruits and vegetables and seasonal holiday related plant materials such as Christmas trees and pumpkins. This exemption does not include rock, mulch, pavers, landscape timbers and similar building materials.

2. Sale, display or storage areas for either automobile, boat and similar passenger or recreational vehicles or truck/trailer rentals which have met applicable vehicular use area screening and buffering requirements as set forth in Chapter 10 of the Land Development Code.

3. Retail operations that occur under a permanent canopy structure.

E. The following standards shall apply to all outdoor sales, display and storage.

1. Any area proposed to be used for outdoor sales, display or storage in accordance with this Section shall be accurately delineated on the applicable development plan.

2. No outdoor sales, display or storage shall be allowed in areas set aside, required, or designated for driving aisles, driveways, maneuvering areas, emergency access ways or vehicular parking necessary to meet the minimum number of off-street parking spaces as specified in this section and in Chapter 9 of the Land Development Code.

NOTE: *The 4-foot unobstructed path complies with current ADA standards.*

3. Outdoor sales, display or storage items, including newspaper boxes, may be located on sidewalks in the public right-of-way only if permitted by the Director of Works. Such items shall be permitted on privately owned walks or other areas intended for pedestrian movement provided an unobstructed, continuous path with a four foot minimum width is maintained. Materials located at the edge of a pedestrian way adjacent to a driving aisle shall not extend along that edge a distance for more than ten feet without providing a break of not less than three feet in width to allow for access on to the pedestrian way.

4. Items for outdoor sale, display or storage shall be *screened from view* from any abutting residentially zoned or used property. A property shall not be considered residentially used if the first floor is occupied by a nonresidential use or uses.

5. No outdoor sales, storage or display areas shall be located in the sight distance triangle as defined in Chapter 5 Part 1 of the Land Development Code or located in any manner that would restrict or limit adequate sight distances for interior vehicular traffic movement as determined by the Works Department.

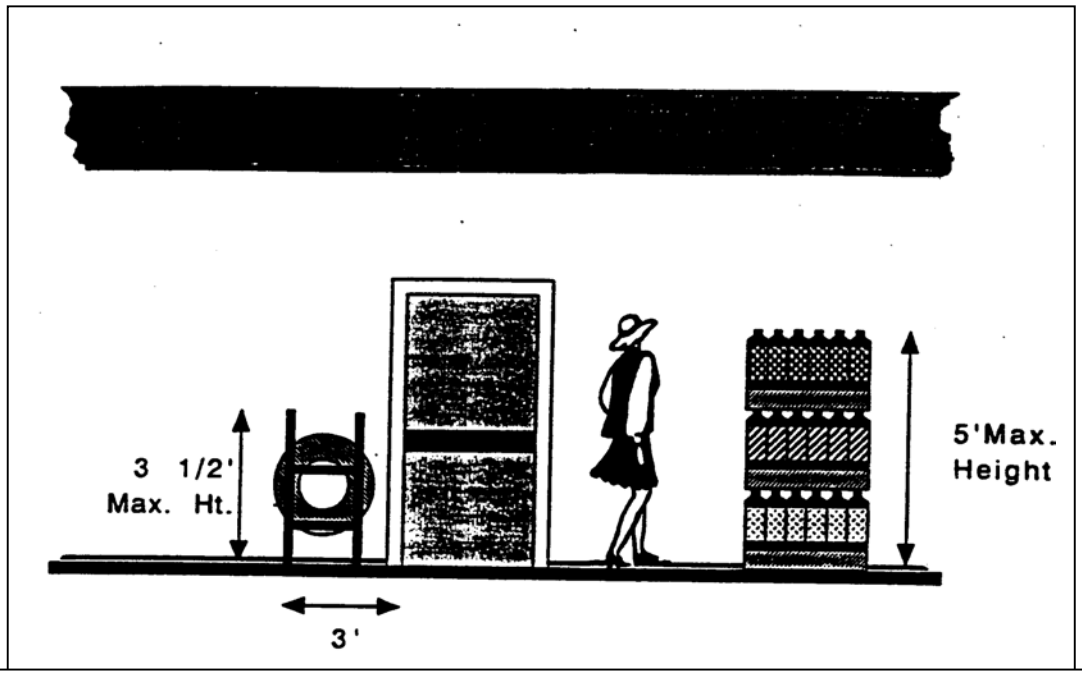
6. One additional parking space shall be required for each 500 square feet of outdoor sales and display area unless more specific parking requirements are provided in Chapter 9 Part 1 of the Land Development Code.

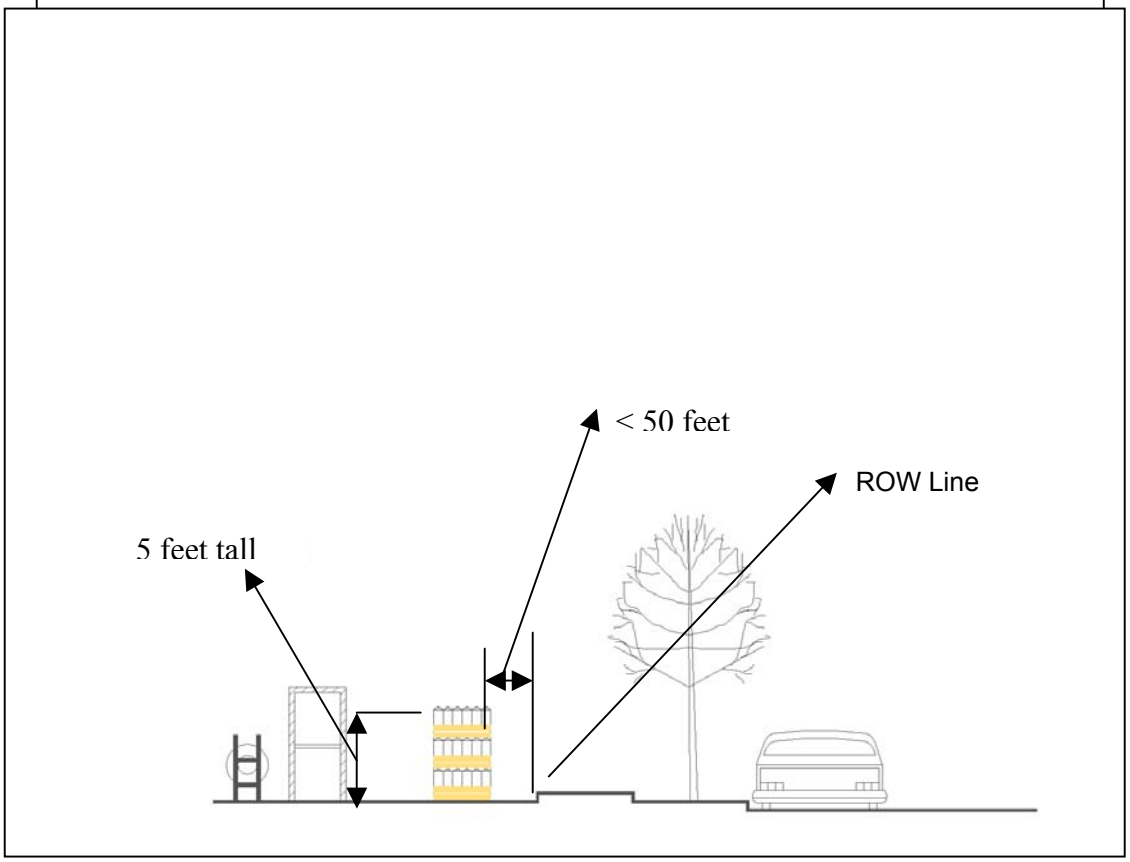
7. Any product located outdoors in a manner constituting a sign as defined in Chapter 1 of the Land Development Code must conform to the requirements set forth in Chapter 8.

8. No outdoor sales, display or storage shall be allowed within 30 feet of the right-of-way of any designated Parkway, Olmsted Parkway or Scenic Corridor or within any required parkway or scenic corridor buffer area.

9. Uses conducting outdoor sales, display, or storage in a manner not permitted by this Section may be cited in accordance with Chapter 11 (Enforcement) of the Land Development Code. If a use is cited for non-compliance and said use desires to continue outdoor sales, display or storage activities in compliance with the requirements of this Section, then a site plan showing areas in which outdoor sales, display or storage will be conducted on the site in accordance with this Section shall be required. The site plan shall be drawn to scale and shall indicate portions of the lot beyond which outdoor sales, display and storage shall not be conducted, and shall indicate the locations of permanent structures and other features to allow ready determination of adherence to the site plan. After the plan has received approval by the Planning Commission staff, the site plan shall be maintained at the business location and shall be available for review at time of inspection.

10. When the requirements of this Section differ from other provisions of the Land Development Code, the more stringent standard(s) shall apply.





4.4.9 REFUSE DISPOSAL CONTAINERS

A. No refuse container shall be located in any required vehicular use area, or in any required buffer or landscape area.

B. When located on a non-residentially used parcel adjoining a residential use, refuse containers shall be opaquely screened from view from public streets and adjacent properties to a height of at least 6 feet, or 6 inches higher than the height of the container (whichever is higher). This screening may be achieved by walls, landscaping or buffer yards, or by virtue of the location of the container on the building site.

4.4.10 SWIMMING POOLS

A. A private swimming pool shall not be constructed in any required front, street side, or side yard.

B. Private swimming pools, as well as any building or structures which accompany the pool (pool house, deck, etc.), must conform to all setback and area requirements as stated in the Accessory Uses section of the appropriate form district.

C. A private in-ground or above-ground swimming pool may be constructed in a required rear yard in excess of the maximum coverage as specified in the appropriate form district, provided such pool shall be no closer than five feet to any property line.

D. Private swimming pools in any location shall be enclosed by a continuous barrier such as a building wall or by a fence at least 48 inches in height, with a self-latching gate. Above ground pools with a vertical barrier of at least 48 inches that are made inaccessible by removal of the ladder or similar measure are allowed without a fence.

E. Any buildings or structures in conjunction with a pool shall be classified as accessory buildings unless they are part of the main building.

(Not in effect within the City of Jeffersontown and City of Middletown, see appendices 1B and 1C respectively for details)

Commentary: This section provides incentives for developers who provide open space, housing that reinforces income diversity, and other community benefits in keeping with the goals of Cornerstone 2020. In brief, in return for these community benefits, this section will permit developers to reduce lot sizes in subdivisions and more closely approximate the allowable density under the applicable zoning district regulations. The greater the benefits offered, the higher the density allowed, within the limit established by the site's zoning classification.

The following terms relating to Alternative Development Incentives are included in the Definitions (Chapter 1 Part 2):

Adjacent, Diversity Housing Unit, Brownfield, Clubhouse, Community Center Low-moderate Income Major transit corridor: Qualified Buyer Qualified Buyer Verification Form:

4.5.1 Purpose

The intent of these alternative development incentives is to foster residential development in furtherance of the Cornerstone 2020 Plan. This section sets forth a menu of development incentives that, while maintaining current zoning district densities, allows reduction of lot sizes in return for provision of open space, housing diversity, preservation of cultural resources, and efficient land use (building near major transit corridors and building on brownfields) in larger residential developments. This regulation implements the following portions of Cornerstone 2020:

Community Form Goals and Objectives C1, C2, C2.6, C2.7, C3, C3.1, C3.2
Community Form Goals and Objectives K1, K1.2, K2, K2.1
Livability Goals and Objectives F1, F1.2, F2, G1, G1.3
Guidelines 3, 4 and 5.

4.5.2 Applicability and Maximum Residential Density

Residential subdivisions located in the R-4 or R-5 Single Family Zoning District that create five or more lots in accordance with the procedures for major subdivisions and provide at least ten percent of Level 1 or 2 Diversity Housing as defined herein, are eligible for the incentives set forth in this section, unless the subdivision is located in a Qualified Neighborhood A, in which case, at least ten percent of any level of Diversity Housing shall be provided. The number of dwelling units created in accordance with this regulation may not exceed the number which is theoretically possible according to the rules of the applicable zoning district. The maximum is determined by multiplying the total site acreage by the applicable maximum density (dwelling units per acre) listed in Table 4.5.2. Proposed developments or portions thereof located more than one mile from a major transit corridor or an existing major or minor arterial classification roadway shall not be eligible for maximum gross densities to exceed 4.0 dwelling units per acre in the R-4 zoning district and 5.8 dwelling units per acre in the R-5 zoning district. The distance shall be measured using a straight line from the arterial or transit corridor street centerline.

If the proposed development falls partially within and partially outside one mile of an arterial or transit corridor, measured as described above, the maximum density of the development shall be calculated as follows:

R-4 District: the percentage of land in the development that lies within the one mile distance multiplied by 4.84, plus the percentage of land that is outside the one mile distance multiplied by 4.0.

R-5 District: the percentage of land in the development that lies within the one mile distance multiplied by 7.26, plus the percentage of land that is outside the one mile distance multiplied by 5.8.

4.5.3 Basis for Incentives

Urban League and the Housing Partnership are current examples of home ownership counseling programs.

A. Common Open Space: In order to qualify for reduced lot areas based on common open space the subdivision shall provide open space that is permanently preserved from development in open space lots, and meets applicable provisions of the Open Space Standards (Part 10.5). If a subdivision is located in a form district that requires provision of open space, the amount of required open space shall not be considered in determining the basis for incentives. Open space areas that do not abut a public or private street shall measure no less than 50 feet in any dimension, to qualify for this incentive.

B. Public Open Space: In order to qualify for reduced lot area based on public open space the subdivision shall provide open space that is permanently preserved from development in open space lots, accessible to the general public and meets applicable provisions of the Open Space Standards (Part 10.5). If a subdivision is located in a form district that requires provision of open space, the amount of required open space shall not be considered in determining the basis for incentives. .Open space areas that do not abut a public or private street shall measure no less than 50 feet in any dimension, to qualify for this incentive.

C. **Diversity Housing Levels 1 and 2:** In order to utilize Alternative Development Incentives, proposed subdivisions shall provide a minimum of ten percent of Diversity Housing units at Level 1 or Level 2, unless the development is located in a Qualified Neighborhood A. Level 1 units shall be sold for a total price no greater than 2.5 times the current low-moderate income limit for a given household size; Level 2 units shall be sold for a total price no greater than 2.75 times the current low-moderate income limit. Subdivision lots intended for Level 1 or 2 units shall be identified at the time of submittal of the subdivision preliminary plan. Lots shall be identified in a manner adequate to determine their location and calculate the incentive. The location of lots sold for Level 1 or 2 units may vary from those identified on the preliminary plan, however, the developer/owner shall be responsible for submitting an update report at 6-month intervals from the date of the recording of the record plat until the number of lots designated as Level 1 or 2 units have been sold. The update report shall identify the name of the recorded subdivision, the plat book and page number of the record plat, the actual lot numbers sold for Level 1 or 2 units, the name of the buyers, the type of units (detached unit/patio home/townhouse), the number of bedrooms, and the sale price of units. With the update report, the developer/owner shall submit deeds or other appropriate documentation and Qualified Buyer Verification Forms for all lots utilized to fulfill this incentive.

"Add-Ons" that increase the sales price of Diversity Housing units beyond the stated price limits are not permissible.

Level 1 and 2 units must initially be sold to a Qualified Buyer. Dwellings constructed on such lots shall be sold to the initial occupants at a price no greater than the diversity housing price limit in effect at that time [see Part 1.2, Definitions.]. Subsequent sale of the diversity units does not require any qualification of the buyers.

The Housing Authority and non-profit home ownership counseling programs that have registered with the Commission shall be notified by DPDS staff about the Level 1 and 2 diversity units at the time of submittal of the preliminary subdivision plan

D. **Diversity Housing Levels 3 and 4**: In order to encourage subdivision developments to offer a mixture of housing prices, developments that include Level 3 and 4 housing units may qualify for reduced lot area under these regulations. Level 3 units shall be sold for a total price no greater than 3.0 times the current low-moderate income limit for a given household size; Level 4 units shall be sold for a total price no greater than 3.25 times the current low-moderate income limit. Lots intended for diversity housing units shall be identified on the subdivision preliminary plan, and an update report submitted at 6-month intervals, as described in Item C. above.

NOTE: *Reduced filing fees are recommended for subdivisions with 20% or more diversity units.*

E. **Qualified Neighborhoods**: Qualified Neighborhood A includes those census tracts defined by the most recent census as having more than 20% of households below poverty level. New developments or re-developments in Qualified Neighborhood A that build houses priced at the Level 3 or higher shall be eligible for incentives under these regulations, without having to provide any Level 1 or 2 units.

Qualified Neighborhood B includes those census tracts defined by the most recent census as having the median household income at 150% or greater of the median household income for Jefferson County. New developments or re-developments in Qualified Neighborhood B that build diversity units shall be eligible for incentives under these regulations.

The applicant shall submit appropriate census data information with applications that request incentives for this item.

F. **Preservation of Cultural Resources:** In order to qualify for reduced lot area based on preservation of cultural resources, the subdivision shall permanently protect and maintain a qualifying resource. Qualifying resource includes historic properties and archeological sites listed in the National Register of Historic Places; sites determined to be eligible for the National Register; and property surrounding National Register/eligible sites the preservation of which is determined by the Louisville Metro Historic Landmarks Commission to contribute to the site's historic value. The Historic Landmarks Commission shall review the proposal prior to approval of the preliminary plan. At the time of recording the plat, the developer shall grant a conservation easement or other means to ensure permanent protection and maintenance, in a form and to a recipient acceptable to the Historic Landmarks Commission, the Planning Commission legal counsel, and the recipient.

G. **Efficient Land Use:** In order to utilize existing infrastructure, stabilize existing neighborhoods, and shorten the distance between homes and jobs, developments near major transit corridors and in brownfields may qualify for reduced lot area under these regulations.

__NOTE:__ Reduced filing and processing fees for developments in brownfields under these regulations are recommended.

1. **Major Transit Corridors**: Developments or portions thereof that are within 3/4 mile of a major transit corridor may qualify for reduced lot area points. The distance shall be measured by the shortest walking distance from the transit corridor toeach lot created under these incentives.

2. **Brownfields**: Development on brownfields may qualify for reduced lot area points. In order to qualify for reduced lot area, the applicant shall demonstrate that environmental degradation of the proposed development site has been remediated to a level appropriate for residential use, as indicated by issuance by the Commonwealth of Kentucky of a covenant not to sue.

H. Future Roadway Accommodation: Land dedicated for right-of-way for future roadways shown in the Comprehensive Plan, the six-year plan, or an approved road alignment study, and with approval from Louisville Metro Director of Works, shall be eligible for incentive points. For purposes of calculating incentive points, the area dedicated as right-of-way may be combined with common or public open space lands. Right-of-way dedication for widening of existing roads in accordance with Table 6.2.1 shall not qualify for incentive points.

4.5.4 Review Procedure

Any proposal for a major subdivision meeting the criteria established in this section shall be granted a reduction in minimum lot size and setback requirements as established in the applicable form district; maximum gross density shall not exceed the limits established in Table 4.5.2. The review procedure shall be in accordance with Chapter 7 (Subdivision Regulations).

4.5.5 Maximum Gross Density

Proposed subdivisions shall receive points based on the criteria set forth in Table 4.5.1. Points shall be totaled to calculate the maximum gross density as set forth in Table 4.5.2. Sites that qualify for less than 3 points are not entitled to anyalternative development incentive. Gross density shall be interpolated for sites that qualify for 3.5 through 14.5 points.

4.5.6 Compatibility with Adjacent Residential Development

Reduced size lots authorized by this section shall be designed and located so that impacts on adjacent previously approved residential development are minimized. To achieve this purpose, proposed subdivisions with reduced size lots shall meet each of the following design standards applicable to a given site.

A. Proposed subdivisions with reduced size lots that are directly across a public right-of-way or private access easement from a recorded subdivision or single family residential structures having an average front or street side yard with a variation in depth of not more than 10 feet shall meet the following standard: Building limit lines shall be recorded for those parcels across the street/access easement from existing development that equal the average dimensions of established front and street side yards of the existing development.

B. Perimeter parcels of the proposed development that are adjacent to property zoned for residential use shall comply with one of the following:

1. The perimeter parcels shall be developed with detached single family homes meeting the minimum lot size and dimensional requirements of the underlying zoning/form district; or

2. The applicant submits a written consent on an approved form supplied by Planning and Design Servicessigned by each adjacent property owner agreeing to an alternative standard, said form shall be signed after the neighborhood meeting required by Section 7.2.10 is held; or

3. Tthe adjacent property is developed with an intensity greater than or equal to the perimeter parcels; or

4. A buffer area shall be provided on the perimeter parcel consisting of one of the following:

a. A 75 foot wide open space lot; or

b. A 40 foot wide open space lot planted with 2 staggered rows of trees, a mixture of 2/3 canopy trees and 1/3 evergreen trees, with trees in each row placed no more than 20 feet apart, or other planting plan using the same quantity and type of trees and approved by DPDS staff; or

c. A 50 foot wide area containing an existing woodland or tree stand, designated as a Woodland Protection Area.

In conjunction with b. and c. above, a minimum 20 foot building limit setback shall be provided on the adjacent buildable residential lots.

4.5.7 Wastewater Treatment Requirement

Any lots approved pursuant to this section that are less than five acres shall be developed only if served by a wastewater treatment facility approved by the Health Department or other agency having approval authority.

4.5.8 Housing Types/Minimum Lot Size and Dimensional Requirements

Housing types and minimum yards for dwellings constructed are defined in the applicable form district regulation (see Section 5.2.2 D (Traditional Neighborhood) or Section 5.3.1 D (Neighborhood)).

4.5.9 Required Outdoor Recreation Open Space

Developments containing detached and semi-detached units on lots less than 6000 sq. ft. in the R-4 District or lots less than 4000 sq. ft. in the R-5 District shall provide Outdoor Recreation Open Space within the development. The amount of Outdoor Recreation Open Space required by this section shall be calculated as follows:

R-4: 1500 sq. ft. for each lot less than 6000 sq. ft.
R-5: 1000 sq. ft. for each lot less than 4000 sq. ft.

TABLE 4.5.1—COMMUNITY BENEFITS

Chapter 1 BENEFIT	POINTS PO
*Open Space: Neighborhood Form**	
Minimum of 20% of land set aside for common or public open space, or	**1.5**
Minimum of 30% of land set aside for common or public open space, or	**2.5**
Minimum of 40% of land set aside for common or public open space, or	**3**
Minimum of 50% of land set aside for common or public open space, or	**3.5**
Open Space— Traditional Neighborhood Form*	
Minimum of 5% of land set aside for common or public open space, or	**1**
Minimum of 10% of land set aside for common or public open space, or	**1.5**
Minimum of 20% of land set aside for common or public open space	**2.5**
Diversity Housing Level 1 and 2	
At least 10% but less than 15% of units are Level 1 or 2, or	**3**
At least 15% but less than 20% of units are Level 1 or 2, or	**4.5**
20% to 50% of units are Level 1 or 2, or	**5.5**
Over 50% of units are Level 1 or 2	**3.5**
Additional credit if at least 50% of these diversity units restricted to the Level 1 diversity housing price range [1]	**

*Land dedicated for future roadway accommodation, in combination with open space land or solely for right-of-way, qualifies for incentive points as listed here for open space.
** 50% of above listed, Diversity Housing Points as additional credit.

Additional credit if 30% to 50% of Level 1 or 2 units are developed as detached single family units, or	**2**
Additional credit if over 50% of Level 1 or 2 units are developed as detached single family units	**3**
Chapter 2 Diversity Housing Level 3 and 4	
Chapter 3 At least 10% but less than 20% of units are Level 3 or 4 units, or	**2**
20% to 50% of units are Level 3 or 4 units, or	**2.5**
Over 50% of units are Level 3 or 4 units	**2**
Additional credit if at least 50% of these diversity units are restricted to the Level 3 diversity housing price range	**1**
Qualified Neighborhoods	
Development is in ~~a~~ Qualified Neighborhood A and at Level 3 housing price or higher	**3.5**
Development is in Qualified Neighborhood B and qualifies for points for providing Level 1 or 2 housing, or	**2**
Development is in Qualified Neighborhood B and qualifies for points for providing Level 3 or 4 housing	**1**
Protection of Cultural Resources	
Chapter 4 Preservation of Historic Resource	**2**
Preservation of significant additional property surrounding a Cultural Resource that enhances its cultural value, as determined by the Historic Landmarks and Preservation District Commission	**2**
Efficient Land Use	
Near major transit corridor	**2.5**
Brownfield site	**6**

For purposes of illustration, the Jefferson County income limits and housing price limits for 2004 are as follow:

	1 Bedroom	***2 Bedrooms***	***3 Bedrooms***	***4 Bedrooms***
Low-moderate Income (80% of Median)	*$37,250*	*$41.990*	*$46,550*	*$50,300*
Level 1 House Price	*$93,130*	*$104,750*	*$116,380*	*$125,750*
Level 2 House Price	*$102,440*	*$115,230*	*$128,010*	*$138,330*
Level 3 House Price	*$111,750*	*$125,700*	*$139,650*	*$150,900*
Level 4 House Price	*$121,060*	*$136,180*	*$151,290*	*$163,480*

Note: Low-moderate income levels for the Louisville MSA are updated annually. This information is available from the US Department of Housing and Urban Development website. Refer to Section 8 income limits as posted at www.huduser.org/Datasets.

Table 4.5.2 Maximum Permitted Gross Density*

											12 pts	**13 pts**	**14 pts**	**15 pts**
R-4		3.3	3.4	3.5	3.6	3.7	3.8	3.9	4.0	4.1	4.2	4.4*	4.6	4.84
R-5		4.4	4.6	4.8	5.0	5.2	5.4	5.6	5.8	6.0	6.2	6.5*	6.8	7.26

* Portions of proposed developments located more than one mile from a major transit corridor or an existing major or minor arterial classification roadway shall not be eligible for maximum gross densities to exceed 4.0 dwelling units per acre in the R-4 zoning district and 5.8 dwelling units per acre in the R-5 zoning district utilizing the Alternative Development Incentives. The maximum permitted density in developments located partially within and partially outside the one mile distance is set forth in Section 4.5.2.

This part is intended to provide a standard procedure for identification of constraints when development is proposed on sites having environ-mental constraints, and to provide a means to ensure compliance with this chapter's environmental protection standards.

4.6.1 Applicability & Exemptions

A. Applicability

Except as exempt under subsection B. below, this part shall apply to all land disturbing activities.

B. Exemptions

This part shall not apply to the following development activities:

1. The redevelopment of sites with environmental constraints including reconstruction of an existing building that:

   a. Existed on such site on March 1, 2003; and

   b. Does not increase the amount of impervious surface coverage that existed on March 1, 2003; and

   c. Does not entail a change in use for which a conditional use permit for potentially hazardous uses is required.

2. Addition of accessory structures, or alteration of the ground surface (cutting, filling, grading) associated with landscaping, installation of walks or driveways, or similar activities on sites developed with a principal structure built prior to March 1, 2003.

3. Clearing and other activities required for surveying and preliminary site investigation, conducted in accordance with a Site Disturbance Permit issued in accordance with the Erosion Prevention and Sediment Control ordinance.

4. Maintenance of roads and utility lines.

5. Expansion of an existing residential structure by less than 50% or of a non-residential structure by less than 10%.

6. Construction on existing lots shown on preliminary plans approved between August 7, 1997 and March 1, 2003.

4.6.2 Determination of Sites with Environmental Constraints

A. Identification of Environmental Constraints

1. Applications for land disturbing activities not exempted in 4.6.1 shall include a checklist indicating the presence or absence of the following features on the site to be developed:

2. Local regulatory conveyance zone/regulatory flood plain as defined by local ordinance.

3. Protected waterways subject to the protection standards in Chapter 4 Part 8 " Waterways & Wetlands Protection."

4. Lakes and impoundments of one acre or greater.

5. Wetlands with a surface area of 0.1 acre or greater and subject to the protection standards in Chapter 4 Part 8, "Waterways & Wetlands Protection."

6. Karst features subject to subject to development restrictions as defined in Chapter 4 Part 9.

7. Steep slopes 20% or greater.

   Unstable soils as determined by the Natural Resources Conservation Service and depicted on Core Graphic 5.

   The presence of any of these environmentally constrained features shall be confirmed by reference to the best available federal, state, or county mapping and resources (e.g., floodplain or LOJIC maps) as determined by the Planning Director, or as confirmed by a site-specific survey conducted by a qualified professional.

***NOTE**: Part 4.9 is reserved; it will be drafted as part of the next phase of the Land Development Code.*

B. Determination of Sites with Environmental Constraints.

A development site that contains one or more of the environmentally constrained features listed in paragraph A, above, shall be designated a "Site with Environmental Constraints."

C. Approval Required.

The Planning Director, or designee, shall approve all determinations of sites with environmental constraints. The Director may require a site-specific survey if the Director determines that the magnitude of the development, its potential environmental impacts, or inadequacy of the best available mapping justify more detailed identification of constrained areas.

4.6.3 Designation of Limits of Disturbance

A. General

For sites with environmental constraints, the applicant shall establish, on each preliminary and final subdivision plat and on each site development plan, proposed building envelopes and the limits of site disturbance in relation to environmentally constrained features. The limits of site disturbance shall include the specific area(s) of a lot, lots, or development site within which the proposed development (including buildings, accessory structures, parking and driveways) may be constructed and within which all development activity, including grading, cutting and filling shall be contained.

B. Final Plans and Record Plats

Approved site disturbance limits shall be shown on the preliminary and final subdivision plats and/or on the development plan for each lot or development site.

4.6.4 Compliance with Applicable Regulations

A. General

Land disturbing activity occurring on or within an environmentally constrained feature or within a buffer area associated with such feature as established by this Land Development Code, including any construction, subdivision, clearing or grading activities, unless exempted by 4.6.1.B, shall be permitted only in compliance with regulations applicable to said constrained feature.

B. Standards For Protection During Construction.

Site disturbance limits shall be designated in the field prior to commencement of excavation, grading, or construction with construction barrier fencing or other methods approved by DPDS. For trees and clumps of trees to be preserved within the site disturbance limit, tree protection specifications as required in Chapter 10 Part 1, “Tree Canopy,” shall be followed.

4.7.1 Purpose & Intent

The purpose of this part is to guide development in steeply sloped or unstable hillside areas consistent with Cornerstone 2020 Comprehensive Plan guidelines, to protect natural areas and features and to locate development, where possible, in areas that do not have severe environmental limitations. This section intends to regulate hillside development in order to protect life and property from hazards due to slope, unstable soils, earth movement and other geologic and hydrologic hazards. More specifically, these regulations are intended to:

A. Maintain property values and avoid property damage due to development of steep slopes and unstable soils;

B. Incorporate current design, landscape architecture, architecture and civil engineering practices to preserve, enhance, and/or promote the stability and environmental quality of hillside areas;

C. Preserve or enhance the beauty of the landscape by encouraging the maximum retention of natural topographic features including slopes, ridge lines, vistas, and natural plant communities;

D. Promote a safe means of ingress and egress for vehicular and pedestrian traffic to and within hillside areas while at the same time minimizing the scarring effects of hillside street construction;

E. Encourage imaginative and innovative building techniques to create buildings suited to natural hillside surroundings; and

F. Enhance neighborhood character and community identity associated with the County's hillsides.

From Definitions [Chapter 1 Part2]:

Land Disturbing Activity *– All construction, demolition, reconstruction modification, extension, or expansion of structures or parking areas, placement of fill, dumping, storage of earthen materials, excavation, land clearing, clear-cutting, tree and vegetation removal, grading, grubbing or any similar activity or combination thereof that changes the natural cover or topography creating the potential for erosion and contribution to sediment.*

4.7.2 Applicability & Exemptions

A. Applicability

This part shall apply to all land disturbing activity, including new development and subdivision, proposed on:

1. Properties that contain slopes of 20% or greater ("steep slopes"), or

2. Properties that contain soils rated as "unstable" on Core Graphic 5.

B. Land Disturbing Activity

Land disturbing activity includes the following:

1. Clearing of more than 5,000 square feet of forested area for development;

2. Grading, excavation, construction of foundations, footings or retaining walls, or alteration of the ground surface, except for activities defined as agricultural operations in KRS 224.71-100 through 140;

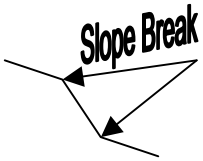
3. The installation of utilities, including but not limited to water, sewer, natural gas, electric, telephone and cable.

C. Exemptions

This part shall not apply to the development activities listed in 4.6.1.B.

4.7.3 Development on Steep Slopes

A. Measurement of Steep Slopes



The restrictions on development on sloped areas in this part refer to existing (pre-development) site conditions. Slopes shall be determined by dividing the horizontal run of the slope into the vertical rise of the same slope and converting the result into a percentage value.

Steepness of slope shall be measured from the points with the highest and lowest elevation between slope breaks. The Planning Director in consultation with NRCS representatives shall make the final determination of what constitutes a slope break.

4.7.4 Land Disturbing Activity on Unstable Soils.

A. Land disturbing activity on unstable soils (as depicted on Core Graphic 5) is permitted only in accordance with the Comprehensive Plan and in keeping with the following:

1. The Planning Commission determines the proposed construction cannot be accommodated on a portion of the site that does not contain unstable soils; and,

2. The application for the land disturbing activity includes a geotechnical survey report, prepared in accordance with best practices. Such survey will ordinarily include information obtained by drilling, locating of bedrock and testing of soils for shear strength. The report shall be prepared by a licensed and Kentucky-registered professional engineer practicing in accordance with KRS 322 and whose area of expertise includes geotechnical engineering. In order for the proposed construction to be approved, the report must:

   a. conclude the proposed disturbance and/or construction can be carried out in a manner that will minimize impact on the slope and will not adversely impact foundation stability on the subject property and surrounding properties; and,

b. conclude that stable foundations can be constructed on the site and identify the mitigation measures and construction practices, including construction supervision, necessary to assure the stability of buildings and foundations to be constructed on the site; and,

c. include erosion and sediment control measures necessary to assure compliance with the Jefferson County Erosion and Sediment Control Ordinance; and,

3. The applicant provides a plan, acceptable to the Commission, that specifies how the mitigation measures and construction practices including construction supervision, necessary to assure the stability of buildings and foundations to be constructed on the site as recommended in the geotechnical report will be implemented.

4. Prior to requesting a full building permit, the applicant shall provide certification from a professional engineer having the qualifications described in paragraph 2, above, that site preparation and foundation construction were carried out in accordance with the approved mitigation measures and construction practices.

5. Prior to requesting a certificate of occupancy for any structure on the site, the applicant shall provide certification from a geotechnical soils engineer certifying that land disturbance and construction were carried out in accordance with the mitigation measures and construction practices, including inspections, set forth in the geotechnical report.

6. Prior to site disturbance, the applicant shall submit a bond of sufficient amount to cover the cost of site stabilization.

4.7.5 Land Disturbing Activity on Slopes Greater Than 20%.

A. Land disturbing activity on slopes greater than 20% is permitted on lots existing prior to the effective date of this regulation and on lots created by minor plats submitted for review after the effective date of this regulation only if the activity is in keeping with the Comprehensive Plan and the proposed activity complies with the following standards:

1. The Planning Director finds that the design and configuration of the development results in the minimum disturbance of slopes greater than 20% necessary to accommodate the proposed use of the site; and,

2. Compatible on-site utilities (electric, phone, cable) are placed in a common trench; and,

3. Shared access driveways serving single family residences are used when this technique reduces pavement and grading of steep areas.

B. Land disturbing activities on slopes greater than 20% is permitted on lots created by major subdivision after the effective date of this regulation only if the activity is in keeping with the Comprehensive Plan and the proposed activity complies with the following standards:

1. The Commission finds that the design and configuration of the development results in the minimum disturbance of slopes greater than 20% necessary to accommodate the proposed use of the site; and,

2. Compatible on-site utilities (electric, phone, cable) are placed in a common trench; and,

3. Land disturbing activities on slopes greater than 20% and less than 30% shall be required to prepare a geotechnical survey report if the staff of the USDA Natural Resources Conservation Service determines such a study is warranted, given the site's soil and geologic characteristics. A geotechnical report shall be submitted for land disturbing activities on slopes greater than 30%. The geotechnical survey report shall be submitted with the application for land disturbing activities and shall be prepared in accordance with best practices. Such survey will ordinarily include information obtained by drilling, locating of bedrock and testing of soils for shear strength. The report shall be prepared by a licensed and Kentucky-registered professional engineer practicing in accordance with KRS 322 and whose area of expertise includes geotechnical engineering. The report shall include mitigation measures as needed to ensure stability and minimize environmental impact during site preparation and construction phases of the regulated activity. In addition, the report shall include erosion and sediment control measures necessary to assure compliance with the Jefferson County Erosion and Sediment Control Ordinance. The Planning Commission may approve the activity if the report opines and demonstrates that:

   a. The slope's ground surface and subsurface are not unstable;

   b. Development of the slope and associated mitigation measures will not increase the degree of risk of slope instability both on-site and on adjacent lands; and,

   c. If a geotechnical report is required, the applicant provides a plan, acceptable to the Commission, that specifies how the mitigation measures and construction practices, including construction supervision, necessary to assure the stability of buildings and foundations to be constructed on the site as recommended in the geotechnical report will be implemented.

4.7.6 Independent Review of Geotechnical Survey Report

The Planning Commission may, on recommendation of the Natural Resource Conservation Service or MSD or the Planning Director, require an independent review of the submitted geotechnical survey report. Such review shall be conducted by a licensed and Kentucky-registered professional engineer practicing in accordance with KRS 322 and whose area of expertise includes geotechnical engineering. The reasonable cost of such review shall be borne by the applicant.

4.7.7 Development Potential Transfer Allowed

A. Major subdivision development proposals submitted after the effective date of this regulation and which permanently preserve areas of the site with slopes greater than 20% may transfer the development potential (building sites or floor area) of the permanently preserved area to the remainder of the site subject to the following limitations:

1. The subdivision is not being developed under the Alternative Development Incentives of the Land Development Code; and,

2. Areas to be permanently preserved are preserved in a manner acceptable to the Commission (e.g., conservation easement, common open space, etc.); and,

3. The area of the site to which development potential is being transferred is at least as large as the area from which development potential is being transferred (for example; if an applicant wishes to transfer development potential from 3 acres, the portion of the site to which development is shifted must be at least 3 acres); and,

4. All lots in the proposed development meet the minimum alternative development incentive lot size of the applicable Form District; and,

5. All lots in the proposed development meet the height, yard and setback requirements of the applicable Form District.

NOTE: *Although lot sizes are reduced, setbacks are not reduced for density transfer lots. Consistent appearance throughout the subdivision is intended.*

B. The maximum development potential allowable for transfer shall be determined by one of the following methods:

1. One half of the theoretical development potential based on the number of acres preserved and the existing zoning of the area to be preserved (for example; if 3 acres of an R-4 site is proposed for protection, then 7 building sites could be transferred to other portions of the same property - 3ac x 4.84 units/acre / 2 = 7.26 units); or,

2. The realistic development potential determined by an engineered development plan including a preliminary geotechnical feasibility study and meeting all other requirements of the Land Development Code.

4.8.1 Purpose & Intent

This part is intended: (i) to promote, preserve, and enhance the important hydrologic, biological, ecological, aesthetic, recreational, and educational functions that river and stream corridors, lakes and other critical waterways, wetlands, and their associated riparian areas provide in Jefferson County; (ii) to guide development on sites with environmental constraints consistent with the Cornerstone 2020 Comprehensive Plan; (iii) to locate development, where possible, in areas that do not have severe environmental limitations and to protect natural areas and features as a part of development planning, by designating buffer areas that will guide future development adjacent to protected waterways; (iv) to minimize water pollution, including sediment and other pollutants in surface runoff; to promote bank stabilization; to protect riparian wetlands and their wildlife habitats; (v) generally to promote land use policies which will maintain or improve water quality levels; (vi) to implement goals of the Clean Water Act.

The following terms relating to Waterways & Wetlands Protection are included in the Definitions (Chapter 1 Part 2):

Top of Bank or Stream Bank, Impervious Surface Area, Land Disturbing Activity, Protected Waterway, Riparian Area, Riparian Vegetation, Riprap, Wetlands

4.8.2 Applicability & Exemptions

A. Applicability.

Unless exempt by subsection B.2 below, this part shall apply to any land disturbing activity and to all new subdivisions, including the expansion or reconstruction of buildings and impervious surface areas existing on March 1, 2003 that occur within a buffer area of a Protected Waterway.

B. Exemptions.

The following developments shall be exempt from this Part's standards:

1. Agricultural Operations as defined in KRS 224.71-100 through 140;

2. The expansion of the building footprint of a residential building existing on March 1, 2003 when the expansion is less than 50% of the building footprint on said date.

3. The expansion of the building footprint of a non-residential building existing on March 1, 2003 when the expansion is less than 10% of the building footprint on that date.

4. A legal lot of record zoned for one and only one single family detached dwelling may be developed (subject to the Development Plan review procedures stated in Chapter 11 Part 6 of this Land Development Code) for one such dwelling provided that the intrusion into the required buffer is the minimum necessary to accommodate the proposed use.

5. Docks, boat launches, structures which accommodate public water supply intake, water quality treatment plant sewer lines and outfalls, and other uses which, owing to their water dependent nature, cannot be located anywhere but within a designated Buffer Area.

4.8.3 Establishment of Buffer Areas and their Boundaries.

A. Applicability.

Buffer Areas shall be established along Protected Waterways, which shall include the following waterways:

NOTE: In general, lakes formed by impoundment of streams are subject to this regulation.

1. Any perennial stream or river (or portion thereof) that is portrayed as solid on the United States Geological Survey 7.5 minute quadrangle maps, of the most recent edition;

2. Wetlands greater than 0.1 acre and subject to federal jurisdiction of the U.S. Environmental Protection Agency and the Army Corps of Engineers; and

3. Lakes with a permanent pool elevation greater than 3 acres in size if they constitute “waters of the Commonwealth” as defined in KRS 224.

4. Other water bodies that have been designated through nomination and legislative approval. A water body may be nominated as a Protected Water Body by resolution of the legislative body(ies) or by resolution of the Planning Commission. The Planning Commission shall conduct a public hearing and recommend candidates for designation to the legislative body(ies) with jurisdictional control which shall have final designation authority.

   Buffer areas are established by this Part along all protected waterways located in Jefferson County, except that more restrictive buffer areas established in Special Districts pursuant to Chapter 3 of the LDC supersede the requirements of this part.

B. Approval Required.

Specific and final buffer area boundary delineations shall be determined by the Planning Director, or designee.

C. The minimum Buffer Area requirements established by this Part for water bodies other than wetlands are either:

1. The minimum width as set forth in Table 4.8.1 below. Type A Buffer Areas and the Streamside Zone of Type B Buffer Areas are measured from the top of the bank of the protected stream;

2. The alternative buffer width and design, approved by the USDA Natural Resources Conservation Service, provided it meets the agency's standards and specifications for riparian buffers. Sites located in form districts otherwise subject to Type B buffer requirement (Table 4.8.1) are eligible for alternative buffer widths, at the applicant's discretion,

Table 4.8.1		
	pe & Minimum Buffer Area Width (Feet)	
		Type "B" Buffer Area Applies in the Following Form Districts: • Regional Marketplace Center • Town Center • Suburban Marketplace Corridor • Neighborhood • Suburban Workplace • Campus • Village FD Area outside of Center
Protected Waterways Other than Wetlands	Total Buffer Area = 25 feet	Total Buffer Area = 100 feet, comprised of the following 3 zones: 1. Streamside zone: 25 feet: 2. Middle zone: 50 feet. 3. Outer zone: 25 feet.

4.8.4 Modifications or Variances of Buffer Area Boundaries

A. Permitted Minor Modifications from Buffer Area Requirements

A 25% reduction in the buffer width is permitted on a portion of the property if it is offset by an increase of the buffer width on an equal or greater portion of the same property with the result that the average buffer area width for the property is equal to or greater than that specified in Table 1.

B. Variances – Additional Criteria

1. Buffer Area Requirements are dimensional requirements with respect to which variances may be requested as specified in KRS 100.243. In addition to the applicable criteria for variances provided by statute, the following factors may be considered in such a variance request.

    a. The variance is necessary because the requirements of this section represent an extreme hardship such that minimal or no reasonable economic use of the land is available without reducing the width of the required Buffer Area.

    b. The size, shape, or topography of the property, as of March 1, 2003, is such that it is not possible to construct a single family detached dwelling without encroaching into the required Buffer Area.

    c. Encroachment into the required Buffer Area shall be limited to the minimum necessary to accommodate the proposed use.

    d. The Applicant shall commit, to the satisfaction of the County, to mitigation measures that substantially offset any potential adverse impacts of the proposed encroachment during site preparation, construction, and post-construction.

    e. Approval of the variance will not result in a reduction in water quality.

4.8.5 Wetlands Delineation & Protection Standards

A. Delineation of Wetland Boundaries.

1. Mapped Wetlands. Boundary delineation of wetlands shall be established using Hydric Soils as a preliminary indicator of wetlands that may meet jurisdictional requirements.

2. Disputed Wetlands. If a wetlands has not been mapped, or its boundaries not clearly established, or if either the County or Applicant dispute the existing boundaries, the Applicant shall retain a qualified person with demonstrated expertise in the field to delineate the boundaries of the wetland in keeping with the standards specified in *The Corps of Engineers Wetlands Delineation Manual*, Technical Report Y-87-1 (January 1987). Subsequent revisions of the *Delineation Manual* shall not be incorporated into this delineation methodology.

B. Compliance with Applicable Federal Wetlands Laws or Regulations

1. Prohibited Activities. No person shall engage in any activity that shall disturb, remove, fill, drain, dredge, clear, destroy, or alter any area, including vegetation, within a wetlands that falls in the jurisdiction of the federal government and its agencies, except as may be expressly allowed under applicable federal laws or regulations. Draining any wetland that falls in the jurisdiction of the federal government and its agencies is prohibited except in keeping with the provisions of paragraph 2, below.

2. Federal Approvals Prerequisite to County Approval. The County shall not grant final approval to any land disturbing activity, development, or subdivision in a wetlands that falls within the federal government's jurisdiction until the Applicant demonstrates that all necessary federal approvals and permits have been obtained.

C. Wetland Buffer Width and Use Restrictions

1. Width

Wetland buffer areas shall be at least 25 feet in width. The total width and design shall conform with USDA Natural Resources Conservation Service criteria, but shall not exceed 100 feet.

2. Permitted Uses and Activities

Uses shall be as specified in section 4.8.6.

4.8.6 Standards for Protected Waterways and All Buffer Areas

A. General Rule.

No land-disturbing activity, development, or subdivision of any type shall occur in a protected waterway or Buffer Area, except as expressly allowed in this part and other applicable County, state, or federal laws and regulations. The County shall not approve any land-disturbing activity, development, or subdivision until the Applicant obtains all other necessary county, state, and/or federal permits. All Buffer Areas shall remain in a vegetated, natural state and shall not be modified in any manner except as expressly allowed in this section. Plant material adequate for filtering surface drainage shall be maintained within all Buffer Areas.

B. Permitted Uses and Activities in the 100-Year Floodplain.

Any land disturbing activity, development, or subdivision in the 100-year floodplain shall demonstrate compliance with the Jefferson County Floodplain Ordinance, as amended.

C. Uses Permitted in the Type A Buffer Areas and the Streamside Buffer Zone.

Within a Type "A" Buffer Area and the Streamside Zone of a Type "B" Buffer Area, allowable uses and activities are restricted to:

1. Public flood control structures,

2. Utility rights of way (Type A buffer only),

3. Pedestrian-only trails, and

4. Road crossings, where permitted.

D. Uses Permitted in the Middle Buffer Zone.

Allowable uses and activities within the middle zone of a Type B Buffer Area are restricted to:

1. Utility rights of way

2. Biking or hiking trails,

3. Stormwater management and sediment control facilities approved by the MSD,

4. Recreational uses that entail no impervious surfaces, or are approved by the Planning Commission.

E. Uses Prohibited in the Outer Buffer Zone.

The following uses and activities are <u>not</u> allowed within the outer zone of a Type B Buffer Area:

1. Septic systems, and

2. Permanent structures or impervious surface coverage with a footprint of greater than 100 square feet, with the exception of approved recreational trails.

F. Wetlands and Alternative Type B Buffers

The first 25 feet of wetland and alternative buffers shall meet the use restrictions established for the Streamside Buffer Zone (paragraph C, above). For buffers less than 50 feet in width, the balance of the buffer area shall meet the Middle Buffer Zone restrictions (paragraph D, above). For buffers more than 50 feet in width, one-half the width outside the first 25 feet may be used in accordance with the Middle Buffer Zone restrictions and one-half may be used in accordance with the Outer Buffer Zone restrictions.

G. Location of Platted Lots in Buffers Areas.

1. Any lot contained within a preliminary subdivision plat and intended for development shall be platted outside Type A Buffer Areas, and outside the Streamside and Middle zones of all Type B Buffer Areas.

2. The prohibition on development lots in this subsection shall not preclude the designation of the Buffer Area as a tract of land within the preliminary and final plats related to such real property, provided there is a plat note on such preliminary and final plat that references that the Buffer Area is subject to the terms and conditions of this section and that the Buffer Area tracts are clearly identified as non-buildable tracts.

NOTE: *The application of pesticides and herbicides within Type A and the first 75 feet of Type B Buffer Areas is strongly discouraged.*

H. Prohibited Uses and Activities in Buffer Areas.

The following uses and activities are prohibited in all Buffer Areas because of their proven potential for water pollution:

1. Storage of hazardous substances and fertilizers.

2. Above or below ground petroleum storage facilities.

3. Drain fields from on-site sewage disposal and treatment system (i.e., septic systems).

4. Raised septic systems.

5. Solid waste facilities, such as landfills and including junkyards.

6. Confined animal feedlot operations.

7. Subsurface discharges from a wastewater treatment plant.

8. Land application of biosolids.

9. Filling and/or excavation activities other than those attendant to uses specifically authorized.

I. Recreation, Education, or Scientific Activities Allowed.

Structures and improvements for recreational, educational, or scientific activities, including but not limited to fishing access and wildlife management and viewing, may be permitted in a Buffer Area, provided a management plan that establishes long-term protection of the Buffer Area is submitted with the final plat or plan and is approved by the County.

J. Stream and Buffer Area Crossings: Roads, Bridges, Trails, and Utilities.

Roads, bridges, trails, and utilities are permitted in a Buffer Area and may cross the protected waterway, subject to the Planning Commission's approval based on the recommendations of the Public Works and DPDS and the MSD.

1. The Applicant shall restore any disturbance of the Buffer Area and protected waterway by re-grading and re-vegetation. See paragraph K, "Restoration," below for applicable standards. Provisions for restoration of the disturbed area shall be included in any development or subdivision agreement for the project, with adequate security to guarantee that the restoration will be completed.

2. The right-of-way shall be the minimum width necessary for installation, access, and maintenance.

3. Access for maintenance of utilities in Buffer Areas should be at specific points rather than parallel to the utility corridor.

4. The angle of any crossings shall be perpendicular to the protected waterway or Buffer Area in order to minimize clearing and other land disturbance, unless the Planning Commission finds based on comments from MSD, Public Works or the Planning Director that a perpendicular alignment is not feasible.

5. The number of road crossings shall be the minimum number necessary to provide for adequate transportation connections as required in this Land Development Code.

6. No more than one fairway crossing associated with a permitted golf course use shall be allowed for every 1,000 linear feet of Buffer Area.

7. Trench crossings of rock streambeds visible through the water column or exposed on a seasonal basis shall be restored to a natural appearance using grouting techniques.

8. Plans for the crossing submitted with the application shall identify the alignment of the crossing, the proposed construction techniques, the proposed construction and working easements, and mobilization, staging and temporary disposal areas.

K. Restoration.

At the time of development, the following restoration standards shall be met.

1. Restoration Required to Stabilize Banks. Riparian vegetation shall be planted, as necessary, to stabilize the banks of a protected waterway within a Buffer Area. Where a bank is denuded of its vegetation due to erosion, slope failure or similar occurrence, appropriate vegetation shall be planted to quickly establish a vegetative cover, and then replanted with riparian vegetation to ensure the long-term stabilization of the bank. Restoration plantings shall be selected from the MSD native species restoration specifications.

2. Restoration of Eroded Banks Required. Where stream bank erosion has occurred as a result of on-site development activities, riparian vegetation shall be planted to stabilize the stream bank unless the County determines such vegetation would be inadequate to re-stabilize the bank. In instances where the County determines that planting of riparian vegetation is inadequate to stabilize the stream bank alternate methods of stabilization, approved be the County shall be utilized.

3. Other Restoration Allowed. Stream, stream bank, and vegetation restoration projects are allowed where the goal is to restore the protected waterway, wetlands, or Buffer Area to an ecologically healthy state, as approved by MSD.

L. Water Quality Monitoring Allowed.

Water quality monitoring and stream gauging are allowed within the protected waterway and Buffer Area, as approved by the DPDS or by MSD.

M. Tree and Vegetation Removal.

1. Existing, healthy trees and vegetation within a Buffer Area shall be preserved

2. This provision shall not prohibit any of the following:

   a. Removal of dead or diseased trees/vegetation (provided a live root system stays intact),

   b. Removal of noxious weeds;

   c. Removal of non-native trees/vegetation that threaten native species growth or reintroduction,

   d. Removal of fallen trees, tree limbs, brush and similar debris that accumulate naturally in river/stream beds and that impede river/stream flow, or

   e. Removal of any other tree/vegetation that is a threat to the public health or safety.

f. Removal of trees as part of an approved plan for stream side recreation or access (e.g. pedestrian trail) or as part of an approved utility or road construction project.

4.8.7 Credit for Open Space

All protected waterways and their Buffer Areas shall count as open space for the purposes of Chapter 10 Part 5 “Open Space Standards” of this Land Development Code.

4.9 Karst

NOTE: Section 4.9 is reserved. Standards may be drafted as part of a later phase of the Land Development Code.

4.10.1 General Standards

The following uses may be allowed in any zoning district after receiving Planning Commission review to ascertain their agreement with the Comprehensive Plan.

A. Public and Governmental Buildings and Facilities Including Offices, Training Armories, Storage, Maintenance and Repair Facilities

1. Off-street parking and loading for the class of use as required in Chapter 9 shall be provided.

2. All buildings and structures shall maintain setbacks and build-to lines established in the applicable form district. All yards shall be increased one foot for each foot of building height greater than is allowed in the district in which it is located.

3. Drives and parking areas shall be surfaced with a hard and durable material and properly drained.

4. All signs shall conform with the provisions of Chapter 8 (Sign Regulations).

5. Public buildings and facilities shall provide landscaping and buffering in compliance with Chapter 10 Part 2. Facilities shall adhere to the requirements for the Intensity Class that would apply to the use if it were not a public facility.

B. Public Utility Service Buildings and Facilities and Privately Owned Transmission Lines Above or Below the Ground, Structures, and Appurtenances thereto:

1. All buildings and structures shall observe the front, street side, and rear yard requirements of the form district in which they are located.

2. All buildings and structures shall be at least 10 feet from a side property line. For the purpose of this section an open-mesh, woven-wire fence 8 feet or greater in height may be constructed within the required side or rear yard.

3. If additional building height is needed above the maximum height in the district, one foot shall be added to all yards for each foot of building over the allowed height.

4. Off-street parking and loading areas for the class of use as required in Chapter 9 shall be provided, except at unstaffed or automatic installations.

5. Drives and parking areas shall be surfaced with a hard and durable material and properly drained.

6. All signs shall conform with the provisions of Chapter 8 (Sign Regulations).

7. Public utility buildings and facilities shall provide landscaping and buffering in compliance with Chapter 10 Part 2. Facilities shall adhere to the requirements for the Intensity Class that would apply to the use if it were not a utility facility.

8. Excepted are service facilities as defined in KRS 100.324.

C. The standards listed in paragraphs A and B, above, may be waived by the Planning Commission.

APPENDIX 4A
EXAMPLES OF ACCEPTABLE LUMINAIRES

Cobra	175 (8,000) 250 (13,000) 400 (25,000) 1,000 (60,000)	
Floodlight	400 (25,000) 1,000 (60,000)	

Source: Louisville Gas & Electric Company

APPENDIX 4B
APPROXIMATE LUMENS OUTPUT
FOR VARIOUS LAMPS

35 W	High Pressure Sodium	2,250
50 W	High Pressure Sodium	4,000
70 W	High Pressure Sodium	6,400
70 W	Metal Halide	5,500
75 W	Incandescent (like in a home)	1,170
100 W	High Pressure Sodium	9,500
100 W	Metal Halide	9,000
100 W	Mercury	3,850
125 W	Mercury (residential security light)	7,000
150 W*	High Pressure Sodium	16,000
175 W	Metal Halide	14,000
175 W	Mercury	7,950
200 W	High Pressure Sodium	22,000
250 W*	High Pressure Sodium	28,000
250 W	Metal Halide	21,000
250 W	Mercury	11,200
310 W	High Pressure Sodium	37,000
320 W	Metal Halide	32,000
350 W	High Pressure Sodium	50,000
350 W	Metal Halide	36,000
400 W*	High Pressure Sodium	61,000
400 W	Metal Halide	36,000
400 W	Mercury	21,000
750 W	High Pressure Sodium	110,000
1000 W	High Pressure Sodium	140,000
1000 W	Metal Halide	110,000
1000 W	Mercury	57,000
1500 W	Metal Halide	155,000

SOURCE: GE Lighting Systems, Inc., January 1998; manufacturer's information, 2001.

* These luminaires are the most commonly used by Louisville Public Works to illuminate local streets. The wattage of the bulb is determined by the road classification and the type of abutting land uses.

APPENDIX 4C

SAMPLE LIGHT READINGS

On April 17, 2001 a team of planners conducted a test to evaluate the existing lighting levels of different developments in Louisville/Jefferson County. The results of this field visit are summarized below.

[redacted]	[redacted]
Chapter 2 Typical Living Room	3.0
Chapter 3 Office in Fiscal Court Building (with window)	40 in center of room
Chapter 4 Shelbyville Road Plaza	0.5 under light
Mall St. Matthews	7.5 under light
	2.0 between lights
	0.1 near perimeter road
Oxmoor Mall	11.0 under light
	1.9 between lights
	1.0 near perimeter road
Stonefield Square	5.7 under light
	2.6 between light
Southeast Christian parking lot	1.0 under light
Winn-Dixie on Blankenbaker	0.4 vertical at back wall (property line)
	6.2 under light in front
	2.0 between lights
Kroger's on LaGrange	1.4 vertical at back wall (property line)
	14 under light
	3.2 between lights
McDonald's on LaGrange	40 under light
	2.5 between lights
Thornton's on LaGrange	68 under canopy
	2.1 at parking space
Kroger's in Fern Creek	5.4 under light
	3.4 between lights
	1.0 vertical behind near property line
BP at Hurstbourne/Bardstown Intersection	23 under canopy
	0.2 at property line
Meijer's Gas Canopy on Hurstbourne	40 under gas canopy
	1.9 vertical at ROW
	5.5 under light
	1.0 between lights
Chevron on Hurstbourne	64 under canopy
	2.6 vertical at ROW
Speedway on Hurstbourne	45 under canopy
	2.3 at residential property line
Marshall's on Hurstbourne	13 under light
	2.0 between lights

APPENDIX 4D
ILLUMINATING ENGINEERING SOCIETY OF NORTH AMERICA (IESNA)
MAINTAINED HORIZONTAL ILLUMINANCE RECOMMENDATIONS

[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]
HIGH Major League Athletic Events Major Cultural or Civic Centers Regional Shopping Centers Fast Food Facilities	3.6	0.9	4:1	2.0	0.67	3:1
MEDIUM Community Shopping Centers Cultural, Civic, or Recreational Events Office Parks Hospital Parking Transportation Parking (airports, etc.) Residential Complex Parking	2.4	0.6	4:1	1.0	0.33	3:1
LOW Neighborhood Shopping Industrial Employee Parking Education Facility Parking Church Parking	0.8	0.2	4:1	0.5	0.13	4:1

APPENDIX 4E
RECREATIONAL FACILITIES STANDARDS

Archery		
Tournament	10	
Recreational	5	
Badminton		
Tournament	30	
Club	20	
Recreational	10	
Baseball	Infield	Outfield
Jr. League	30	20
Regulation		
Major League	150	100
AAA or AA	70	50
A	50	30
Semi-pro and municipal	20	15
Recreational	15	10
Combination – baseball and football	20	15
Basketball		
Regulation	20	
Recreation	10	
Casting Pool and Area, Bait or Fly	Pier – 10, Target – 5	
Croquet		
Tournament	10	
Recreation	5	
Football (index distance from nearest sideline to farthest row of spectators)		
Over 100 ft.	100	
50 ft. to 100 ft.	50	
30 ft. to 50 ft.	30	
Under 30 ft.	20	
No fixed seating	10	
Golf	Green or Tee	Fairways
Courses	5	3 (vertical)
Driving range	10	5 (vertical)
Miniature	10	
Putting green	10	
Playgrounds	5	
Racing		
Auto, Horse, Motorcycle	20	

Bicycle	20	
Rifle & Pistol range		
Firing point, range, target	10, 5, 50 (vertical)	
Rodeos		
Professional, amateur, recreational	50, 30, 10	
Soccer	SEE FOOTBALL	
Softball	Infield	Outfield
Professional or Championship	50	30
Semi-pro	30	20
Industrial league	20	15
Recreational	10	7
Swimming Pools	10	
Tennis Courts		
Tournament	30	
Club	20	
Recreational	10	
Volleyball		
Tournament	20	
Recreational	10	

SOURCE: Illuminating Engineering Society of North America
*All footcandle requirements are in terms of the horizontal plane unless noted.

Appendix 4F
Conditional Use Table

Conditional Use Table

How to use this table

The following table is a summary of the conditional use lists for each of the zoning districts. It is included with the Land Development Code to facilitate use of the detailed information found in Chapter 4 of the Code. This table is intended to help you determine the appropriate zoning district for a given conditional use. It summarizes and simplifies the information found in Chapter 4; it does not replace Chapter 4. Once you have determined the zones which allow a conditional use, it is necessary to consult Chapter 4 for a complete description of the use and possible restrictions on the use.

In using the table, please keep in mind the following points:

- The table is a guide to users, it is not an officially adopted part of the Land Development Code
- The conditional use lists of Chapter 4 always take precedence over this table.
- In some instances, certain jurisdictions within the County have modified the conditional use lists; refer to Chapter 4 to ensure that a use is conditional at a particular location.
- This table will be updated periodically; refer to the web site for the most recent version including recent staff interpretations (http://www.loukymetro.org; choose “County” then “Departments”, then “Planning and Design Services” then “New Land Development Code.”)

Key: C = Conditional use, may be granted in the district after a public hearing

Appendix 4F – Conditional Uses

Please refer to Chapter 4 of the Land Development Code for more information regarding these conditional uses

Conditional Use Table

Conditional Use	Residential																		Commercial						Industrial								
	Single Family								Multi-family					Apt./Office																			
	R-R	R-E	R-1	R-2	R-3	R-4	R-5	U-N	R-5A	R-5B	R-6	R-7	R-8A	OR	OR-1	OR-2	OR-3	OTF	C-N	C-R	C-1	C-2	C-3	CM	EZ-1	M-1	M-2	M-3	PRO	PEC	W-1	W-2	W-3
Accessory Apartments	C	C	C	C	C	C	C	C	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Airports, heliports, and other aviation uses	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
All Terrain Vehicle (ATV) Courses	C	-	C	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	C	-	-	-	-	-	-	-	-	-
Aluminum powder	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-	C	-	-	-	-	-
Amusement parks, circuses, and carnival grounds	-	-	C	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	C	C	C	C	C	-	-	-	-	-
Animal race tracks	-	-	C	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	C	-	-	-	-	-	-	-	-	-
Athletic Facilties	-	-	-	-	-	-	-	-	-	-	-	-	-	-		-		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Bed and breakfasts	C		C	C	C	C	C	C	C	C	C				-		-			-						C	C	C					-
Boarding homes	C	C	C	C	C	C	C	-	-	-	C		-	-			-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Brick, fireback, tile, clay products, including refractories: manufacturing, processing or treatment but not including storage	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-	C	-	-	-	-	-
Camping areas and recreational vehicle parks, public and private	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Cement, gypsum, lime, and plaster of paris (but not storage)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-	C	-	-	-	-	-

Conditional Use Table

Conditional Use	Residential																		Commercial						Industrial								
	Single Family								Multi-family					Apt./Office																			
	R-R	R-E	R-1	R-2	R-3	R-4	R-5	U-N	R-5A	R-5B	R-6	R-7	R-8A	OR	OR-1	OR-2	OR-3	OTF	C-N	C-R	C-1	C-2	C-3	CM	EZ-1	M-1	M-2	M-3	PRO	PEC	W-1	W-2	W-3
Cemeteries, mausoleums, and crematories	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Charcoal, lampblack, carbon black, bone black, and fuel briquettes, including pulverizing	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-	C	-	-	-	-	-
Chemicals, including acetylene, acids and derivatives, alcohol (industrial), ammonia, aniline dyes, carbide, caustic soda, cellulose and cellulose storage, chlorine, cleaning and polishing preparation (non-soap), dressings and blackings, creosote, dyestuffs, exterminating agents and poisons, hydrogen and oxygen, plastic materials, and synthetic resins, potash, pyroxylin, tar products, turpentine and resin, and solvent-extracting	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-	C	-	-	-	-	-
Coal, coke, or tar products including fuel gas, and coke-oven products	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-	C	-	-	-	-	-
Commercial animal feeding yards (including hogs, chickens, and other animals as determined by the appropriate Board of Zoning Adjustment)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	C	-	-	-	-	-

Conditional Use Table

Conditional Use	Residential																		Commercial						Industrial								
	Single Family								Multi-family					Apt./Office																			
	R-R	R-E	R-1	R-2	R-3	R-4	R-5	U-N	R-5A	R-5B	R-6	R-7	R-8A	OR	OR-1	OR-2	OR-3	OTF	C-N	C-R	C-1	C-2	C-3	CM	EZ-1	M-1	M-2	M-3	PRO	PEC	W-1	W-2	W-3
Commercial communication towers (including radio and television towers)	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Commercial greenhouses	C	-	C	C	C	C	C	-	C	C	C	C	C	-	C	C	C	C	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Commercial kennels	C	C	C	C	C	C	C	-	-	-	-	-	-	-	-	-	-	-	-	-	C	C	-	C	-	C	C	C	-	-	-	-	-
Commercial lakes	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Composting facilities	C	-	C	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	C	-	-	-	-	-
Construction/demolition debris facilities	-	-	C	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	C	C	-	-	-	-	-
Day care facilities	C	C	C	C	C	C	C	C	C	C	C	C	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Distillation, manufacture, or refinement of coal, tar, asphalt, or asphalt products	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-	C	-	-	-	-	-
Distillation of wood and bones	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-	-	-	-
Doctor, dentist, or chiroprator office	-	-	-	-	-	C	C	-	C	C	C	C	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Drive-in theaters	C	-	C	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	C	-	-	-	-	-	-	-	-	-
Earth excavation, filling, and refuse disposal operations, major	C	-	C	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	C	-	-	-	-	-
Earth excavations/fill, minor	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Electric power or steam generating plants	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-	C	-	-	-	-	-

Conditional Use Table

Conditional Use	Residential																		Commercial						Industrial								
	Single Family								Multi-family					Apt./Office																			
	R-R	R-E	R-1	R-2	R-3	R-4	R-5	U-N	R-5A	R-5B	R-6	R-7	R-8A	OR	OR-1	OR-2	OR-3	OTF	C-N	C-R	C-1	C-2	C-3	CM	EZ-1	M-1	M-2	M-3	PRO	PEC	W-1	W-2	W-3
Explosives (when not prohibited by other ordinances) including ammunition, fireworks, nitrating of cotton or other materials, nitrates (manufactured and natural) of an explosive nature, and storage of latter	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-	-	-	-
Exterminating operations where exterminating chemicals or agents are stored	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-	-	-	-
Extraction and development of oil, gas, and other hydrocarbon substances	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Fertilizer (organic and non-organic), including fish, oils, manure, or peat	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-	-	-	-
Funeral homes	-	-	-	-	-	-	-	-	-	-	-	C	-	-	C	C	C	C	-	C	-	-	-	-	-	-	-	-	-	-	-	-	-
Glue and size (vegetable), gelatin (animal), and starch manufacture	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-	-	-	-
Golf driving ranges, miniature golf courses, and privately owned golf courses operated for a commercial purpose	C	-	C	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	C	-	-	-	-	-	-	-	-	-
Grain storage or grain elevators	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-	-	-	-

Conditional Use Table

Conditional Use	Residential																		Commercial						Industrial								
	Single Family								Multi-family					Apt./Office																			
	R-R	R-E	R-1	R-2	R-3	R-4	R-5	U-N	R-5A	R-5B	R-6	R-7	R-8A	OR	OR-1	OR-2	OR-3	OTF	C-N	C-R	C-1	C-2	C-3	CM	EZ-1	M-1	M-2	M-3	PRO	PEC	W-1	W-2	W-3
Hair, hides, raw fur, leather, curing, dressing, dyeing, finishing, tanning, and storage	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-	-	-	-
Home occupations	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Hospitals, clinics and other medical facilities	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Indoor recycling	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	C	C	-	-	-	-	-
Institutions	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Marinas and boat rental facilities	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Marinas and boat rental facilities, commercial	*Depends on the nature of the commercial uses available at the marina and boat rental facility*																																
Match manufacture, processing, or treatment	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-	-	-	-
Meat and fish products, including slaughtering of meat or curing of fish, packing, and storage	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-	-	-	-
Metal and metal ores, reduction, refining, smelting, alloying, including blast furnaces, cupolas, and blooming mills (but not storage of metal products)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-	C	-	-	-	-	-
Minerals and earths (including sand-lime products), grinding, crushing, processing or storage	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-	C	-	-	-	-	-
Mini-warehouses	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-	-	-	-	-

Conditional Use Table

Conditional Use	Residential																		Commercial						Industrial								
	Single Family								Multi-family					Apt./Office																			
	R-R	R-E	R-1	R-2	R-3	R-4	R-5	U-N	R-5A	R-5B	R-6	R-7	R-8A	OR	OR-1	OR-2	OR-3	OTF	C-N	C-R	C-1	C-2	C-3	CM	EZ-1	M-1	M-2	M-3	PRO	PEC	W-1	W-2	W-3
Mobile homes and manufactured housing sales, display or storage	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	C	C	C	-	-	-	-	-	-	-	-
Mobile home parks	-	-	-	-	-	-	-	-	-	-	C	C	C	-	-	C	C	-	-	-	C	C	-	C	-	-	-	-	-	-	-	-	-
Multi-family residences	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Nursing homes and homes for the infirm or aged	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Off-street parking areas	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Ore dumps, slag piles	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-	-	-	-
Outdoor paintball ranges	C	-	C	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Outdoor recycling facility	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-	-	-	-
Paint manufacture, processing, or treatment (but not storage)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-	C	-	-	-	-	-
Petroleum or petroleum products, refining, bulk storage, including gasoline or other petroleum products	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-	C	-	-	-	-	-
Plastic, manufacture, processing, treatment, or bulk storage	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-	C	-	-	-	-	-
Private non-profit clubs	C	C	C	C	C	C	C	C	C	C	C	C	C	-	C	C	-	-	-	C	-	-	-	-	-	-	-	-	-	-	-	-	-
Private proprietary clubs	C	C	C	C	C	C	C	C	C	C	C	C	-	-	C	C	C	C	-	C	-	-	-	-	-	-	-	-	-	-	-	-	-
Radioactive materials	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-	C	-	-	-	-	-
Ranges for shotgun, rifle, pistol, air rifle, or other firearms	C	-	C	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-	-	-	-	-	-	-	-	-	-

Conditional Use Table

Conditional Use	Residential																		Commercial						Industrial								
	Single Family								Multi-family					Apt./Office																			
	R-R	R-E	R-1	R-2	R-3	R-4	R-5	U-N	R-5A	R-5B	R-6	R-7	R-8A	OR	OR-1	OR-2	OR-3	OTF	C-N	C-R	C-1	C-2	C-3	CM	EZ-1	M-1	M-2	M-3	PRO	PEC	W-1	W-2	W-3
Rendering, incineration or reduction, and storage of dead animals, garbage, offal, or waste products (the entire operation to be performed within a building)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-	-	-	-
Riding academies and stables	-	-	C	C	C	C	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	C	-	-	-	-	-	-	-	-	-
Scrap metal processing facilities and junkyards	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-	-	-	-
Sewage disposal plants	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Slaughtering of animals or poultry	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-	-	-	-
Solid Waste Managemnt Facilities	*Depends on the nature of the facility, please refer to the following items in this table: Composting Facilities, Construction/Deomlition Debris Facilities, Indoor Recycling Facilities, Outdoor Recycling Facilities, and Solid Waste Transfer Stations*																																
Solid Waste Transfer Station	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	C	-	-	-	-	-
Sports arenas	C	-	C	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	C	C	-	-	-	-	-	-	-	-
Stock yards and feed lots	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-	-	-	-
Steel works and rolling mills (ferrous) for steel, structural iron and steel fabrication, and structural products, including bars, cables, girders, rails, wire rope, or similar products	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-	C	-	-	-	-	-
Storage Yard and Contractor's Yard	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C		C	-	C	-	-	-	-	-	-	-

Conditional Use Table

Conditional Use	Residential																		Commercial						Industrial								
	Single Family								Multi-family					Apt./Office																			
	R-R	R-E	R-1	R-2	R-3	R-4	R-5	U-N	R-5A	R-5B	R-6	R-7	R-8A	OR	OR-1	OR-2	OR-3	OTF	C-N	C-R	C-1	C-2	C-3	CM	EZ-1	M-1	M-2	M-3	PRO	PEC	W-1	W-2	W-3
Underground Space	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	C	C	C	C	C	C	C	-	-	-
Waste paper and rag operations	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-	C	-	-	-	-	-
Wood pulp or fiber, reduction or processing (including paper mill operations)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-	C	-	-	-	-	-
Zoos	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C

Note: This document was prepared by The Louisville/Jefferson County Metropolitan Sewer District. If you have any questions about this document please contact that agency at (502) 587-0603.

FLOODPLAIN MANAGEMENT ORDINANCE

A. PURPOSE

The purpose of this Ordinance is to maximize the wise and safe use of the flood prone areas of the County and to ensure that flood levels are not increased and to minimize public and private losses from flooding by

1. restricting or prohibiting uses which are dangerous to health, safety and property due to water or erosion hazards or which result in damaging increases in erosion or in flood heights or velocities;

2. requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

3. controlling the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters;

4. controlling filling, grading, dredging and other development which may increase flood damage or erosion; and

5. preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

B. DEFINITIONS

1. **"Administering Agency"** means the Louisville and Jefferson County Metropolitan Sewer District.

2. **"Basement"** means that portion of a building having its floor subgrade (below ground level) on all sides.

3. **"Breakaway wall"** means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or the supporting foundation system.

Revised 07/22/97

4. **"Critical facility"** means any facility which if unusable or unreachable because of flooding would seriously and adversely affect the health and safety of the public, to include (but without limiting effect) hospitals, nursing homes, and housing likely to contain occupants not sufficiently mobile to avoid injury or death unaided during a flood; police stations, fire stations, emergency vehicle and emergency equipment storage facilities, and emergency operations centers likely to be called upon before, during and after a flood; public and private utility facilities important to maintaining or restoring normal services before, during and after a flood; and those structures or facilities which produce, use, or store highly volatile, flammable, explosive, toxic, and/or water reactive materials.

5. **"Development"** means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other **structures,** mining, dredging, filling, grading, paving, excavating, drilling operations, or permanent storage of materials or equipment.

6. **"Elevated building"** means a non-basement building built to have the lowest **floor** elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns (posts and piers), shear walls, or breakaway walls.

7. **"Existing development"** means any **development** or **structure** for which permitted construction commenced before the effective date of this ordinance.

8. **"FEMA"** means the U. S. Federal Emergency Management Agency or any successor agency.

9. **"Flood"** or **"flooding"** means a general and temporary condition of partial or complete inundation of normally dry land areas from either the overflow of inland waters or the unusual and rapid accumulation or runoff of surface waters from any source.

10. **"Flood Plain Board"** means the Board of the Louisville and Jefferson County Metropolitan Sewer District.

11. **"Floodplain permit"** means the approval required by Part C of this Article of the Louisville and Jefferson County Metropolitan Sewer District for **development.**

12. **"Floodplain storage compensation"** means an artificially excavated, hydraulically equivalent volume of floodplain storage sufficient to offset a reduction in floodplain storage resulting from filling or construction within the **local regulatory floodplain.** Such **floodplain storage compensation** shall be within the same **watershed** and shall be provided on the same property or at an alternate site if the **administering agency** so approves.

Revised 07/22/97

13. **"Floodproof' or "floodproofing"** means any combination of structural and non-structural additions, changes or adjustments to **structures** which reduce or eliminate **flood** damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

14. **"Floor"** means the top surface of an enclosed area in a building (including **basement),** such as the top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.

15. **"Fully developed watershed"** means a condition of a **watershed** which most accurately reflects the ultimate land use of the **watershed** and its potential to cause runoff.

16. **"Functionally dependent facility"** means a facility which in the judgment of the **administering agency** cannot perform its essential project purpose unless it is located or carried out in close proximity to water. The term does not include long-term storage, manufacture, sales, service or residential facilities.

17. **"Historic structure"** means any **structure** which is

    (a) listed individually in the National Register of Historic Places by the U. S. Department of Interior or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

    (b) certified or preliminarily determined by the U. S. Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

    (c) listed individually by the Commonwealth of Kentucky on its state inventory of historic structures or listed individually by the City of Louisville or Jefferson County in its inventory of historic structures.

18. **"Local regulatory conveyance zone"** means the channel of a river or **solid blue line stream** and the land adjacent to that river or stream which if unobstructed will discharge a **local regulatory flood** without cumulatively increasing the water surface elevation more than one tenth of one foot. The conveyance zone is determined by an equal loss of conveyance (at higher elevation) occurring on each side of the channel.

Revised 07/22/97

19. **"Local regulatory flood"** means the **flood** having a one-percent (1%) likelihood of being equaled or exceeded in any given year based on a **fully developed watershed.**

20. **"Local regulatory base flood elevation"** means height of the **local regulatory flood** expressed as feet above mean sea level (National Geodetic Vertical Datum 1929). This is determined by hydraulic calculations using the runoff from a **fully developed watershed** using as the basis for calculation a methodology approved by the **administering agency** which includes storm duration estimates and using zoning maps current as of the time of the calculation, provided that in calculating runoff potential for publicly owned property dedicated to public open space, for existing cemeteries, for existing 18 hole or larger regulation golf courses and for land prohibited from **development** by ordinance of Jefferson County or one of the municipalities within its boundaries, the actual use rather than the designated zoning category on the zoning maps shall be used.

21. **"Local regulatory floodplain"** means any stream course or normally dry land area susceptible to being partially or completely inundated by the overflow of water from sources of **public water** or by the unusual and rapid accumulation or runoff of public surface waters and subject to a **local regulatory flood.**

22. **"Lowest adjacent grade"** means the lowest natural elevation of the ground surface, prior to construction, next to the proposed walls of a building.

23. **"Manufactured home"** means a building, transportable hi one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term also includes park trailers, travel trailers, and similar transportable structures placed on a site for 180 consecutive days or longer and intended to be improved property but does not include road ready vehicles not permanently attached to utilities.

24. **"Manufactured home park"** means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

25. **"National Flood Insurance Program" or "NFIP"** means the Federal program authorized by 42 United States Code 4001 et seq. making available flood insurance protection to property owners in **flood** prone areas, which availability is conditioned on the community's adoption and enforcement of flood plain management regulations meeting the minimum criteria set forth in the statute and the regulations.

Revised 07/22/97

26. **"New construction"** means any **development** which had not begun construction on the effective date of this ordinance. The first placement of permanent features of the **development** such as pouring of slabs or footings and installation of piles constitute beginning of construction but land preparation, grading and filling or construction of accessory **structures** do not.

27. **"Public water"** means water that flows from more than one property or from public lands or rights-of-way.

28. **"Structure"** means a walled and roofed building built for occupancy, storage, support, shelter, or enclosure that is principally above ground, including but not limited to a manufactured home, a gas or liquid storage tank, or other man-made facility or infrastructure.

29. **"Solid blue line stream"** means a stream defined and designated as such on 7 minute quadrangle topographic maps published by the U.S. Geologic Survey.

30. **"Substantial improvement"** means any combination of repairs, reconstruction, alteration, additions to or improvements to **existing development,** taking place during the life of the **structure** and begun after the effective date of this ordinance in which the cumulative cost equals or exceeds fifty percent (50%) of the market value of the **structure.** The market value of the **structure** for purposes of this ordinance is (a) the appraised value of the **structure** determined by a certified general real property appraiser licensed and certified by the Kentucky Real Estate Appraisers Board or lacking that, the current assessment of the **structure** shown by the Property Valuation Administrator of Jefferson County, prior to the start of the initial addition, repair or improvement, or (b) in the case of damage, prior to the damage's occurrence. The term includes repairs made to **structures** which have incurred damage equal to or in excess of fifty percent (50%) of the pre-damage value of the **structure,** regardless of the cumulative cost of the actual repair work performed. The cost of alteration, additions, or improvements shall reflect the value in the marketplace of the labor and materials to be used in the improvements. The first alteration of any wall, ceiling, floor or other structural part of the **structure** whether or not that alteration affects the external dimensions of the **structure** constitutes beginning of construction of the **substantial improvement.** The term does not include the cost of **floodproofing** or elevating a **structure** or any portion thereof above the **local regulatory base flood elevation** plus one foot.

31. **"Watershed"** means all the area within a geographic boundary from which water, sediments and other transportable materials, and dissolved materials drain or are carried by water to a common outlet, such as a point on a larger stream, lake, or underlying aquifer.

Revised 07/22/97

32. **"Watershed master plan"** means the plan adopted by the Board of the **administering agency** which depicts the critical hydrologic and flood management elements of a **watershed** such as **local regulatory floodplain and local regulatory conveyance zones** and is supported by maps, graphics, text, models, and capital improvements planned by the **administering agency.**

C FLOOD HAZARD REDUCTION PROVISIONS

1. Local Regulatory Conveyance Zone

(a) No **development,** shall occur in the **local regulatory conveyance zone** except as approved in a permit issued by the **administering agency and**are

(i) Detention, retention, or other stormwater, flood control, or water quality facilities which are beneficial to the stream corridor and riparian environment or

(ii) Uses consisting of open space which are in conformance with the Zoning Regulations of Louisville and Jefferson County and are associated with bona fide agriculture, silviculture, recreation, parking, and storage that whether in place or dislodged would not contribute to an increase in the **local regulatory base flood elevation** or

(iii) Necessary for navigation and waterborne freight handling or

(iv) Necessary for transportation or utility crossings or

(v) Structures related to those in (ii) or (iii) above so long as the structures are designed, constructed and sited so as to offer the minimum obstruction to flows during a **local regulatory flood** or

(vi) **Functionally dependent facilities** which considered alone or with **development** up and down stream and across the stream are not likely to contribute to an increase in the **local regulatory base flood elevation.**

(b) No permit shall be required for

Revised 07/22/97

(i) Customary and incidental routine grounds maintenance, landscaping, and home gardening which does not require zoning approval, a zoning variance or a building permit and which does not affect stormwater drainage entering or leaving any public right-of-way or

(ii) Emergency repairs of a temporary nature made on public or private property which are necessary for the preservation of life, health or property, and which are made under such circumstances where it would be impossible or impracticable to obtain a **floodplain permit** or

(iii) Temporary excavation for the purpose of repairing or maintaining any public street, public utility facility or any service lines related thereto.

(c) No person shall store materials, which are flammable, explosive,reactive, toxic, corrosive or because of their buoyancy or other propertiesmay be injurious to human, animal or plant life in the **local regulatory conveyance zone.**

2. **Streams**

For **"solid blue line streams"**

(a) Notwithstanding anything in this Part C to the contrary, no relocation, channelization, or stripping of the stream, stream banks, or channel shall occur except for public projects such as road crossings, installation of utilities, flood control measures, drainage and outfall pipes, detention basins, retention basins or water impoundments and for projects with benefit to the public in preventing flooding provided such projects are essential to protect the health, safety, and welfare of local residents, such projects are the only alternative which is viable, and all exceptions are approved by the **administering agency,** the Louisville and Jefferson County Planning Commission, the Kentucky Division of Water, and if applicable, the U. S. Army Corps of Engineers.

(b) A natural vegetation buffer strip shall be preserved at least twenty-five feet on each side of the stream bank as defined by the hydraulic model of the channel. In areas not already disturbed by urban, suburban, or agricultural land uses prior to the effective date of this ordinance, existing over story and under story trees shall be preserved and shrubs and ground covers shall be maintained along the stream bank sufficient to naturally maintain the integrity of the channel.

Revised 07/22/97

(c) When removal of vegetation within the buffer strip specified in (ii) above is necessary for the location and construction of a public project or project with benefit to the public in preventing flooding described in 2 (a) above, native vegetation which thrives in riparian environments shall be replanted prior to completion of construction sufficient to naturally maintain the integrity of the channel.

3. Local Regulatory Floodplain

(a) **Floodplain Permit.**

No person shall begin **development** in the **local regulatory floodplain** unless and until a **floodplain permit** has been issued by the **administering agency.**

(b) Required Issuance.

The **administering agency** shall issue a **floodplain permit** for

(i) **Development,** not including **critical facilities,** for use as a residence

(A) consisting of **new construction** or **substantial improvement** where the lowest **floor** including the **basement** if any is elevated at least one foot above the **local regulatory base flood elevation** or

(B) consisting of **existing development** other than **substantial improvement** which

(I) replaces or repairs the pre-existing condition of **development** or constructs additions or remodeling which do not constitute **substantial improvement** without diminishing the storage capacity or the amount and velocity of the transmission of flood waters through the **local regulatory floodplain** from what was present prior to the replacement or repair or

Revised 07/22/97

(II) **floodproofs** the existing **development** below the **local regulatory base flood elevation** plus one foot so that those areas including all mechanical and utility equipment below the required elevation are watertight with walls substantially impermeable to the passage of water and structural components are used which have the capability to resist hydrostatic and hydrodynamic loads and the effects of buoyancy which capabilities shall be certified by a registered professional engineer or architect and provided to the **administering agency and**

(III) **floodproofs** any addition or elevates it no less than one foot above the **local regulatory base flood elevation**

(C) consisting of emplacing a **manufactured home**

(I) in an existing **manufactured home park** which

a) elevates the lowest **floor** of the **manufactured home** at least one foot above the **local regulatory base flood elevation or**

b) supports the **manufactured home** chassis by reinforced piers or other foundation elements of at least an equivalent strength of no less than 36 inches in height above grade,

c) and in either (a) or (b) above, firmly anchors the **manufactured home** to the securely anchored foundation so as to resist flotation, collapse and lateral movement.

(II) in **a newly constructed or substantially improved** or expanded **manufactured home park** or the **new construction or substantial improvement** or expansion of such a **manufactured home park** which

Revised 07/22/97

a) emplaces the **manufactured home** on a building pad which is raised no less than one foot above the **local regulatory base flood elevation** and

b) firmly anchors the **manufactured home** to the securely anchored foundation so as to resist flotation, collapse and lateral movement.

(III) In an existing new or expanded **manufactured home park** where the owner notifies all owners or lessees of **manufactured homes** to be located in the **manufactured home park** of the requirements of this section C3(b)(I)(C) and insures their compliance with those requirements.

(D) On any lot created after the effective date of this ordinance, no **new construction** shall occur unless access to the lot is available from a road which is at or above the **local regulatory base flood elevation.**

(ii) **Development,** other than a **critical facility,** for all other uses

(A) where the lowest **floor** including **basement** if any and all mechanical and utility equipment are elevated at least one foot above the **local regulatory base flood elevation or**

(B) where **development** consists of **new construction** or **substantial improvement** where the portion of the **new construction or substantial improvement** below the **local regulatory base flood elevation** plus one foot is **floodproofed** so that those areas including all mechanical and utility equipment below the required elevation are watertight with walls substantially impermeable to the passage of water and structural components are used which have the capability to resist hydrostatic and hydrodynamic loads and the effects of buoyancy which capabilities shall be certified by a registered professional engineer or architect and provided to the **administering agency.**

Revised 07/22/97

(C) **existing development** not consisting of **substantial improvement** which

(I) replaces or repairs the pre-existing condition of **development** without diminishing the storage capacity or the amount and velocity of the transmission of flood waters through the **local regulatory floodplain** from what was present prior to the replacement or repair or

(II) **floodproofs** the existing **development** as repaired or replaced in accordance with the standard provided in section (ii)(B) above, and

(III) **floodproofs** any addition or elevates it no less than one foot above the **local regulatory base flood elevation**

(iii) **Development for Critical Facilities.**

(A) **a critical facility** consisting of **substantial improvement** so long as it meets the other requirements of this section (ii)(A) and (B) provided that the lowest **floor** including the **basement** if any is elevated at least one foot above the **local regulatory base flood elevation** and it has at least one access road capable of supporting a vehicle weighing 12,500 pounds which road is connected to land outside the **local regulatory floodplain** and the top of which road is no lower than one foot above the **local regulatory base flood elevation.**

(B) **a critical facility** not consisting of **new construction or substantial improvement** which

(I) replaces or repairs the pre-existing condition of **development** without diminishing the storage capacity or the amount and velocity of the transmission of flood waters through the local **regulatory floodplain** from what was present prior to the replacement or repair or

(II) **floodproofs** the existing **development** as repaired or replaced in accordance with the standard provided in section (ii)(B) above, and

Revised 07/22/97

(III) **floodproofs** any addition or elevates it no less than one foot above the **local regulatory base flood elevation.**

(c) Permissive Issuance.

The **administering agency** may issue a **floodplain permit** if the proposed **development** is consistent with the purposes of this ordinance and the factors listed below have been considered and either avoided or mitigated:

(i) the danger to life and property presented by a **local regulatory flood;**

(ii) the susceptibility of the proposed facility and its contents to damage from a **local regulatory flood** and the effect of such damage on the individual owner;

(iii) the danger that in a **local regulatory flood** materials may be swept onto other lands to the injury of others;

(iv) the safety of access to the property in times of a **local regulatory flood** for ordinary and emergency vehicles;

(v) the costs and feasibility of providing governmental services during and after a **local regulatory flood,** including fire protection, emergency medical services, police protection, maintenance and repair of streets and bridges and of providing safely operating public utilities and facilities such as sewer, gas, electrical and water systems;

(vi) the expected heights, velocity, duration, rate of rise and sediment transport of the waters from a **local regulatory flood** expected at the site.

(d) General Provisions.

(i) **For a floodplain permit** issued under either (b) or (c) above, any part of the **development** which is elevated above the adjacent grade

Revised 07/22/97

(A) If solid foundation perimeter walls are to be used to elevate the structure above the **local regulatory base flood elevation,**

(I) There shall be provided openings sufficient to facilitate the unimpeded movement of flood waters and equalize hydrostatic flood forces on exterior walls which capabilities shall be certified to the **administering agency** by a professional engineer or architect or which designs shall provide openings in each wall having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding, and the bottom of all openings shall be no higher than one foot above grade; and openings equipped with screens, louvers, valves or other coverings or devices shall permit the automatic flow of flood waters in both directions, and

(II) All space within the area created by the solid perimeter walls shall be designated undevelopable space with a restriction recorded with the deed of such designation evidence of which recorded restriction shall be provided to the **administering agency** before approval of the **floodplain permit,** and

(III) The interior portion of the area shall not be partitioned or finished into separate rooms.

(B) If piers, posts or columns are to be used to achieve the elevation, the area encompassed by the piers, posts or columns shall not be designated living space, but shall be designated undevelopable space and shall be so restricted on the deed to the property filed in the Office of the Clerk of Jefferson County, the pile or column foundation and structure attached thereto shall be anchored to resist flotation, collapse and lateral movement due to effects of water load which values shall be those associated with a **local regulatory base flood,** and the design shall be certified by a registered engineer as meeting accepted standards of practice for such structures. **Breakaway walls** shall be non-supporting and designed to collapse without causing collapse or displacement or other structural damage of the **elevated building.**

Revised 07/22/97

(ii) For **a floodplain permit** issued under Section C3(b) or (c) above, any **development** which displaces any storage capacity for floodwaters in the **local regulatory floodplain** shall provide **floodplain storage compensation.**

(iii) **No floodplain permit** shall be issued under Section C3(b) or (c) above for **development** constituting **substantial improvement** or repairs or replacement on **existing development** to be used for storage of materials which are flammable, explosive, reactive, toxic, corrosive or because of their buoyancy or other properties may be injurious to human, animal or plant life unless plans have been presented by the permit applicant acceptable to the **administering agency** to keep the materials secure, to anchor the containers so they do not float away and to prevent spillage or leakage in the event of flooding and such plans have been attached to the **floodplain permit** as conditions, provided that occupants of properties zoned for residential use may store de minimis quantities of these materials sufficient for the occupants' personal use on the property.

(iv) Except for police stations and fire stations, no **new construction** of critical **facilities** shall occur in the **local regulatory floodplain** and no **elevation** shall be permitted for **new construction of critical facilities** (except for police stations and fire stations) to raise them above the **local regulatory base flood elevation.**

(e) Certificate of Elevation.

(i) No person shall allow or permit construction to proceed beyond the lowest **floor** until a registered land surveyor or registered engineer has submitted to the **administering agency** a certificate of elevation on a form approved by **FEMA** stating the elevation of the lowest **floor** and that it conforms to the requirements of the **floodplain permit** regarding the elevation of the lowest **floor.**

(ii) No person shall use or occupy a **structure** which by terms of the **floodplain permit** is to be **floodproofed** until a registered engineer or architect licensed in the Commonwealth has completed and filed with the **administering agency** a certificate of floodproofing on a form approved by **FEMA.**

Revised 07/22/97

(f) Expiration of **Floodplain Permit.**

If the holder of a **floodplain permit** has not commenced construction within one (1) year from the date of its issuance by the **administering agency, the floodplain permit** shall expire and no **development** shall be permitted on the subject property unless and until a new **floodplain permit** is issued, provided that the term of an approved **floodplain permit** may be extended if the assumptions under which the permit was issued remain valid and the extension is approved in writing by the **administering agency** before the **floodplain permit** expires with no more than two one-year extensions to be approved. Demolition, site clearing, and site preparation do not constitute commencing construction for the purpose of this section.

(g) Conformance with **Floodplain Permit.**

No person who has obtained a **floodplain permit** shall construct **development** except in accordance with its terms.

(h) Nonconforming Use.

An **existing development** which was lawful on the effective date of this ordinance but which is not in conformity with the provisions of this ordinance may be continued so long as

(i) the **existing development** is not expanded or enlarged except in conformity with the provisions of this ordinance and

(ii) any alteration, addition or repair of the **existing development,** either which was the consequence of damage from any source equal to fifty (50%) percent or more of the value of the **existing development** immediately before the damage occurred or which involves a cost in excess of fifty (50%) percent of the market value of such **existing development** and in either case is made only in conformity with the provisions of this ordinance.

4. Consent to Public Construction

Notwithstanding any provision in this ordinance to the contrary, no structure or improvement shall be constructed nor change in topography imposed nor shall any other **development** be carried out by any public entity without specific consent's having been granted by the property owner or its designee or agent or by a Court in a legal proceeding separate and apart from this ordinance nor shall any use be made of the property by any public entity without

Revised 07/22/97

specific consent for such use having been granted by the property owner or its designee or agent or by a Court in a separate legal proceeding. This section applies only to this ordinance and the activities and facilities provided for by the terms of this ordinance.

D. **ADMINISTRATION**

1. **Administering Agency.**

The Louisville and Jefferson County Metropolitan Sewer District shall be the **administering agency** for this ordinance. As **administering agency** it shall

(a) Keep on file and make available to the public for its inspection up to date copies of the Flood Insurance Rate Maps published by the Flood Insurance Administration or **FEMA** for Jefferson County and any cities within its geographic boundaries as they may be amended by that Agency from time to time.

(b) Accept data from third parties or use data of which it may become aware such as construction of any flood control protective works, evaluate it and, when the **administering agency** deems it accurate and otherwise acceptable, submit it to the Administrator of the Flood Insurance Administration or **FEMA** as the basis for amending the Flood Insurance Rate Maps for Jefferson County, and work with **FEMA** to amend the Flood Insurance Rate Maps for the County.

(c) Engage in a program of education to promote public awareness of the location of flood prone areas, the risks of undertaking development in those areas without appropriate **floodproofing** and **floodplain storage compensation** measures, the availability and advantages of flood insurance, and protections which may be provided by **floodproofing** and **floodplain storage compensation.**

(d) On a time schedule as staffing and budget permit in the discretion of the **administering agency** prepare or cause to be prepared **watershed master plans** for all watersheds in the County identifying thereon the **local regulatory base flood elevation,** the **local regulatory floodplain**, the **local regulatory conveyance zone**, and other relevant hydraulic and geologic information.

(e) Develop an application for the **floodplain permit** listing items and information to be submitted for review and the form of those submittals and establish fees to be paid to the **administering agency** to cover the cost

Revised 07/22/97

of its review. Information to be submitted shall include but not be limited to the following: site plan, lower floor construction drawings, grading and drainage plans, base flood elevation, conveyance zone limits, elevation of lowest floor, floodproofing elevation if applicable, floodproofing certification if applicable, description of the extent to which a watercourse will be altered, description of access, State permit, deed of restriction if applicable, certificate by a registered professional engineer in the State of Kentucky as to floodproofing adequacies and base flood elevation data for proposed new **development.**

(f) Review all **floodplain permit** applications for **development** or construction of structures in the **local regulatory floodplain** and so long as the application as it may be revised and any conditions attached to it are consistent with the requirements of this ordinance issue **floodplain permits** therefor and assure that all necessary permits have been obtained from those federal, state or local government agencies from which prior approval is required.

(g) Inspect as necessary **development** permitted by the **floodplain permit** or local regulatory conveyance zone permit to assure its conformance with the **permit** issued and obtain from the permit holder certificates of elevation in accordance with the provisions of this ordinance.

(h) When the **development** is not in conformance with this ordinance or with the **floodplain permit** or the **local regulatory conveyance zone** permit issued by the **administering agency,** either take appropriate enforcement action or recommend enforcement action to the **Flood Plain Board.**

(i) Notify adjacent communities and the State prior to any alteration or relocation of a watercourse and submit evidence of such notification to **FEMA.**

(j) Assure that the flood-carrying capacity within the altered or relocated portion of any watercourse is maintained.

(k) Develop regulations as necessary implementing the provisions of this ordinance including application forms and required submittals of technical information and maps and drawings to provide the **administering agency** adequate information for its review.

(1) Provide to the **Flood Plain Board** the information and assistance required and necessary for its proceedings and actions.

Revised 07/22/97

(m) At its sole discretion, in an emergency, if other appropriate information designating **local regulatory base flood elevation, local regulatory conveyance zone and local regulatory floodplain** is not available, use maps issued by **FEMA** designating the **FEMA** base flood elevation, floodway and floodplain instead.

2. Variances.

The **Flood Plain Board,** upon application, after public hearing, and subject to the procedural and substantive standards hereinafter set forth, may grant such specific variance from the individual provisions of Part C above as will not cause detriment to the public good, safety or welfare nor be contrary to the spirit, purposes or intent of this ordinance where by reason of unique and exceptional physical circumstances or condition of the particular property owned by the applicant (including all adjacent or contiguous or nearby property under the same ownership) the literal enforcement of the requirements of this ordinance will result in an unreasonable hardship on the owner of the property adversely affected by the provisions of Part C.

(a) The following additional prerequisites are required for the granting of a variance from Part C:

(i) the property is a **historic structure,** the **development** proposed will not preclude the structure's continued designation as a **historic structure** and the variance requested from the provisions of Part C is the minimum required to preserve the historic character of the structure; or

(ii) the variance is the minimum necessary to afford relief, considering the **flood** hazard; and

(iii) a showing has been made of good and sufficient cause, a finding has been made that failure to grant the variance would result in exceptional hardship to the applicant, and a finding has been made that the granting of a variance would not result in an increase in the **local regulatory base flood elevation,** additional threats to public safety, or public expense, nor create nuisances, cause fraud on or victimization of the public, nor conflict with existing local laws or ordinances; and

(iv) a variance shall not be granted within the **local regulatory conveyance zone** if any increase in the **local regulatory base flood elevation** during a **local regulatory flood** would result.

Revised 07/22/97

(b) Conditions.

(i) Upon consideration of the factors noted above and the intent and policies of this ordinance, the **Flood Plain Board** may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives herein.

(ii) If an applicant is granted a variance which allows the permitted structure to be built with a lowest **floor** elevation no more than a specified number of feet below the **local regulatory base flood elevation** then the applicant shall be notified that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest **floor** elevation.

(c) Additional information.

The **Flood Plain Board** may require the applicant to submit such additional information as it may deem necessary in order for it to evaluate the variance request.

(d) Process

Upon receipt of the written request of an applicant for a variance stating the reason therefor, the written decision of the **administering agency** disapproving the requested **development** and receipt of any additional information requested by the **Flood Plain Board, the Flood Plain Board** shall schedule a public hearing date, notify adjacent property owners and hear all interested parties at the hearing before rendering its decision to grant or deny the variance or to grant it with conditions.

3. Appeals.

(a) Any person aggrieved by a final written decision of the **administering agency** under this ordinance may appeal that decision to the Jefferson Circuit Court.

(b) All appeals shall be taken in the appropriate Circuit Court within thirty (30) days after the final action or decision of the **administering agency** and all decisions which have not been appealed within thirty (30) days shall become final.

Revised 07/22/97

(c) When an appeal has been filed, the clerk of the Circuit Court shall issue a summons to all parties, including the **administering agency** in all cases, and shall cause to be delivered for service as in any other law action.

E. ENFORCEMENT

1. Civil Offense.

If, at any time **development** occurs which is not in accordance with the provisions of this ordinance including obtaining or complying with the terms of a **floodplain permit or a local regulatory conveyance zone permit** and conditions and any approved modifications thereof, such violation of this ordinance is a civil offense.

2. Notice of Violation.

If, at any time, a duly authorized employee or agent of the **administering agency** has reasonable cause to believe that a person has caused **development** to occur which is not in accordance with the provisions of this ordinance including obtaining or complying with the terms of a **floodplain permit** and the conditions and any approved modifications thereof, a duly authorized employee or agent of the **administering agency** shall issue a notice to the person responsible for the violation and/or the owner of the property, stating the facts of the offense or violation, the section of this ordinance and/or the permit violated, when it occurred, how the violation is to be remedied to bring the **development** into conformity with this ordinance or with the approved permit, and within what period of time the remedy is to occur which period of time shall be reasonable and shall be determined by the nature of the violation and whether or not it creates a nuisance or hazard. The remedy may include an order to stop work on the **development.** The notice shall also state that a citation may be forthcoming in the event that the requested remedies and corrective actions are not taken which citation will request a civil monetary fine and shall state the maximum fine which could be imposed.

3. Notice of Citation.

If, at any tune, a duly authorized employee or agent of the **administering agency** has reasonable cause to believe that a person has caused **development** to occur which is not in accordance with the provisions of this ordinance including obtaining or complying with the terms of a **floodplain permit or a local regulatory conveyance zone permit** and the conditions and any approved modifications thereof, a duly authorized employee or agent of the **administering agency** may issue a citation to the offender stating the violation, prior notices of violation issued, how the violation is to be remedied to bring the **development** into conformity with this ordinance or with the approved

Revised 07/22/97

penalties are recommended. When a citation is issued, the person to whom the citation is issued shall respond to the citation within seven (7) days of the date the citation is issued by either carrying out the remedies and corrections set forth in the citation, paying the civil fine set forth hi the citation or requesting a hearing before the **Flood Plain Board.** If the person to whom the citation is issued does not respond to the citation within seven (7) days, that person shall be deemed to have waived the right to a hearing and the determination that a violation occurred shall be considered final. In that event, the citation shall be presented to the **Flood Plain Board** and it shall enter its decision without a hearing.

4. **Flood Plain Board** Proceedings.

(a) If the person to whom the citation is issued requests a hearing before the **Flood Plain Board, the Flood Plain Board** shall schedule the hearing within fourteen (14) days unless all parties mutually agree to a continuance.

(b) Evidence against the person charged with the violation shall be presented by an attorney at law and the proceedings shall be recorded; the person cited may be represented by counsel. The **Flood Plain Board** shall take all testimony under oath and may subpoena alleged violators, witnesses and evidence to its hearing.

(c) Any person not appearing at a duly scheduled hearing shall be deemed to have waived the right to a hearing and the **Flood Plain Board** may enter its final decision.

(d) The **Flood Plain Board** shall hear the evidence presented and based thereon shall render its decision and final order, which may uphold the citation, dismiss it, order remedies and corrective action or a penalty or some combination thereof. Its final order shall be rendered in writing.

(e) The final order of the **Flood Plain Board** may be appealed to the Circuit Court of Jefferson County within thirty (30) days of the date that it is issued. It shall be initiated by the filing of a complaint by the aggrieved party and the action shall be tried de novo. If the final order is not appealed within thirty (30) days of its issuance, it shall be deemed final and unappealable.

5. Remedies.

At the conclusion of the hearing and after due deliberation of the evidence presented, the **Flood Plain Board may**

Revised 07/22/97

(a) revoke or suspend a **floodplain permit** or a permit issued to perform work in a **local regulatory conveyance zone** if

(i) a violation of any condition of the permit occurs; or

(ii) a violation of any provision of this ordinance or any other applicable law, ordinance, rule or regulation pertaining to the permit occurs; or

(iii) any condition exists or any act is done constituting fraud or creating a nuisance or hazard or endangering human life or the property of others.

(b) issue a stop work order on all construction activity on the subject property which may be directly or indirectly related to site drainage and which is being performed pursuant to any permits, licenses, franchises or contracts issued or approved by the **administering agency,** the County or other municipality.

(c) order the owner of the property and/or the holder of the permit issued under this ordinance to take such steps as are necessary to protect the public health and safety through an order to stop work or to take corrective or remedial action on the property where work constituting a violation of this ordinance has occurred or is in progress. If the action ordered by the **Flood Plain Board** is not taken within the period of time set by the **Flood Plain Board,** the **Flood Plain Board** may authorize the **administering agency** or its designee to cause the action to be taken, charging the violator all costs of such remedial mitigating or corrective action plus legal costs which costs shall become a lien against the property of the person cited, shall be recorded in the office of the county clerk, and shall bear interest until paid in full and may be enforced by legal action.

(d) assess a civil monetary penalty in accordance with Section E 6 below.

6. Penalties.

(a) Any person who violates this ordinance or fails to comply with any of its requirements shall be guilty of a civil offense and upon a finding of the **Flood Plain Board** that such violation has occurred may be fined by the **Flood Plain Board** a civil monetary penalty of not more than $500 for each day the violation has occurred with a maximum not to exceed $50,000 for each violation if the person who committed the offense contests the citation or a civil monetary fine of not more than $300 for each day the violation has occurred with a maximum not to exceed of $30,000 for each violation if the person who committed the violation does not contest the citation.

Revised 07/22/97

(b) No penalty authorized in this ordinance may be imposed after the expiration of five years beginning on the date of the issuance of the citation by the **administering agency.**

7. Notice to Parties of Record and Insurers.

When a violation of any provision of this ordinance has occurred and a nonappealable order of the **Flood Plain Board** or a court of law has been entered, the **administering agency** shall notify any party having a legal interest in the property which is filed of record in the Office of the Clerk of Jefferson County or any party which has insured or could insure against **flood** damage to the property of the existence of the violation.

8. Public Nuisam

Every **development** placed or maintained in the **local regulatory conveyance zone** or in the **local regulatory floodplain** in violation of this ordinance is a public nuisance and the creation thereof may be enjoined and maintenance thereof may be abated by legal or equitable action of the **administering agency** or the County or the municipality in which it is located. Nothing contained herein shall prevent the **administering agency,** any municipality or Jefferson County from taking such other immediate lawful actions as are necessary to prevent, correct, or remedy any such violation when there is reason to believe that the existence of the violation presents a serious threat to the public health, safety, welfare, or in the absence of immediate action, the effects of the violation may be irreparable or irreversible. Any such matters assessed or actions taken shall be in addition to and not instead of the remedies and penalties provided herein.

F. CONCURRENT ACTION BY PLANNING COMMISSION

This ordinance does not preclude the Louisville and Jefferson County Planning Commission from including land proposed for **development** as well as land designated as being within the **local regulatory floodplain** in its calculation of gross density. Wherever feasible, practicable and appropriate, the Louisville and Jefferson County Planning Commission may allow the same gross density on the land to be developed as would have been allowed on the total parcel were the **local regulatory floodplain** not present. !

G. DISCLAIMER OF LIABILITY

The County recognizes that although the degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations, on rare occasions greater floods can and will occur and flood heights may be increased by man-made or natural causes. These provisions do not imply that land outside the flood plain areas or that uses permitted within such areas will be free from flooding or flood damages. These provisions shall not create liability on the part of the County or the **administering agency** or any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

Revised 07/22/97

ORDINANCE NO. 26
Series 2001

ORDINANCE

Jefferson Fiscal Court

An Ordinance Relating To:

AN ORDINANCE REPEALING CHAPTER 159 OF THE JEFFERSON COUNTY/ KENTUCKY CODE OF SEDIMENT CONTROL.

INTRODUCED	9-11-01	BY COMMISSIONER MAPLE
FIRST READING	9-11-01	
SECOND READING	9-25-01	
ADOPTED	9-25-01	BY UNANIMOUS VOTE

ORDINANCE NO. 26, SERIES 2001

AN ORDINANCE REPEALING CHAPTER 159 OF THE JEFFERSON COUNTY, KENTUCKY CODE OF ORDINANCES AND ADOPTING A NEW CHAPTER 159 RELATING TO EROSION PREVENTION AND SEDIMENT CONTROL.

WHEREAS, in 2000, Fiscal Court enacted an Erosion Prevention and Sediment Control Ordinance as Ordinance 28, Series 2000, codified in Chapter 159 of the Jefferson County, Kentucky Code of Ordinances, in order to control soil erosion and sedimentation arising from development and other land disturbing activities, to conserve, preserve, and enhance the natural resources of Jefferson County, to comply with all applicable federal and state requirements for clean water, as well as to achieve other public purposes; and

WHEREAS, it is the desire of Fiscal Court to repeal the existing Chapter 159 of the Jefferson County, Kentucky Code of Ordinances and adopt a new Chapter 159 to replace it;

NOW, THEREFORE, BE IT ORDAINED BY THE FISCAL COURT OF JEFFERSON COUNTY, KENTUCKY:

Section 1. The Fiscal Court of Jefferson County does hereby repeal Chapter 159 of the Jefferson County, Kentucky Code of Ordinances.

Section 2. A new Chapter 159 of the Jefferson County, Kentucky Code of Ordinances is hereby adopted to read as follows:

SECTION 159.01 GENERAL PROVISIONS

A. TITLE
This ordinance shall be known and may be officially cited as the "Louisville and Jefferson County Erosion Prevention and Sediment Control Ordinance." It is referred to in this Chapter as "this Ordinance."

B. AUTHORITY
This Ordinance is adopted pursuant to the powers granted and limitations imposed by Kentucky laws, including the statutory authority granted to Kentucky counties in Kentucky Revised Statutes (K.R.S.), Chapter 67.

This Ordinance is also adopted pursuant to the powers granted and limitations by the Federal Clean Water Act, 33 U.S.C. §1323, Part A., ef *seq.,* and in particular those parts that authorize local governments to require any federal department or agency to comply with all local water pollution control requirements.

C. PURPOSE
The regulations set forth in this Ordinance are intended to protect the general health, safety, and welfare of the citizens of Louisville and Jefferson County, and more specifically are intended to:

1. Conserve, preserve, and enhance the natural resources of Jefferson County, including its soils, waters, vegetation, fish and wildlife;

2. Control soil erosion and sedimentation arising from development and other land disturbing activities (e.g., clearing and grading), to prevent adverse impacts and offsite degradation, including short-term and long-term damage to public and private property;

3. Comply with all applicable state and federal requirements for clean water, including limitations on the discharge of pollutants as set forth in the Kentucky Pollutant Discharge Elimination System (KPDES); and all applicable provisions of the Federal National Pollution Discharge Elimination System general permit for municipalities (Phase I and Phase II); and

Provide definitive procedures in the area of erosion prevention and sediment control (hereinafter "EPSC") regulations and review, as applied in Jefferson County.

D. DEFINITIONS

1. General Provisions.
For purposes of this Ordinance, the terms and words set forth below shall be defined as set forth below. Any terms or words not defined here shall be defined as set forth in the Development Code for all of Jefferson County, KY, including the Zoning District Regulations and the Metropolitan Subdivision Regulations (hereinafter "the Development Code") dated November 1997, as it may be amended from time to time.

2. Specific Definitions.

(a) "Adverse impact" shall mean a material negative impact on land, water, and associated resources resulting from a land disturbing activity, the negative impact includes increased risk of flooding, degradation of water quality, increased sedimentation, reduced groundwater recharge, adverse effects on aquatic organisms, wildlife, and other resources, and threats to public health.

(b) "Ceased" shall mean one or more deliberate actions taken by the Permittee that, taken together, reasonably indicate a site is no longer active, including but not limited to removal of equipment and machinery or failure to maintain EPSC best management practices.

(c) "Certified Construction Reviewer (hereinafter 'CCR')" shall mean those individuals, having passed a training course sponsored or approved by the Louisville and Jefferson County Metropolitan Sewer District (hereinafter "MSD"), who provide on-site EPSC inspection for the permittee in accordance with this Ordinance.

(d) "Concept EPSC plan" shall mean a preliminary presentation *of* techniques, measures, and controls intended to prevent erosion and control sedimentation arising from land disturbing activities on a specific development site or parcel of land.

(e) "Construction Dewatering" shall mean the removal of water for construction activities by pumping, drainage or evaporation.

(f) "Contractor" shall mean a person who contracts with the permittee, landowner, developer, or another contractor (i.e., subcontractor) to undertake any or all the land disturbing activities covered by this Ordinance.

(g) "Co-Permittee" shall mean any person, other than the permittee, including but not limited to a developer or contractor who has or represents having financial or operational control over the land disturbing activity.

(h) "Detailed EPSC plan" shall mean an accurately-scaled plan and attendant documentation depicting and describing techniques, measures, and controls intended to prevent erosion and control sedimentation arising from land disturbing activities on a specific development site or parcel of land. The detailed EPSC plan includes full engineering and construction details for all proposed controls and shall be incorporated into the full construction plans.

(i) "Developer" shall mean a person undertaking, or for whose benefit, any or all the activities covered by this Ordinance are commenced or carried out.

(j) "Development Code" shall mean the Development Code for all of Jefferson County, Kentucky, including the Zoning District Regulations and the Metropolitan Subdivision Regulations, as amended from time-to-time.

(k) "EPSC" shall mean the prevention of soil erosion and control of solid material during land disturbing activity to prevent its transport out of the disturbed area by means of air, water, gravity, or ice.

(l) "EPSC Board" shall mean the Louisville and Jefferson County Planning Commission.

(m) "Erosion" shall mean the wearing away of land surface by the action of wind, water, gravity, ice, or any combination of those forces.

(n) "Final Stabilization" shall mean that 1) all land disturbing activities at the site have been completed, 2) there are no areas of active erosion evident, and 3)and that a uniform perennial vegetative cover with a density of 70% of the cover for the area has been established or equivalent stablization measures (i.e., mulches or geotextiles) have been employed.

(o) "General Permit" shall mean an agreement between the regulating authority and the Permittee which specifies conservation measures which must be implemented in the construction of activities specified in the terms and conditions of the general permit.

(p) "Grading" shall mean any stripping, cutting, filling or stockpiling of earth or land, including the land in its cut or filled condition, to create new grades.

(q) "Land Disturbing Activity" shall mean any land change which may result in soil erosion from water or wind and the movement of sediments into waters or onto lands, including but not limited to, clearing, grading, excavating, transporting and filling of land, except the term shall not include:

(i) Minor land-disturbing activities such as home gardens and individual home landscaping, repairs and maintenance work;

(ii) Installation, maintenance, or repair of any underground public utility lines when such activity occurs on an existing hard surfaced road, street or sidewalk provided such land-disturbing activity is confined to the area of the road, street or sidewalk which is hard surfaced provided appropriate sediment control practices are implemented for any long-term stockpiling of excavated or fill materials;

(iii) Septic tank lines or lateral fields unless included in an overall plan for land-disturbing activity relating to construction of the building to be served by the septic tank system;

(iv) Tilling, planting or harvesting of agricultural, horticultural, or forest crops or livestock feedlot operations; including soil conservation operations related to agriculture as follows: construction of terraces, terrace outlets, check dams, desilting basins, dikes, ponds, ditches, strip cropping, lister furrowing, contour cultivating, contour furrowing, and land drainage and land irrigation which does not cause an increase in storm water runoff and does not exacerbate erosion and sedimentation;

(v) Clearing and grading activities that disturb less than 2000 square feet AND are situated no closer than 50-feet to a solid or intermittent blue line stream, and which are not governed under a General Permit or Site Disturbance Permit;

(vi) Emergency work to ensure health, safety and property and emergency repairs. However, if the land-disturbing activity would have required an approved erosion and sediment control plan if the activity were not an emergency, then the land area disturbed shall be shaped and stabilized in accordance with the requirements of this ordinance.

(r) "Landowner" shall mean a person, firm, or governmental agency holding legal title, or in possession or control of the land who indirectly or directly allows the land disturbing activity or benefits from it.

(s) "Permittee" shall mean the "Person Responsible for the Land Disturbing Activity".

(t) "Person" shall mean any individual, firm, partnership, joint venture, association, club, fraternal organization, corporation, estate, trust, receiver, organization, syndicate, city, county, municipality, district, or other political subdivision, or any other group or combination acting as a unit, and any agency or instrumentality thereof.

(u) "Person Responsible for the Land Disturbing Activity" shall mean the person holding legal title to the land upon which the land disturbing activity will take place or the person in possession or control of the land or who directly allows the land disturbing activity or benefits from it.

(v) "Qualified Plan Preparer" shall mean, at a minimum, a professional engineer or landscape architect licensed in the Commonwealth of Kentucky. MSD may, at a later date, develop a program to identify other qualified professionals.

(w) "Responsible Personnel" shall mean any foreman, superintendent or project engineer who is in charge of on-site clearing and grading operations or sediment control associated with land disturbance.

(x) "Sediment" shall mean solid particulate matter, both mineral and organic, that has been or is being transported by water, air, ice, or gravity from its site of origin.

(y) "Stop work order" shall mean an order directing a Permittee to cease and desist all or any portion of the work which violates the provisions of this ordinance.

E. APPLICABILITY

Subject to the exemptions set forth in subsection F. below, the EPSC provisions of this Ordinance shall apply to all land disturbing activities undertaken in Jefferson County.

F. EXEMPTIONS

The following land disturbing activities shall be exempt from compliance with the provisions of this Ordinance, provided all such exempt activities are undertaken in a manner that presents no significant erosion or sedimentation potential:

1. Agricultural operations required to adopt and implement an individual agriculture water quality plan pursuant to the requirements set forth in the Kentucky Agriculture Water Quality Act (K.R.S. 224.71-100 *et* sec/.), as it may be amended from time to time;

2. Usual and customary site investigation and surveying activities, such as soil testing, rock coring, test pits, boundary and topographic surveying, monitoring wells, and archaeological

excavations, undertaken prior to submittal of an application for preliminary subdivision or development approval; provided any land disturbance is incidental to necessary equipment access and performance of investigation and surveying activities.

3. Following preliminary subdivision or development approval but prior to site disturbance permit approval and issuance, clearing necessary to provide access for survey work, rock soundings, or other usual and customary site investigations, provided the following conditions are met:
   (a) Preliminary site investigations that have been planned to minimize the amount of clearing required;

   (b) Clearing shall follow proposed roadway centerlines and shall not result in a clear access way of more than 20 feet in width;

   (c) Cleared access ways beyond proposed roadways to assess individual lots shall not exceed 12 feet in width and No trees 8 inches or greater in diameter measured at breast height (dbh) shall be removed without prior approval by the Jefferson County Division of Planning and Design Services (hereinafter "DPDS").

4. Minor land disturbing activities that disturb 2000 square feet or less of land area and not within 50 feet of a drainageway. This exemption shall not apply to land disturbance activities subject to the general permit provisions set forth in Section 159.02.1. below (e.g., land disturbance activities by utilities or in connection with single-family home construction).

G. RELATIONSHIP TO OTHER ORDINANCES AND CODES

1. Conflicts with Other Regulations. When the provisions of this Ordinance are inconsistent with one another or when the provisions of this Ordinance conflict with the provisions found in other adopted ordinances or regulations, the more restrictive provision that provides maximum EPSC shall govern.

2. Relationship with Other County Ordinances/Codes Regulating Land Development.
   (a) Wherever practicable, the provisions of this Ordinance, which require review and approval of EPSC measures prior to the commencement of land disturbing activity, shall be applied concurrently with the administering agencies' obligations to review and/or approve subdivision plans, general or detailed development plans, construction plans, building plans and floodplain permits.

   (b) It shall be the Permittee's responsibility to determine and comply with all other applicable city, county, state, or federal ordinances or regulations governing land development and land disturbing activities, some of which may be conditions of approval under this ordinance (i.e., KPDES general permit).

H. TRANSITIONAL PROVISIONS

This subsection addresses the applicability of new procedural and substantive standards enacted by this Ordinance to activities, actions, and other matters that are pending or occurring as of the effective date of this Ordinance.

1. Completion of Land Disturbing Activity or Development Commenced or Approved Prior to the Effective Date of this Ordinance.
   (a) Buildings or Developments with Previously Issued Building Permits or Approved Construction Plans. Any building, structure, development, or land disturbing activity for which a valid building permit was granted or for which construction plans were approved prior to the effective date of this Ordinance shall be permitted to proceed to construction even if such activity or construction does not conform to the technical provisions of this Ordinance. If construction is not completed within the time allowed under the original building permit, construction plan approval or any extension granted, then the building or development shall be constructed or completed only in compliance with all requirements of this Ordinance.

   (b) Buildings or Developments with Complete Applications for Construction Plan Approval. Any building, structure, development, or land disturbing activity for which a complete application for construction plan approval has been submitted to MSD prior to the effective date of this Ordinance shall be permitted to finish the approval process, and if approved, proceed according to the approved plans even if such construction or activity does not conform to the technical provisions of this Ordinance. If construction is not completed within the time allowed under the original construction plan approval or any extension granted, then the building or development shall be constructed or completed only in compliance with all requirements of this Ordinance.

   (c) Developments or Other Activities with Applications for Approval Pending. Any development or land disturbing activity that has submitted an application for preliminary subdivision, development plan, conditional use, or any other type of land use or grading/clearing approval other than for construction plan approval, but for which no final action has been taken by the appropriate reviewing body on such application prior to the effective date of this Ordinance, shall be approved only if the development or land disturbing activity complies with all

provisions of this Ordinance.

2. Grandfathered Development/Activities Still Subject to Enforcement & Penalties Provisions. Developments or land disturbing activities for which complete applications for construction plan approval have been submitted or approvals/permits have been granted prior to the effective date of this Ordinance may proceed as provided in Section 159.01.H.I.(b) above, provided that all such development and land disturbing activities undertaken after the effective date of this Ordinance, and not otherwise exempt from this Ordinance, shall be in accordance with the previously approved plans. Failure to develop in accordance with such previously approved plans or failure of the previously approved plans to prevent offsite sedimentation shall subject the development to all provisions of this Ordinance, including those provisions dealing with inspection, enforcement and penalties.

I. RULES OF CONSTRUCTION & INTERPRETATION

1. Meaning & Intent. All provisions, terms, phrases, and expressions contained in this Ordinance shall be construed according to this Ordinance's stated purpose and intent.

2. Text Controls. In case of any difference of meaning or implication between the text of this Ordinance and any heading, drawing, table, or figure, the text shall control.

3. Delegation of Authority. Whenever a provision of this Ordinance requires the head of a department to perform an act or duty, that provision shall be construed as authorizing the department head or officer to delegate the authority to subordinates, unless the terms of the provision specify otherwise.

J. SEVERABILITY

If a court of competent jurisdiction declares that any section, subsection, or provision of this Ordinance is invalid, that ruling shall not affect the validity of any other part of this Ordinance or the Ordinance as a whole, which shall remain in full force and effect.

K. LIABILITY DISCLAIMER

Nothing contained in this Ordinance, and no action or failure to act under this Ordinance shall be construed to:

1. Impose any liability on the County, MSD, or other administrating or enforcement agency or entity for the recovery of damages caused by such action or failure to act; or

2. Relieve the Permittee of the duties, obligations, responsibilities, or liabilities arising from or incident to the operations associated with the land disturbing activity.

SECTION 159.02 ADMINISTRATION & REVIEW PROCEDURES

A. ADMINISTERING AUTHORITIES/ POWERS

This subsection sets forth the roles and powers that MSD and various county agencies and bodies have in administering this EPSC Ordinance.

1. MSD. The powers and functions of MSD with respect to administering this Ordinance are as follows:
   (a) Review and approve all EPSC plans and issue all requisite site disturbance permits authorized by this Ordinance.
   (b) Negotiate the terms and conditions of all general permits authorized by this Ordinance in consultation with the DPDS and the City of Louisville.

   (c) Perform pre-construction site meetings, construction inspections and negotiated compliance efforts in the enforcement of this Ordinance; issue notices of violation and stop work orders.

   (d) Develop an education and training program for contractors, inspection agency personnel, plan reviewers and plan preparers and individuals seeking certification as CCR's.

   (e) Prepare, implement and revise methods, EPSC standards and specifications for inclusion in the MSD Design Manual, Standard Specifications and Standard Drawings.

   (f) Adopt, collect and distribute permit fees for EPSC plan review and construction inspection activities.

2. DPDS. The powers and functions of DPDS with respect to administering this Ordinance are as follows:
   (a) Upon referral from MSD, review and comment upon detailed EPSC plans submitted concurrently with construction plans required under the Development Code.

   (b) Participate with MSD, as appropriate, in pre-construction site meetings required pursuant to this Ordinance, in order to coordinate compliance with other applicable Development Code standards and provisions.

   (c) Through zoning enforcement, landscape, binding element and/or environmental health and protection officers, perform inspections and negotiated compliance efforts in the enforcement of this Ordinance, including the necessary issuance of notices of violation and stop work orders, against MSD.

   (d) Negotiate the terms and conditions of MSD's general permit and assist MSD with negotiation of all other general permits authorized by this Ordinance.

3. Jefferson County Division of Public Works & Transportation. The powers and function of the Jefferson County Division of Public Works & Transportation with respect to administering this Ordinance are as follows:
   (a) Upon referral from MSD, review and comment upon detailed EPSC plans submitted concurrently with construction plans required under the Development Code.

   (b) Participate with MSD, as appropriate, in pre-construction site meetings required pursuant to this Ordinance, in order to coordinate compliance with other applicable Development Code standards and provisions.

4. City of Louisville Department of Public Works. The powers and functions of the City of Louisville Department of Public Works with respect to administering this Ordinance are as follows:
   (a) Upon referral from MSD, review and comment upon detailed EPSC plans submitted concurrently with construction plans required under the Development Code.

   (b) Participate with MSD, as appropriate, in pre-construction site meetings required pursuant to this Ordinance, in order to coordinate compliance with other applicable Development Code standards and provisions.

   (c) Assist MSD with negotiation of general permits authorized by this Ordinance.

5. Jefferson County Building Code Enforcement Officers. The function of the Jefferson County Building Code Officers with respect to this Ordinance consists of and is limited to, in the course of their normal inspection and enforcement duties, cursory observations of individual building sites related to the standards of this Ordinance and refer any observed violations to MSD. This is not to be interpreted as an inspection with authority to act on any violations pertaining to this Ordinance.

6. City of Louisville Department of Inspection. Permits & Licenses. The function of the City of Louisville Department of Inspection, Permits & Licenses with respect to this Ordinance consists of and is limited to, in the course of their normal inspection and enforcement duties, cursory observations of individual building sites related to the standards of this Ordinance and refer any

observed violations to MSD. This is not to be interpreted as an inspection with authority to act on any violations pertaining to this Ordinance.

7. Other Municipal Code Enforcement Agencies Located in Jefferson County. The function of other Jefferson County code enforcement agencies or municipalities located in Jefferson County with respect to this Ordinance consists of and is limited to, in the course of their normal inspection and enforcement duties, cursory observations of individual building sites related to the standards of this Ordinance and refer any observed violations; to MSD. This is not to be interpreted as an inspection with authority to act on any violations pertaining to this Ordinance.

8. EPSC Board. The powers and functions of the EPSC Board with respect to administering this Ordinance are to issue remedial orders and impose specified civil fines to enforce violations of this Ordinance.

B. PERMITTEES

1. Permittee Verification Identified. The Permittee for site disturbance permits authorized by this Ordinance shall sign the application form acknowledging his/her status as the Person Responsible for the Land Disturbing Activity.

2. Co-Permittee Verification Required. All contractors and subcontractors whose construction activities may impact the quality of discharge from the site shall complete a written form acknowledging their status as Co-Permittees under the provisions of this Ordinance. Such form(s) shall be kept on-site at all times during site development and during the land disturbing activity. This provision does not apply to single family general permittees.

C., REVIEW & APPROVAL OF LAND DISTURBING ACTIVITIES—GENERAL PROVISIONS

1. Applicability. No land disturbing activity subject to the provisions of this Ordinance shall take place except in accordance with either:
   (a) An approved EPSC plan and a duly-issued site disturbance permit; or

   (b) An authorized general permit.

2. Types of EPSC Plan Approval Procedures. For purposes of this Ordinance, there are three types of plan approval procedures keyed to the proposed land disturbing activity at issue: Type I Review, Type II Review, and Review Pursuant to a General Permit. These review procedures are described in Section 159.02.F. through H., and summarized in Table 159-1 found in Appendix A to this Ordinance.

3. Types of Permits. There are two types of permits granted by MSD to allow land disturbing activities subject to the provisions of this Ordinance: Site Disturbance Permits (Type I and Type II approvals) and General Permits. These permit requirements are keyed to the proposed land disturbing activity at issue and are described in Sectionl59.02. F. - H., and summarized in Table 159-1 found in Appendix A to this Ordinance.

4. Types of EPSC Plans Required. There are two types of EPSC plans that may be required as part of an application for approval of land disturbing activities subject to this Ordinance: Concept EPSC plans and Detailed EPSC plans. Plan preparation requirements are described in Section 159.02.E. below.
   (a) Concept EPSC plans are required only for those land disturbing activities subject to a Type I review and not otherwise exempt or subject: to a general permit under the terms of this ordinance. When no concept EPSC plan is required, documentation will be so noted on the land-use plan receiving preliminary plan approval from MSD.

   (b) Detailed EPSC plans are required for all land disturbing activities subject to this Ordinance, except those authorized by a general permit.

5. Applications. Applications for review and approval of EPSC plans shall be submitted by the Permittee on forms provided by MSD in such numbers as required by MSD. Applications shall be accompanied by a non-refundable fee established by MSD to defray the costs of program administration and operation.

6. Permitted Scope of Action.
   (a) All EPSC plans shall be approved according to the procedures set forth in Section 159.02.F. through H. below. In addition, all plans shall evidence compliance with the standards set forth in Section 159.03 below and all applicable standards and specifications set forth in MSD's Design Manual, Standard Specifications and Standard Drawings.

   (b) MSD may impose conditions on the application or allow amendments to the application if the effect of the conditions or amendments is to ensure compliance with this Ordinance and/or reduce the erosion or sedimentation adverse impacts or offsite degradation of the development or land disturbing activity.

7. Submittal Requirements. A schedule of submittal requirements for each type of application and plan required under this Ordinance is set forth in the MSD Design Manual. The schedule of

submittal requirements shall be reviewed periodically and may be adjusted, if necessary, by MSD.

8. Revocation Authority. MSD shall have the authority to revoke any final approval or permit granted pursuant to this Ordinance, after notice to the Permittee, upon a finding of any of the following:
(a) The land disturbing activity is being undertaken in violation of this Ordinance;

(b) The land disturbing activity is being undertaken in violation of any approved plans, specifications, or conditions of approval;

(c) The land disturbing activity is being undertaken in such a way as to constitute a public nuisance; or

(d) The approval or permit was procured by false representation or was issued by mistake.

Upon revocation of any final approval or permit, all land disturbing activities authorized by that approval or permit shall cease until and unless a permit or approval is reissued, provided that all remedial or reclamation work shall proceed as directed by MSD.

D. TABLE 159-1: SUMMARY OF REVIEW & PLAN REQUIREMENTS
Table 159-1 summarizes the review and plan requirements by type of land disturbing activity and can be found in Appendix A to this Ordinance.

E. PLAN PREPARATION & CONTENT
1 Concept EPSC Plans.
(a) Applicability. A concept EPSC plan, submitted by a Qualified Plan Preparer, shall be required for all land use applications subject to a Type I review procedure.

(b) Contents. The concept EPSC plan shall contain the information and data as set forth in the MSD Design Manual, Standard Specifications and Standard Drawings, including a narrative description of phasing, sequencing, or other accommodations, if applicable.

2. Detailed EPSC Plans.
(a) Applicability. A detailed EPSC plan shall be required for all land disturbing activities subject to a Type I or Type II review procedure. For a land disturbing activity subject to a Type I review, the detailed EPSC plan shall be required subsequent to the preliminary or development plan approval and prior to the commencement of construction or clearing and grading activity.

(b) Contents.
(i) A detailed EPSC plan shall contain the information and data as set forth in the MSD Design Manual, Standard Specifications and Standard Drawings,
(c) Plan Preparers.
(i) Detailed EPSC plans for Land Disturbing Activities Subject to Type I Review. A detailed EPSC plan subject to Type I review shall be prepared and certified by a Qualified Plan Preparer. In addition, MSD may require consultation with geologists, hydrologists, soil scientists, and other professionals, as MSD deems appropriate.
(ii) Detailed EPSC plans for Land Disturbing Activities Sublect to Type II Review. Unless determined otherwise by MSD, a detailed EPSC plan subject to Type II review shall be prepared and certified by a Qualified Plan Preparer. Such determination will be based upon the amount of site disturbed, the type of disturbance and the proximity to drainageways.

F. TYPE I REVIEW PROCEDURE—ISSUANCE OF SITE DISTURBANCE PERMIT
1. Applicability.
(a) Type I review shall be required if a land disturbing activity under this Ordinance is proposed as part of an activity or development subject to land use approval by the Louisville and Jefferson County Planning Commission, TRC, LD&T, Board Of Zoning Adjustment or legislative body. Such activities include, but are not limited to:

(i) Standard and innovative subdivisions, excluding minor plats and record plats;

(ii) Developments requiring a general or detailed development plan under the Development Code;

(iii) Conditional uses under the zoning provisions of the Development Code; and

(iv) Developments requiring a rezoning.

2. Concept EPSC Plan Submittal and Approval.
(a) Concept EPSC plan Submittal. The Permittee shall submit a concept EPSC plan, when required, to the DPDS as part of the application for the land use or development approval.

(b) Preliminary Review and Approval. The concept EPSC plan shall be forwarded to MSD and also distributed to interested agencies for their review and comment as part of the development

application approval process. Taking into consideration interested agency and public comments, MSD shall review and take final action on the concept EPSC plan, either approving, approving with conditions, or denying the concept EPSC plan.

(c) Pre-Construction Site Meetings-Determination. As part of the concept EPSC plan approval, MSD may require that a pre-construction site meeting occur for purposes of enforcing and administering the provisions of this Ordinance in accordance with Section 159.02.F.4. below.

3. Detailed EPSC Plan Submittal.

(a) Detailed EPSC plan Submittal. Prior to the commencement of any land disturbing activity in anticipation of development or construction, a detailed EPSC plan shall be submitted to MSD concurrent with any required construction plans or building permit applications.

(b) Referral to DPDS and Public Works. The detailed EPSC plan, as part of the submitted construction plans, may be referred to DPDS and the appropriate Department of Public Works for review and comment. Such review shall be primarily in regard to the detailed EPSC plan's potential conflicts with other land development and land use standards and policies and conformance with applicable performance standards.

4. Pre-Construction Site Visits and Meetings.

(a) Purposes. The purposes of a pre-construction site meeting are to:

(i) Correct any inadequacies in the EPSC plan that are identified during the visit and meeting; and

(ii) Ensure that the Permittee, particularly the on-site contractor representative, understands the EPSC plan, inspection, maintenance, and record-keeping requirements.

(iii) In addition, MSD inspectors and other involved personnel should inspect and note existing natural conditions adjacent to and downstream of the controls prior to construction, so that any changes or degradation due to inadequate control measures can be more easily identified during future inspections.

(b) Applicability/Timing.

(i) If required as a condition of concept EPSC plan approval, a pre-construction site meeting shall be conducted prior to MSD final action on the detailed EPSC plan.

(ii) In all other cases, MSD, in consultation with the other reviewing agencies, may require a pre-construction site meeting prior to MSD final action on the detailed EPSC plan, or may require a pre-construction site meeting as a condition of detailed EPSC plan approval and postpone such visit until the notice of construction is received.

(c) Participants in the Pre-Construction Site Meeting. The following persons may participate in a pre-construction site meeting:

(i) Appropriate MSD personnel and, if warranted, representatives from DPDS, Public Works, or any other relevant review agencies; and

(ii) The Permittee, the project designer or engineer, the CCR if applicable, and, if available, the contractor (foreman or similar person).

5. MSD Final Action on the Detailed EPSC plan and Issuance of Site Disturbance Permit.

(a) MSD Final Action—General Provisions. MSD shall consider any comments and shall then take final action on the detailed EPSC plan, either approving, approving with conditions, or denying the detailed EPSC plan.

(b) Minor/No Revisions to the Detailed EPSC plan-Site Disturbance Permit Issuance. After review of the detailed EPSC plan and the pre-construction site meeting (if applicable), if no revisions to the plan or only minor revisions or field adjustments to the plan are necessary for approval, MSD shall take the following actions:

(i) MSD shall approve or conditionally approve the detailed EPSC plan, and

(ii) If all other site disturbance related approvals required under federal, state or local law or regulation have been received, MSD shall grant a site disturbance permit to the Permittee. At MSD's discretion, the site disturbance permit may be issued prior to final approval of the remainder of any submitted construction plans considering such factors as weather and optimum construction scheduling.

(c) Significant Revisions to the Detailed EPSC plan. If MSD and interested agency review of the detailed EPSC plan, other construction plans for development, and/or the pre-construction site meeting reveals the need for significant revisions to the detailed EPSC plan, MSD approval shall not be granted. Instead, MSD shall allow the Permittee a reasonable opportunity to revise the plan and re-submit the plan for re-review and final action by MSD. If MSD thereafter approves or conditionally approves the revised plan, MSD shall grant a site disturbance permit to the Permittee. At MSD's discretion, the site disturbance permit may be issued prior to final approval of the remainder of any submitted construction plans considering such factors as weather and optimum construction scheduling.

6. Effect of Detailed EPSC plan Approval/Site Disturbance Permit Issuance.
   (a) Permitted Activities. Upon issuance of the site disturbance permit, site clearing and grading activities in anticipation of construction may commence on the site only after required EPSC measures are installed and appropriate notice is given pursuant to Section 159.02.F.7 below. No work/building permit shall be issued or requested until a site disturbance permit is granted.

   (b) Automatic Lapse for Inactivity. If the Permittee does not commence land disturbing, construction or development activity according to the provisions and time frame established or approved in the underlying land use approval, then the approval of the detailed EPSC plan and the site disturbance permit shall automatically lapse and become null and void.

7. Notification of Construction. Upon receiving detailed plan approval and a site disturbance permit, the permittees for land disturbing activities subject to these Type I review and site disturbance permit requirements shall file a notice of construction with MSD no later than 3 working days prior to construction activity initiation or related (non-exempt) land disturbing activity on a site, whichever occurs first. Prior notice of construction allows MSD to conduct, in a timely manner, any required pre-construction site meetings and to schedule inspections during construction, as necessary. Violation of this provision may result in immediate issuance of a Notice of Violation or a Stop Work Order under Section 159.05 of this Ordinance.

8. Completion of Construction & Final Inspection Request.
   (a) Certification of Completion. Upon completion of site construction and final stabilization, the Permittee shall submit a letter of completion to MSD certifying that construction, including final stabilization, is complete and in accordance with all approved EPSC plans. Temporary EPSC measures may still be in place at the time of certification of completion, depending on the season, provided that adequate surety is given pursuant to Section 159.04.B. below for the maintenance and ultimate removal of such temporary controls at a later date.

   (b) Permit Termination.
      (i) If at final inspection the site is in compliance with the approved EPSC plan, including final stabilization or adequate surety pursuant to Section 159.04.B, the site disturbance permit shall be terminated.

      (ii) If at final inspection the site is not in compliance with the approved EPSC plans or this Ordinance, the site disturbance permit shall not be terminated, related performance assurances shall not be released, and the Permittee shall not be permitted to request a certificate of occupancy for the development.

G. TYPE II REVIEW PROCEDURE—ISSUANCE OF SITE DISTURBANCE PERMIT

1. Applicability.
   (a) Requires Building Permit Only (No Land Use Approval[1]). Type II review shall be applicable to all land disturbing activities subject to this Ordinance that are associated with the construction of a specific development proposal that does not require land use approval under the Development Code. Type II review shall also be applicable to earth excavation, structure demolition, site clearing, or filling of land (including excavations and earth filling which may be performed without a conditional use permit pursuant to Section 9.6 of the Development Code). For example, a development proposal that is consistent with applicable zoning and that only needs a building permit to proceed to construction shall be subject to a Type II review for purposes of this Ordinance.

2. Detailed EPSC Plan Submittal and Approval.
   (a) Detailed EPSC plan Submittal. Prior to the commencement of any land disturbing activity in anticipation of development or construction, a detailed EPSC plan shall be submitted to MSD concurrent with required construction plans or building permit application.

   (b) Pre-Construction Site Meeting. Following detailed EPSC plan submittal, MSD, in consultation with the reviewing agencies, may require a pre-construction site meeting prior to taking final action on the detailed EPSC plan. Alternately, MSD may require a pre-construction site meeting as a condition of detailed EPSC plan approval and postpone such meeting until the notice of construction is received pursuant to Section 159.02.G.4 below. Participants in the pre-construction site meeting shall be as set forth in Section 159.02.F.4.(c) above.

   (c) MSD Final Action—General Provisions. MSD shall consider any comments from the public and interested review agencies and shall then take final action on the detailed EPSC plan, either approving, approving with conditions, or denying the detailed EPSC plan.

(d) Minor/No Revisions to the Detailed EPSC plan-Site Disturbance Permit Issuance. After review of the detailed EPSC plan and the pre-construction site meeting (if applicable), if no revisions to the plan or only minor revisions or field adjustments to the plan are necessary for approval, MSD shall take the following actions:

(i) MSD shall approve or conditionally approve the detailed EPSC plan, and

(ii) If all other site disturbance related approvals required under federal, state or local law or regulation have been received, MSD shall grant a site disturbance permit to the Permittee. At MSD's discretion, the site disturbance permit may be issued prior to final approval of the remainder of any submitted construction plans considering such factors as weather and optimum construction scheduling.

3. Significant Revisions to the Detailed EPSC plan. If MSD and interested agency review of the detailed EPSC plan, other construction plans for development, and/or the pre-construction site meeting reveal the need for significant revisions to the detailed EPSC plan, MSD approval shall not be granted. Instead, MSD shall allow the Permittee a reasonable opportunity to revise the plan and re-submit the plan for re-review and final action by MSD. If MSD approves or conditionally approves the revised plan according to provisions of this section, MSD shall grant a site disturbance permit to the Permittee. At MSD's discretion, the site disturbance permit may be issued prior to final approval of the remainder of any submitted construction plans considering such factors as weather and optimum construction scheduling.

4. Effect of Detailed EPSC plan Approval/Site Disturbance Permit Issuance.
(a) Permitted Activities. Upon issuance of the site disturbance permit, site clearing and grading activities in anticipation of construction may commence on the site only after all required EPSCs are installed and appropriate notice is given pursuant to Section 159.02.G.4 below. No work/building permit shall be issued or requested until site disturbance permit approval is granted.

(b) Automatic Lapse for Inactivity. If the Permittee does not commence land disturbing activity or construction within one (1) year of MSD's approval of the detailed EPSC plan, or within the approved time frame for any related building permit, whichever occurs first, then the approval of the detailed EPSC plan and the site disturbance permit shall automatically lapse and become null and void.

5. Notification of Construction. Upon receiving detailed plan approval and a site disturbance permit, the permittees for land disturbing activities subject to these Type II review and site disturbance permit requirements shall file a notice of construction with MSD no later than 3 working days prior to construction activity initiation or related (non-exempt) land disturbing activity on a site, whichever occurs first. Prior notice of construction allows MSD to conduct in a timely manner any required pre-construction site meetings pursuant to Section 159.02.G.2. above, and to schedule inspections during construction, as necessary. Violation of this provision may result in immediate issuance of a Notice of Violation or a Stop Work Order under Section 159.05 of this Ordinance.

6. Completion of Construction & Final Inspection Request. The provisions regarding notification of completion of construction, final inspection, and permit termination set forth in Section 159.02.F.8. above shall apply.

H. GENERAL PERMITS

1. Purpose and Intent. General permits are intended to streamline the application of this Ordinance to land disturbing activities undertaken by specific public or governmental entities, or utilities which activities typically are repetitive and small-scale. General permits are also intended to simplify application of this Ordinance to land disturbing activities undertaken on individual residential lots within subdivision developments already subject to an approved detailed EPSC plan under this Ordinance.

2. Authorization.
(a) MSD, in consultation with the DPDS and the City of Louisville, shall have the authority to negotiate the terms and conditions of all general permits authorized by this section.

(b) When applicable, a general permit shall incorporate the terms and agreement reached in any Memorandum of Understanding between MSD and individual state agencies or other subdivisions of the Commonwealth of Kentucky.

(c) Notwithstanding the permitted scope of general permits as set forth in Section 159.02.H.3. below, a general permit may include provisions that allow MSD to specify review and approval processes for land disturbing activities undertaken by a general permittee otherwise subject to the terms and conditions of this ordinance.
(d) The MSD Chief Engineer shall have authority to review, amend and approve the terms and conditions of general permits with such approvals or amendments being effective following approval, or at such time specified, by the Chief Engineer.

3. Scope of Authorized General Permits.
(a) All land disturbing activities covered by an authorized General Permit shall proceed subject to the specific terms and conditions of the General Permit, which terms and conditions shall

supersede and control over the administrative and review requirements set forth in this Section 159.02, the EPSC standards and criteria set forth in Section 159.03 below, and the maintenance and performance requirements set forth in Section 159.04 below.

Notwithstanding this provision, until the specific terms and conditions of the General Permit are approved by the MSD Chief Engineer, the EPSC standards and criteria, the administrative and review requirements, and the maintenance and performance requirements set forth in this Ordinance shall apply to the subject land disturbing activity.

(b) Unless specifically addressed in the General Permit, all other provisions of this ordinance not addressed in Section 159.02.H.3(a) above, including specifically the enforcement and penalties provisions set forth in Section 159.05.F. and Section 159.05.H. of this Ordinance shall apply to all land disturbing activities subject to a General Permit.

4. Land Disturbing Activities Covered by General Permits.

(a) Land Disturbing Activities Undertaken by Public Utilities. General permits shall be applicable to repetitive land disturbing activities undertaken by utilities, and the private contractors hired by the utility to undertake such work. Such activities may include:

(i) Land disturbing activities associated with routine maintenance and/or repair of water, electric, gas, or communications lines:

(ii) Land disturbing activities associated with the placement of underground lines for the distribution or transmission of water, electric energy, gas, or communications services;

(iii) Land disturbing activities associated with placement of poles for overhead distribution or transmission of electric energy or of communications services;

(iv) Land disturbing activities associated with small trench work and service hook-ups to individual residences and buildings.

The general permit shall contain, among other things, standard EPSC practices for utilities' land disturbing activities, which should include, but not be limited to, provisions that address:

1. Protection of stockpiled areas;
2. Protection along trenches (including perimeter controls during line installation and interior controls after backfilling);
3. Phasing and scheduling;
4. Stream crossing details; and
5. Final stabilization provisions.

The general permit may have one set of EPSC provisions geared to utility installations connected with private development activity such as subdivisions, and a second set of provisions geared to a utility's general maintenance/repair activities or its own initiated construction projects.

(b) Single-Lot Residential Construction or Demolition. A General Permit shall be applicable to all land disturbing activities associated with the construction or demolition of residential principal and accessory structures on individual lots. The General Permit shall allow such construction to proceed, subject to the following:

(i) Exceptions. The following single-lot residential construction shall be excluded from the terms of this General Permit, and shall instead be subject to an individual review by MSD.

(1) Individual residential building lots of record that were identified ("red flagged") on the approved subdivision preliminary plan or record plat for additional restrictions or scrutiny prior to construction.

(ii) Jefferson County, in consultation with MSD and the City of Louisville, shall adopt administrative rules and procedures to implement this General Permit, including but not limited to instituting a means to identify qualifying general permittees at the time of building permit issuance.

(iii) The General Permit shall contain standard EPSC practices for the covered land disturbing activities, which should include, but not be limited to, provisions that address:

Perimeter controls;
Temporary construction access;
Protection and proper placement of stockpiled materials;
Protection around existing drainage structures;
Prevention of tracking soil, mud and debris onto public rights-of-ways;
Maintenance of EPSC measures;
Final stabilization; and
Removal of EPSC measures following final stabilization
Inspection and record-keeping requirements

I. APPEALS FROM ACTION ON DETAILED EPSC PLANS

1. Any person or entity claiming to be aggrieved by a final action of MSD on a detailed EPSC plan may appeal such action to the MSD Board. Such appeals shall be taken within thirty (30) days of the final action taken by MSD in Section 159.02.F.5 for type I reviews, or within thirty (30) days of the final action taken by MSD in Section 159.02.G.2.(e) for Type II reviews, by filing with the secretary of the MSD Board a notice of appeal specifying the grounds thereof. Any final action not appealed within thirty (30) days of such action shall be considered final and unappealable.

2. Appeals from action of the MSD Board on detailed EPSC plans shall be taken to a Kentucky court of competent jurisdiction pursuant to applicable Kentucky statutes.

SECTION 159.03 REVIEW STANDARDS & CRITERIA

A. EPSC STANDARDS — GENERAL

MSD shall review all EPSC plans for compliance with the following general standards and review criteria:

1. Overall Design Goal. A design removal efficiency g9al of 80% for total suspended solids from land disturbing activities shall be applied to the design, review, and approval of EPSC plans. The following structural and non-structural standards are to be utilized to achieve this goal.

   (a) Compliance with MSD Design Manual. Standard Specifications and Standard Drawings. Except where innovative or alternative management practices are approved pursuant to Section 159.03.A.2. below, all EPSC measures shall be designed and installed in accordance with the specifications contained in the MSD Design Manual, Standard Specifications and Standard Drawings, as it may be revised from time to time, which is hereby incorporated by reference into this Ordinance.

   (b) Non-structural Site Management Practices. Non-structural site management practices to prevent erosion and minimize sediment discharge shall be considered in MSDs evaluation of Section 159.03.A.1. above. Such practices may include the following standards:

   i) Minimize site disturbance to preserve and maintain existing vegetative cover;

   ii) Limit the number of temporary access points to the site for land disturbing activities;

   iii) Phase and sequence construction activities;

   iv) Locate temporary and permanent soil disposal areas, haul roads and construction staging areas to minimizeerosion, sediment transport and disturbance to existing vegetation.

   Where attainment of this design removal efficiency goal through the use of structural and non-structural measures is not practicable, the permittee shall submit written justification to MSD for review and approval.

2. Alternative Management Practices. To encourage the development and testing of alternative EPSC measures, alternative management practices that are not included in the MSD Design Manual, Standard Specifications and Standard Drawings may be allowed upon review and approval of MSD.

   (a) A Permittee seeking to use an alternative management practice shall concurrently submit substantial evidence that the proposed measure will perform at least equivalent to a currently approved control contained in the MSD Design Manual, Standard Specifications and Standard Drawings. Evidence may include, but is not limited to, peer-review by a panel of registered professional engineers and research results as reported in professional journals or other literature.

   (b) If MSD finds the control or practice has failed or is inadequate to contain sediment onsite, the Permittee shall remove and replace it with a control approved by MSD and found in the MSD Design Manual, Standard Specifications and Standard Drawings.

B. EPSC STANDARDS — SPECIFIC

MSD shall review all EPSC plans for compliance with the following specific standards and review criteria:

1. Sediment Tracking Control. Stabilized construction entrances shall be located and utilized at all points of ingress/egress on a construction site. The transfer of soil, mud and dust onto public rights-of-ways shall be minimized.

2. Construction Dewatering Operations. Whenever construction dewatering operations are required on a site, they shall be conducted according to the specifications set forth in the MSD Design Manual, Standard Specifications and Standard Drawings.

3. Crossings of waterways during construction shall be minimized and approved by MSD. Encroachment into stream buffers, riparian areas and wetlands shall be avoided.

4. Topsoil shall be stockpiled and preserved from erosion or dispersal both during and after site grading operations.

5. Temporary Stabilization Measures. Where construction or land disturbance activity will or has temporarily ceased on any portion of a site, temporary site stabilization measures shall be required as soon as practicable, but no later than 14 calendar days after the activity has ceased. Permanent or temporary stabilization shall be completed within:

   (a) 14 calendar days for the surface of all perimeter dikes, ditches, swales, perimeter slopes, and all slopes greater than 3 horizontal to 1 vertical (3:1);

   (b) 14 calendar days as to all other disturbed or graded areas on the project site.

   The requirements of Section 159.03.B.5(a) and 159.03.B.5(b) do not apply to those areas which are shown on the plan and currently being used for material storage or for those areas on which construction activities are currently being performed or to prepared structural subgrades, provided that structural EPSC measures remain in place.

6. Final Stabilization. Final Stabilization of the site shall be required within 14 calendar days of construction completion.

7. Temporary Structural Controls installed during construction shall be designed to accomplish maximum stabilization and control of erosion and sedimentation, and shall be installed, maintained, and removed according to the specifications set forth in the MSD Design Manual, Standard Specifications and Standard Drawings. All temporary structural controls shall function as designed when controlling the peak runoff resulting from the storm event identified in the MSD Design Manual, Standard Specifications and Standard Drawings.

8. All Permanent Structural Controls, including drainage facilities such as channels, storm sewer inlets, and detention basins, shall be designed according to the standards set forth in the MSD Design Manual, Standard Specifications and Standard Drawings.

SECTION 159.04 MAINTENANCE & PERFORMANCE REQUIREMENTS

A. MAINTENANCE AND DAMAGE REMEDIATION

1. Maintenance During Construction:

(a) The Permittee, or his/her designee, shall be required to conduct continuing inspections of all EPSC measures, and direct the appropriate persons to make any repairs or modifications necessary, within 48 hours of the initial discovery of a control failure or violation, unless extenuating circumstances such as weather or complexity of repairs or modifications justify a longer time frame. At a minimum, such inspections shall occur every seven (7) calendar days and within 24 hours after each storm event that produces 0.5 inches or more of precipitation.

(b) In addition, silt accumulation upstream of temporary controls shall be removed when the control reaches the percentage of storage capacity established for the maintenance of that particular type of control in the MSD Design Manual, Standard Specifications and Standard Drawings.

(c) A copy of the EPSC plan and records of all inspections, repairs, and modifications shall be available on-site throughout the duration of the construction or land-disturbing activity. All records of inspection shall be in a form specified by MSD and shall include the date and time of inspection, and the name and signature of the inspector as defined in Section 159.04 A.I.(a) above. These records shall be made available to agency inspectors upon request.

(d) If the Permittee chooses to use a CCR for site inspections and monitoring of all land disturbing activities, the Permittee shall sign a statement giving the CCR full authority to inspect the site and to require necessary measures to maintain compliance. The name, address, and phone number of the CCR shall be noted on the cover sheet of the submitted detailed EPSC plan, but in no instance later than the time notice of construction is filed with MSD. If requested, the CCR shall submit signed and dated weekly inspection logs to the appropriate inspection agency. Copies of such logs shall be maintained on site and shall be signed and dated by the CCR.

2. Post-Construction Maintenance. Following release or acceptance of a project (and termination of the site disturbance permit), the property owner shall be responsible for maintaining the project site in a manner to prevent soil erosion and sedimentation in violation of this Ordinance.

3. Damage Remediation. In the event of adverse impacts or off-site degradation resulting from improper controls or practice in violation of this Ordinance, MSD shall have the authority to take the following action:

(a) Determine the extent of damage resulting from noncompliance with the plan or failure to maintain the practices required by the plan;

(b) Determine the impact and severity of the resulting adverse impacts or off-site degradation;

(c) Require and approve an agreement with the Permittee for correction and clean- up of the existing damage and an agreement for prevention of future damage.

(d) Cost incurred by MSD and other agencies, as a result of having to hire outside expertise, to determine the extent, impact and severity of damage and in remediating any such damage shall be collected from the Permittee.

Failure of the Permittee to implement the agreement according to its terms shall constitute a violation of this Ordinance, and subject the Permittee to all applicable enforcement actions and penalties.

B. PERFORMANCE ASSURANCES

1. The Permittee shal| be responsible for the installation, good repair, maintenance, proper functioning and ultimate removal of all temporary and permanent EPSC measures.

2. Fiscal Surety Required. For all land disturbing activities subject to a Type I or Type II review under this Ordinance, the Permittee may be required to post a fiscal surety, consisting of a performance bond or other instrument, acceptable to and approved by MSD. When a fiscal surety is required, the following conditions will apply.

(a) Timing of Surety. The surety shall be posted no later than the issuance of a site disturbance permit or, with MSD approval, prior to issuance of a certificate of occupancy, as applicable.

(b) Combination with Other Appropriate Bonds. Whenever feasible, the fiscal surety for EPSC required by this section may be combined with and posted as part of the sanitary sewer lateral extension bond or subdivision performance bond required for all subdivisions approved pursuant to the Development Code.

(c) Amount of Surety. For activities subject to Type I review, the amount of the surety for EPSC shall be the cost of the approved EPSC measures to be installed on the site and any prescribed site revegetation or restoration measures, including labor costs. MSD shall have the discretion to set alternate amounts for or to waive a surety for activities subject to Type II review that are commensurate with the complexity or size of the project. The final amount of the surety shall be determined by MSD and shall be in addition to any other surety required as part of subdivision or development approval.

(d) Use of Surety. If at any time following the period allowed to the Permittee to complete his/her obligations under this Ordinance, MSD finds that:

(i) The required temporary or permanent improvements or control measures have not been installed or maintained properly,

(ii) The required temporary or permanent improvements are not in good repair or functioning properly, or

(iii) Required revegetation and restoration of a site have not been completed as required, then

In addition to other enforcement remedies, MSD may declare the Permittee to be in default if it does not appear that the improvements or controls will be completed or repaired within a reasonable time considering the potential for harm, inconvenience, nuisance or annoyance to others including nearby property owners.

Upon declaration of default, MSD shall demand such amounts from the surety as required to remedy the default. In the event that amounts available from the surety are sufficient to cover the costs of remedying the default, such surety shall be collected and used in full in such proportion as the MSD determines to be just and equitable based upon apparent responsibility for the default. Anyone claiming to be aggrieved by such determination shall have as his/her exclusive remedy a cause of action for contribution or indemnity against the parties responsible for the default. The determination of MSD shall not be used as evidence in support of or against responsibility in such cause of action, and MSD shall not be made a party to such action.

(f) Release of Surety. Application for release of a fiscal surety required by this Ordinance may be made by filing a certificate with MSD bearing a notice that false statements made therein are punishable. MSD may make an inspection of the property and shall grant a release of the surety upon determining that:

(i) Site construction is finished,

(ii) Final stabilization has been completed,

(iii) The site disturbance permit has been terminated,

(iv) The required improvements and controls are properly installed, are in good repair, and are functioning properly,

(v) Temporary controls have been removed, and

(vi) There is no reason to believe that construction on the lot has or will cause the malfunctioning of installed improvements on other property.

Imposition of Lien. In addition to or as an alternative to use of any fiscal surety, MSD shall have the option of placing a lien on any property on which the Permittee has failed to properly install, keep in good repair, or maintain the proper functioning of all required temporary and permanent EPSC measures or has failed to complete required revegetation or restoration measures. The amount of the lien may cover necessary costs of ensuring compliance with applicable provisions of this prdinance, including but not limited to any necessary remedial and restoration measures to alleviate the adverse impacts or off-site degradation, and all associated administrative costs.

SECTION 159.05 ADMINISTRATION & ENFORCEMENT

A. MODIFICATIONS

1. Modifications to Review Standards and Criteria. The MSD Chief Engineer, in consultation with other applicable reviewing agencies, shall have the authority to make modifications to applicable EPSC standards/design requirements and exemptions set forth in this ordinance or the MSD Design Manual, Standard Specifications and Standard Drawings to provide flexibility to deal with the unique characteristics of a site. Such modifications may be granted only upon a finding by the MSD Chief Engineer that the standards set forth in this subsection have been met.

2. Modifications to Controls. Changes to the location and placement of temporary non-structural or structural controls may be approved by the MSD Chief Engineer during construction plan review or, once construction has commenced, may be approved in the field by an inspector without the need for additional, formal review if the change is in accord with the MSD Design Manual, Standard Specifications and Standard Drawings. However, changes to the location or placement of permanent structural controls shall necessitate formal review and approval by MSD.

3. Review Standards for Modifications. No modification shall be approved by MSD unless all of the following standards have been met:

   (a) The requested modification is consistent with the purposes of this Ordinance and will not have adverse effects on the effectiveness to the plan to adequately control erosion and sedimentation as required by this Ordinance;

   (b) The requested modification eliminates an unnecessary burden on the Permittee and is required to address some unusual aspect of the site or proposed development that is not shared by landowners in general; and

   (c) Any potential adverse impacts resulting from the modification will be mitigated.

B. FEES

A fee, charges, and expenses schedule may be established by MSD for the administration and management of the EPSC program created by this Ordinance, including fees to cover the costs of processing applications and variances, and conducting field inspections. No application for action required by this Ordinance shall be accepted until such fees are paid in full.

C. INSPECTIONS

1. Inspection of land disturbing activities subject to this Ordinance shall be the primary responsibility of MSD. Assistance may be provided by zoning enforcement and environmental health officers, Jefferson County Building Code Enforcement Officers, the City of Louisville Department of Inspection, Permits & Licenses, or duly authorized inspectors from any other municipal enforcement agency as appropriate, to enforce this ordinance against MSD.

2. To ensure compliance with approved plans and to examine field practices to determine if control measures are adequate to advance the purposes of this Ordinance, authorized enforcement agencies and inspectors shall have the power to periodically inspect any land disturbing activity upon presentation of appropriate identification and to review records of all inspections, repairs and modifications made by the Permittee.

3. Notice of such right of inspection shall be included in the site disturbance permit or other applicable permit, and such right shall include the right to inspect with or without notice and all such inspections shall be at the discretion of the inspecting authority.

D. ENFORCEMENT

1. Civil Offense. The violation of this Ordinance, including the violation of any plan approved or permit issued under this Ordinance, shall constitute a civil offense which may subject the violator to a civil fine and/or other remedial orders in accordance with this section.

2. Complaints. MSD shall receive complaints, perform inspections and enforcement or route the complaint to the appropriate responsible enforcement agency.

3. Enforcement Procedures.
(a) Negotiated Compliance.
(i) Applicability. It is the intent of this Ordinance that negotiated compliance be pursued and secured whenever practicable and effective prior to alternative enforcement measures being invoked. However, where clearing or other land disturbing activity has proceeded without an approved plan, issuance of a site disturbance permit and proper Notice of Construction under this Ordinance, or where a violation is causing, or has the imminent ability to cause, adverse impacts or off-site degradation, the inspector shall immediately issue a notice of violation and stop work order. When clearing or other land disturbing activity has proceeded without proper Notice of Construction only, the inspector shall be authorized to immediately issue a notice of violation and, as necessary, a stop work order. Failure of a properly approved, installed and maintained plan to contain sediment on-site shall not alone constitute off-site degradation or a violation of this Ordinance provided remedy of such is performed by the contractor during the course of same day activities.

(ii) When the inspector, based on personal observation or investigations, has reasonable cause to believe that a person has committed a violation of this Ordinance or any plan approved or permit granted hereunder, the inspector shall undertake a negotiated compliance process as set forth below unless circumstances dictate alternative compliance measures. This negotiated compliance process shall consist of:
(1) A warning to the on-site Permittee of any deficiencies;
(2) An explanation of necessary corrective action;
(3) Specification of a reasonable time frame within which such corrective action shall occur (no more than 48 hours, unless extenuating circumstances such as weather or complexity of repairs or modifications justify a longer time frame).

(iii) Documentation. The inspector shall document the negotiated compliance process with a written notice to the Permittee setting forth the identified deficiency, the request for corrective action, and the time frame for compliance. The documentation process shall include:
A copy of the written notice shall be placed in the appropriate agency file.
A copy shall be given to the owner, contractor's representative, or responsible person on site. (3) In the event that no authorized person is on-site, and that the inspector is not successful in contacting the permittee(s), a copy of the notice to comply shall be sent certified mail to the permittee(s).
(iv) Compliance Review. At the end of the time period specified above, an inspector shall perform a follow-up site inspection to determine whether compliance has been achieved. Depending on that determination, the following actions may occur:
(1) Corrective Action Performed. If the identified deficiencies have been corrected, the inspector shall issue an inspection report stating that fact and the site shall be returned to a normal construction review status.
(2) Corrective Action Not Performed. If the identified deficiencies have not been corrected further actions may be initiated as outlined in Section 159.05.D.3.(b) below.

(b) Notice of Violation/Stop Work Order. If the negotiated compliance process fails to produce necessary corrective action, the inspector shall be authorized to issue a notice of violation (NOV). A stop-work order shall be issued in conjunction with the NOV when the violation is causing, or has the imminent ability to cause, adverse impactsor off-site degradation, or in other circumstances as deemed necessary by the inspector,

(i) Form of NOV and Issuance.

Issuance of a NOV initiates enforcement proceedings for violations of this Ordinance. Where the inspector, based upon personal observation or investigation has reasonable cause to believe that a person has committed a violation of the Ordinance, and the inspector has complied with Section 159.05.D.3.(a), the inspector is authorized to issue a NOV to the Permittee and Co-permittees.

The NOV shall be in a form prescribed by MSD and shall contain:

(1.) The date and time of issuance;
(2.) The name and address of the Permittee to whom the NOV is issued;
(3.) The date and time the violation was committed;
(4.) The facts constituting the violation;
(5.) The section of the Ordinance violated;
(6.) The name of the inspector;

(7.) The civil fine that will be imposed for the violation;
(8.) A statement informing the Permittee to whom the NOV is issued of the right to appeal the NOV or to contest the proposed civil penalty.

(ii) Stop Work Order. Issuance of a stop work order shall result in a suspension of the project development or site plan approval, and except for work related to remediation of the violation, no additional land disturbing activity shall occur and no additional grading or building permits shall be issued until the violation is resolved to the enforcement agency's satisfaction. Stop work orders shall specifically state the provisions of this Ordinance being violated.

(iii) Service of NOV and Stop Work Order. Service of a NOV or Stop Work Order shall be by personal service to the on-site supervisory personnel at the site, by posting a copy of the NOV and any Stop Work Order at the site, and by certified mail to the Permittee.

(iv) Compliance Notice. When compliance measures specified in the NOV are satisfactorily completed, the Permittee shall notify MSD. MSD shall re-inspect the site no later than the following work day after notification by the Permittee. Upon acceptance the inspector shall provide a written notice of compliance to the Permittee and place such letter in the appropriate agency file.

(v) Appeal. When an NOV is issued, the person to whom the NOV is issued shall respond to the NOV within seven (7) days of the date the NOV is issued by either remedying the violation and paying the civil fine set forth in the NOV or requesting, in writing, a hearing before the EPSC Board to contest the NOV. If the person fails to respond to the NOV within seven (7) days, the person shall be deemed to have waived the right to a hearing to contest the NOV and the determination that a violation was committed shall be considered final. In this event, the EPSC Board shall enter a final order determining that the violation was committed and imposing the civil fine set forth in the NOV. Filing of an appeal does not stay the effect or the obligations of a stop work order or NOV unless otherwise ordered by the designated official hearing such appeal, based on a demonstration by the Permittee issued the NOV of a substantial likelihood of prevailing on the merits of the appeal, and the absence of adverse impact if the Order or NOV is stayed pending review.

(vi) Nothing contained in this Ordinance shall prohibit the MSD from taking immediate action in the court of appropriate jurisdiction to remedy a violation of this Ordinance when there is reason to believe that the existence of the violation presents a serious threat to the public health, safety ,and welfare, or if in the absence of immediate action, the effects of the violation will be irreparable or irreversible.

(c) The EPSC Board shall he£r all contested NOVs.

(i) If a person to whom the NOV is issued requests a hearing before the EPSC Board, the EPSC Board shall schedule the hearing within fourteen (14) days unless all parties mutually agree to a continuance.

(ii) Evidence against the person charged with the violation shall be presented; the person cited may be represented by counsel. The EPSC Board shall take all testimony under oath and may subpoena alleged violators, witnesses and evidence to its hearing.

(iii) Any person not appearing at a duly scheduled hearing shall be deemed to have waived the right to a hearing and the EPSC Board may enter its final decision.

(iv) The EPSC Board shall hear the evidence presented and based thereon shall render its decision and final order, which may uphold the NOV, dismiss it, order remedies and corrective action or a penalty or some combination thereof.

4. Repeated Violations. In cases in which the Permittee has a record of repeated Notices of Violations causing adverse impact or offsite degradation within a two (2) year period , MSD shall be authorized to undertake any or all of the following actions:

(a) To refuse to accept applications for any development or land disturbing activity or to process any such application of the Permittee;

(b) To revoke a General Permit as it applies to any development or land disturbing activity carried out by the Permittee; and

(c) To revoke the certification of any CCR who has been associated with serious or repeated violations of the provisions of this Ordinance.

5. Appeals from the EPSC Board. Appeals shall be taken to a Kentucky court of competent jurisdiction pursuant to applicable Kentucky statutes.

E. PENALTIES

Any person who violates this Ordinance, or any plan approved or permit granted hereunder, shall be subject to a fine of no more than Four Thousand Dollars ($4,000) per violation and shall comply with such remedial orders as may be issued by the EPSC Board. Each act of violation and each day during which the violation exists after the period granted by Section 159.05D.(3)(a) and (b) to remedy the violation shall be deemed a separate offense.

F. EDUCATION AND TRAINING

1. Ori-Site Responsible Personnel Training. Within six (6) months of the effective date of this Ordinance, all on-site responsible personnel shall be required to hold a certificate of attendance from an MSD-sponsored or approved training course. This requirement applies to persons employed by homebuilders, contractors, utilities, or any other person in a position of operational control over the land disturbing activity. This training shall be valid for a period of three years or until the course content is significantly modified due to ordinance modification or additional state or federal requirements, whichever occurs first.

   Further, the Permittee shall certify to MSD at the time of plan submittal that a person holding an attendance certificate shall be on the site during construction or development activity to such degree as to be in operational control over the land disturbing activity and provide continuing inspections in accordance with Section 159.04.A. This person may include but is not limited to a foreman, developer, construction manager, or property owner.

   The name of this person shall be provided to MSD as soon as it is available, but no later than the time that notification of construction or disturbance is filed with MSD. MSD shall maintain a list of attendees to all training programs and provide confirmation of attendance.

2. Training and Certification.

   (a) Agency Inspector Training and Certification. Within six (6) months of the effective date of this Ordinance, all agency inspectors shall be required to attend an MSD-sponsored or approved training course. Each inspector shall be required to achieve certification through this course to conduct site inspections, issue violations, negotiate on-site compliance, and refer violations for formal enforcement actions. This certification shall be valid for a period of three (3) years, upon which the inspector must be re-certified.

   (b) Agency Plan Reviewer Training and Certification. Within six (6) months of the effective date of this Ordinance, all agency plan reviewers are required to attend an MSD-sponsored or approved training course. Each plan reviewer shall be required to achieve certification through this course to conduct plan reviews, pre-construction site meetings, and permit negotiations. This certification shall be valid for a period of three years, upon which the plan reviewer must be re-certified.

   (c) Qualified Plan Preparer Training. Qualified plan preparers, including but not limited to professional engineers and landscape architects, shall be strongly encouraged to attend training sessions for plan reviewers and inspectors, as space is available. MSD may also, at its discretion, develop a separate course for qualified plan preparers. A fee may be established for this training based on the actual cost to develop and administer this course.

   (a) The option of a CCR is offered to allow for self-monitoring of the EPSC plan implementation. Based on demand, MSD may sponsor or approve a training course to certify private individuals as CCRs. These certifications shall be valid for a period of not more than 3 years. MSD may extend this period; however, continuing education shall be required for maintenance of the CCR. At MSD's sole discretion, a fee may be established for this training based on the actual cost to develop and administer this course.

   (b) MSD, in its discretion, may provide incentives for the use of a CCR.

3. Revocation of Certifications

   Certifications may be revoked by MSD for repeated violations of the provisions of this Ordinance, activities that result in significant adverse impact or off-site degradation, or for willful disregard in implementing the intent of the certification programs. MSD shall appoint a hearing officer to hear

appeals of revocation actions. A third party may bring action for revocation of a certification. These actions shall be presented to the MSD hearing officer for decisions.

Any revocation action shall be supported by documentation as deemed appropriate by the hearing officer. The hearing officer may establish penalty amounts up to $500.00 per occurrence depending on the nature of the offense. Revocation of certifications shall be for at least one (1) year. Re-certification shall be based on attending the training courses and paying all appropriate fees. Re-certification will only be allowed one (1) time in a 3-year period from the date of revocation.

Appendix A: Table 159-1

Type of Land Disturbing Activity	Type of Permit Required See Section 159.02.C.3.		Type of Review Procedures Required See Section 159.02.C.2.			Type of EPSC Plan Required See Section 159.02.C.4.	
	Site Disturbance Permit	General Permit	Type I	Type II	General Permit	Concept EPSC plan	Detailed EPSC plan
1. Requires Land Use Approval[1]	X		X			X	X
2. Requires Building Permit Only (Not Discretionary)[2]	X			X			X
3. Undertaken by a Public Utility[3]		X			X	N/A	N/A
4. Single-Lot Residential Construction in an Approved Subdivision"		X			X	N/A	N/A
4b. Single-Lot Residential Construction on a "Red-Flagged" Lot[5]	X			X			X (At MSD's Discretion)
5. Excavation, Site Clearing, or Filling of Land (No Building Permit Required)	X			X		X (Only if Type I Review Required)	X

[1] Includes all land disturbing activities associated with a specific development proposal subject to discretionary land use or development approvals (e.g., subdivisions, conditional uses, development plan review, etc.)

[2] Includes all land disturbing activities associated with a specific development proposal not subject to discretionary land use or development approvals (e.g., development requiring building permit approval only).

[3] Includes land disturbing activities undertaken by a private contractor hired by a utility; includes utility-related land disturbing activities such as small trench work, service hook-ups to individual structures, general and emergency maintenance/repair work, and the like.

[4] This category includes only construction of a residence, and/or accessory residential structures, on a single lot that is part of a subdivision subject to an EPSC plan approved pursuant to this Ordinance. Please see categories 4.A.-4.B. in the table for important variations on this general provision.

[5] "Red flagging" refers to a notation on the approved subdivision plan that a particular individual lot shall be subject to additional restrictions or scrutiny prior to construction.

Section 3. This ordinance shall take effect upon passage.

Adopted this 25th day of September, 2001.

REBECCA JACKSON
Jefferson County Judge/Executive

Approved as to form and legality:
IRV MAZE
Jefferson County Attorney

By: DEBORAH A. BILITSKI
Assistant County Attorney

Attest:

SANDRA MOORE
Fiscal Court Clerk

Chapter 5	**Form District Regulations**		
	Part 1	**General Provisions**	**5.1-1**
	Part 2	**Traditional Form Districts**	**5.2-1**
	5.2.1	Downtown Form District	5.2-1
	5.2.2	Traditional Neighborhood Form District	5.2-5
	5.2.3	Traditional Marketplace Corridor Form District	5.2-10
	5.2.4	Town Center Form District	5.2-14
	5.2.5	Traditional Workplace Form District	5.2-18
	5.2.6	Village Form District - CENTER	5.2-22
	Part 3	**Suburban Form Districts**	**5.3-1**
	5.3.1	Neighborhood Form District	5.3-1
	5.3.2	Suburban Marketplace Form District	5.3-7
	5.3.3	Regional Center Form District	5.3-10
	5.3.4	Suburban Workplace Form District	5.3-13
	5.3.5	Campus Form District	5.3-16
	5.3.6	Village Form District - OUTLYING	5.3-19
	Part 4	**Residential Site Design Standards**	**5.4-1**
	5.4.1	Traditional Form Design Standards	5.4-1
	5.4.2	Suburban Form Design Standards	5.4-12
	Part 5	**Non-Residential/Mixed Use Site Design Standards**	**5.5-1**
	5.5.1	Traditional Form Design Standards	5.5-1
	5.5.2	Suburban Form Design Standards	5.5-4
	5.5.3	Mixed Use Development	5.5-5
	5.5.4	Form District Specific Compatibility Standards	5.5-5
	Part 6	**Building Design Standards**	**5.6-1**

	Part 7	**Transition Standards**	**5.7-1**
	Part 8	**Streets and Road-Side Design Standards**	**5.8-1**
	Part 9	**Transit and Connection Standards**	**5.9-1**
	Part 10	**Traffic Impacts**	**5.10-1**
	Part 11	**Accessory Structure Standards**	**5.11-1**
	Part 12	**Form District Open Space Standards**	**5.12-1**
	Part 13	**Master Plan Requirement**	**5.13-1**

Form district regulations supplement and extend use and density regulations associated with individual zoning districts. Zoning district regulations address the permitted and conditional uses for any given site in a specific zoning district, as well as the permitted density or intensity of development. Form district regulations govern the design of permitted uses and land activities to ensure compatibility with adjacent uses and activities, adequate transportation access, and preservation of the public health, safety and welfare.

5.1.1 Relationship to the Comprehensive Plan

Form District Regulations implement the following Comprehensive Plan Goals, Objectives and Plan Elements.

Community Form Goals A1; A2; A3	Community Form Objectives A1.1; A1.2; A1.3.; A1.4; A1.5; A1.6; A2.1; A2.2; A2.3; A2.4; A2.5; A2.6; A2.7; A3.1; A3.2; A3.3; A3.4; A3.5; A3.6	Guidelines 1, 2, 3, 4, 6, 7, 8, 9

5.1.2 Conformance with Form District Regulations

No building, structure, or land shall be subdivided, erected, constructed, located or moved except in conformity with the regulations contained in this Chapter, and any other applicable regulations in this Code. Prior to the issuance of any building or site construction permit, a determination of conformance with these regulations shall be made by the appropriate Planning or Building Official.

The form district regulations shall apply only to new construction and development, including expansions. Structures in existence prior to the effective date of this Chapter 5 shall not be required to meet the standards created herein.

No building shall be erected, converted, enlarged, reconstructed, or structurally altered to exceed the height limit established for the form district in which the building is located. No building shall be erected, converted, enlarged, reconstructed, or structurally altered except in conformity with the area requirements of the district in which the building is located. Lots created after the effective date of this Land Development Code shall meet the minimum area requirements of the applicable form district.

Where there is doubt concerning the interpretation of the provisions of this Chapter, the decision of the Planning Director shall prevail, subject to appeal as provided for in Chapter 11 Part 7.

5.1.3 Establishment of Form Districts

In order to carry out the purposes and provisions of this Code, the following form districts are hereby established:

A. Downtown Form District

B. Neighborhood Form District

C. Traditional Neighborhood Form District

D. Village Form District

E. Town Center Form District

F. Traditional Marketplace Corridor Form District

G. Suburban Marketplace Corridor Form District

H. Traditional Workplace Form District

I. Suburban Workplace Form District

J. Regional Center Form District

K. Campus Form District

5.1.4 Form District Map

The Planning Unit shall be divided into form districts, as shown on the Official Zoning and Form District Map. The Official Zoning and Form District Map, together with all explanatory matter thereon, shall be a part of this Code and is incorporated into this Code by this reference. The Map shall be kept on file in the offices of the Division of Planning and Design Services and shall be the official record of the form district designation of all sites and areas within the planning unit.

5.1.5 Interpretation of Form District Boundaries

In cases of uncertainty as to the location of a form district boundary on the Official Zoning and Form District Map, the rules for interpretation located at Section 2.1.2 shall apply. The form district classification of property at the water's edge of the Ohio River's normal pool elevation shall be deemed to extend from the water's edge to the County (Indiana) boundary, unless otherwise indicated on the Official Zoning and Form District Map.

5.1.6 Map Amendment Process

The process and requirements for amendment of a form district boundary or form district designation are located in Chapter 11 Part 4.

5.1.7 General Requirements[1]

The following standards are applicable to development proposals, within all form districts.

A. Every part of a required yard shall be open to the sky, except as authorized by this Chapter, and the ordinary projection of sills, belt courses, cornices, eaves, ornamental features and a porte-cochere or canopy which may project a distance not to exceed 18 inches into the required yard.

B. Open or lattice-enclosed fire escapes, outside stairways, and balconies opening upon fire towers, and the ordinary projections of chimneys and flues into the rear yard may be permitted by the Building Official for a distance of not more than 5 feet, but only where the same are placed so as not to obstruct light and ventilation.

C. Overhangs and shade control devices which prevent overheating of solar collectors may project a distance not to exceed 48 inches into the required front, rear or street side yard.

D. On double frontage lots the required front yard shall be provided on the portion of the lot abutting each street.

E. Yard Requirement - This requirement is applicable to property in the non-metropolitan area as delineated in Chapter 8 which is in proximity to expressways, as designated on Core Graphic 10.

1. No residential structure or noise sensitive use, including schools, libraries or nursing homes shall be located within 250 feet of the edge of pavement of the expressway's nearest travel lane, including ramps.

2. Land within the 250 foot zone may be used as dedicated open space, landscaped buffer area, roadways, accessory structures, and private yard area deed restricted from residential structures.

3. Exceptions to this restriction may only be granted in conformance with the procedures provided below.

F. On land in any zoning and form district, which is subject to the provisions in (E.) above, residential structures and noise sensitive community facilities may be allowed where the following conditions are met and agreed to by the Planning Commission.

1. A noise impact study, performed by an individual or firm with expertise and experience in the field of traffic noise, is submitted to the Planning Commission. The study must be based upon projected future traffic data provided by the Planning Commission, and

[1] See Appendix 1C for changes to this section in effect within the City of Middletown.

2. The study indicates that the noise levels, at the site of proposed construction is or is capable of being reduced to levels less than 65 dBA (in the form of equivalent sound level, Leq.), by the presence of natural barriers or use of man made barriers; and

3. If man made barriers are proposed, the Planning Commission finds that:

   a. provision has been made for maintenance of any barrier structure in a condition that is safe and effective for noise mitigation, for the duration of the residential use; and

   b. the proposed barrier does not create adverse environmental impacts or detract from unique natural areas and areas with significant landscape features; and

   c. the proposed barrier is constructed of masonry, synthetic or other long lived materials; wood sound walls are not permissible.

4. A plan is submitted to and accepted by the Planning Commission incorporating the elements set forth in the study above referenced; and

5. Schools, libraries and nursing homes may be allowed if it can be demonstrated that sound-proofing measures incorporated in the structure will yield interior noise levels within applicable federal standards.

G. Ramps intended and designed for the use of handicapped persons are allowed to encroach into any required yard in any form district as long as they are constructed in accordance with ADAAG (Americans with Disabilities Act Accessibility Guidelines) standards and the Kentucky Building Code for width, height and materials, and a building permit is issued by the appropriate permitting agency. One ramp for each entrance to the structure shall be permitted. In no case shall this section be construed to permit any other structure (e.g. deck or elevated patio) to encroach into any required yard. The sole intent of this regulation is to ensure that access to housing for handicapped or disabled persons is not impeded due to a lack of adequate ramps.

H. Vision Clearance: On corner lots (where a street intersects with another street) in all districts where setbacks are required along the street frontage, no fence, wall, freestanding sign, structure or shrubbery planting shall be permitted that is over two (2) feet in height above the established elevation of the curb level or that is not clear of branches, in the case of plant material, from two (2) to six (6) feet above the established elevation for a distance equal to the respective required yard, not to exceed thirty (30) feet, measured from the point of intersection of the intersecting lot lines and within the triangle formed by connecting the ends of the respective distances.

I. Front Property Line: In determining the depth of a front setback, the front property line shall not be located closer than thirty (30) feet to the center line of a street or highway, excepting streets of less than 60 feet in width dedicated to public use on a subdivision plat which has the approval of the Commission.

J. When front or street side yards are required in a district in which automobile service stations are permitted, gasoline pump islands and pumps may be placed on the premises provided they are at least 15 feet from the right-of-way line. Where no front or street side yards are required, gasoline pumps and pump islands shall be at least 10 feet from the right-of-way line.

K. In determining compliance with maximum building or structure heights established in this Code, height of principal structures shall be measured from grade at the front and street side of the building or structure to the highest point of the coping of a flat or mansard roof; or to the mean height level between eaves and ridge for gable, hip or gambrel roofs; or to the mean height level between highest and lowest portion of a rooftop parapet wall. In the Traditional Neighborhood, Traditional Marketplace Corridor and Traditional Workplace Form Districts, when proposed development entails change in grade in areas of existing development patterns, the height of a building or structure shall be measured from the mean elevation of the established grade of abutting parcels, excluding public or private rights-of-way, to ensure that the scale of the new structure(s) or building(s) is compatible with existing structure(s) or building(s). The height of accessory structures shall be measured in the same manner as principal structures, using the average grade at the wall of the structure closest to a property line. (Refer to Section 4.4.3.A.1 for measurement of fence height.)

NOTE: *Height restrictions apply to building façade on front and street side (for corner lots). Walk-out basements at the rear will not count toward building height.*

5.1.8 Maximum Setback

A. Maximum setback standards are established for various form districts in Chapter 5 Parts 2 and 3. Maximum setbacks shall apply to all street frontages.

B. The maximum setback requirement shall be satisfied when 60% of the lot frontage adjacent to the street(s) is occupied by building(s) between the maximum setback line and minimum setback line. Once the 60% standard is met, further development is not subject to the maximum setback. This requirement applies to multi-family residential and any non-residential development. Additions that do not extend the building wall adjacent to a street frontage shall be exempt from the maximum setback.

The following figures define permissible designs for new construction when form district standards specify maximum setbacks. New construction shall conform to the patterns shown in these figures.

Figure 5.1.1
Alteration to existing Building in Conformance with Maximum – Suburban Pattern

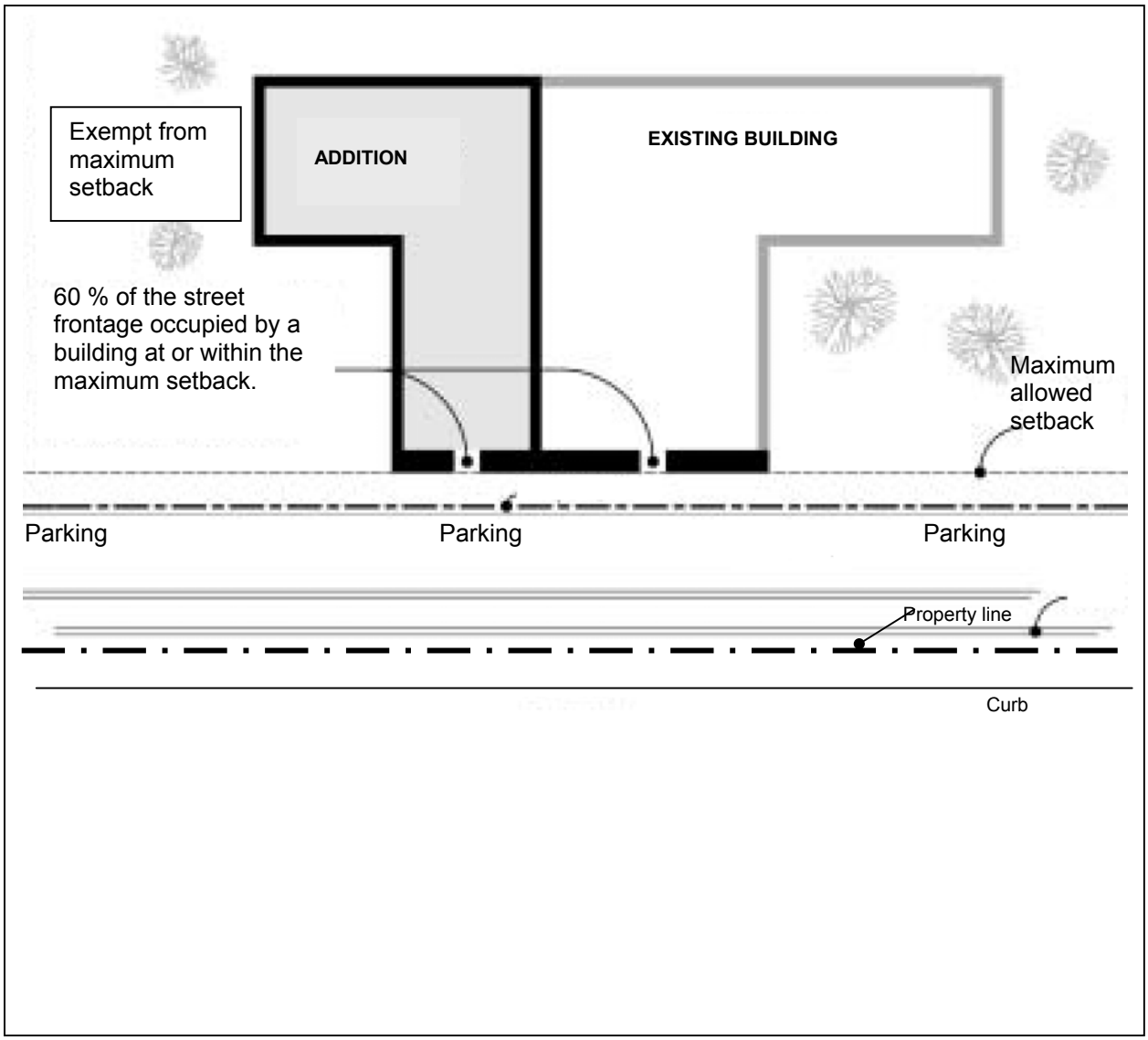


Figure 5.1.2

Addition To Existing Structure in Conformance With Maximum Setback – Traditional Pattern

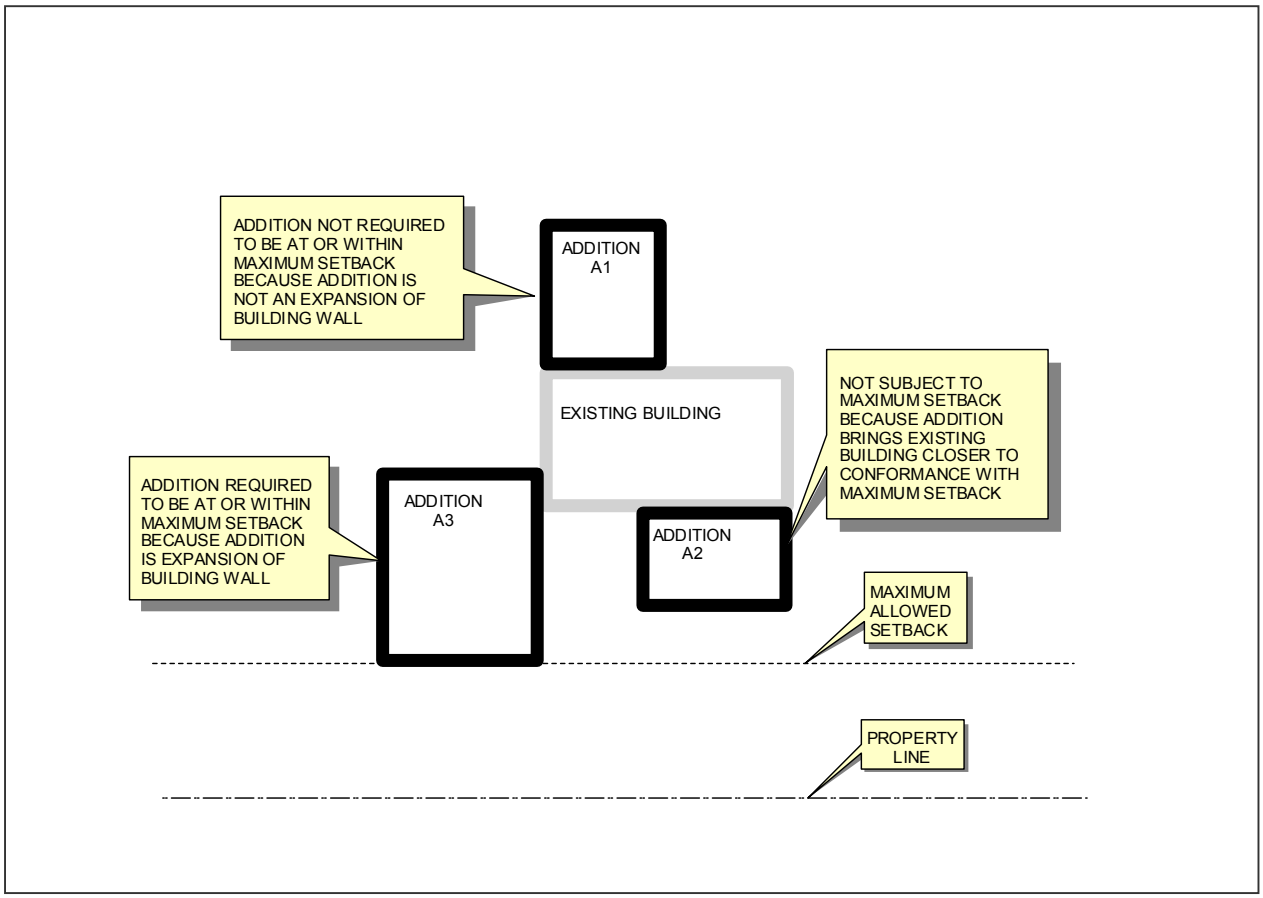


Figure 5.1.3

Maximum Setback When More Than One Building On A Lot – Traditional Pattern

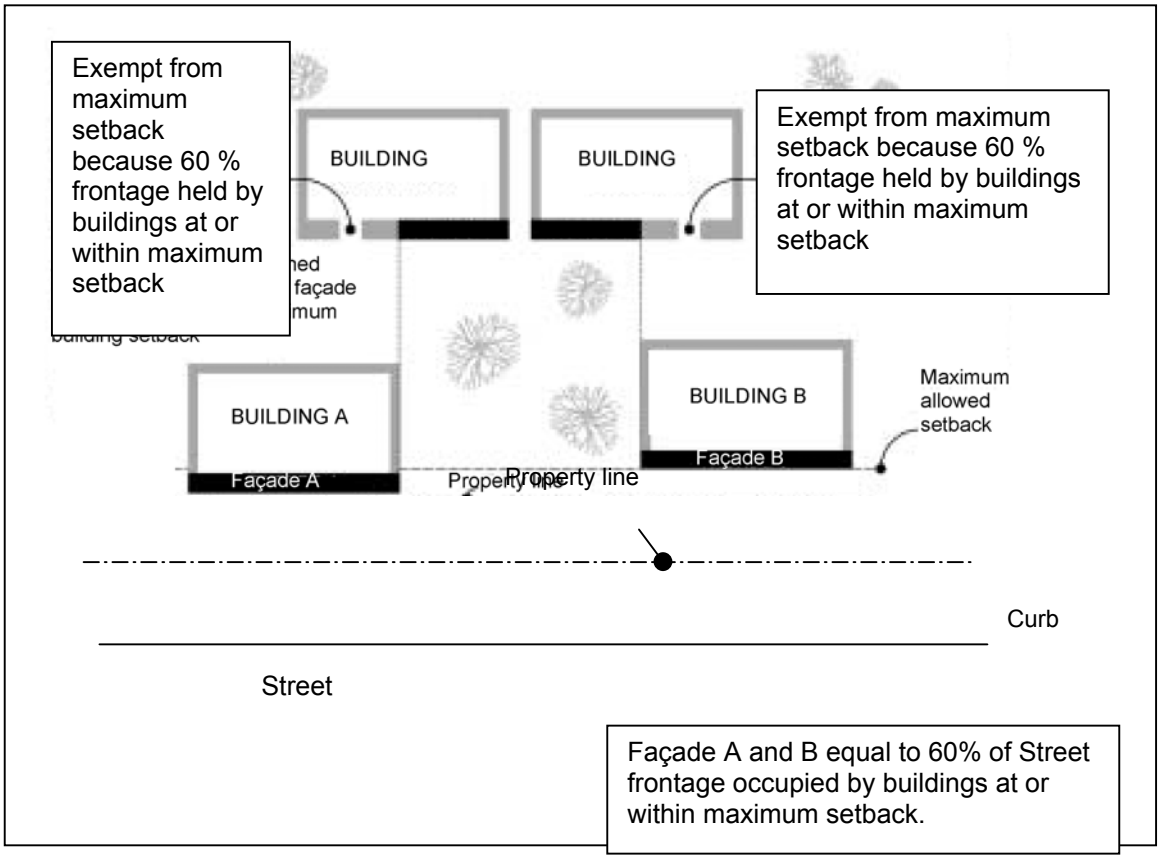


Figure 5.1.4

New Construction On Lot With An Existing Building

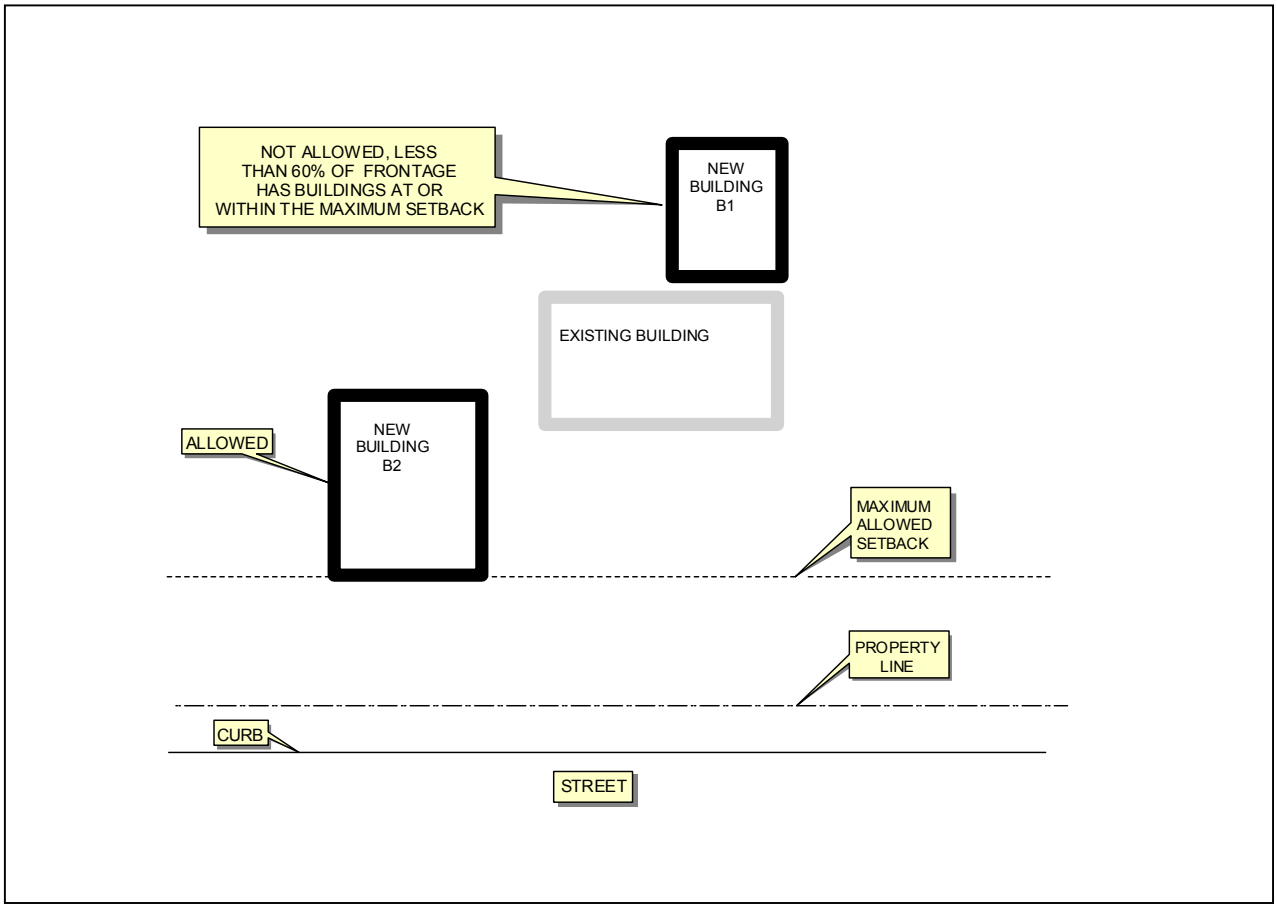
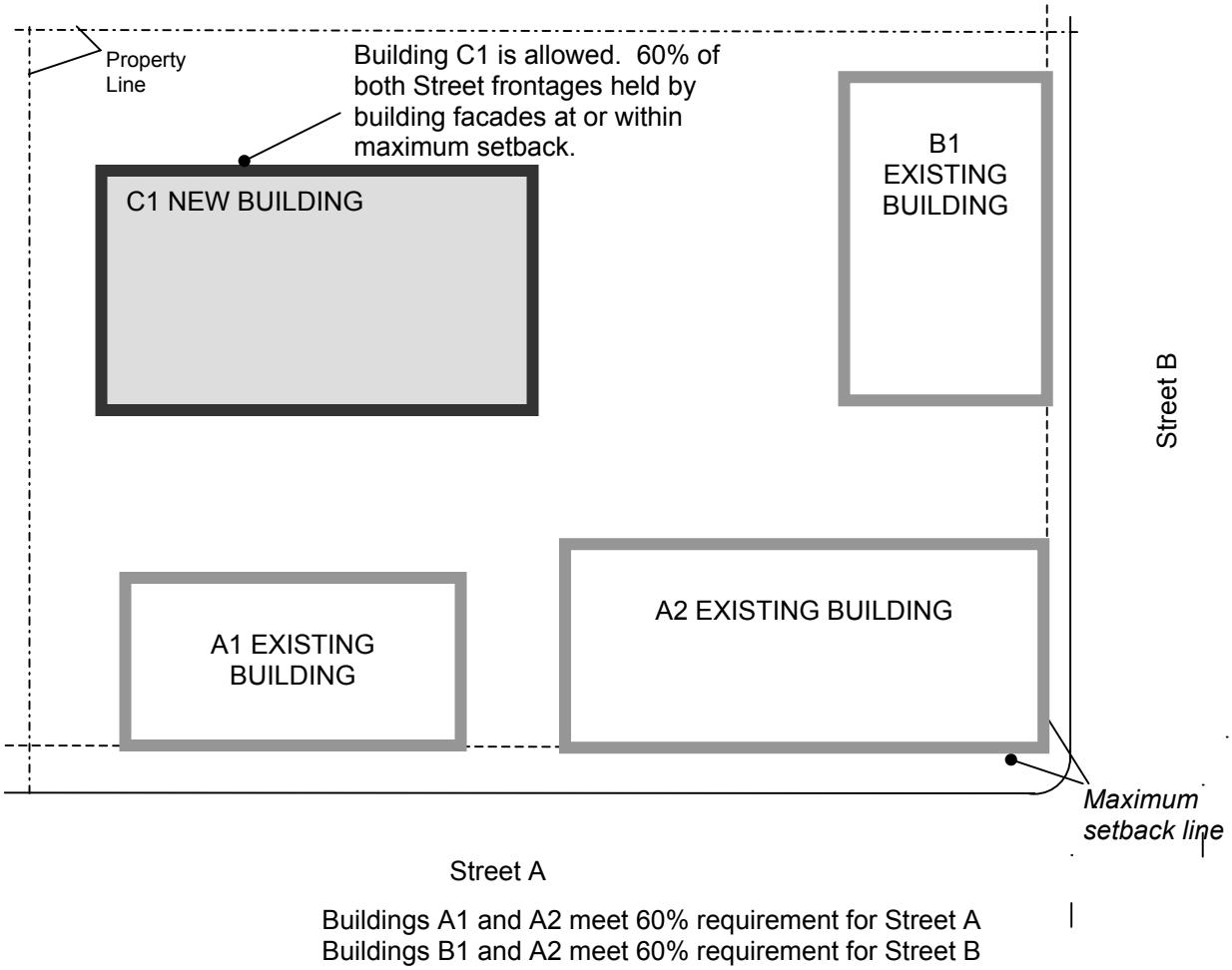


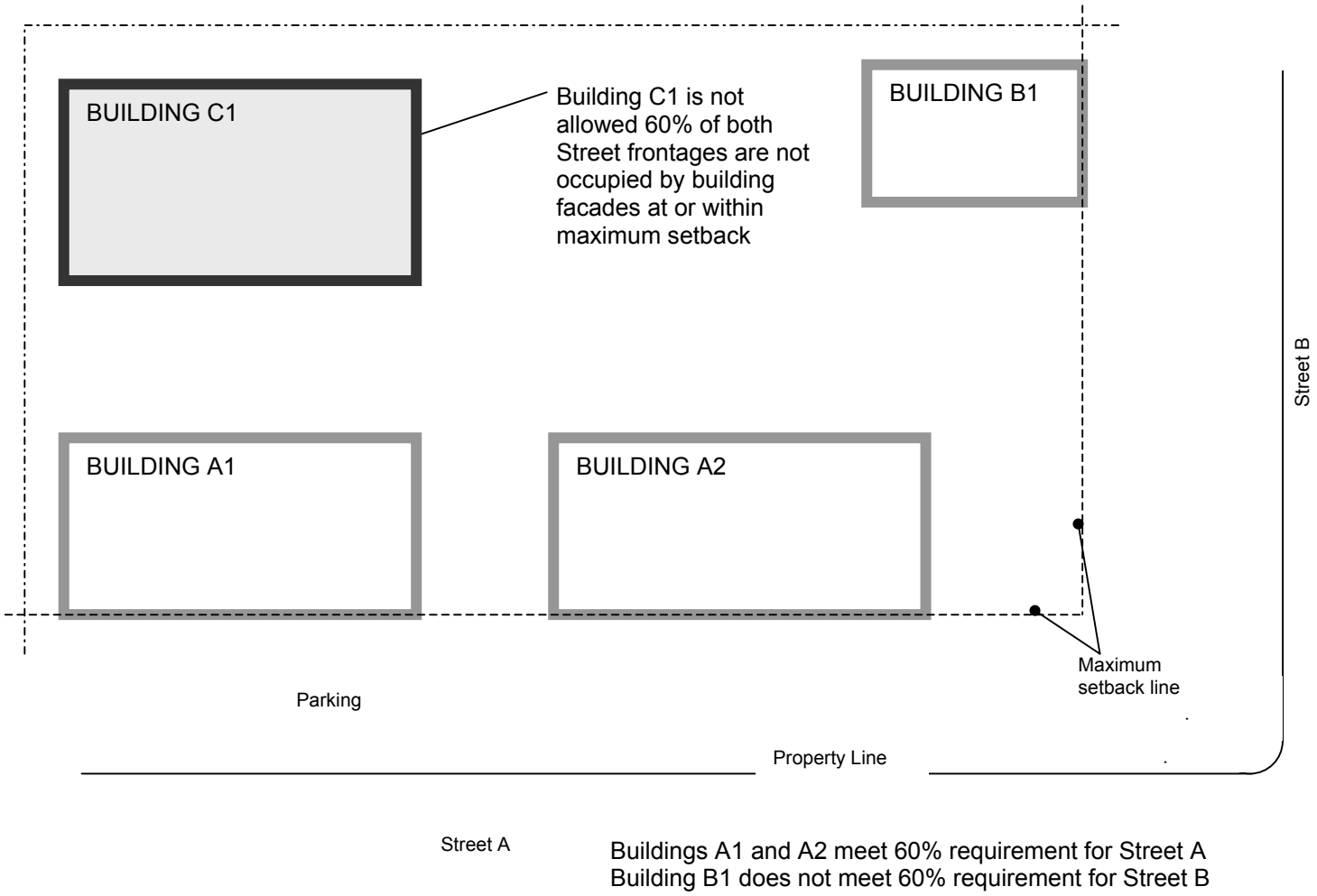
Figure 5.1.5

New Construction On A Corner Lot – Traditional Pattern
60% Frontage Requirement Met



Buildings A1 and A2 meet 60% requirement for Street A
Buildings B1 and A2 meet 60% requirement for Street B

Figure 5.1.6
New Construction On A Corner Lot – Suburban Pattern
60% Frontage Requirement Not Met



5.1.9 Maximum Setback Alternatives Suburban Form Districts (NFD, SMCFD, and RCFD)

A. Non-residential Use (except retail uses) Alternative

1. The maximum setback shall not be applicable to developments that

   a. provide a berm at least 4 feet in height that screens parking lots; the berm shall be adjacent to the public street(s); and
   b. provide a 15 foot wide landscaped area, linking the public street sidewalk to the principal structure. The landscaped area shall include a walkway at least five feet wide and tree plantings on both sides of the walk. Trees shall be Type A or Type B trees planted to provide shading of the walkway, at a ratio of one tree per 30 linear feet of landscaped area.

B. Alternative for Smaller Retail Uses

Retail developments comprised of one or more structures that are less than 100,000 square feet of total building footprint area shall be exempt from the maximum setback requirement if one of the following provisions is met:

1. Provision A.1 above

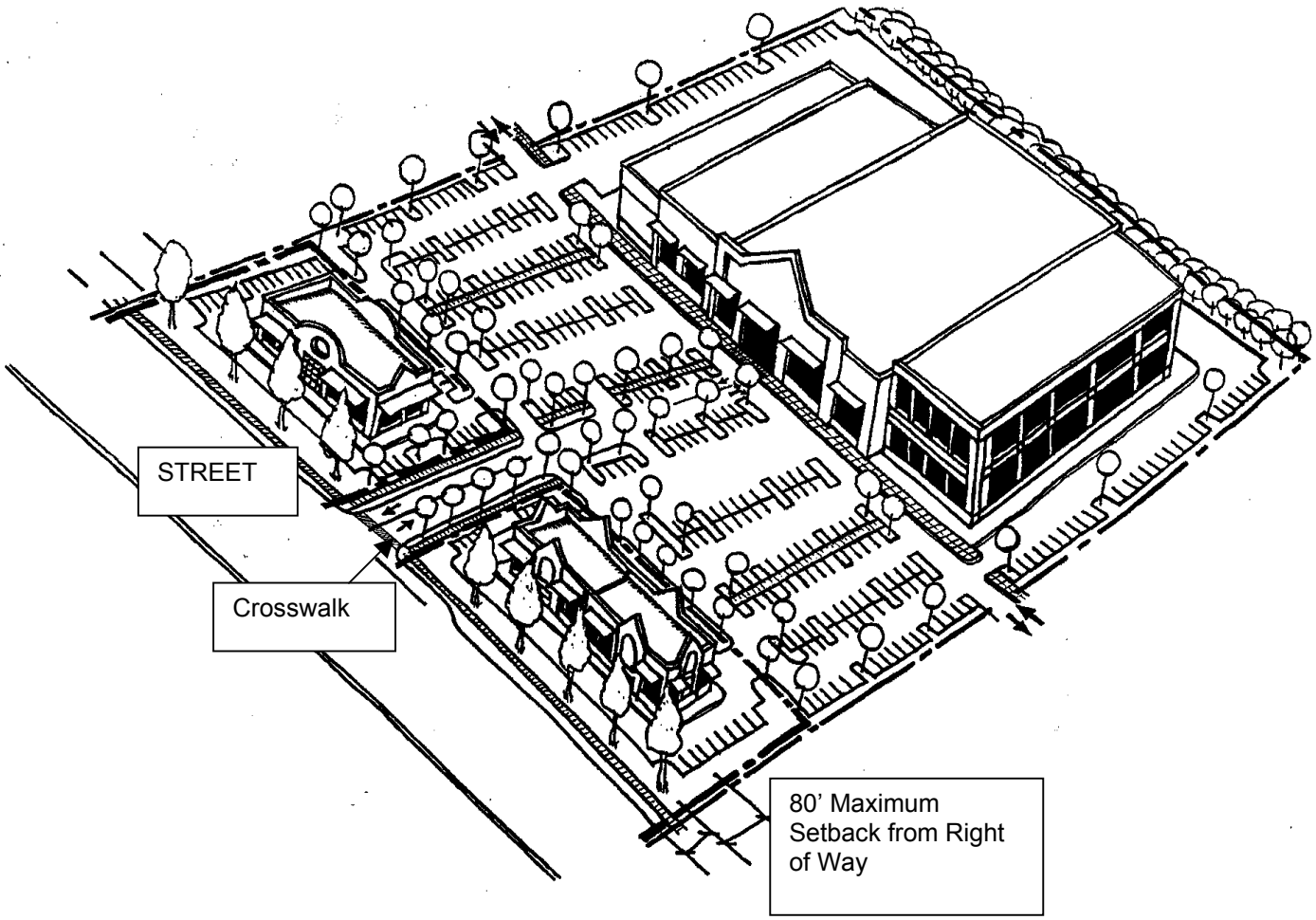
2. Provision C.1 below

C. Alternative for Large Retail Uses

Retail developments comprised of one or more structures that exceed 100,000 square feet of total building footprint area shall be exempt from the maximum setback requirement if one of the following provisions is met:

1. 50% of street frontage is occupied by building façade(s) located no more than 80 feet from the property line adjacent to the public street(s). Extensions of facades, including masonry walls (3 foot minimum height), colonnades or similar architectural features may be included in the building façade calculation.

Maximum Setback Alternative: Option 1



2. Internal Access Road

a. An internal access roadway shall be constructed, perpendicular to the public street and leading to the main entrance of the principal structure, or to the focal point, or to a central area between two or more principal structures. The internal access road shall meet the following standards:

i. If approved by Metro Public Works, on-street parallel parking may be provided on both sides of the internal access roadway. On-street parking is not allowed within 75 feet of the intersection of the public street and the internal access road, measured from the right-of-way line. Design of on-street parking shall be reviewed by Metro Public Works.

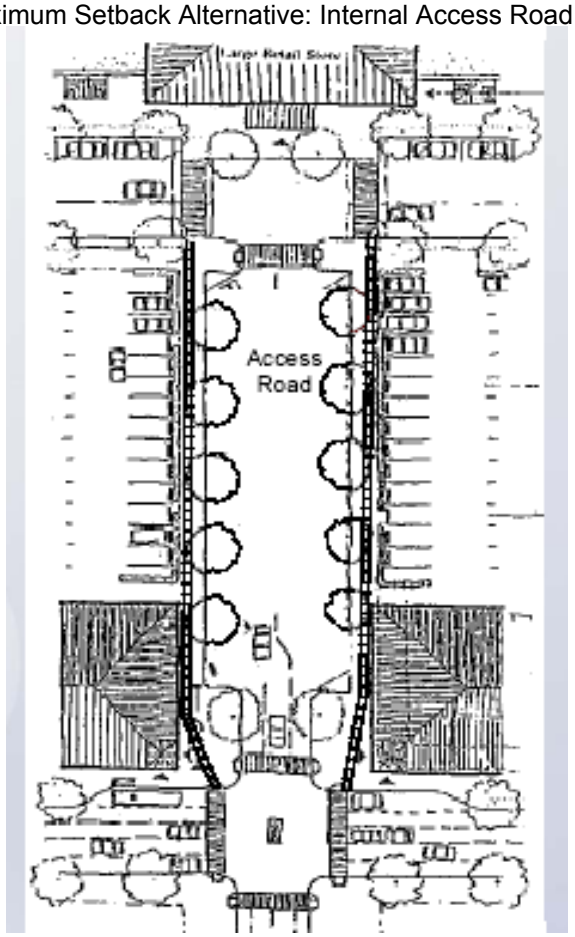
ii. The internal access roadway must have at least one auto travel lane, curbs, and sidewalks on both sides. Sidewalks shall be a minimum of 6 feet in width with a minimum 6 foot wide planting strip between the sidewalk and the internal access roadway.

iii. Street trees (Type A or Type B) shall be planted within the planting strips at a ratio of 1 tree per 40 feet of internal access roadway frontage.

iv. Pedestrian scale lighting shall be provided adjacent to the internal access roadway. Planning Director or designee shall review and approve the design and spacing of light fixtures.

v. If outlots are proposed, they shall be located at the corners created by the intersection of the public street and the internal access road. The outlot structures shall be setback no more than 10 feet beyond the minimum setback of the form district. Drive aisles and parking are not permitted within the setback area.

Maximum Setback Alternative: Internal Access Road



b. Outdoor Amenity Substitution Option:

If one of the following options is met the development shall be exempt from the outdoor amenity requirement established in Chapter 5, Part 13:

Option 1: The internal access road and walkway lead to a plaza or patio area measuring 6% of the total development footprint, and the plaza and streetscape adjacent to the internal access roadway include seating at the ratio required for outdoor amenities.

Option 2: Outlot structures each having a minimum building footprint of 3,000 square feet are located at both corners created by the intersection of the public street and the internal access road. The outlot structures shall be set back no more than 10 feet beyond the minimum setback of the form district. Drive aisles and parking are not permitted within the setback area. The access road shall lead to an outdoor amenity area that is 3% of the total footprint of the development.

5.1.10 Exceptions

A. Residentially zoned lots having less area than required in the applicable form district and legally created prior to the adoption of these regulations may be occupied by the number of dwelling units permitted by the density and floor area ratio limits of the applicable zoning district.

B. Chimneys, water, fire, transmitting and receiving communications towers for non-commercial use in accordance with FAA/FCC requirements, church spires, domes, cupolas, stage towers and scenery lofts, cooling towers, elevator bulkheads, smokestacks, parapet walls and similar structures and their necessary mechanical appurtenances may be erected above the height limits herein established; however, the heights of these structures or appurtenances thereto shall not exceed the height limitations prescribed by the Kentucky Airport Zoning Board.

C. An open, unenclosed porch or paved terrace may project into a required front setback for a distance not to exceed ten feet, or other distance specified in the applicable form district regulation. "Unenclosed" means that the porch may be roofed but the extension from the enclosed structure shall not have glass or screening enclosure or walls greater than three feet in height.

D. Maximum Encroachment – Awnings, balconies and canopies (not associated with banks, gas stations and other types of canopies and awnings over drive through windows) shall be permitted to encroach within required front and street side setbacks/yards. With approval of the Director of Works awnings, balconies and canopies shall be permitted to encroach over public sidewalks as follows:

1. Awnings and Canopies – within 2 feet of the face of the curb

2. Balconies – 3 feet

E. On a corner lot in the residential and apartment districts, the depth of the required rear yard may be reduced to the width of the minimum side yard for the district in which it is located.

F. The side yard required on each side of a lot less than 50 feet wide shall be ten (10) percent of the width of the lot or the minimum side yard required by the applicable form district, whichever is less.

5.1.11 Dimensional Variances

Portions of these regulations that govern building height or width and size of yards may be modified by the Board of Zoning Adjustment. The Board may grant a dimensional variance if the requirements of KRS 100.243 are found to be met. A variance request simultaneous with a subdivision or zoning change request for a given property may be granted by the Planning Commission.

5.2.1 Downtown Form District

A. Relationship to the Comprehensive Plan

The Downtown Form District implements the following Comprehensive Plan Goals and Objectives:

- Community Form Goals B1; B2; B3; B4
- Community Form Objectives B1.1; B2.1; B2.2; B2.3; B2.4; B2.5; B2.6; B2.7; B2.8; B2.9; B3.1; B3.2, B4.1; B4.2; B4.3

B. Intent and Applicability

The Downtown Form District (DFD) is intended to promote the development and redevelopment of the downtown area in a manner consistent and compatible with the unique and diverse design elements of Louisville's downtown. It will create a downtown with a compact, walkable core and a lively and active pedestrian environment that fosters and increases the number of people walking and to ensure a more humane downtown environment. DFD design standards are also intended to promote the downtown as a unique and active destination with a variety of land uses, including residential uses, designed in context with the area in which they are located.

Street Wall – "A vertical plane at the right-of-way line created by the façade of a structure or series of structures along a given block face."

C. Dimensional Standards

Dimensional standards have been established to ensure that buildings are of an appropriate mass and scale that provides continuity to their surroundings, allow for adequate penetration of sunlight and air, and relate well to the pedestrian environment.

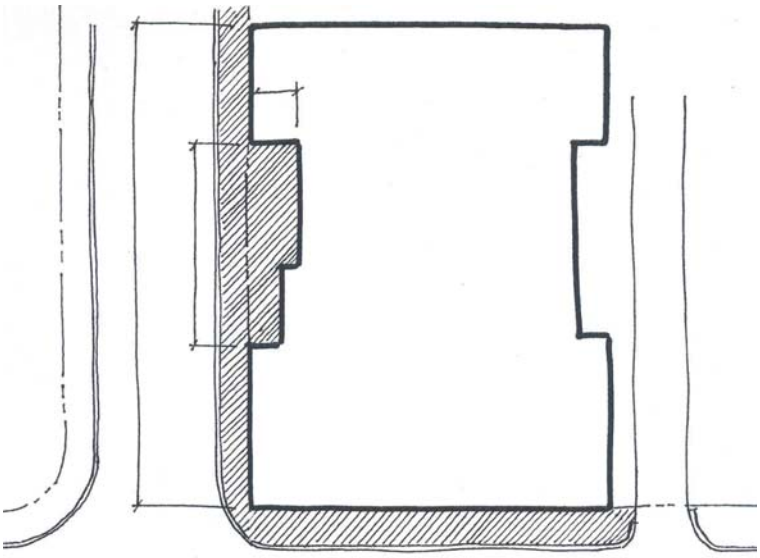
1. Minimum Lot Size, Depth, and Width – There are no minimum lot size, depth, and width requirements in the Downtown Form District except lots developed exclusively for single family detached residential use shall comply with the size and width requirements established in Section 5.2.2, Traditional Neighborhood Form District Design Standards.

2. Building Location – A street wall, at least 3 stories in height, shall be maintained for the length(s) of the lot frontage(s) through the placement of the principal structure or extension(s) of its façade(s), such as colonnades.

   The building facade may recede from the street wall by as much as 18" to allow for columns or other architectural elements as parts of the street wall.

3. Building Setbacks – A setback, not to exceed 15 feet measured from the right-of-way, is permitted provided no less than 60% of the street wall is maintained. Recesses on the ground floor to accommodate entry ways, display windows, planters, or similar features shall not be considered as setbacks provided the upper stories have been built to the street wall.

4. When new construction creates structures with adjoining setbacks, the structures will be considered as one building in calculating the 60% street wall minimum. (see Illustration below.)



At Least 60% of the Street Wall Must be Maintained.

5. Multiple Structure Lots and New Block Face Developments – A **street wall** shall be maintained along the entire lot frontage through the placement of one or more structures. Where new development extends along the entire block face between two primary streets, except in Special Districts, the new street wall may be established at a setback from the right-of-way line not to exceed 10 feet or a maximum sidewalk width of 20 feet, whichever is less, provided (a) the street wall setback is uniformly maintained along the entire block frontage through the placement of one or more structures and (b) the sidewalk extends to the street wall.

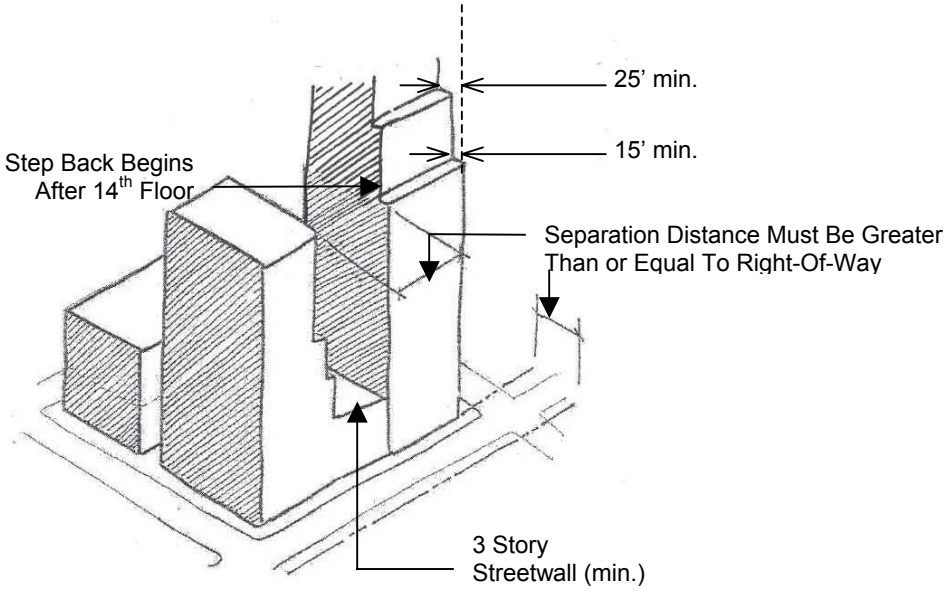
6. Except as provided above for new block face developments, all corner lots within the Downtown Form District shall maintain a zero foot setback from the street wall for at least 50 feet from the intersection along each street, or the width of the lot, whichever is less.

7. Special Districts – A zero-foot building setback shall be maintained for all structures constructed within the Main/Market and Core/Broadway districts.

D. Building Mass and Form – To allow adequate light and air to reach the street level, structures over 14 stories shall **step back** from the street wall as follows:

Number of Stories	Minimum Step Back From Street Wall
14 or less	0
15-18	15'
19-22	25'
>22	Additional 10' added after every 4th floor

Example: The 32nd floor of a building would have to be set back a minimum of 55' -- 25' for the first 22 floors+ 10' for next 4 floors (23-26) + 10' for next 4 floors (27-30) + 10' (floors 31-34) = 55'



Building Step Back/Separation

1. Step back provisions, except in Special Districts, shall not be applicable to the extent that, as a consequence of such provisions, the maximum possible gross floor area for any floor would be less than 9,000 square feet.

2. Multiple structures – Multiple structures located on a single lot shall be designed so the **building height** of any structure is at least equal to the height of any other structure on the lot located between it and the right-of-way.

3. Special Districts –

   a. A building step back shall be incorporated into all new structures as necessary within the Main/Market District to emphasize the prevailing historic cornice line on that block.

   b. Reserved (other standards may be developed regulating building heights within other special districts – e.g. Core/Broadway District.)

Building Separation/Openings - In order to maintain sunlight and reduce shadows, to minimize adverse impact to the microclimate, and to encourage appropriate scale and density in the Downtown Form District, buildings over 200 feet or 14 stories proposed on the same block shall be separated from each other by a distance greater than or equal to the right-of-way width of the nearest public street.

The DFD standards shall be applied to the downtown core and surrounding environs within the district, as set forth in Table 5.2.1 below. The standards address the building structures and their relationship to the street with emphasis on the streetscape experience.

Downtown Form District Threshold Table 5.2.1

DFD Table 5.2.1 Thresholds	**Part 8 -Street and Road-Side Design**	**Part 9 Transit and Connections**	**Part 7 Transition**	**Part 5 Non-Residential /Mixed Use Site Design**	**Part 6 Building Design Standards**	**Part 11 Accessory Structures**	**Part 10 Traffic Impacts**	**Part 12 Open Space**
Accessory Structure: New or Expansion						X		
Construction of a street or alley	X							
Construction of any parking spaces	X			X				
Construction of building footprint less than 3,000 square feet	X			X	X		X	
Construction of building footprint between 3,000 - 5,000 square feet	X	X	X	X	X		X	X
Construction of a building addition resulting in a structure greater than 14 stories in height.			X	X	X			
Construction of building footprint greater than 5,000 square feet.	X	X	X	X	X		X	X

5.2.2 Traditional Neighborhood Form District

A. Relationship to the Comprehensive Plan

The Traditional Neighborhood Form District implements the following Comprehensive Plan Goals and Objectives:

Community Form Goals C1; C2; C3; C4	Community Form Objectives C1.1; C1.2; C2.1; C2.2; C2.3; C2.4; C2.5; C2.6; C2.7; C3.2; C3.5; C3.6; C3.7; C4.1; C4.2; C4.3; C4.4; C4.5; C4.6; C4.7	Plan Elements Guidelines 1, 2, 3, 4, 7, and 9

B. Intent and Applicability

The Traditional Neighborhood Form District (TNFD) is intended to promote the development and redevelopment of neighborhoods in a manner consistent and compatible with the distinct site and community design elements of a traditional neighborhood. TNFD design standards are also intended to promote the establishment of a mixture of uses that effectively integrate retail, office, insitutional, and other non-residential uses within traditional neighborhoods in a manner that provides high quality and convenient service to residents while protecting the character of the neighborhood.

The provisions of this section are intended to encourage that new development within the TNFD is consistent with a traditional neighborhood pattern and form of development, promoting as applicable:

1. Appropriate and compatible integration of residential, civic, commercial and office uses that promote close-to-home shopping and service opportunities;

2. Parks and open space resources convenient to neighborhood residents;

3. Alternative modes of travel including public transit amenities;

4. Compatible infill development whether residential or commercial;

5. Inclusive housing opportunities; and

6. High quality design of individual sites.

The TNFD standards may be applied to both existing neighborhoods and proposals to create new neighborhoods. The standards address both the internal site design elements of a development (e.g., building location, design, and orientation) and the relationship of the development to the surrounding community context (e.g., relationship to the adjacent street/sidewalk network).

C. Lot Dimensional Standards

1. Infill Standards – Non-Residential and Mixed Use Development
Where 50% or more of the linear street frontage within the same or opposing block face is occupied by principal structures exhibiting site design consistent with a traditional development pattern, the following additional standards shall apply:

a. Front Setback/Build-to Line and Street Sideyards. Where there are highly uniform setback/build-to lines (at least 50% of the structures on the block face have setbacks that vary by 10% or less), the setback/build-to line for the new structure shall be the average setback of existing structures in the block face. Where there is more than 10% variation in setbacks within the block face, the setback/build-to line shall fall within the range of the setbacks of the nearest constructed properties. Exception: Corner buildings with non-residential and mixed uses shall use Table 5.2.2.

b. Building Height. The maximum building height shall be 45 feet or 3.5 stories unless an adjacent building is taller in which case the proposed structure may be as tall as the tallest adjacent building.

c. Sites that do not qualify as Infill Sites shall be developed in accordance with Table 5.2.2.

2. Infill Standards – Residential Development

See Chapter 5 Part 4 Residential Site Design Standards for traditional form districts (Section 5.4.1)

Dimensional standards for development that is not in an Infill Context are listed in Table 5.2.2 below. Lots created after the effective date of this Land Development Code shall meet the minimum area requirements of Table 5.2.2. Residential lots having less area than required and legally created prior to the adoption of these regulations may be occupied by one dwelling unit.

Table 5.2.2
Dimensional Standards – Traditional Neighborhood

								Maximum Building Height
Low Density	R-1	40,000 sf	100 ft	30 ft	NA	15 ft.	5 ft.	35 ft
	R-2	20,000 sf	75 ft	25 ft	NA	10 ft	5 ft.	35 ft
	R-3	12,000 sf	60 ft	15 ft	NA	6 ft	5 ft.	35 ft
	R-4	9000 sf	60 ft	15 ft	25 ft	5 ft.	5 ft.	35 ft
Med. Density /Intensity	R-5	6,000 sf	35 ft.	FY 15 ft. SSY 3 ft.	FY 25 ft.	3 ft	5 ft.	45 ft
	R5-A R5-B R-6 OR OR-1	4,500 sf	35 ft	FY 15 ft SSY 3 ft	FY 25 ft	3 ft 0 ft if attached	5 ft	45 ft
	PRD	1,500sf	0ft	0ft	0ft	0ft	0ft	35ft
	U-N	2500 sf 1500 sf if SF attached	25 ft. 18 ft. if SF attached	FY 15 ft. SSY 3 ft.	FY 25 ft*	3 ft 0 ft. if attached	5 ft.	45 ft
	CN	6,000 sf.	None	FY 15 ft SSY 3 ft.*	FY 25 ft.*	None Unless adjacent to SF residential – 5 ft.	5 ft.	45 ft.
High Density/ Intensity	R-7, R-8A OR-2	4500 sf	25 ft.	FY15 ft.* SSY 3 ft.	FY25 ft.*	None unless adjacent to SF residential – 5 ft.	5 ft.	45 ft or three stories.** (See Note)
	CR C-1 C-2 C-3 W-1 W-2	NA	None	FY15 ft.* SSY 3 ft.	NA	None unless adjacent to SF residential – 5 ft.	5 ft.	45 ft. or three stories.** (See Note)
	C-M OR-3 OTF M-1 M-2 M-3 W-3 EZ-1	NA	50 ft.	FY15 ft.* SSY 3	FY 25 ft*	10 ft.	15 ft	45 ft. or three stories.** (See Note)

Note: TNZD dimensional requirements located within applicable TNZD plan report.

*Mixed use and non-residential structures on corner lots may have a zero front yard and street side yard setback/build-to lines in these zoning districts.

**Additional height is allowed, if all required yards are increased five feet for each story or each additional ten feet of building height over 3 stories/45 feet.

D. Alternative Housing Styles

Alternative Housing Styles, including zero lot line, duplexes, and townhouses, are encouraged in theCornerstone 2020 Plan to provide housing choices for people of varying ages and incomes.

Where permitted by the Planned Residential Development District (Section 2.7.3) or the Alternative Development Incentives regulation (Chapter 4 Part 5), the alternative housing styles shall meet the requirements set forth in Table 5.2.2, unless otherwise specified below. Standards apply to both ADI and PRD developments, unless otherwise indicated.

Detached, semi-detached and townhouse units (including zero lot line)

1. Minimum Lot Area

a. Detached (ADI) - 4500sq. ft. in R-4 District; 3000 sq. ft. in R-5 District, subject to the following conditions:

i. No more than 25% of detached units may have a lot area less than 6000 sq. ft. in R-4 or less than 4000 sq. ft. in R-5; and

ii. At least 20% of the lots in the development are 9000 sq. ft. in area or greater in R-4, and at 6000 sq. ft. in area or greater in R-5.

b. Detached (PRD) – 2500 sq. ft.

c. Semi-detached and townhouse – 1500 sq. ft., subject to the following conditions in ADI developments only:

i. No more than 25% of detached units may have a lot area less than 6000 sq. ft. in R-4 or less than 4000 sq. ft. in R-5; and

ii. At least 20% of the lots in the development are 9000 sq. ft. in area or greater in R-4, and at 6000 sq. ft. in area or greater in R-5.

2. Minimum Lot Width

   a. Detached (PRD) - 25 feet

   b. Detached (ADI) – 40 feet in R-4 District; 25 feet in R-5 District
   -Semi-detached and townhouse – 18 feet

3. Minimum Front Yard and Street Side Yard Setback - 15 feet

4. Maximum Front Yard and Street Side Yard Setback – 25 feet

5. Maximum Front and Street Side Yard Setback on corner lots - 0 feet

6. Minimum Side Yard – 3 feet

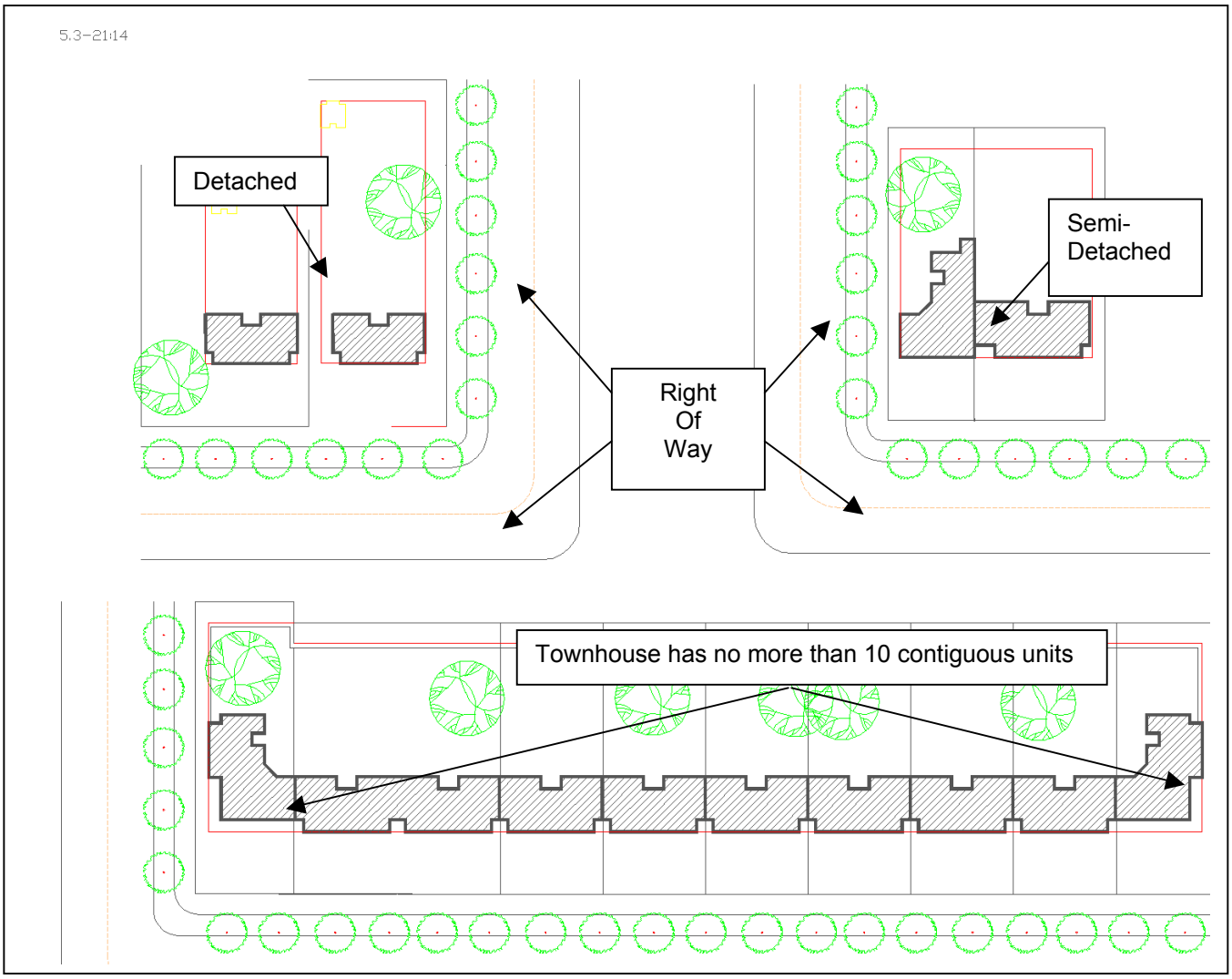
7. Minimum Rear Yard setback – 5 feet

8. Maximum contiguous units

   a. Semi-detached – 2

   b. Townhouse – 10

Illustration



E. Traditional Neighborhood Threshold Table

The following parts of chapter 5 shall apply to all developments meeting the thresholds and applicability requirements set forth in Table 5.2.3. below.

TNFD Threshold Table 5.2.3

TNFD Table 5.2.3 Thresholds	Part 8 Street and Road-side Design	Part 9 Transit and Connection	Part 7 Transition	Part 4 Residential Site Design	Part 5 Non-Residential and Mixed Use Site Design	Part 6 Building Design		Part 11 Accessory Structures	Part 13 Master Plan Requirement	Part 12 Open Space
Accessory Structure: New or Expansion (Residential)										
Accessory Structure: New or Expansion (Non-Residential)										
Construction of less than 10 multi-family dwelling units	X			X						
Construction of non-residential building footprint less than 1,000 square feet					X					
Expansion to the building footprint of an existing residential dwelling (principal structure) or construction of a single family dwelling on existing lot.				X						
Creation of 5 or fewer single-family residential lots	X			X						
Creation of 5 or fewer non-residential lots	X									
Construction of 10 or more off-street parking spaces	X	X			X					
Construction of non-residential/mixed use building footprint between 1,000 - 5,000 square feet	X	X	X		X	X				
Creation of more than 5 residential lots	X	X		X						
Construction of 10 or more multi-family residential dwelling units	X	X		X		X				X
Creation of more than 5 non-residential lots	X	X	X		X					
Construction of non-residential/mixed use building footprint between 5,001 – 30,000 square feet	X	X	X		X	X				
Construction of non-residential/mixed use building footprint in excess of 30,000 square feet	X	X	X		X	X				

5.2.3 Traditional Marketplace Corridor Form District

A. Traditional Marketplace Corridors (TMC) are characterized by older, pedestrian-scale development along major roadways adjacent to traditional neighborhoods. The corridors typically contain a wide variety of land uses (retail, restaurants, office, institutional and residential) that range from low to medium intensity. Buildings along the corridor are often narrow, closely spaced or attached, and built out to or near the street with display windows and wide sidewalks in front. Parking is usually provided on the street or in parking lots located at the rear of lots. Commercial corridor development is closely integrated with adjacent neighborhoods through side street connections and alleys, which typically delineate the boundaries between corridors and traditional neighborhoods, running along rear lot lines. The corridors have a high degree of pedestrian and transit use. Examples include Frankfort Avenue and portions of Broadway, Bardstown Road and Baxter Avenue.

B. Relationship To The Comprehensive Plan

The Traditional Marketplace Corridor Form District (TMCFD) implements the following Cornerstone 2020 Comprehensive Plan Goals and Objectives:

Community Form Goals F1, F2, F3	Community Form Objectives F1.1, F2.1, F.2.2, F2.3, F2.4, F2.5, F3.1, F3.2	Guidelines 1, 2, 3, 4, 6, 7, 9

C. Intent

The provisions of this section are intended to ensure that new development within the TMCFD is consistent with the traditional pattern of development within the district. Standards are included to promote:

- Development that reinforces the corridor's traditional visual character, function, and identity;
- Alternative modes of travel;
- Linkages between commercial development within the corridor and adjacent residential uses;
- Compatibility between corridor development and adjacent neighborhoods; and
- High quality design of individual sites.

D. Dimensional Standards

1. Minimum Lot Size, Depth, and Width. There are no minimum lot size, depth, and width requirements in the TMCFD, except as specified in Section 5.5.1.

2. Residential Development Standards. Residential lots and structures (both principal and accessory) shall comply with the Traditional Neighborhood Form District standards listed in Section 5.2.2.

3. Non-residential/Mixed Use Structure Setback/Build to Line

a. Front Setback/Build-to Line and Street Side Yards. There is no minimum front setback/build-to line or street side yard. The maximum front setback/build-to line and street side yards shall be no greater than 15 feet from the line of the right-of-way.

Exceptions: –

i. Infill Context. The setback line shall either be;

(a) fall within the range of the setbacks of the two nearest constructed properties.

(b) buildings may be constructed at the existing right-of-way/sidewalk line (i.e., with no front or street side yard setbacks).

ii. Corner Lots: See 5.5.1.A.2

iii. Outdoor seating areas. Outdoor amenities such as open, unenclosed seating areas are permitted to encroach into the front setback as long as the corner requirements of Section 5.5.1 A,

b. Side Yard Setback. There are no side yard setbacks, except where adjacent to a residential use or zoning district, in which case a minimum side setback of 5 feet shall be maintained. All new structures shall provide side yards wide enough to allow for maintenance of building side walls if common party walls on the lot line are not provided. If a new building is constructed adjacent to an existing building which has a window, the new building shall be set back at least 6 feet from the property line to allow continued use of the window(s).

c. Rear Yard Setback. Minimum 5 feet from rear property line.

d. Setback from Alley or Rear Property Line.

i. The rear setback shall be the depth of the required form district transition area buffer yard, if the site is located in the Form District Edge Transition Zone.

ii. Five feet if the site is not located at the edge of the TMCFD.

Note: See Section 5.7.1 for transition area setback and buffering standards.

e. Building Height.

i. Non- Infill Context. Maximum 50 feet or four stories excluding rooftop equipment or machinery penthouses.

ii. Infill Context. The minimum building height shall fall within the range of building heights along the same or opposing block face. The maximum building height shall be 50 feet, or the average of existing structures in the block face, whichever is greater.

Traditional Marketplace Corridor Threshold Table

The following parts of chapter 5 shall apply to all developments meeting the thresholds and applicability requirements set forth in Table 5.2.4. below.

Table 5.2.4 **TMCFD Thresholds**	**Part 8 Streets and Road Side Design Standards**	**Part 9 Transit and Connections**	**Part 7 Transition**	**Part 5 Non-Residential and Mixed Use Site Design**	**Part 6 Building Design Standards**	**Part 10 Traffic Impacts**	**Part 11 Accessory Structures**	**Part 13 Master Plan Requirement**
Accessory Structure: New or Expansion							X	
Construction of 10 or more off-street parking spaces	X	X		X				
Construction of building footprint less than 2,000 square feet				X				
Creation of five lots or less	X							
Construction of building footprint between 2,000 - 35,000 square feet	X	X	X	X	X	X		
Projected traffic generation exceeding 200 trip-ends per peak hour						X		
Construction of building footprint greater than 35,000 square feet	X	X	X	X	X	X		X

5.2.4 Town Center Form District

A. The Town Center Form District (TCFD) represents a traditional pattern of development in Louisville and Jefferson County. Town centers are typically compact areas with a mixture of moderately intense uses that are developed around an identifiable core. They are often located at a historic crossroads or at the intersection of a major thoroughfare and collector roadway with connections to surrounding neighborhoods. Buildings are close to and oriented toward the street, and there is a connected street pattern, shared parking and pedestrian amenities. More intense commercial and residential uses are located in proximity to major thoroughfares, and the intensity of uses gradually declines toward an "edge" or "transition area" to lower density residential neighborhoods.

The TCFD is intended to implement the following Cornerstone 2020 Comprehensive Plan Goals, Objectives and Plan Elements:

Community Form Goals D1, D2, D3, D4	Community Form Objectives D1.1; D2.1; D2.2; D2.3; D2.4; D2.5; D3.1; D3.2; D3.3; D4.1; D4.2; D4.3; D4.4	Plan Elements 1,2,3,6,7,9,12

B. Intent and Applicability

The provisions of this Part are intended to ensure that new development within the TCFD is consistent with the established and desired pattern and characteristics of development within the district, promoting the following, as applicable:

1. An identifiable core located at community crossroads;

2. A mixture of moderately intense uses including civic, shopping, restaurants, offices and residences;

3. A focal point for several neighborhoods and/or incorporated municipalities;

4. A high level of roadway, transit, bicycle and pedestrian access;

5. Special attention should be given to the compatibility of infill and redevelopment of both individual and integrated sites; and

6. Establishment of new town centers requires a high level of planning and design.

C. Dimensional Standards

1. Minimum Lot Size, Depth, and Width. There are no minimum lot size, depth, and width requirements in the TCFD, except as specified in paragraph b., below.

2. Residential Lots and Building Setbacks. Residential lots and structures (both principal and accessory structures) shall comply with the Traditional Neighborhood Form District Standards in Section 5.2.2 or shall comply with Nonresidential/Mixed Use Standards below.

3. Non-Residential and Mixed Use Structure Setbacks.

   a. Front Setback/Build-to line and Street Side Yards. There is no minimum front setback/build-to line or street side yard. The maximum front setback/build-to line and street side yard shall be no greater than 15 feet from the edge of right-of-way.

   b. Front Setback/Build-to line and Street Side yard – Infill Context. Where at least 50% of the street frontage (linear distance) within the same block face is occupied by principal structures, the setback/build-to line shall fall within the range of setbacks of the nearest two constructed properties or 15 feet, whichever is less.

   c. Corner Lots: See 5.5.1.A.2

   d. Outdoor seating areas. Open, unenclosed public seating or similar areas, fountains and outdoor amenities are permitted to encroach into the front setback as long as the corner requirements are met.

   e. Side Yard Setback. The minimum setback shall be either of the following:

      i. There are no side yard setbacks except where adjacent to a residential use or zoning district, in which case a minimum side yard setback of 5 feet shall be maintained.

      ii. If the site is located at the edge of the TCFD, the depth of the required form district transition area/buffer yard must be maintained.

   f. Rear Yard Setback. Minimum 5 feet from rear property line. The rear setback shall be the depth of the required form district transition area buffer yard if the site is located in the Form District Edge/Transition Zone.

See Section 5.7.1 for standards applicable in the transition zone.

   g. Building Height.

      i. Except as limited within the Form District Transition Zone, the maximum permitted building height is 120 feet.

ii. Infill Context. Where 50 percent or more of the linear street frontage within the same or opposing block face is occupied by the principal structures exhibiting site design consistent with a traditional development pattern, the following additional standards shall apply:

(a) Where there are highly uniform building heights (at least 50 percent of the structures on the block face have building heights that vary by 10 percent or less), the building height of the new structure shall fall within 10 percent of the average height.

(b) Where there is more than 10 percent variation in building heights within the block face, the building heights of new buildings shall fall within the range of the building heights of the two nearest constructed properties.

Town CenterThreshold Table

The following parts of chapter 5 shall apply to all developments meeting the thresholds and applicability requirements set forth in Table 5.2.5 below.

	Part 8 Streets and Road Side Design			Part 5 Non-Residential and Mixed Use Site Design	Part 6 Building Design			Part 13 Master Plan Requirement
								X

5.2.5 Traditional Workplace Form District

The Traditional Workplace Form District (TWFD) applies to older established industrial and employment areas that contain primarily small-to-medium scale industrial and employment uses. These uses are often historically integrated with or adjacent to residential neighborhoods, especially traditional neighborhoods. District standards are designed to encourage adaptive reuse and investment in these areas while ensuring compatibility with adjacent uses and form districts, to ensure adequate access and transit service, and to retain distinctive land uses and patterns such as connected street grids.

A. Relationship To The Comprehensive Plan

The TWFD implements the following Cornerstone 2020 Comprehensive Plan Goals and Objectives:

Community Form Goals G1, G2, G3, G4	Community Form Objectives G1.1, G2.1, G2.2, G2.3, G2.4, G2.5, G3.1, G3.2, G3.3, G4.1, G4.2, G4.3, G4.4	Guidelines 1, 3, 6, 7, 9

B. Intent and Applicability

The provisions of this section are intended to promote high quality design that is compatible with adjacent non-workplace uses. The TWFD often must accommodate relatively large volumes of traffic and parking while also providing for alternative travel modes.

Standards are included to promote:

1. Compatibility with adjacent form districts and non-workplace uses;
2. Adequate access for employees, freight, and products;
3. Alternative modes of travel;
4. High quality design of individual and integrated sites; and
5. A mixture of uses on a site especially employee-serving commercial businesses (e.g., day care centers, auto-servicing, dry cleaners and restaurants).

C. Dimensional Standards

1. Lot Size, Depth, and Width. There are no minimum lot size, depth, and width requirements in the TWFD, except as specified in number 2 below.

2. Residential Development Standards. Residential lots and structures (both principal and accessory structures) shall comply with the Traditional Neighborhood Form District Standards in Section 5.2.2.

3. Standards Applicable Within the Form District Edge/Transition Zone. For sites that are within the 200 foot Form District Edge/Transition Zone the following standards shall apply:

   a. Front and Street Side Yard Setback/Build-to line. The maximum setback/build-to line shall be 25 feet. Exception: Infill context. If 50 percent or more of the street frontage (linear distance) within either the same or adjacent block face is occupied by principal structures that have a front setback that vary no more than 10 percent, then new principal structure setback/build-to lines shall fall within that 10 percent. There is no minimum setback/build-to line.

   b. Side Yard Setback/Build-to line. None, except where the site abuts an existing residential or office use in which case the minimum side yard setback shall equal the setback of the adjacent use.

   c. Rear Yard Setback. Minimum 20 feet.

   d. Building Height. Maximum 45 feet or three stories; however if the two nearest non-residential structures are greater than 45 feet or three stories, the infill structure may equal the height of the existing structures.

   e. Corner Lots: See 5.5.1.A.2

4. Standards Applicable Outside the Form District Edge Transition Zone. For sites in the TWFD that are not within the Form District Edge Transition Zone the following standards shall apply:

   a. Front and Street Side Yard Setback/Build-to line. The maximum front and street side yard setback/build-to line shall be 25 feet from the front property line. There is no minimum setback/build-to line.

   b. Building Height. Maximum 45 feet or three stories; however, additional height may be added provided that the building is stepped back one foot on all sides for each additional foot of building height.

   c. Corner lots: See 5.5.1.A.2

5. Greater Front and Street Side Yard setbacks necessary to comply with applicable parkway or other buffer requirements set forth in Chapter 10 Landscaping, Buffering, and Open Space shall supercede these setback requirements.

6. Non-residential Structure Side and Rear Setback/Build-to lines. There are no requirements for side or rear setback/build-to lines. Exception: where an industrial use abuts an existing residential or office use, the setback standards for the CM zone in the Traditional Neighborhood Form District (Table 5.2.2) shall apply.

Traditional Workplace Threshold Table

The following parts of chapter 5 shall apply to all developments meeting the thresholds and applicability requirements set forth in Table 5.2.6 below.

TWFD Table 5.2.6 Thresholds	**Part 8 Street and Road Side Design**	**Part 9 Transit and Connection**	**Part 7 Transition**	**Part 5 Non-Residential and Mixed Use Site Design**	**Part 6 Building Design Standards**	**Part 10 Traffic Impacts**	**Part 11 Accessory Structures**	**Part 13 Master Plan Requirement**
Accessory Structure: New or Expansion							X	
Construction of building footprint less than 3,000 square feet				X				
Creation of five lots or less	X							
Construction of 25 or more off-street parking spaces	X	X		X				
Construction of building footprint between 3,000 – 50,000 square feet	X	X	X	X	X	X		
Construction of building footprint greater than 50,000 square feet	X	X	X	X	X	X		X
Projected traffic generation exceeding 200 trip-ends per peak hour						X		
Creation of more than 5 lots	X	X						

5.2.6 Village Form District - Center

A. Village Centers: Development in the center of the village offering goods and services at a scale that is appropriate for nearby residential areas. Villages within the Village Form District also frequently have an identifiable boundary and/or open space at the edge.

The VFD is a form typical of outlying communities in Jefferson County that developed as scattered independent population growth centers prior to 1940. For this reason, villages typically have development patterns, particularly in the village centers, which reflect pre-World War II design elements. These may include connected and narrow streets and walkways, compact centers with a variety of village-serving uses, and designated sites for civic, historic, and cultural buildings, surrounded by rural lot patterns and a green belt.

B. Relationship To The Comprehensive Plan

The VFD is intended to implement the following Cornerstone 2020 Comprehensive Plan Goals, Objectives and Plan Elements:

Community Form Goals C1, C2, C3, C4	Community Form Objectives C1.1, C1.2, C2.1, C2.2, C2.3, C2.4, C2.5, C2.6, C2.7, C3.3, C3.5, C3.6, C3.7, C4.1, C4.2, C4.3, C4.4, C4.5, C4.6, C4.7	Guidelines 1, 2, 3, 4, 7 and 9

C. Intent and Applicability

The Village Form District (VFD) is broadly characterized as having a range of low to medium density residential uses in outlying areas integrated with shops, services and offices in the form of Village Centers. A Village Form District may have more than a single center. Building design in the Village Centers respects a traditional pattern of development in which buildings blend with the character of the landscape and pedestrian mobility is prominent.

The provisions of this section are intended to ensure that new development within the VFD is consistent with the established and desired pattern and characteristics of development within the district.

D. Description of Village Centers

Village Center – This development pattern is intended for mixed-uses within villages. The maximum single building square footage within designated Village Neighborhood Serving centers shall be 70,000 square feet.

E. Dimensional Standards

Infill developments within the Village Center shall conform to the Traditional Neighborhood Form District dimensional standards.

Dimensional standards for development that is not in an Infill Context are listed in Table 5.2.2. Lots created after the effective date of this Land Development Code shall meet the minimum area requirements of Table 5.2.2. Residential lots having less area than required and legally created prior to the adoption of these regulations may be occupied by one dwelling unit.

F. Design Standards Village Center

Developments within the Village Center shall conform to the Traditional Neighborhood Form District design standards as listed within the applicable threshold table (See Table 5.2.3 of this part).

5.3.1 Neighborhood Form District

A. Relationship to the Comprehensive Plan

The Neighborhood Form District (NFD) is intended to implement the following Cornerstone 2020 Comprehensive Plan Goals, Objectives and Plan Elements:

Community Form Goals C1, C2, C3, C4	Community Form Objectives C1.1, C1.2, C2.1, C2.2, C2.3, C2.4, C2.5, C2.6, C2.7, C3.1, C3.4, C3.5, C3.6, C3.7, C4.1, C4.2, C4.3, C4.4, C4.5, C4.6, C4.7	Guidelines 1, 2, 3, 4, 7 and 9

The NFD does not establish permitted land uses, density or intensity of development; refer to the zoning district regulations for applicable restrictions.

B. Neighborhood Form Standards: Intent and Applicability

1. The Neighborhood Form District (NFD) design standards are intended to promote development and redevelopment that is compatible with and enhances the unique site and community design elements of a neighborhood. NFD design standards are also intended to promote the establishment of activity centers at appropriate locations as established in Guidelines 1 and 2 of the Comprehensive Plan. Activity centers should effectively integrate a mix of retail, insitutional, and other non-residential uses within neighborhoods in a manner that provides convenient service to residents while protecting the character of the neighborhood.

2. The provisions of this section are intended to promote new development within the NFD that is consistent with a neighborhood pattern and form of development, including as applicable:

   a. Appropriate and compatible integration of residential, civic, commercial, office and service uses that promotes close to home shopping and service opportunities;

   b. Integrated activity centers rather than stand-alone shopping centers;

   c. Park and open space resources convenient to neighborhood residents;

   d. Alternative modes of travel and connectivity of neighborhoods, minimizing the use of collectors and major thoroughfares for short trips;

e. Compatible infill development, both residential and non-residential;

f. Inclusive housing opportunities; and

g. High-quality design of both individual and integrated sites.

3. The NFD standards apply to both existing neighborhoods and proposals to create new neighborhoods. The standards address both the internal site design elements of a development (e.g., building location, design, and orientation) and the relationship of the development to the surrounding community context (e.g., relationship to the adjacent street/sidewalk network).

C. Dimensional Requirements

1. Infill Site Context

a. Where 50% or more of either the lots or street frontage (lineal distance) within 200 feet of the subject site and on the same side of the street are occupied by principal structures, the following requirements apply instead of applicable standards in Tables 5.3.1 and 5.3.2.

i. Construction of new or expanded residential structure on lots created prior to the effective date of this regulation, or on parcels created by minor plat after the effective date, shall fall within the range of the front setbacks of the two nearest principal residential structures. The side setback shall fall within the range of the two nearest principal residential structures or three (3) feet, whichever is greater. The minimum street side yard setback shall be that of the nearest principal residential structure (accessory structures are excluded from this provision).

ii. New non-residential structures shall be located at the lesser of the established building pattern (average front and street side setback) or the maximum front and street side setback defined in Table 5.3.2.

iii. The Infill Site Context standards shall not apply if property within 200 feet of the subject site and on the same side of the street is developed at a density less than one dwelling per acre.

2. Dimensional standards for residential development in each zoning district are listed in Table 5.3.1 below.

NOTE: *Refer to 5.3.1 C.4 for standards on major subdivisions along collector and arterial roadways.*

3. Lots created after the effective date of this Land Development Code shall meet the minimum width and area requirements of Table 5.3.1. Lots having less area or width than herein required and legally created prior to the adoption of these regulations may be occupied by one dwelling unit. Structures built or installed after the effective date of this Land Development Code shall meet the setback and height requirements of Table 5.3.1.

4. Supplemental Setbacks

   Setback requirements established in Table 5.3.1 shall be increased by the additional amounts specified in the following table for residential uses abutting the right-of-way of railroads and expressways. These supplemental setbacks shall apply to lots created by major and minor subdivision after the effective date of the NFD. Lots created by minor plat shall provide the supplemental setback along collector and arterial roadways.

[redacted]	[redacted]	[redacted]
RR through R-5	20 feet	15 feet
R-5A through U-N	15 feet	10 feet
R-7 and above	15 feet	0 feet

Table 5.3.1 Dimensional Standards: Residential Development

						Maximum Building Height
RR	5 Acres	150 ft	30 ft	15 ft	50 ft	35 ft
RE*	105,000 sf	150 ft	90 ft (front); 60 ft (street side)	20 ft minimum, 50 ft total	50 ft	35 ft
R-E, R-1	40,000 sf	150 ft	75 ft (front); 25 ft (street side)	15 ft minimum, 45 ft total	25 ft.	35 ft
R-2	20,000 sf	100 ft	30 ft	10 ft minimum, 30 ft total	25 ft.	35 ft
R-3	12,000 sf	75 ft	30 ft	7.5 ft minimum, 22.5 total	25 ft.	35 ft
R-4	9,000 sf	60 ft	30 ft	**	25 ft.	35 ft
R-5	6,000 sf	50 ft	25 ft	5 ft	25 ft.	35 ft
PRD	1500 sf	0 ft.	0 ft.	0 ft.	0 ft.	35 ft.
R-5A	6,000 sf	50 ft	20 ft	5 ft	25 ft.	35 ft
R-5B	6,000 sf	30 ft	20 ft	3 ft	25 ft.	35 ft
R-6, OR	6,000 sf	25 ft	15 ft	3 ft	25 ft.	35 ft
U-N	2,500 sf 1500 sf if attached	18 ft	15 ft	3 ft	6 ft.	35 ft
R-7, OR-1	6,000 sf	25 ft	15 ft	3 ft	15 ft	45 ft (see footnote)***
R-8A, OR-2, CR, CN	6,000 sf	25 ft	15 ft	3 ft	15 ft	45 ft (see footnote)***
OR-3, OTF, C-1, C-2	5,000 sf	None	None	None	15 ft	45 ft (see footnote)***

* as in effect in Anchorage, Douglass Hills and Shively; for standards in effect in other jurisdictions, refer to next line of table.

**For lots created prior to August 22, 2000, and lots shown on preliminary plans approved prior to that date, the side yards shall be minimum 6', total of 18'; for lots created or shown on preliminary plans approved after that date, the side yards shall be 5' on each side.
*** Additional height is allowed, if all required setbacks are increased five feet for each additional ten feet of building height, or fraction thereof, over 45 feet. This extra setback does not apply to off-street parking and manuevering areas. Non-residential uses are subject to building height limits as established in Table 5.3.2

5. Dimensional standards for non-residential uses are listed in Table 5.3.2 below.

Table 5.3.2 Dimensional Standards: Non-Residential Uses

						Max Building Height: Residential Top Floor[3]
5,000 sq ft	10 ft	80 ft.	15'	25'	25 ft	35 ft.
						40 ft.
30,001 to 80,000 sq ft	10 ft	150 ft.	50'	75'	35 ft	45 ft.

6. Buffer and Transition Standards: - Setbacks and buffers established in Table 5.3.2 may be superseded by parkway requirements, buffer yard or form district transition zone standard pursuant to Chapter 10 Part 2, Chapter 10 Part 3 or Chapter 5 Part 7, in which case the greater standard shall apply.

7. Pre-Existing Structures: - Non-residential structures constructed prior to the effective date of the NFD and exceeding 80,000 square feet in area on the first floor may be expanded provided that the standards listed in Section 5.5.2. The cumulative area of expansion shall not exceed 5% of the area of the structure as it existed on the effective date of the NFD regulation. The project shall be subject to the Category 3 procedures.

***NOTE**: See Section 5.1.8 for maximum setback alternatives.*

8. Multiple Principal Structures Setback – Common wall construction is permissible for non-residential structures, unless restricted by Table 5.3.2. Principal structures on the same or adjacent lots constructed as detached buildings shall maintain the following minimum separations:

   a. Building wall has primary entrance or exit: 25 feet

   b. Building wall has secondary entrance or exit: 15 feet

[1] Width of buffer required in side or rear yard if adjacent to residential development and if no loading facilities (loading docks, vehicle storage or trash containers) on that side of the non-residential use.

[2] Width of buffer required if loading facilities located on corresponding side of non-residential use.

[3] The maximum building height of mixed-use structures may be increased by 15 feet if residential uses occupy at a minimum the upper-most story

c. Building wall has no entrance or exit: 10 feet

9. The buildable width of a corner lot created prior to the effective date of the NFD shall not be reduced to less than thirty two (32) feet by the application of the required side yard on the street side.

D. Alternative Housing Styles

Alternative housing styles, including zero lot line, duplexes, and townhouses are encouraged in the Cornerstone 2020 Plan to provide housing choices for people of varying ages and incomes.

1. Where permitted by the Planned Residential Development District (Section 2.7.3), the alternative housing styles shall meet the requirements set forth in Table 5.3.1, unless otherwise specified below:

a. Detached and semi-detached units (including Zero Lot Line):

i. Minimum Lot Area – 3000 sq ft

ii. Minimum Lot Width – 30 ft.

iii. Minimum Front Yard Setback – 15 ft.

iv. Minimum Side Yard Setback – 0 ft. between the unit and the property line; 6 feet between adjacent units on separate lots.

v. Minimum Rear Yard Setback – 25 ft; if alley: 5 ft.

vi. Maximum contiguous units – 2.

b. Attached Units-Townhouse (single family units with common side walls)

i. Minimum Lot:Area: - end units: 3,000 sq ft; interior units: 2,000sq. ft.

ii. Minimum Front Yard Setback – 15 ft.

iii. Minimum Lot Width – 18 ft.

iv. Minimum Side Yard Setback – 0 ft. between attached units. Between end units, the requirements in Table 4.1 shall apply.

v. Minimum Rear Yard Setback – 25 ft; if alley: 5 ft.

vi. Maximum contiguous units in single family zoning districts – 4

c. Attached Unit -Patio Home (single family units with common side and rear walls)

i. Minimum Lot Area – 3000 sq ft

ii. Minimum Lot Width –35 ft.

iii. Minimum Front Yard Setback – 15 ft.

iv. Minimum Side and Rear Setback– 0 ft. between attached units; minimum distance between adjacent structures, 10 ft.

v. Minimum Rear Yard Setback – 25 ft; if alley: 5 ft.

vi. Maximum Contiguous Units – 4.

2. Where permitted by the Alternative Development Incentives regulation (Chapter 4 Part 5), the alternative housing styles shall meet the requirements set forth in Table 5.3.1, unless otherwise specified below:

a. Detached units(including Zero Lot Line):

i. Minimum Lot Area – 4500 sq. ft. in R-4 District; 3000 sq. ft. in R-5 District, , subject to the following conditions:

(a) No more than 25% of detached units may have a lot area less than 6000 sq. ft. in R-4, or less than 4000 sq. ft. in R-5; and

(b) At least 20% of the lots in the development are 9000 sq. ft. in area or greater in R-4, and at 6000 sq. ft. in area or greater in R-5.

ii. Minimum Lot Width – 40 ft. in R-4 District; 35 feet in R-5 District

iii. Minimum Front Yard and Street Side Yard Setback –20 ft., 15 ft. if adjacent to alley

iii. Minimum Side Yard Setback – 0 ft. between the unit and the property line; 6 feet between adjacent units on separate lots.

iv. Minimum Rear Yard Setback – 25 ft., 5 ft. if adjacent to alley

b. Semi-detached units (single family units with one common wall)

i. Minimum Lot Area – 3000 sq. ft., subject to the following conditions:

(a) No more than 25% of detached units may have a lot area less than 6000 sq. ft. in R-4 or less than 4000 sq. ft. in R-5; and

(b) At least 20% of the lots in the development are 9000 sq. ft. in area or greater in R-4, and at 6000 sq. ft. in area or greater in R-5.

ii. Minimum Lot Width – 30 ft.

iii. Minimum Front Yard and Street Side Yard Setback –20 ft.
15 ft. if adjacent to alley

iv. Minimum Side Yard Setback – 0 ft. on common wall side; 6 ft. on other side

v. Minimum Rear Yard Setback – 25 ft.
15 ft. if adjacent to alley

vi. Maximum contiguous units - 2

c. Attached Units-Townhouse (single family units with common side walls)

i. Minimum Lot:Area: - end units: 3,000 sq ft; interior units: 2,000sq. ft., subject to the following conditions:

(a) No more than 25% of detached units may have a lot area less than 6000 sq. ft. in R-4 or less than 4000 sq. ft. in R-5; and

(b) At least 20% of the lots in the development are 9000 sq. ft. in area or greater in R-4, and at 6000 sq. ft. in area or greater in R-5.

ii. Minimum Front Yard and Street Side Yard Setback – 20 ft.
15 ft. if adjacent to alley

iii. Minimum Lot Width – 18 ft.

iv. Minimum Side Yard Setback – 0 ft. between attached units. Between end units, the requirements in Table 5.3.1 shall apply.

v. Minimum Rear Yard Setback – 25 ft; if alley: 5 ft.

vi. Maximum contiguous units in single family zoning districts – 4

d. Attached Unit -Patio Home (single family units with common side and rear walls)

i. Minimum Lot Area – 3000 sq. ft., subject to the following conditions:

(a) No more than 25% of detached units may have a lot area less than 6000 sq. ft. in R-4 or less than 4000 sq. ft. in R-5; and

(b) At least 20% of the lots in the development are 9000 sq. ft. in area or greater in R-4, and at 6000 sq. ft. in area or greater in R-5.

ii. Minimum Lot Width –35 ft.

iii. Minimum Front Yard and Street Side Yard Setback – 20 ft. 15 ft. if adjacent to alley

iv. Minimum Side and Rear Setback– 0 ft. between attached units; minimum distance between adjacent structures, 10 ft.

v. Minimum Rear Yard Setback – 25 ft; if alley: 5 ft.

vi. Maximum Contiguous Units – 4.

Neighborhood Threshold Table

The following parts of chapter 5 shall apply to all developments meeting the thresholds and applicability requirements set forth in Table 5.3.3. below.

NFD **Table 5.3.3** **Thresholds**	**Part 8 Streets and Roadside Design**	**Part 9 Transit and Connection**	**Part 7 Transition**	**Part 4 Residential Site Design**	**Part 5 Non-Residential and Mixed Use Site Design**	**Part 6 Building Design**	**Part 10 Traffic Impacts**	**Part 11 Accessory Structure**	**Part 13 Master Plan Requirement**	**Part 12 Open Space**
Expansion to the building footprint of an existing residential dwelling (principal structure) by less than 50%				X						
Construction of non-residential/mixed use building footprint less than 3000 square feet					X					
Accessory Structure: New or Expansion								X		
Expansion to the building footprint of an existing residential dwelling (principal structure) by 50% or construction of single family dwelling on existing lot				X						
Construction of less than 10 multi-family dwelling units	X			X						
Creation of 5 or fewer residential lots	X			X						
Construction of 25 or more off-street parking spaces	X	X		X						
Creation of 5 or fewer non-residential lots	X									
Construction of non-residential/mixed use building footprints between 2,500 - 30,000 square feet	X	X	X		X	X				
Creation of more than 5 single family residential lots.	X	X		X			X			
Construction of 10 or more multi-family dwelling units	X	X		X		X	X			X
Construction of non-residential/mixed use building footprint greater than 30,000 square feet	X	X	X		X	X	X		X	

5.3.2 SUBURBAN MARKETPLACE CORRIDOR DISTRICT

The design of the Suburban Marketplace Corridor Form District (SMCFD) is characterized by linear commercial development along major roadways. The Suburban Marketplace Corridor is a medium to high density district, with a mixture of highway commercial uses, shopping centers, and office development. Buildings along the corridor are typically set back from the roadway with parking lots in front. Examples of Suburban Marketplace Corridors include Hurstbourne Parkway, Dixie Highway, and Preston Highway.

The SMCFD standards do not address permitted land uses and density or intensity of development. These aspects of land use planning are more appropriately addressed through zoning district regulations or regulatory goals, and objectives and policies of the Comprehensive Plan.

A. RELATIONSHIP TO THE COMPREHENSIVE PLAN

The SMCFD implements the following Cornerstone 2020 Comprehensive Plan Goals and Objectives:

Community Form Goals F1, F2, F3	Community Form Objectives F1.1, F2.1, F2.2, F2.3, F2.4, F2.5, F3.1, F3.2	Guidelines 1, 2, 3, 4, 7, and 9

B. INTENT AND APPLICABILITY

The provisions of this part are intended to promote high quality design and a more visually attractive environment in the SMCFD, accommodating relatively large volumes of traffic while providing for alternative travel modes. Standards are included to promote:

1. Development that enhances the corridor's visual character, function, and identity;
2. Alternative modes of travel;
3. Linkages between commercial and residential uses;
4. Compatibility with adjacent neighborhoods; and
5. High quality design of individual sites.

C. Dimensional Standards

1. Lot Size, Depth, and Width – There are no minimum lot size, depth, and width requirements in the SMCFD, except that residential uses shall comply with the Neighborhood Form District Standards in Table 5.3.1.

2. Building Setbacks

   a. Front and Street-Side Setback – Structures on parcels with public street frontage shall be setback from the street center line no less than one-half of the standard right-of-way width for the functional class of the abutting street, as specified in Chapter 6 Part 2 of these regulations. In addition, structures, parking and other improvements shall maintain setbacks as required to comply with applicable parkway or other buffer requirements set forth in Chapter 10 (Tree Canopy, Landscaping, and Open Space). Principal structures on the lot shall be setback no more than 275 feet from the front and street-side property lines (alternatives to the maximum setback can be found within Section 5.1.8).

   b. Side and Rear Setback – None, except a 25 foot minimum setback shall be provided along the common boundary when a non-residential use abuts a residential zone or a structure(s) with first floor residential use. A minimum setback of 50 feet shall be provided where a building façade with loading docks for tractor trailers faces a residential use or zone. Vehicular parking and maneuvering are not permitted in the setbacks. The side and rear setback shall be landscaped in accordance with the buffering requirements of Chapter 10.

3. Building Height - The maximum permitted height is sixty feet.

4. Multiple Principal Structures Setbacks – Common wall construction is permissible. Principal detached structures on the same or adjacent lot shall maintain separations as follows:

   a. Building wall has primary entrance or exit – 25 feet.

   b. Building wall has secondary entrance or exit – 20 feet.

   c. Building wall has no entrance or exit – 10 feet.

NOTE: *The setback requirement will ensure that new construction is situated outside the expanded right-of-way standards created by the Land Development Code.*

D. Suburban Marketplace Threshold Table

The following standards shall apply to all developments meeting the thresholds and applicability requirements set forth in Table 5.3.4 below.

Expansion of existing and creation of new residential structures or units, and creation of residential lots shall be subject to the standards of the Neighborhood Form District (Section 5.3.1).

SMCFD **Table 5.3.4** **Thresholds**	**Part 8 Streets and Road Side Design**	**Part 9 Transit and Connections**	**Part 7 Transition**	**Part 5 Non-Residential and Mixed Use Site Design**	**Part 6 Building Design**	**Part 10 Traffic Impacts**	**Part 11 Accessory Structures**	**Part 13 Master Plan Requirement**
Accessory Structure: New or Expansion							X	
Construction of building footprint less than 3,000 square feet				X				
Creation of less than five lots	X							
Construction of 50 or more off-street parking spaces	X	X		X				
Construction of building footprint between 3,000 – 30,000 square feet	X	X	X	X	X			
Projected traffic generation exceeding 200 trip-ends per peak hour						X		
Creation of more than five lots	X	X						
Construction of building footprint between 30,001 – 75,000 square feet	X	X	X	X	X	X		
Construction of building footprint greater than 75,000 square feet	X	X	X	X	X	X		X

5.3.3 Regional Center Form District

The Regional Center Form District (RCFD) encompasses the community's major shopping facilities. Medium and high intensity commercial development serving a regional market are found in this district. A wide range of related uses, including residential, office and institutional development, is strongly encouraged within Regional Center Form Districts. Mixed uses within a principal building on the site. (e.g., commercial and residential) are supported. District standards are designed to ensure compatibility with adjacent form districts, to ensure a high level of access by a variety of travel modes, to encourage full development of regional centers, and to promote high quality design.

A. Relationship to the Comprehensive Plan

The RCFD implements the following Cornerstone 2020 Comprehensive Plan Goals and Objectives:

Community Form Goals E1, E2, E3, E4	Community Form Objectives E1.1, E2.1, E2.2, E2.3, E2.4, E2.5, E3.1, E3.2, E3.3, E3.4, E4.1, E4.2, E4.3, E4.4	Plan Elements 1, 2, 3, 7, 9, 12

B. Intent and Applicability

The provisions of this section are intended to promote high quality design and a more visually attractive environment in the RCFD, accommodating relatively large volumes of traffic while providing for alternative travel modes. Standards are included to promote:

1. Compatibility with adjacent form districts;

2. Medium to high intensity commercial development and a mix of related uses

3. High level of access by a variety of modes of travel; and

4. High quality design of individual and integrated sites.

C. Dimensional Standards

1. Lot Size and Width – There are no minimum lot size and width requirements in the RCFD, except that structures with first floor residential uses shall comply with the Neighborhood Form Districts Standards (Section 5.3.1).

2. Building Setbacks

a. Front and Street-Side Setback – Structures on parcels with public street frontage shall be setback from the street center line no less than one-half of the right-of-way width for the functional class of the abutting street, as specified in Chapter 6 Part 2 of these regulations. In addition, structures, parking and other improvements shall maintain setbacks as required to comply with applicable parkway or other buffer requirements set forth in Chapter 10 (Landscaping, Buffering, and Open Space). Principal structures on the lot shall be setback no more than 275 feet from the front and street-side property lines (alternatives to the maximum setback can be found within Section 5.1.8).

b. Side and Rear Setback – None, except where adjacent to a residential zoning district or structure with residential use on the first floor, in which case a minimum setback of 50 feet shall be maintained. Vehicular parking and maneuvering are not permitted in the side and rear setbacks

c. Building Height – Except as limited within the Form District Transition Zone (Chapter 5 Part 7), the maximum permitted height is 150 feet.

d. Multiple Principal Structures Setback – Common wall construction is permissible. Principal structures on the same or adjacent lots constructed as detached buildings shall maintain the following minimum separations:

i. Building wall has primary entrance or exit: 25 feet

ii. Building wall has secondary entrance or exit: 20 feet

iii. Building wall has no entrance or exit: 10 feet

Regional Center Threshold Table 5.3.5

The following parts of chapter 5 listed in the threshold table, shall apply to all developments meetingthe thresholds and applicability requirements set forth in Table 5.3.5 below.

Expansion of existing and creation of new residential structures or units, and creation of residential lots shall be subject to the standards of the Neighborhood Form District (Section 5.3.1).

RCFD Table 5.3.5 Thresholds	**Part 8 Streets and Road Side Design**	**Part 9 Transit and Connections**	**Part 7 Transition**	**Part 5 Non-Residential and Mixed Use Site Design**	**Part 6 Building Design**	**Part 10 Traffic Impacts**	**Part 11 Accessory Structures**	**part 13 Master Plan Requirement**
Accessory Structure: New or Expansion							X	
Projected traffic generation exceeding 200 trip-ends per peak hour						X		
Construction of 50 or more off-street parking spaces	X	X		X				
Construction of a building footprint less than 3,000 square feet	X			X				
Creation of five lots or less	X							
Construction of a building footprint between 3,000 - 30,000 square feet	X	X	X	X	X	X		
Construction of a building footprint between 30,001 - 75,000 square feet	X	X	X	X	X	X		
Construction of a building footprint greater than 75,000	X	X	X	X	X	X		X

5.3.4 Suburban Workplace Form District

A. The Suburban Workplace Form District (SWFD) is designed to reserve land for large-scale industrial and employment uses in suburban locations. District standards are designed to ensure compatibility with adjacent form districts, to buffer heavy industrial uses from potentially incompatible uses, to ensure adequate access for employees, freight, and products, to provide services and amenities for employees, and to improve transit service.

The SWFD standards do not address permitted land uses and density or intensity of development. These aspects of land use planning are more appropriately addressed through zoning district regulations or regulatory goals, and objectives and policies of the Comprehensive Plan.

B. Relationship To The Comprehensive Plan

The SWFD implements the following Cornerstone 2020 Comprehensive Plan Goals and Objectives:

Community Form Goals G1, G2, G3, G4	Community Form Objectives G1.1, G2.1, G2.2, G2.3, G2.4, G2.5, G3.1, G3.2, G3.3, G4.1, G4.2, G4.3, G4.4	Guidelines 1, 3, 6, 7

C. Intent and Applicability

The provisions of this section are intended to promote high quality design and a more visually attractive environment in the SWFD, accommodating relatively large volumes of traffic while providing for alternative travel modes. Standards are included to promote:

1. Adequate access for employees, freight,and products;
2. Alternative modes of travel;
3. High quality design of individual and itegrated sites;
4 A wide range of employee-serving commercial businesses (e.g., day care centers, auto servicing, cleaners, restaurants, etc.); and
5. A mix of uses (e.g., industrial, office, and commercial) within a principal building on the site.

D. Dimensional Requirements

1. Lot Size, Depth, and Width – There are no minimum lot size, depth, and width requirements in the SWFD, except as specified in paragraph 2., below.

2. Residential Lots and Building Setbacks – Residential lots shall comply with the size and width requirements and residential structures (both principal and accessory structures, new construction and expansion) shall comply with the setback requirements established in the Neighborhood Form District Standards (Section 5.3.1).

3. Non-Residential Building Setbacks

   a. Front and Street-Side Setback –Twenty-five feet along all frontage on public streets and private access easements providing primary access. Greater setbacks necessary to comply with applicable parkway or other buffer requirements set forth in Chapter 10 (Landscaping, Buffering, and Open Space) shall supersede these setback requirements. Off-street parking, maneuvering for parking areas, drive-ways, and sidewalks shall be permitted within the 25 foot setback as long as all landscaping requirements of Chapter 10 Part 2 are met

   b. Side Yard – None.

   c. Rear Yard – None.

   d. Adjacent to Residential – Refer to Chapter 5 Part 5.

4. Building Height

   a. The maximum permitted height is 50 feet; however, additional height may be added provided that the building is stepped back one foot on all sides for each additional four feet of building height. Refer to Chapter 5 Part 7 for permissible heights in form district transition zones.

   b. Multiple Principal Structures Setbacks **–** Common wall construction is permissible. Principal structures on the same or adjacent lots constructed as detached buildings shall maintain the following minimum separations:

      i. Building wall has primary entrance or exit – 25 feet

      ii. Building wall has secondary entrance or exit – 20 feet

      iii. Building wall has no entrance or exit – 10 feet

NOTE: *Maximum height within 200 feet of a Neighborhood form would be 45 feet.*

Suburban Workplace Threshold Table

The following parts of chapter 5 shall apply to all developments meeting the thresholds and applicability requirements set forth in Table 5.3.6 below.

Expansion of existing and creation of new residential structures or units, and creation of residential lots shall be subject to the standards of the Neighborhood Form District (Section 5.3.1)

SWFD Table 5.3.6 Thresholds	**Part 8 Streets and Road Side Design**	**Part 9 Transit and Connections**	**Part 7 Transition**	**Part 5 Non-Residential and Mixed Use Site Design**	**Part 6 Building Design**	**Part 10 Traffic Impacts**	**Part 11 Accessory Structures**	**Part 13 Master Plan Requirement**
Accessory Structure: New or Expansion							X	
Construction of building footprint less than 3,000 square feet				X				
Creation of five lots or less	X							
Construction of 50 or more off-street parking spaces	X	X		X				
Construction of building footprint between 3,000 - 75,000 square feet	X	X	X	X	X	X		
Construction of building footprint greater than 75,000 square feet	X	X	X	X	X	X		X
Projected traffic generation exceeding 200 trip-ends per peak hour						X		
Creation of more than five lots	X	X						

5.3.5 Campus Form District

The Campus Form District (CFD) is clearly represented in both historic and modern patterns of development within the Louisville and Jefferson County. The University of Louisville-Belknap Campus, Southern Baptist Seminary, and Bellarmine University are some of the historic examples of this form. Modern examples of the form include the Hurstbourne Green/Forest Green complex and the Shelby Campus of the University of Louisville.

The Campus Form District (CFD) is an established or proposed pattern of development having a mixture of uses clustered for a single or predominant purpose. Residential or commercial uses should primarily serve the people who work or live on the Campus. The form should be compact and walkable, with substantial open space, central gathering areas, shared parking and signage, and an internal circulation system.

A. Relationship to the Comprehensive Plan

The CFD is intended to implement the following Cornerstone 2020 Comprehensive Plan Goals, Objectives and Plan Elements:

Community Form Goals H1, H2, H3, H4	Community Form Objectives H1.1; H2.1; H2.2, H2.3; H2.4; H2.5; H2.6; H3.1; H3.2; H3.3; H3.4; H3.5; H4.1; H4.2; H4.3; H4.4	Plan Elements 1, 3, 4, 7, 9

B. Intent and Applicability

The provisions of this Part are intended to promote new development within the CFD that is consistent with the established and desired pattern and characteristics of development within the district, promoting as applicable:

- Development that reinforces the traditional pattern characterized by clusters of individual buildings surrounded by large open spaces;
- Unique building and site design elements for each campus district;
- Alternative modes of travel and shared parking;
- A high level of pedestrian access and amenities;
- High quality design of buildings and spaces.

C. Dimensional Requirements

1. Minimum Lot Size, Depth, and Width – There are no minimum lot size, depth, and width requirements in the CFD, except as specified in paragraph B., below.

2. Residential Lots and Building Setbacks - Residential lots shall comply with the size and width requirements and residential structures (both principal and accessory structures) shall comply with the setback requirements established in the Traditional Neighborhood Form District Standards (Section 5.2.2) or Neighborhood Form District Standards (Section 5.3.1). The determination for which set of standards is applicable shall be the choice of the applicant, when the development site does not abut a Traditional Neighborhood or Neighborhood Form District However, when the proposed development site abuts a Traditional Neighborhood or Neighborhood Form District the applicable standards of the adjacent district shall apply.

3. Non-Residential Building Setbacks

a. Front and Street-Side Setback – 50 feet along public streets or expressways that form the perimeter of the form district, and 25 feet along public streets and private access easements internal to the form district.

b. Side Setback – There is no minimum requirement except where adjacent to a residential use or zoning district, in which case a minimum side setback of 20 feet shall be maintained.

c. Rear Setback – The minimum setback shall be 20 feet. Sites within a form district transition zone shall meet the setback requirement of the adjacent form or 20 feet, whichever is greater.

d. Building Height -– 150 feet; however, if located in a form district transition zone, the maximum height shall be as defined in Section 5.7.1 B1.

e. Multiple Principal Structure Setbacks – Common wall construction is permissible. Principal structures on the same or adjacent lots constructed as detached buildings shall maintain the following minimum separations:

i. Building wall has primary entrance or exit - 25 feet.

iii. Building wall has secondary entrance or exit – 20 feet.

iii. Building wall has no entrance or exit: - 10 feet.

D. Residential and Support Uses

1. Residential Use - Up to 25 percent of any development site may be allocated to residential development without any corresponding decrease in the maximum allowable square footage or intensity of non-residential uses allowed in the underlying zone district, provided that all other development standards set forth in this code are complied with. Calculation of permissible residential density shall be based on the net site area, regardless of the amount of non-residential floor area constructed on the site.

2. Incentives for Support Services – Principal structures within the CFD used for office, educational or institutional purposes may devote up to five percent of the building square footage to retail uses that primarily serve employees and residents of the CFD, without any corresponding decrease in the maximum allowable square footage or intensity of non-residential uses allowed in the underlying zoning district. The parking requirement for these support services shall be 50% of the minimum established in Chapter 9 Part 1 (Parking).

Campus Threshold Table

The following standards shall apply to all developments meeting the thresholds and applicability requirements set forth in Table 5.3.6 below..

Expansion of existing and creation of new residential structures or units, and creation of residential lots shall be subject to the standards of either the Neighborhood Form District (Section 5.3.1) or Traditional Neighborhood Form District (Section 5.2.2), see Section 5.3.5 C.2 for details.

CFD **Table 5.3.6** Thresholds	**Part 8 Streets and Road Side Design**	**Part 9 Transit and Connection**	**Part 7 Transition**	**Part 5 Non-Residential and Mixed Use Site Design**	**Part 6 Building Design**	**Part 10 Traffic Impacts**	**Part 11 Accessory Structures**	**Part 13 Master Plan Requirement**	**Part 12 Open Space**
Category 2									
Accessory Structure: New or Expansion							X		
Construction of building footprint less than 3,000 square feet				X					
Creation of five lots or less	X								
Construction of 50 or more off-street parking spaces	X	X		X					
Construction of building footprint between 3,000 – 30,000 square feet	X	X	X	X	X	X			
Category 3									
Construction of building footprint greater than 30,000 square feet	X	X	X	X	X	X	X	X	X
Creation of a more than five lots	X	X							
Development of a site of 10 acres or more	X	X	X	X	X	X	X	X	X

5.3.6 VILLAGE FORM DISTRICT - OUTLYING

A. Outlying Areas: Low to medium density residential uses situated on a variety of lot sizes.

The VFD is a form typical of outlying communities in Jefferson County that developed as scattered independent population growth centers prior to 1940. For this reason, villages typically have development patterns, particularly in the village centers, which reflect pre-World War II design elements. These may include connected and narrow streets and walkways, compact centers with a variety of village-serving uses, and designated sites for civic, historic, and cultural buildings, surrounded by rural lot patterns and a green belt.

B. Relationship To The Comprehensive Plan

The VFD is intended to implement the following Cornerstone 2020 Comprehensive Plan Goals, Objectives and Plan Elements:

Community Form Goals C1, C2, C3, C4	Community Form Objectives C1.1, C1.2, C2.1, C2.2, C2.3, C2.4, C2.5, C2.6, C2.7, C3.3, C3.5, C3.6, C3.7, C4.1, C4.2, C4.3, C4.4, C4.5, C4.6, C4.7	Guidelines 1, 2, 3, 4, 7 and 9

C Intent and Applicability

The Village Form District (VFD) is broadly characterized as having a range of low to medium density residential uses in outlying areas integrated with shops, services and offices in the form of Village Centers. A Village Form District may have more than a single center. Building design in the Village Centers respects a traditional pattern of development in which buildings blend with the character of the landscape and pedestrian mobility is prominent..

The provisions of this section are intended to ensure that new development within the VFD is consistent with the established and desired pattern and characteristics of development within the district.

D. Description of Village Outlying Areas

1. Village Outlying Areas—This development pattern is primarily single family residential and multi-family residential development, with some small scale commercial or office. The maximum building square footage for non-residential uses within the designated outlying areas is 5,000 square feet.

E. Dimensional Standards Village Outlying Areas

Developments in the Village Outlying Areas shall conform to the Neighborhood Form District dimensional standards (Table 5.3.1).

F. Design Standards Village Outlying Area

Developments within the Village Outlying Area shall conform to the Neighborhood Form District design standards as listed in the applicable threshold table (See Table 5.3.3 of this part.).

G. Open Space : New major single family residential subdivisons of 25 acres or more and multi-family developments of 50 units or more, located in the Village Outlying Area, shall provide at least 15% of the gross site area in common open space which meets the requirements of Chapter 10 Part 5. Open space provided to meet this requirement may be used for credit under the Alternative Development Incentives or the development potential of the open space may be transferred to the remainder of the site in accordance with Section 5.12.2.

5.4.1 Traditional Form Districts (except for DFD)

Traditional site design pattern. Residential lots in traditional form districts exhibit a distinct pattern of placement of principal and accessory structures, their relationship to streets and alleys, and provision for open areas. To reflect these characteristics, residential lot and building design requirements are described in terms of the following four basic components of a lot or building site: the public realm area, the principal structure area, the private yard area, and the accessory use/structure area. New and infill context development in the traditional forms shall maintain this pattern.

__Note__. Public Realm is defined as the area of the lot between the public right-of-way and the front of the principal structure or to the required principal structure setback/build-to line if there is no principal structure on the lot.

Alternative Development Standards. Sites developed in accordance with the Alternative Development Incentives regulations (Chapter 4 Part 5) or the Planned Residential District (Section 2.7.3) shall meet the lot and setback dimension standards of 5.2.2.D. instead of the requirements established in Table 5.2.2

A. Public Realm Area (see figure 5.4.1)

1. Encroachments/accessory structures. Encroachments and accessory structures are not permitted in the Public Realm except:

   a. Fences and walls that are no more than 42 inches in height may be located within the required front and street side yards and fences must be either painted or stained. Pickets must be vertical and spaced no less than 4 inches apart.

   b. Steps, stoops and open, unenclosed porches may encroach up to 100% of the distance of the principal structure setback from the right-of-way, provided that the encroachment occupies no more than 33% of the public realm and does not conflict with utility easements.

   c. Awnings may extend 48 inches into the public realm.

   d. Porches and awnings must be constructed as extensions of the principal structure and shall not be freestanding.

   e. Parking is permitted only in driveways that lead to a garage or rear yard parking area.

   f. Public utility easements.

2. Access. An improved means of pedestrian access to the principal structure shall be provided between the right-of-way/sidewalk and the principal structure entrance that is facing the street.

__NOTE:__ Principal Structure Area is defined as the area of the lot located between the Public Realm Area and the Private Yard Area and is occupied by one or more principal structures.

B. Principal Structure Area

1. Orientation. The entrance of the principal structure(s) shall be oriented to the primary street.

2. Parking. Off-street parking is prohibited in the principal structure area unless there is no alley access and the primary ingress and egress to the parking is from the public realm area. In this case, parking is allowed in a driveway, garage or in a driveway leading to a garage or rear yard only. Detached garages may be allowed in the Principal Structure Area where there is no alley access (lots

not adjacent to an alley or where access to an alley is infeasible based
on a determination by the Public Works Director) as long as the required side yards as specified in Table 5.2.2 are maintained. See paragraph D.9 for specific design standards.

C. Private Yard Area

1. Permitted Structures. Unroofed pools, atriums, gardens, garden courts, walks, patios, unroofed decks constructed at the same elevation as the first floor of the residence and other similar improvements arepermitted; the area occupied by these improvements shall be considered in the calculation of the required private yard area. The area occupied by other improvements, including storage sheds, other accessory buildings and breezeways shall not be considered private yard area. Storage sheds may not exceed 120 square feet in area. Off-street parking is prohibited in the private yard area; however, in cases where access from the alley is not feasible, driveways leading to a garage or parking space in the accessory structure area may be located in the private yard.

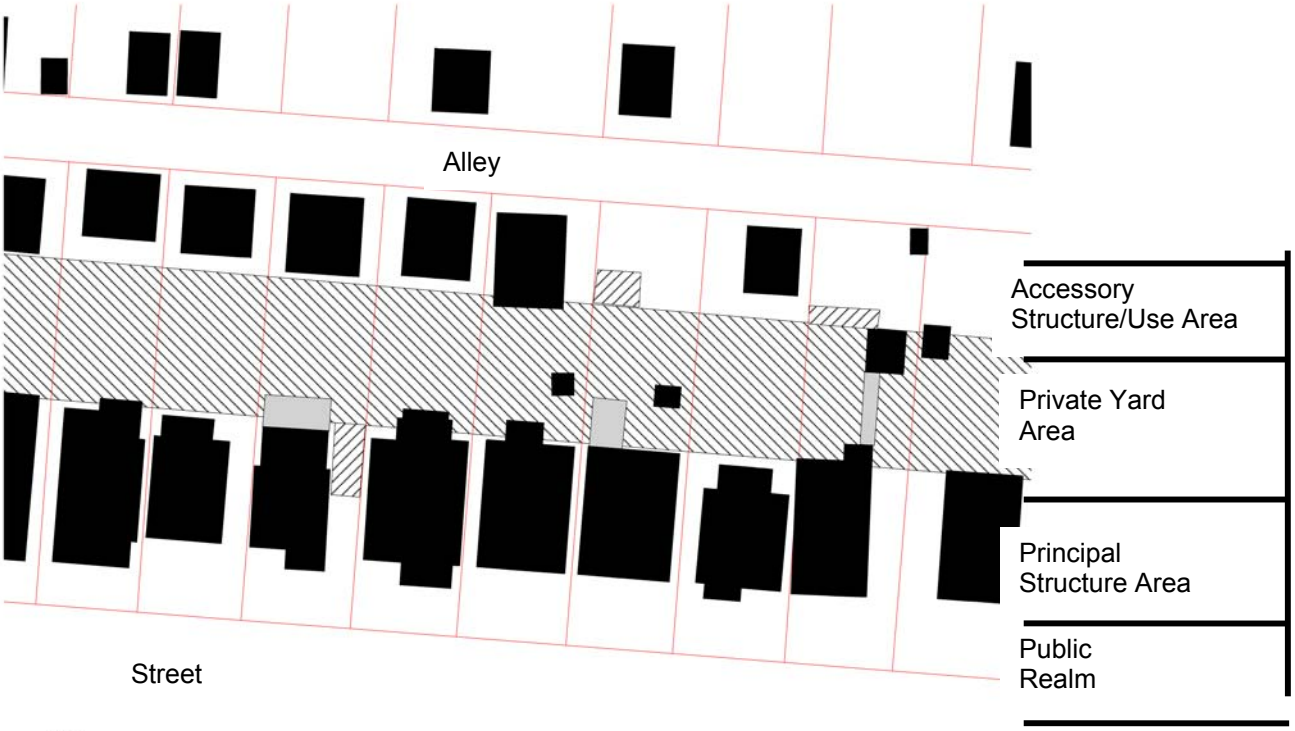
2. Dimensions. The Private Yard Area shall be at least 30% of the area of the lot and shall be located between the principal structure and the accessory structure area. The private yard shall be composed of contiguous open area, and shall have a minimum dimension of 10 feet. Exception: Lots under 6,000 square feet. See paragraph 4 below.

3. Lots under 6,000 square feet. The private yard area for existing or newly created lots less than 6,000 square square feet shall be at least 20% of the lot area and shall be located between the Principal Structure Area and the Accessory Structure Area. See figure 5.4.1 below

4. Design Standard for Breezeways. An open air or enclosed structure (“breezeway”) connecting the principal structure and an accessory structure located at the rear of the lot may be allowed provided that the breezeway does not exceed 14 feet in height.

NOTE: *Private Yard Area is defined as the area of the lot located between the Principal Structure Area and the Accessory Structure Area. It must be unenclosed and open to the sky except for permitted fences and decks.*

Figure 5.4.1



Private Yard area to compensate for encroachments in Private Yard

Permissible Structure in Private Yard Area

30% of lot area must be Private Yard area, except that lots under 6,000 square feet have a Private Yard of 20% of the lot area.

D. Accessory Structure/Use Area

1. Length. The Accessory Structure/ Use Area shall not exceed 50 feet in depth. On lots in excess of 180 feet in depth or without alley access (lots not adjacent to an alley or where access to an alley is infeasible based on a determination by the Public Works Director), the accessory structure/use area shall not exceed a depth of 60 feet.

2. Rear yard requirement. The minimum rear yard requirement shall be 5 feet from rear property line. Structures are not permitted in the rear yard. This minimum rear yard is also the minimum size of the accessory structure/use area. This five (5) foot setback cannot be counted toward the private yard requirement. Parking in the required rear yard is permissible adjacent to an alley, provided that vehicles are parked at least two feet from the alley's edge of pavement.

Multiple accessory structures are permitted as long as the cumulative area does not exceed 1,000 square feet, larger lots may have a greater cumulative area in accordance with D.5.

3. Parking Access. Access to parking shall be achieved through a rear alley. Parking is to be provided within the Accessory Structure/Use Area. In cases where alley access is not feasible, access to the Accessory Structure/Use Area is permitted from the primary street.

4. Maximum Size of Accessory Structures. Accessory structures for single family residential use shall have a maximum building footprint of 1000 square feet. *

5. Additional Accessory Structures. More than one accessory structure may be placed in the Accessory Structure/Use Area on lots greater than 12,000 square feet provided the total square feet of all accessory building footprints is no greater than 1200 square feet.

NOTE: *Accessory Structure Area is defined as the area that lies between the Private Yard and the alley or rear property boundary. Most commonly used for off-street parking, accessory structures such as carriage houses and garages, and as access to the property from the alley or secondary street.*

Kentucky Building Code may require fire-rated construction for structures located less than three feet from a property line

6. Side Setback of Accessory Structure. The minimum setback from side property lines for an accessory structure shall be 2 feet, except that accessory structures and uses shall observe the same setback from street side property lines as required for principal structures. *

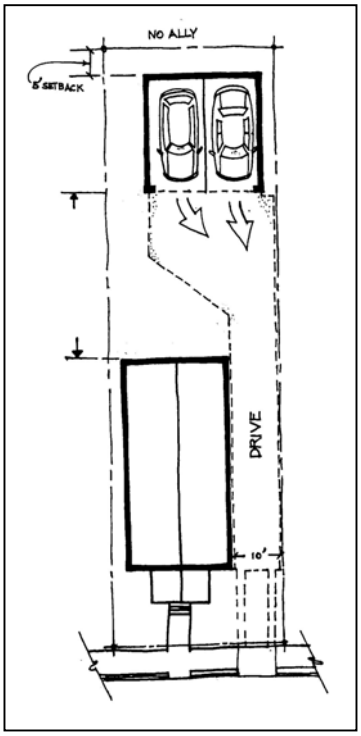
7. Accessory Structure Height. The maximum height of accessory structures shall be 24 feet from the existing grade. New accessory structures shall be subordinate in size to the principal structure on the lot.

8. Orientation of Accessory Structures containing a dwelling unit. The principal entrance shall face the private yard or sideyards. Architectural treatment and materials shall be comparable to those of the front façade of the principal structure. The garage door used for vehicle access shall face the alley.

9. Design Requirements for Garages with No Alley Access. Garage access shall be provided from rear alleys, except in cases where rear access from the alley is not feasible, in which case the following requirements shall apply to all residential development:

a. Single Family Detached and Semi-Detached Units. Garages for single-family detached and semi-detached units shall meet one of the following design options:

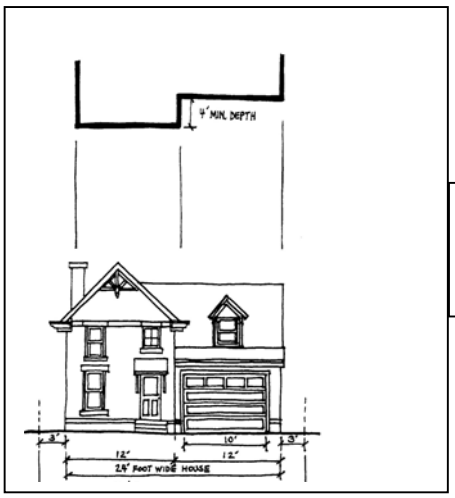
Detached Garage (Option A). Front-loaded garages are permitted in the Accessory Structure Area with a driveway that provides access from the primary street. See Illustration.



Front Entry Garage –

Option A

Attached Garage (Option B). An attached garage may be located in the Principal Structure Area if it is set back at least four feet from the front façade of the house. Option B garages shall comprise no more than 50% of the total linear feet of the front façade of a dwelling unit.



Front Entry Garage – Option B

Detached Garage (Option C). On lots without alley access as defined in paragraph B.2, a detached garage may be located within the Principal Structure Area if it is setback at least 20 feet from the front façade.
Detached garages shall be at least six feet from the principal structure.

b. Single Family Attached Units. Garages for Single Family Attached units shall meet one of the following options:

Front Facing. A garage door facing a street shall not exceed a width of ten feet. No more than two garage doors facing a street may be located in a row, and such rows of garage doors must be separated from any other garage door facing a street by at least ten feet.

Side Entry. Garage doors are perpendicular to the street which the front façade faces.

c. Multi-family Units

Parking areas or detached garages for all multi-family buildings may not be located between the front façade of the building and the primary street. Attached and detached garages for multi-family buildings shall be located to the side or rear of the principal building, and the garage doors shall not be on the front façade. Garages may also be located under the multi-family structure; garage doors on the front façade are permissible if the top of the door is at or below the mean elevation of the established grade of abutting public right-of-way.

d. Additional Garage Design Requirements

Garages for residential units may be attached or detached. In addition to these requirements, detached garages shall meet the requirements for accessory structures.

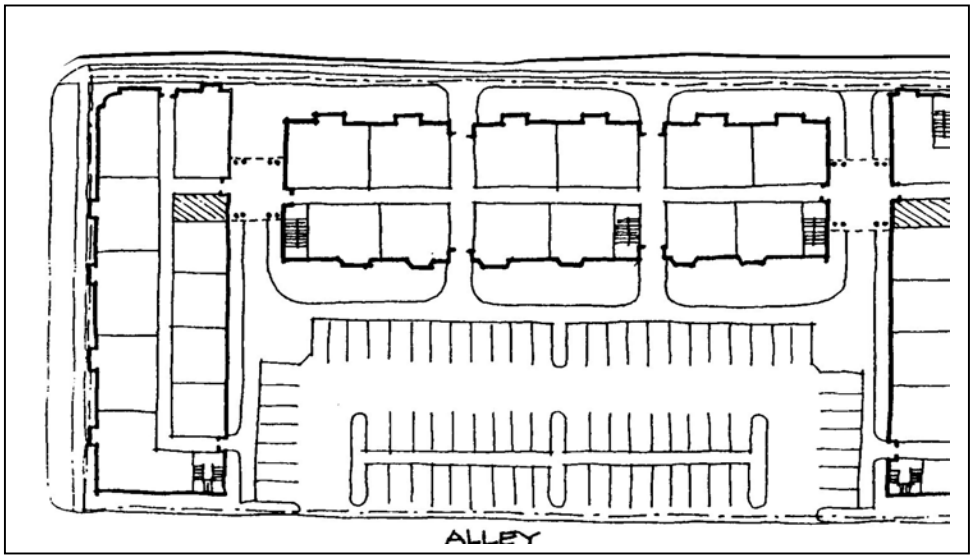
E. Multi-family development.

Multi-family developments. Multi-family developments that do not maintain the four areas of the traditional neighborhood site design pattern may use alternative site designs that meet the following:

1. Front setback/build-to lines meet requirements in Table 5.2.2;

2. Parking is in the rear of the lot, takes access from the alley if there is an alley, and is screened from the street by a building or street wall; and

3. The site plan complies with the standards of Section 5.12.4..



F. Infill Context

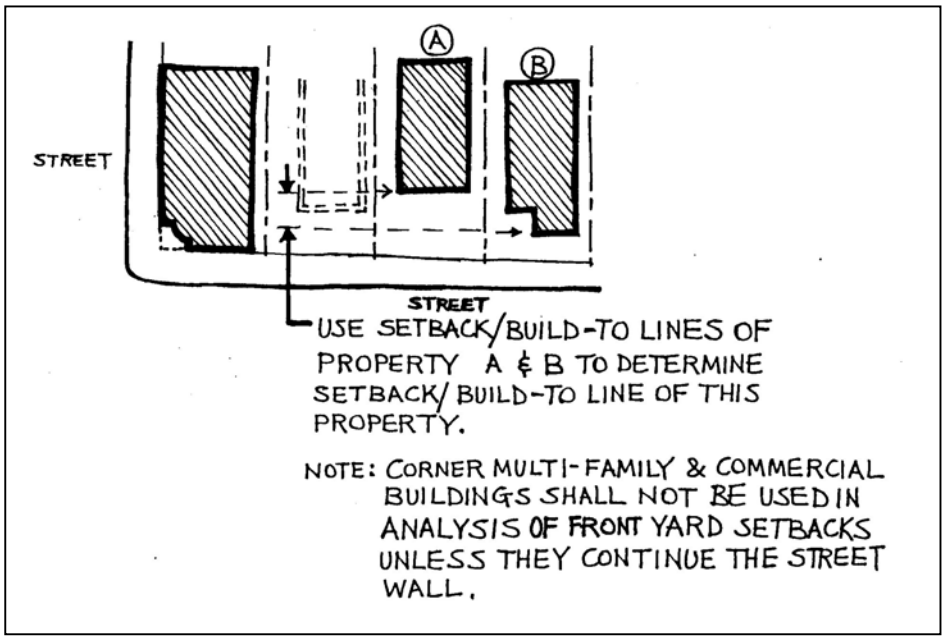
Where 50% or more of the street frontage (linear distance) within the same block face is occupied by principal structures, Infill Context requirements apply, in addition to the standards of paragraphs A through C of this section. For infill sites, the following standards take the place of applicable standards in Table 5.2.2. Sites that do not qualify as Infill Context sites shall be developed in accordance with Table 5.2.2.

1. New lots in an Infill Context shall vary from the established lot pattern (average lot width and depth) by no more than 10%.

2. Public Realm Area. Infill Context

   a. Front Setbacks. New structures shall be built within the setback lines of the two nearest existing residential structures.

      Exception: Corner structures shall not be used in the setback/build-to analysis unless they continue the residential street wall. In cases where the above conditions do not apply, the setback/build-to line will be that specified in Table 5.2.2.



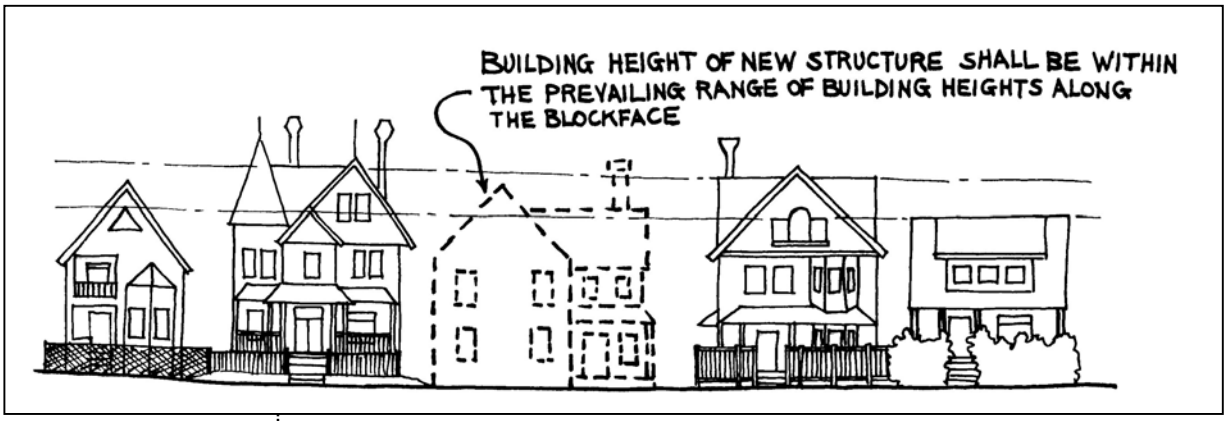
   b. Encroachments - Infill context. Open, unenclosed porches may encroach into the Public Realm by the average amount of encroachment of the two closest properties with open, unenclosed porches.

3. Principal Structure Area. Infill Context

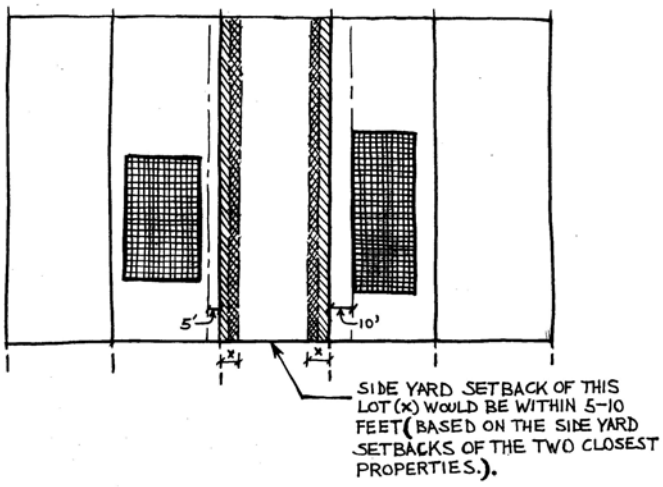
a. Building Height. The building height shall comply with one of the following standards:

i. Building height shall be within 10% of the average height along the block face (for corner lots, the average height shall be calculated based on existing structures along both block faces); or

ii. building height shall fall within the range of the two nearest existing structures within the same block face; or building height may be as permitted in Table 5.2.2.



b. Street Side Yards and Side yards. The street side yard setback shall be equal to or greater than the street side yard of the adjacent property. The side yard setback shall either fall within the range of those of the two closest constructed residential properties or shall be 3 feet, whichever is greater. Exception: Corner buildings with non-residential, multi-family and mixed uses shall use Table 5.2.2.



c. In cases where the above conditions do not apply, the building heights and setback/build-to lines will be specified in Table 5.3.1.

4. Accessory Structure/Use Area. Infill Context

a. Size and Scale. Accessory structures for single family residential uses shall not exceed a maximum building footprint of 1000 square feet.*

b. Rear Yard Setback. Accessory structures shall be located at least five feet from the rear lot line.

c. Height. The permissible height of accessory structures shall be a maximum of 24 feet from the existing grade of the Accessory Structure Area. New accessory structures shall be subordinate in height and area to the principal structure on the lot.

5. Single Family Residential Tree Requirement

a. Construction of a new single family or duplex structure on a residential lot shall provide at least one Type ‘A’ or two Type ‘B” trees on the lot. Preservation of existing trees that meet the required tree type shall fulfill this requirement. Street trees do not fulfill this requirement.

G. Planned Development Option.

The Planning Commission may approve an alternative site design pattern for developments creating three or more contiguous residential structures. Sites developed under this Planned Development Option shall not be subject to the standards established in Paragraphs A through E of this Section. The applicant shall submit a detailed site plan and written justification for any divergence from the standards otherwise applicable in the traditional form districts. The site plan shall indicate the location of all proposed structures or buildable areas, yards and open spaces, as well as parking areas and driveways. The justification shall demonstrate how the proposed plan is compatible with adjacent development, and fulfills applicable provisions of Cornerstone 2020.

5.4.2 Suburban Form Districts

A. General Standards

1. Residences served by alleys constructed with a minimum paved width of 18 feet shall not have curb cuts from the primary street serving the lot.

2. A single family residence (principal structure) may extend into the required rear yard as established in the applicable zoning district, provided that such structure meets the following criteria:

   a. The residence may occupy no more than 30% of the required rear yard; and
   b. For purposes of this section, an open, unenclosed deck located at the first floor elevation of the house shall not be considered an encroachment in the required rear yard, provided that the setbacks established in Part 11 are maintained.
   c. The cumulative total area of building footprint, including accessory structure(s) and residence, shall not exceed 50% of the area of the required rear yard.

3. Alternative Development Standards. Sites developed in accordance with the Alternative Development Incentives regulations (Chapter 4 Part 5) or the Planned Residential District (Section 2.7.3) shall meet the lot and setback dimension standards of Section 5.3.1.D. instead of the requirements established in Table 5.3.1

4. Where permitted by applicable form district and zoning district standards, multi-family residential structures in excess of 2 stories shall be permitted provided that the three-story or taller portion of any building shall be setback a minimum of 50 feet from abutting detached single family residential developments.

B. Non-Infill Context

1. New single family major subdivisions having frontage on roadways classified as collectors or arterials shall meet one of the following standards:

   a. A frontage road or alley shall be provided to serve lots adjacent to the collector or arterial, and houses shall be designed to face the collector or arterial. Privacy fences are not permitted between the front façade and the right-of-way of the collector or arterial; or

   b. A 20 foot landcape buffer area, in addition to the front yard or street side requirement in Table 5.3.1, shall be provided for building lots adjoining the right-of-way. The landscape buffer area shall include a berm, hedge, fence or wall adequate to form an effective visual screen at least six feet in height. At least 50% of the surface area of wooden privacy fences shall be screened from the roadway by evergreen vegetation. The landscape buffer area shall be maintained by a community or property owners association rather than individual lot owners. A landscape plan for the buffer area shall be submitted for review and approval by DPDS staff.

C. Infill Context

Where 50% or more of either the lots or street frontage (lineal distance) within 200 feet of the subject site and on the same side of the street are occupied by principal structures, the following requirements apply instead of applicable standards in Tables 5.3.1 and 5.3.2.

1. Construction of new or expanded principal residential structure on lots created prior to the effective date of this regulation, or on parcels created by minor plat after the effective date, shall fall within the range of the front setbacks of the two nearest principal residential structures. The side setback shall fall within the range of the two nearest principal residential structures or three (3) feet, whichever is greater.The minimum street side yard setback shall be that of the nearest principal residential structure(accessory structures are excluded from this provision).

2. The Infill Site Context standards shall not apply if property within 200 feet of the subject site and on the same side of the street is developed at a density less than one dwelling per acre.

3. Single Family Residential Tree Requirement

a. Construction of a new single family or duplex principal structure on a residential lot shall provide at least one Type 'A' or two Type 'B" trees on the lot. Preservation of existing trees that meet the required tree type shall fulfill this requirement. Street trees do not fulfill this requirement.

D. Accessory Structures

1. Maximum Size - The maximum building footprint for an accessory structure~~s~~ for single family residential buildings shall not exceed 1,000 square feet. Accessory structures with building footprint greater than 1,000 square feet may be permitted in accordance with Section 4.3.5. Multiple accessory structures are allowed, subject to the limits established in paragraph 3.b, below.[1]

2. Structures/Uses in a Required Front Yard and Street-Side Yards – Accessory structures for residential buildings other than permitted fences shall not be constructed within a required front yard setback shown in Table 5.3.1. However, open, unenclosed porches are permitted to encroach into a front yard setback for a maximum distance of 10 feet. Awnings may extend 48 inches into the front yard setback. Porches and awnings must be constructed as extensions of the principal structure and shall not be freestanding.

3.. Accessory Structures/Uses in a Required Rear or Side Yard – Accessory structures and uses for residential buildings may be permitted in a required side or rear yard setback when the following standards are met:.[2]

a. The minimum setback from a rear property line shall be 5 feet.. The minimum setback from side property lines shall be 2 feet (3 feet within the City of Jeffersontown, see appendix 1B for details), except that accessory structures and uses shall observe the same setback from street side property lines as required for principal structures. Parking areas shall be at least 5 feet from the required rear property line. Parking is permitted within required side yards.[3]

b. The cumulative total area of building footprint, accessory structure(s) and residence, shall not exceed 50% of the area of the rear yard.

[1] See appendix 1B and 1C for changes to this paragraph in effect within the City of Jeffersontown and the City of Middletown, respectively.
[2] See appendix 1B for changes to this paragraph in effect within the City of Jeffersontown.
[3] See appendix 1C for changes to this paragraph in effect within the City of Middletown.

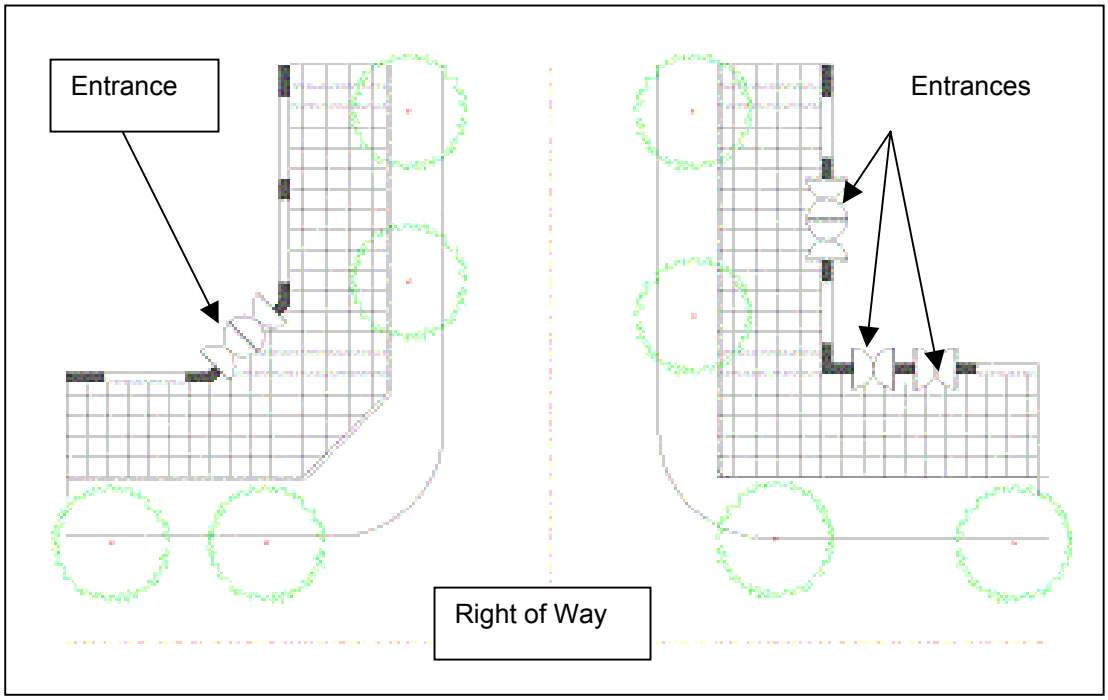
5.5.1 Traditional Form District Design Standards

A. General Site Design Standards (Downtown Form District excluded)

1. Building Location and Orientation

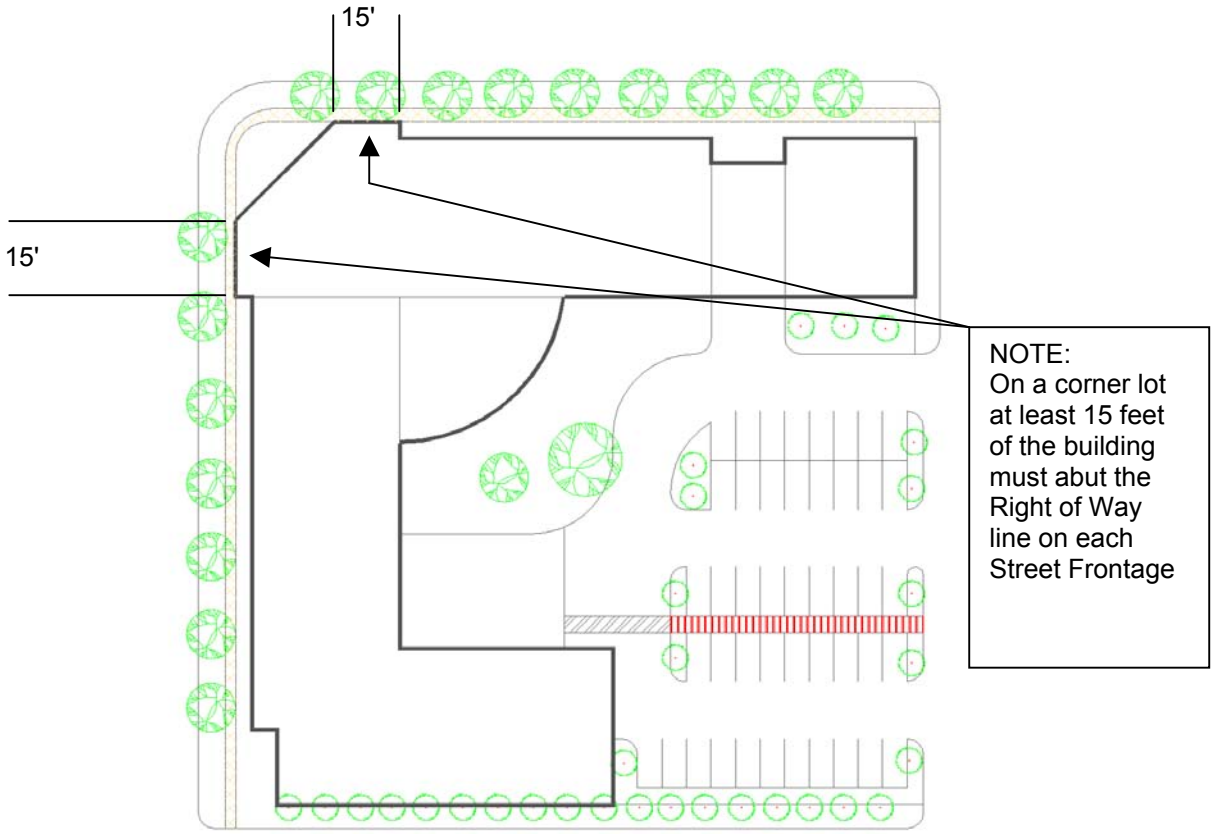
a. Principal building entrances shall face the primary street serving the development or shall be oriented toward a focal point such as a landscaped public square, plaza or similar formal public open space. All structures that are located along the primary street serving the development shall also have doors or windows facing the primary street (see b. Below for lots with more than one street frontage). Principal buildings shall be parallel to the primary street. If the prevalent (more than 50%) orientation of buildings on the block is at an angle to the street, the new building's orientation shall be the same as other buildings. The walls of buildings on corners should be parallel to the streets.[1]

b. Retail and office uses within buildings facing two or more streets shall have at least one customer entrance facing the primary street and one customer entrance facing the second street or instead of two entrances, a corner entrance.



[1] See appendix 1C for changes to this paragraph in effect within the City of Middletown.

2. Corner Lots. On corner lots, the building shall be constructed at the right-of-way line along both of the streets for a minimum of 15 linear feet, measured from point of intersection of the two right-of-way lines. Exceptions: 1) if a principal building or tenant entrance is at the corner, the entrance may be recessed at a 45 degree angle to both streets as long as 15 linear feet of building frontage is constructed along each street starting at the edge of the angled entrance; 2) if the sidewalk abutting the required minimum 15 linear foot corner is less than 5 feet wide at the corner, the building may be set back a maximum of 8 feet from the right-of-way line. Lots with more than one street corner shall build to the corner that contains frontage on the primary street. The intersection of a street with an alley shall not be considered a street corner.



3. Parking Location:

   a. Parking Location and Design. Parking lots shall not be permitted in front of buildings and shall be located and designed to reduce or eliminate visual or operational impacts to surrounding properties. Parking lots at or within the maximum setback shall not be closer to the right-of-way line than the principal structure(s). Side parking that exceeds 40 percent of the total linear lot frontage adjacent to right-of-way shall provide a minimum 3 foot masonry, stone or concrete wall that makes reference to a similar design within the surrounding area extending from the principal structure across the front of the parking area. Surface parking lots with no principal structure(s) shall provide the 3 foot wall as described above. EXCEPTION: Industrial uses are exempt from the 3 foot wall requirement as described above.

   Connections from public right-of-way through parking areas shall be provided in accordance with Chapter 5, Part 9 Transit and Connections

   b. Parking Lot Design. Where an alley exists, vehicular and parking access to the site shall include alley access.

   c. Parking decks. Surface or structure parking shall not be located between the public right-of-way and building facades. Parking decks that are visible from a public street shall be consistent with the design and materials of the principal structure.

   d. Connections between Parking Lots – Vehicular and pedestrian connections between parking lots of abutting developments are required in order to reduce traffic on main thoroughfares and to allow customers to visit multiple establishments without moving their vehicles. (Note: Not required for TWFD)

4. Loading and Refuse Collection Areas:

   a. Loading Areas. Off-street loading and refuse collection areas shall be located and screened so as not to be visible from adjacent public streets and from residential uses.

   b. Front loading docks (on the primary facade) are not permitted. On-street loading areas are discouraged unless rear or side loading areas are not possible due to site constraints.

Parking should have the same qualities and characteristics as any other downtown development, relating strongly to nearby buildings and should be designed to promote comfort and safety for pedestrians on the street and the sidewalk.

5. All attached and detached canopies for gas stations, banks and other similar uses shall not be between the associated principal structure and the public street. There shall be no drive lanes between the principal structure(s) located between the maximum setback and the public street. Detached and attached canopies for fueling stations and banks shall not be closer to the public street than the structures located between the maximum setback and the public street.

6. Secondary Structures. Separate, secondary structures (includes but not limited to, freestanding canopies over gas pumps, cashier booths, bank drive-throughs and car washes) shall have the same architectural details, design elements, building materials, and roof design as the primary structures.

B. Downtown Form District

1. Parking and loading standards have been established for the Downtown Form District to manage the supply of off-street parking to improve mobility, promote the use of alternative modes of transportation, support existing and new economic development, maintain air quality, and enhance the urban form of the District. Parking shall be furnished in conformance with Chapter 9 Part 1 (Motor Vehicle Parking and Loading Standards), except as provided in this subsection.

a. Surface Parking

i. Surface parking lots shall be prohibited along the Main Street and Fourth Street rights-of-way.

ii. Surface parking shall be located completely behind all principal structures and shall be accessed at the rear of the property via an alley. When alley access is not possible, the Director of Works shall determine access.

iii. Landscape screening and tree canopy requirements for surface parking areas shall conform to Chapter 10 of these regulations with the exception that tree canopy requirements shall be provided for any new surface parking area or any existing surface parking area when 25% or more of the lot is resurfaced.

iv. Surface parking lighting shall conform to Chapter 4 Part 1, Lighting Standards.

b. Parking Structures

i. Parking structures shall adhere to all building location and design standards set forth in Section 5.2.1 and Section 5.6.2 of these regulations.

ii. Ramped floors shall not be visible from the street.

iii. At least 50 percent of the first floor street facade must be developed for Retail or Office uses. Areas designed to accommodate these uses may be developed at the time of construction, or may be designed for later conversion to such uses.

iv. Garage entries and exits for both pedestrians and vehicles shall be clearly marked by materials, lighting, signage, etc., to ensure pedestrian safety.

***NOTE**: The parking lot design standards apply to lots constructed after the effective date of the LDC. Retrofitting of existing facilities is not required.*

5.5.2 Suburban Form District Design Standards

A. Building Location and Orientation

1. Principal buildings and building entrances on a site shall have entrances and glazing, display windows or windows affording views into the business which face the abutting public street serving the development In the alternative, principal buildings and entrances shall be oriented toward a focal point. Structures located at a street corner may have a single entrance, located at the corner of the building. Buildings with frontage on two streets shall have consistent building design and materials on each façade. Internally oriented structures closest to the public street(s) serving the development shall also have doors or windows facing the street.[2]

B. Parking and Loading Design and Location

1. Parking Lot Configuration

a. Connections between Parking Lots – Vehicular and pedestrian connections between parking lots of abutting developments are required in order to reduce traffic on main thoroughfares and to allow customers to visit multiple establishments without moving their vehicles. (Note: Not required for SWFD and CFD)

2. Loading Areas – Off-street loading and refuse collection areas shall be located and screened so as not to be visible from adjacent public streets and residential uses. Screening may be accomplished through use of a fence with landscaping that at maturity will equal the height of the fence, or a wall constructed of the same building materials as the principal structure.

C. Suburban Form District Specific Design Standards

1. Suburban Workplace Form District

a. Loading Areas – Loading areas shall not be located in the required front or street side setback.

[2] See appendices 1B and 1C for changes to this paragraph in effect within the City of Jeffersontown and the City of Middletown, respectvely.

2. Campus Form District

a. Parking Lot Location – Parking shall not be located in the required front, side or rear setbacks. No more than 50% of the required parking spaces shall be located between a building and the abutting primary street or private access easement that provides the principal means of access to parcels in major subdivisions.

b. Loading docks are not permitted on primary façades.

5.5.3 Mixed Use Development (not applicable within DFD and NFD)

A. Up to 25 percent of any non-residential development site may be allocated to residential development without any corresponding decrease in the maximum allowable square footage or intensity of non-residential uses allowed by the underlying zoning district. Calculation of permissible residential density shall be based on the net site area, regardless of the amount of non-residential floor area constructed on the site. Upper story office and residential uses shall be excluded from the calculation of a site's permissible floor area in the following circumstances.

1. Up to three stories (not to exceed maximum height within form district) of residential use, when located above first floor office or commercial use.

2. Up to two stories (not to exceed maximum height of form district) of office use, when located above office or commercial use.

5.5.4 Form District Specific Compatibility Standards

A. Town Center Form District Specific Compatibility Standards

1. Building design may be used to ensure a compatible transition between uses (e.g., location of principal structures, garages, parking areas, alleys, or similar features may provide a buffer between residences and adjacent areas).

2. Perimeter masonry walls or a combination of masonry wall and landscaping between residential uses and more intense uses may be substituted for the required property perimeter buffer yard to promote a more compact pattern of development.

B. Suburban Workplace Form District Compatibility Standards

1. Industrial uses, including structures, loading and truck parking areas, and outdoor storage located within 200 feet of and having a common lot line with residentially used or zoned parcels shall include a 50 foot landscape buffer area with a 6 foot berm and canopy trees as required by Chapter 10, Part 2.

C. Traditional Marketplace Corridor Form District Compatibility Standards

1. Fences or walls (minimum 80% opacity) may be substituted for the required property perimeter buffer yard to promote a more compact pattern of development. Tree planting as specified in Chapter 10, Part 2 is still required for sites using fences or walls in lieu of a perimeter buffer yard. Such fences or walls shall be six feet in height and constructed of durable materials compatible with the visual character of the surrounding area. The Planning Director shall determine acceptable wall and fence materials.

2. Development within the TMCFD shall be designed to incorporate enhanced protection and noise reduction measures next to residential uses.

Examples of measures to enhance compatibility with residential uses include, but are not limited to:

- *Location of obtrusive uses such as truck access and loading areas and outdoor trash areas away from residential uses*
- *Use of a rear alley to separate rear parking lots and adjacent residential lots*
- *Screening of mechanical equipment*
- *Enhanced lighting controls*

Controls on the location of outdoor use areas (e.g., vending areas, garden display areas, etc.)

D. Traditional Neighborhood Form District Compatibility Standards

1. Non-residential and mixed-use development shall be designed to incorporate enhanced buffer protection and noise reduction measures next to residential uses. Examples of additional buffers and noise reduction measures include:

   a. Location of obtrusive uses such as truck access, loading and outdoor trash areas away from residential uses.

   b. Location of outdoor use areas and vending areas away from residential uses.

5.6.1 Non-Residential and Mixed Use Building Design Standards

A. Building Façade Treatment for buildings within Traditional Form District (excludes DFD)

1. There shall be no blank walls facing public streets, sidewalks, and adjacent front yards of residential uses. Ground floor facades at these locations shall be articulated to provide visual interest and a human scale that are representative of the form district. Such facades shall employ the use of windows, columns, pilasters, piers, variation of material, entrances, storefront windows, and other animating features along no less than 75 percent of their length.

   Exception:
   Within the **TWFD**, animating features of the façade shall be designed along no less than 50% of the length of the façade.

B. Building Façade Treatment for buildings within the Suburban Form Districts

1. There shall be no blank walls facing public streets. Ground floor facades at these locations shall be articulated to provide visual interest and a human scale that are representative of the form district. Such facades shall employ the use of windows, columns, pilasters, piers, variation of material, entrances, storefront windows, and other animating features along no less than 60 percent of their length. In addition, façades greater than 100 feet in length, measured horizontally, shall incorporate any combination of the following features: wall plane projections having a depth of at least 18 inches or recesses having a depth of at least 3 feet, or building entrances/glassed in areas extending at least 20 percent of the length of the facade. No uninterrupted length of any façade shall exceed 100 horizontal feet..

   Exceptions:

   a. Within the **RCFD, SMCFD** and **SWFD**, Ground floor level of primary façades having the principal customer entrance shall have a combination of the following animating features along no less than 60 percent of their horizontal length:

      i. Transparent doorways and entry areas that allow a view into the building; measures to control sunlight are specifically authorized;

      ii. Display windows open to the store interior with a minimum height of eight feet and having a maximum sill height of two feet (retail uses);

      iii. Windows that comprise at least 50% of the area of the ground floor façade (office uses);

iv. One tree shall be planted within 15 feet of the building, for each 50 feet of façade length. Trees may be clustered but distance between trees shall not exceed 100 feet. Tree species shall be selected from the Preferred Plant List that will equal or exceed the height of the adjacent building, at maturity. This requirement shall be in addition to trees required in parking lot interior landscape areas.

b. Within the **CFD**, no uninterrupted length of any primary façade shall exceed 50 horizontal feet.

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C. Building Window Design

Enliven facades by providing visibility into building interiors from the street or other public space

1. Commercial, including but not limited to retail, wholesale, bank, office, and service establishment uses shall have 50% of the wall surfaces at street-level consisting of clear windows and doors. Display cases with a depth of 18 inches or less and that are attached to or recessed in the outside wall do not qualify. Entrances and windows shall be clear glass and allow a view into the building. Measures to control sunlight are specifically authorized. The tops of windows shall be at least eight feet high measured from the sidewalk. The bottom of the windows shall be no more than two feet above the sidewalk. Where entrances of buildings on corner lots are not located at the corner, display windows facing both streets are required at the corner.

   Exception:

   For restaurant uses, the tops of windows shall be at least eight feet high measured from the sidewalk and shall be at least four feet high in total vertical height..

D. Roof lines, rooftop equipment, etc.

Roof lines shall be varied to reduce the massive scale of large buildings and to complement the character of roofs within the Form District. Building facades of **Commercial, Retail, and Institutional** uses that exceed 100 feet in length measured along the street frontage shall have variations in roofline or rooftop parapet to reduce the massive scale of large buildings and to complement the character of the form district. Rooftop equipment shall be concealed behind parapets or screened from view by pedestrians. Sloping roofs with a vertical rise that exceeds the average height of supporting walls are not allowed.

5.6.2 Downtown Form District Building Design Standards

Building design standards have been established within the Downtown Form District to allow for architectural diversity while encouraging design of buildings that relate to and reinforce the overall character of their immediate surroundings and to create a strong building-to-pedestrian relationship through the use of building details that establish a human scale. Building design standards shall be applied as follows:

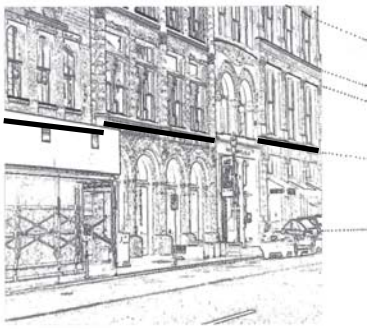
A. Spacing/Rhythm

The primary facade of a new building shall be designed to reflect the rhythm characterized by the surrounding buildings on the same block face.

1. Vertical rhythm – Building facades shall use columns, piers, and window design/placement or similar architectural features spaced no less then every 20 feet and no greater than 40 feet to create vertical breaks at regular intervals.

2. Horizontal rhythm – A clear visual division between the ground floor and upper level floors shall be established using cornice lines, windows or similar architectural elements. The horizontal line established through the use of such architectural elements shall vary in elevation by no more than 36” from one building to the next.

Vertical Rhythm



Horizontal Rhythm

B. Building Facade Treatment

1. Lower Facade –

a. When the ground floor use is nonresidential, at least 50% of the storefront shall consist of clear windows and doors that allow a view into the working areas, lobbies or display windows set into the wall.

b. Principal entry doors shall be oriented toward the street and recessed, covered or otherwise clearly identifiable through the use of architectural design elements. Entry areas shall be well lighted.

2. Upper Façade

a. Windows shall be individually distinguished through the use of sills, lintels, trim, or other architectural elements.

b. Window proportions shall be designed so the vertical dimension is larger than the horizontal dimension.

Upper Facade

Upper Floor Window

Cornice

Lower Facade

Storefront

- Transom
- Display Window
- Entry
- Piers
- Bulkhead

C. Historic Structures

1. Development occurring within a designated Preservation District shall conform to the Louisville Landmarks Commission's procedures and Design Guidelines.

2. Outside designated Preservation Districts, renovation/restoration of the primary facades of Historic Structures, as identified by the Downtown Development Plan or as listed on the National Register of Historic Places, shall conform to the current edition of the *Secretary of the Interior's Standards for Rehabilitation*. Demolition of Historic Structures, as identified by the Downtown Development Plan or as listed on the National Register of Historic Places, shall not be permitted for the creation of surface parking lots or open space.

D. Awnings/Canopies

1. Awnings, when used, shall be installed so that the valance is at least 7'-6" above the sidewalk.

2. The width of a single awning shall extend the full width of the window and shall not exceed 40 feet

3. Canopies shall be at least 18" from the face of curb. Awnings shall not extend into the Streetscape Zone.

E. Lighting – To help create a greater sense of activity, security and interest for the pedestrian, lighting shall be integrated into the exterior design of all structures.

1. Lighting shall be designed in accordance with Chapter 4 Part 1, Lighting Standards.

2. Lighting shall be directed to illuminate the building facade, entries, and storefront windows.

F. Roofs - All mechanical or utility equipment shall be screened or fully integrated into the overall design through the use of like or complementary materials, color, and scale.

G. Parking Structures

1. Parking structures shall adhere to all building location and design standards set forth in Sections 5.2.9 and 5.2.11 of these regulations.

2. Ramped floors shall not be visible from the street.

3. At least 50 percent of the first floor street facade must be developed for Retail or Office uses. Areas designed to accommodate these uses may be developed at the time of construction, or may be designed for later conversion to such uses.

4. Garage entries and exits for both pedestrians and vehicles shall be clearly marked by materials, lighting, signage, etc., to ensure pedestrian safety.

Parking Garage Integrated with existing Architecture

5.6.3 Multi-Family Residential Building Design Standards

A. Plain, monolithic structures with long, unbroken wall surfaces of fifty (50') linear feet or more are prohibited. At least every 50 linear feet, any façade facing a public street or including the principal entrance shall include animating features such as offsets or setbacks with a differential in horizontal plane of three feet, porches, bay windows, balconies, variation in building materials, or other design features approved by the Planning Director or his designee.

B. All sides of a multi-family building shall display a similar level of quality and architectural interest when abutting a public street or perimeter property line.

1. Multi-family structures with attached front facing garages shall meet one of the following standards:

2. The garage doors shall not comprise more than 50% of the total length of a multi-family building's front façade; or .

3. Every two single-bay garage door(s) or every double garage door shall either be offset by at least four feet from the plane of an adjacent garage door(s) or shall be located no closer than 15 feet to the nearest adjacent garage door.

C. Detached accessory structures shall be subject to the following standards:

1. Shall not exceed a height of 20 feet

2. Shall not exceed a length of 100 feet

3. Shall have building design and materials similar to the primary structure(s)

D. Roof Requirements

1. On buildings where sloping roofs are the predominant roof type, each building shall have either a variety of roof forms such as a gable or hip configuration or complimentary sheds, dormers, and other minor elements at least once every fifty feet of building wall length.

2. On buildings where flat roofs are the predominant roof type, parapet walls shall vary in height and/or shape at least once every fifty feet of building wall length.

3. Roof forms shall be designed to correspond and denote building elements and functions such as entrances and arcades.

4. Rooftop equipment shall be screened so as not to be visible from the ground surface.

5.7.1 Transition Standards

A. General Requirements - Form District Transition Zones

Transition zones have been established to ensure compatibility of adjacent form districts of differing intensities. A transition zone is an area located at the edge of a form district where transitional design standards would be applied to building height, setback, buffer yard and other requirements.

Transitional design standards shall be applied within the more intensive form district (Group B). Table 5.7.1 lists the depth of the transition zone, measured from the form district boundary.

Table 5.7.1
Form District Transition Zone Standards

Group B Form Districts	**Group A Form Districts**		
	Village (VFD)	Neighbor-hood (NFD)	Traditional Neighbor-hood (TNFD)
Downtown (DFD)	400 ft.	200 ft.	100 ft.
Suburban Workplace (SWFD)	200 ft.	200 ft.	200 ft.
Traditional Workplace (TWFD)	400 ft.	200 ft.	100 ft.
Suburban Marketplace Corridor (SMCFD)	200 ft.	200 ft.	200 ft.
Traditional Marketplace Corridor (TMCFD)	400ft.	200 ft.	100 ft.
Regional Center (RCFD)	400 ft.	200 ft.	200 ft.
Town Center (TCFD)	400 ft.	200 ft.	200 ft.
Campus (CFD)	200 ft.	200 ft.	200 ft.

If a roadway corridor separates form districts, the transition zones are reduced as follows (refer to Core Graphic 10 for classification of roadways):

Expressways	no transition required
Arterials	50% reduction
Collectors or locals	no reduction

B. Generally Applicable Transitional Design Standards

Transitional design standards shall be applied within any transition zone. Standards shall also be applied to any remaining portion of a site when 50% or more of the site falls within the transition zone.

1. Building Height - The maximum building height within a transition zone shall not exceed 45 feet. Exception: In the transition zone between the DFD and the TNFD, there shall be no decrease in permissible building heights.

2. Setback - The front and street side setback within a Transition Zone shall equal the setback of adjacent properties that are within the Group A form district when sites in different form districts share a common street frontage (common street frontage refers to properties on the same side of the street). Where sites in different form districts share a common rear property line or are separated by an alley, the rear yard setback of the adjacent property within the Group A form district shall apply.

NOTE: *Type "C" buffer yards vary between 15' and 35' depending on the land uses. Type "3" planting density consists of 3 trees/100' and a 6'*

3. Non-Residential Use – Within the transition zone , one of the following standards shall apply when a non-residential use in a Group B form district adjoins a residential use in a Group A form district:

   a. The property perimeter buffer yard required in Chapter 10 shall be a type C yard or the type specified in Table 10.2.3, whichever is larger. The buffer yard shall meet or exceed the type 3 planting density requirements. Exception: The continuous screen requirement shall not exceed three (3) feet in height when the required buffer is adjacent to a street or alley.

   b. Building facades on the side of the Group B property adjoining residential use shall meet the standards for primary facades established in the Group B form district regulation.

4. Lighting – Refer to Section 4.1.3 for restrictions applicable to outdoor lighting relating to the Neighborhood, Traditional Neighborhood and Village form districts.

5. Signs - Reserved

C. Downtown Form District Specific Standards

1. Development within the DFD located north of Washington Street shall conform to building height standards set forth in the Waterfront Special District.

2. When transitional design standards require a setback from the street wall, street trees spaced at a minimum of 40 feet on-center shall be provided.

5.8.1 Streets and Sidewalk Standards

The following standards are applicable to all form districts. In addition, standards specific to a given form district may apply (listed in 5.8.1 C).

A. Streets/Alleys – Developments that create public and private **streets** or **alleys** shall connect with and provide for the future extension of the community's street network.

1. Alleys – Existing back and side alleys shall be retained and used for public access into the development as an alternative means of vehicular, pedestrian and service access. Underused alleys or those in disrepair, as determined by the Director of Works, shall be repaired in conjunction with new development as a means of encouraging future use. Within traditional form districts, cases where no alley currently exists, the possibility of acquiring the needed land to create an alley should be explored. The Works Director or designee will determine which improvements are needed.

B. Sidewalks - All developments shall provide sidewalks in the abutting right-of-way to serve the development site (same side of street). Sidewalks shall be provided along all road frontages in accordance with Section 6.2.6. The minimum sidewalk width shall be four (4) feet for local level roads, and five (5) feet for collector and arterial level roadways. The Director of Works may require greater width or, for infill sidewalks connecting existing sidewalks of lesser width, may approve a sidewalk of lesser width upon finding that divergence from the five (5) foot standard is consistent with public safety. If sidewalks are present in the public right-of-way fronting adjacent lots, the location and alignment of the new sidewalk shall connect directly with this existing network.

1. Sidewalks shall be designed in such a manner that a walkway at least 4 feet wide or other dimension as approved by the Director of Works is left unobstructed.

2. Where the sidewalk along a public street is interrupted by a curb cut, the walkway across the driveway shall be delineated, to enhance pedestrian safety. The walkway may be delineated by striping or by use of contrasting pavement materials that meet ADA standards.

C. Form District Specific Requirements

1. Downtown Form District Sidewalks

Sidewalks – Sidewalks shall be provided as part of all developments, as follows:

Sidewalks shall be constructed from the back of curb to the existing or newly created **street wall**.

a. New sidewalks shall be extended to the **adjacent** lot lines. In the case of a corner lot, sidewalks shall be extended to the adjacent lot along each **block face**.

b. Sidewalks shall be at least 84" wide measured from the face of curb to the building façade, shall include a **pedestrian zone** and a **streetscape zone,** and may include a **storefront zone**.

i. Pedestrian zone. The pedestrian zone is that portion of the sidewalk that is maintained free of any obstructions to allow for the passage of pedestrians. The pedestrian zone shall be at least 48 inches wide and shall not be shared with the streetscape or storefront zones. If the width of the pedestrian zone is less than five feet wide for more than 50 linear feet, passing spaces must be provided at intervals of no less than 200 feet apart and must provide an area of at least five feet by five feet to allow two wheelchairs to pass each other.

ii. Streetscape Zone – That portion of the sidewalk located between the curb line and the Pedestrian Zone in which the following elements are located, following authorization by the Public Works Department:
- Street trees/grates, planting strips, raised planters
- Street light standards
- Street signs/pedestrian wayfinding signs
- Transit stops
- Media boxes
- Postal/freight collection boxes
- Parking meters
- Utility boxes/public phones/ fire protection
- Seating (with/without tables)
- Trash receptacles
- Public art/water feature
- Bike racks

The Streetscape Zone shall be at least 48" wide when trees are included.

iii. Storefront Zone – That portion of the sidewalk located between the pedestrian zone and the building facade in which the following elements are permitted, following authorization by the Public Works Department:

- Seating (with/without tables)
- Bollards
- Recessed lighting for the building facade
- Bike racks
- Valet or hostess station/canopies
- Temporary sale/display of merchandise
- Moveable sandwich boards
- Postal/freight collection boxes
- Planters

c. Sidewalks may be reduced to a minimum width of 5 feet when not immediately adjacent to a building (e.g., River Road) or 6 feet when adjacent to an alley and not providing primary access to a building.

d. Special sidewalk pavement treatments shall only be permitted when part of a streetscape plan for the full block face or, where interrupted by an alley, from street corner to the alley as approved by the Director of Works.

e. Pedestrian walkways

Overhead walkways or pedways that cross a public street or alley are only permitted following review and approval by the Planning Commission. All overhead walkways or pedways must provide public access at grade. No overhead walkway or pedway shall be permitted over public streets with a right-of-way greater than or equal to 50 feet within a designated Preservation District.

Overhead pedestrian walkways or pedways detract from a healthy, active street environment and are strongly discouraged.

f. If the width of the pedestrian zone of a sidewalk is less than five feet wide for more than a short distance, passing spaces must be provided at intervals of no less than 200 feet apart and must provide an area of at least five feet by five feet to allow two wheelchairs to pass each other.

D. Sidewalks in Traditional Marketplace Corridor Form District

1. Sidewalks

a. All developments shall provide sidewalks constructed from the back of curb to the existing line of the right-of-way abutting the development site. New sidewalks shall be extended to the adjacent lot lines. In the case of a corner lot, sidewalks shall be extended to the adjacent lot along each block face.

b. The width of the sidewalk shall be consistent with the prevailing pattern within the corridor. If there is not a prevailing pattern, the minimum sidewalk width shall be six feet and minimum of twelve feet is required in areas where there will be café seating or merchandise display.

c. Sidewalks shall include a pedestrian zone and a streetscape zone, and may include a storefront zone as described in C.1.b, i, ii , iii above.

5.8.2 Greenway/Trail System

Where the property being developed is depicted in a legislatively adopted greenway/trail plan as the recommended location of a community access greenway/trail, an easement or other provisions for public access through the site shall be provided in accordance with the standards found in Chapter 10 Part 5. If the greenway/trail already has been constructed on the abutting property or if the proposed development falls under the category 3 threshold within the applicable form district, the greenway/trail shall be extended through the subject site at time of development of the site.

NOTE: Street trees (if mandatory or voluntary) receive a 25% bonus credit toward the tree canopy requirement; refer to 10.1.5.D.

5.8.3 Streetscape

A. Suburban Form Districts

Planning and installation of improvements shall be coordinated to ensure a consistent streetscape treatment within the corridor. Improvements shall be installed on the same side of the street as and directly abutting the proposed development, depending on the type and intensity of development as follows:

1. Street trees shall be provided along the residentially zoned frontage of roadways classified as collector or arterial level streets. One street tree shall be planted per 50 feet of frontage, and planting shall meet the requirements of Section 10.2.8 and Chapter 10 Part 4. Street trees planted along any roadway shall be credited toward applicable tree canopy requirements.

2. Non-Residentially Zoned Developments

   Street trees planted in accordance with Section 10.2.8 shall be credited toward applicable tree canopy standards (Chapter 10 Part 1).

3. Verge/ Planting Strips

   A verge or planting strip shall be provided between the edge of roadway curb and the edge of the sidewalk. Ground cover or low growing vegetation (Less than 2 feet in height at maturity) shall be established within the verge. The width of the verge shall be determined by the Director of Works. Where adequate right-of-way is available, the following widths are recommended:

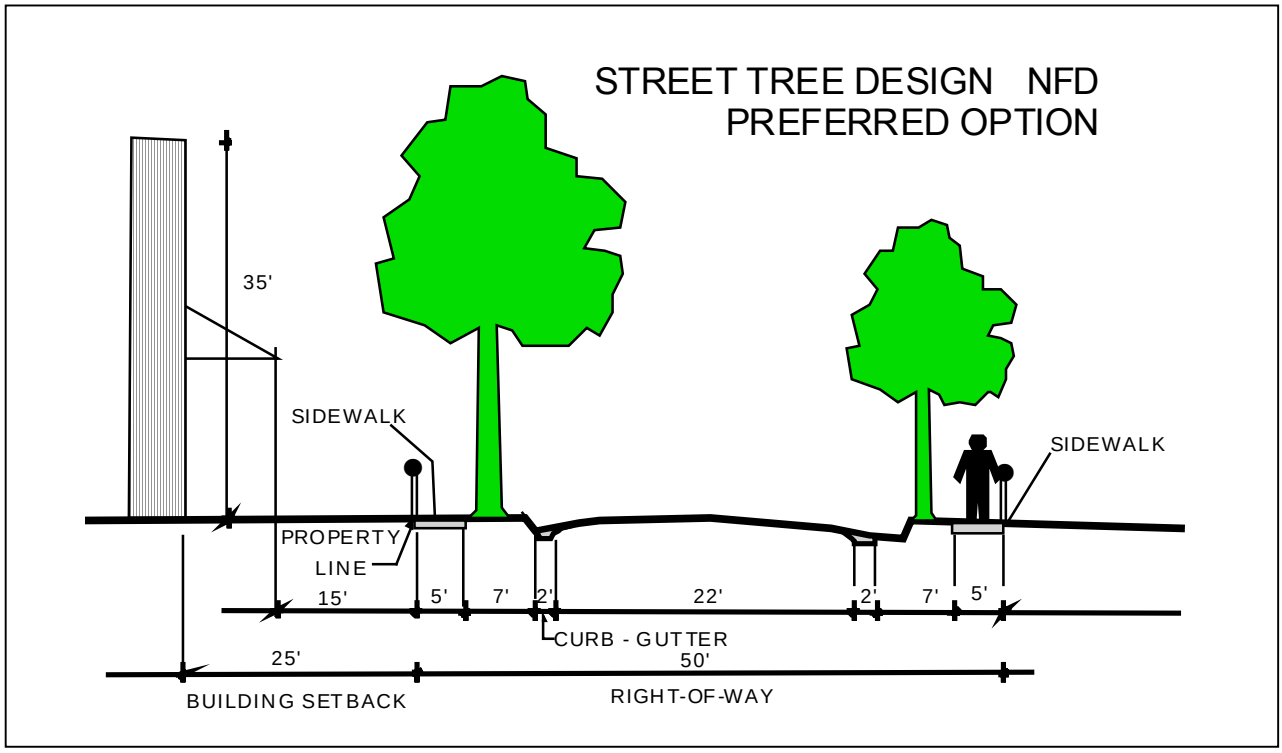
   a. Arterial – minimum 15 feet wide

   b. Collector – minimum 10 feet wide

   c. Local Road – minimum 6 feet wide; for cul-de-sacs, 3 feet wide

4. Underground utilities – Proposed developments that create new streets shall place utility lines underground. Compatible lines (electric, phone, cable) shall be placed in a common trench. In the alternative, overhead utility lines placed along the rear property lines of parcels along new streets are permitted.

5. Streetscape Master Plans – If an adopted streetscape master plan exists for the corridor within which a development is proposed, streetscape improvements shall be installed in accordance with the approved master plan.



B. Traditional Form Districts (excluding Downtown Form District)

Planning and installation of improvements shall be coordinated to ensure a consistent streetscape treatment within the traditional neighborhood. Improvements shall be installed on the same side of the street as and directly abutting the proposed development, depending on the type and intensity of development as follows:

Verge – A strip or border with grass or landscaping that separates the sidewalk from the street.

1. Street Trees

   a. Street trees shall be provided along the residentially zoned frontage of roadways classified as collector or arterial level streets. One street tree shall be planted per 50 feet of frontage, and planting shall meet the requirements of Section 10.2.8 and Chapter 10 Part 4. Street trees planted along any roadway shall be credited toward applicable tree canopy requirements.

i. If an established verge or planting strip exists in the street right-of-way fronting adjacent lots, new street trees shall be planted within the existing verge. If a new street is being created, a verge that is at least five feet wide is required.

ii. For non-residential and mixed use developments or where heavy pedestrian traffic make a verge impractical, trees may be placed within a paved area that allows a minimum opening of 4 feet by 4 feet per tree and a minimum soil volume below the paved surface of 3.5 cubic yards per tree.

b. Non-Residentially Zoned Developments

Street trees planted in accordance with Section 10.2.8 shall be credited toward applicable tree canopy standards (Chapter 10 Part 1).

2. Streetscape Master Plans. If an adopted streetscape master plan exists for the corridor within which a development is proposed, streetscape improvements shall be installed in accordance with the approved master plan.

3. Underground utilities. Proposed developments that create new streets shall place utility lines underground. Compatible lines (e.g., electric, phone, cable) shall be placed in a common trench. In the alternative, overhead utility lines placed along the rear property lines of parcels along new streets are permitted.

C. Downtown Form District

1. Streetscape standards have been established to create an attractive and animated sidewalk environment and to permit safe and efficient pedestrian movement. Planning and installation of improvements shall be coordinated to ensure a well-designed and unified streetscape treatment within the Downtown Form District. Streetscape elements provided as part of the development shall conform to those specified in the master plan along those corridors for which a plan has been adopted. All other streetscape elements shall conform to the following standards:

a. Street Trees

i. Street trees shall be selected and placed with the approval of the Works Department urban forestry staff. If the sidewalk width, utility locations or similar conditions make it impractical to install street trees, the Director of Works may waive the requirement for street tree planting or unobstructed sidewalk width.

ii. Street trees shall be planted in accordance with Chapter 10 Part 4 (Tree Canopy and Landscaping - Implementation Standards) of the Land Development Code. Where required, tree grates or raised planters shall be provided with a minimum area of 4' x 4' per tree and a minimum soil volume below the paved surface of 3.5 cubic yards per tree.

b. Planting Zones

If an established **verge** exists in the street right-of-way fronting adjacent lots, the verge shall be continued along the frontage of the proposed development. Planting strips that interfere with existing underground utilities, vaults or other existing structures shall require approval from the Director of Works.

c. Street Furnishings – The design of street furnishings including benches, news racks, postal/shipping drop-off boxes, telephone booths, and trash receptacles, etc., shall conform to Works Department standards.

i. Street furnishings are not permitted at any location where the sidewalk is less than 84" wide and the pedestrian zone is less than 48" wide.

ii. Street furnishings shall be located at least 12" from the face of curb.

iii. Media Items– Media items shall include postal/shipping drop-off boxes, information kiosks, and telephone booths. Media items cannot be chained or affixed to public fixtures, except those specifically designed and designated to accommodate them.

d. Lighting – Street lighting for public streets shall conform to Works Department standards.

e. Underground Utilities – Underground utilities shall be provided for all development proposed within the Downtown Form District. Utility boxes shall be placed underground, along alleys, or shall be designed in a manner approved by the Director of Works.

5.8.4 Street Design

A. Traditional Form Districts – Residential Development Only

1. Street design and right-of-way requirements shall be consistent with the standards for Traditional Neighborhoods located in Chapter 6 Part 2 of this Development Code, with the following additional requirements:

a. Connection with existing street network. Developments shall utilize and connect with existing street networks where available. Where an existing or planned network of streets does not exist, a standard or modified grid street pattern shall be provided.

b. Alleys. Vehicles shall have access through existing alleys. Underutilized alleys, or those in disrepair, shall be repaired in conjunction with new development for the length of the development site's frontage on the alley as a means of encouraging future use unless the Public Works and Planning Directors jointly determine this is infeasible.

c. Cul-de-sacs. Cul-de-sacs may be permitted only where special circumstances preclude through street connection. Such circumstances include:

   i. Where natural features exist that are not practical to traverse (e.g., wetlands, steep slopes) or are not desirable to remove (e.g., wooded areas).

   ii. Where connection to the next street is blocked by existing permanent structures, an existing or proposed expressway or limited access highway, or protected open space area.

   iii. If a cul-de-sac is permitted, it shall contain a planting island at its terminus with an outside edge of pavement radius of at least 40 feet.

d. Preferred Street Designs

The following alternative street designs are preferred to cul-de-sacs and shall be permitted where appropriate to supplement the more formal grid pattern according to the following standards

i. Eyebrow. An eyebrow is a semicircular shaped road with a central planting island extended from the local road and provides a through connection to the local road.

Each eyebrow shall be surrounded by streets on all sides, shall be generally configured as a semi-circle, and shall be configured so that a circle with a radius of 30 feet can fit within the confines of the eyebrow. The central space within the eyebrow shall be planted with natural vegetation such as trees, shrubs, and/or groundcover to absorb stormwater runoff.

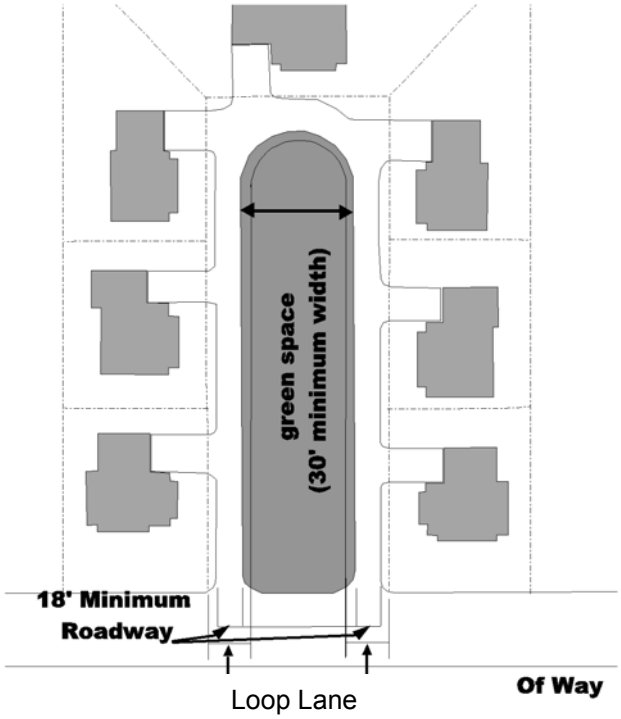
***Grid Street Pattern**: a street system that creates similar size blocks and four-way intersections. Grid street pattern is common in older neighborhoods and traditional development forms. A standard grid pattern is characterized by straight streets, 90 degree intersections and rectangular blocks. In a modified grid, a connected system of curvilinear streets may replace the more formal grid pattern, to insure compatibility with adjacent development and to address physical features of the site.*

Eyebrow

ii. Loop Lane. A loop lane is a continuous road (minimum pavement width of 18 feet and 30 feet right-of-way) with two access points from an adjacent road, separated by a central open space/planting island.

Loop lanes shall have a minimum 50 foot outside edge of pavement turning radius and a minimum 25 foot wide central planting island. The island shall be a landscaped open space.

iii. Pedestrian Court. See B.1.b iii. below.



e. Alternate Street Designs. Alternative street designs not included above may be appropriate if a) consistent with the pattern of development in adjacent traditional neighborhoods, b) due to unique physical or environmental features, or c) due to innovative housing designs. Alternate street designs shall meet applicable AASHTO standards for pavement widths and turning radii.

B. Suburban Form Districts – Residential Development Only

1. Street design and right-of-way requirements shall be consistent with the standards for Neighborhoods located in Chapter 6 of this Development Code, with the following additional requirements:

a. Cul-de-sacs – Cul-de-sacs are permitted if less than 1,500 feet in length, measured from the nearest intersecting street (eyebrows and loop lanes do not qualify as streets for measurement purposes). Longer cul-de-sacs may be permitted if the Planning Commission finds that one of the following special circumstances applies:

i. Where natural features exist that are not practical to traverse (e.g., wetlands, steep slopes) or are not desirable to remove (e.g., wooded areas); or

ii. Where connection to the next street is blocked by existing permanent structures, an existing or proposed expressway or limited access highway, or protected open space area.

b. Alternative Street Designs

The following alternative street designs are preferred to cul-de-sacs and shall be permitted in all residential developments according to the following standards:

i. Eyebrow – a semicircular shaped road with a central island extended from the local road that provides a through connection to the local road.

Each eyebrow shall be surrounded by streets on all sides, shall be generally configured as a semi-circle, and shall be configured so that a circle with a radius of 30 feet can fit within the confines of the eyebrow. The central space within the eyebrow shall be a landscaped open space.

ii. Loop Lane – a continuous road (minimum pavement width of 18 feet and 30 feet of right-of-way) with two access points from an adjacent road, separated by a central open space/planting island.

Loop lanes shall have a minimum 50 foot outside edge of pavement and a minimum 30 foot wide central planting island. The island shall be a landscaped open space.

iii. Pedestrian Court – houses face a central open space with walkways; vehicular access to building sites is provided by alleys or service drives only. Pedestrian courts shall not exceed 200 feet in length, measured from the nearest intersecting street, alley or service drive open to vehicular traffic.

All residential structures on a pedestrian court shall face a landscaped common open space at least 20 feet wide, in addition to the front yard required in Table 5.3.1. The yard abutting the pedestrian court shall be considered the front yard. Street trees shall be planted in accordance with Section 10.2.8.

iv. Alternate street designs not included above may be appropriate if a) consistent with the pattern of development inadjacent neighborhood, b) due to unique physical orenvironmental features, or c) due to innovative housing designs.

5.9.1 Transit Standards

The applicant shall provide transit related site design features and amenities for transit riders such as shelters, benches and lights in conformance with the standards referenced in Chapter 6 Part 4.

5.9.2 Connections

A. Generally Applicable Standards

1. Direct pedestrian or vehicular connections are required as follows:

a. Residential Developments

i. Existing stub streets shall be extended to serve the new development and connect with adjacent residential areas unless the Director of Works and the Planning Director jointly determine such extension is infeasible due to physical constraints.

ii. Sites abutting vacant parcels shall create stub streets to serve future developments unless the Director of Works and the Planning Director jointly determine such extension is infeasible due to physical or environmental constraints.

iii. All residential block faces shall be no more than 1,600 feet in length.

iv. Pedestrian paths linking adjacent residential areas may be substituted for street connections, when approved by the Director of Works and the Planning Director.

v. Pedestrian paths shall be provided to connect residential developments with adjacent non-residential uses, unless the Planning Director determines such connection is redundant or inappropriate because of the nature of the non-residential use.

b. Non-Residential Developments

i. A Clearly defined, safe pedestrian access shall be provided from adjacent public rights-of-way (public sidewalk) through off-street parking area to non-residential building entrances. If a transit stop exists or is proposed adjacent to the site; the safe pedestrian access shall connect to the public sidewalk within 50 feet of the transit stop.

ii. Abutting non-residential uses shall provide for vehicular and pedestrian circulation between their sites, through parking lot or alley connections, hard surface walkways, and similar measures.

iii. Non-residential uses adjacent to vacant residentially zoned sites shall provide an access easement for pedestrian access, unless waived by the Planning Director.

NOTE: *Alternative paving materials should be smooth surfaces, to avoid problems for pedestrians.*

iv. Curb cuts –The number and width of curb cuts shall be limited in conformance with the access management principles contained in Chapter 6 Part 1. Sites with multiple buildings shall have unified/joint access.

v. Pedestrian walkways traversing a parking lot with more than 100 spaces shall meet the following standards:

- Walkways adjacent to parking spaces shall be at least 4 feet wide and shall be separated from vehicles by a change in grade (4 inch minimum), curbing, bollards, wheel stops or landscaping. Walkways connecting handicapped parking spaces with building entrances shall be at least 5 feet wide.

- Walkways crossing parking lot drive aisles shall be delineated by striping, contrasting pavement materials, elevated pavement, or a combination of these measures. Walkways shall not be delineated to pass behind a row of parking spaces.

vi. Truck Access – Site access shall be designed so that truck and service vehicle traffic generated by a development shall gain access to the site from the primary corridor rather than through adjacent residential areas.

B. Additional standards for Suburban Form Districts

1. Street hierarchy and circulation plan – The applicant shall consult with the Director of Works and TARC to establish an internal street hierarchy and circulation plan that addresses truck access to loading facilities, demonstrates adequate design for truck maneuvering, and includes circulation for pedestrians, bicycles, and where appropriate, mass transit.

2. Alternative vehicular access points from secondary roads are encouraged to relieve traffic on the adjacent main thoroughfare and to separate local from through traffic.

3. Where appropriate, "backage" roads shall be provided along the rear lot lines of outlots and parcels of comparable depth along the primary corridor to provide an alternative means of vehicular access to adjacent developments.

C. Additional standards for Traditional Form Districts (excluding Downtown Form District)

1. Sites with drive-throughs as permitted within Chapter 5 Part 5 may have a second curb cut to prevent traffic circulation and parking in front of the building.

2. Street Hierarchy and Circulation Plan. The applicant shall consult with the Director of Works and TARC to establish an internal street hierarchy and circulation plan that addresses truck access to loading facilities, demonstrates adequate design for truck maneuvering, and includes circulation for pedestrians, bicycles and where appropriate, mass transit.

3. Rail Access. Rail access and spur lines shall be related to topography and the existing street pattern. They shall be fenced and buffered from adjacent residential property.

4. There shall be no traffic circulation or parking in front of principal buildings. Sites with multiple buildings shall have unified/joint access.

D. Additional Standards for Downtown Form District

1. Truck Access – Truck access and/or service delivery shall be limited to:

- On-street delivery/pick-up
- Alley access
- Delivery contained within the structure(s)

2. Curb Cuts – The number and width of curb cuts shall be limited in accordance with the access management standards contained in Chapter 6 Part 1 (Access Management). Sites with multiple buildings shall have unified/joint access. Curb cuts shall only be permitted for parking garages, off-street parking lots accommodating 10 or more vehicles, and loading areas where alley access is not available.

5.10.1 Traffic Impacts

A. The applicant shall undertake an assessment of the potential air quality and traffic impact of development projects if the projects entail new construction or land use changes which meet the thresholds established in the current version of the "Guidelines for Traffic Impact Studies and Air Quality Analysis in Jefferson County, Kentucky" or successor document as approved by the Planning Commission (see Appendix 6E). The study shall be prepared in conformance with the standards contained in Chapter 6 Part 5. The assessment shall identify potential adverse impacts and recommend mitigation measures to avoid or eliminate such impacts. The applicant and subsequent developer(s) shall implement said measures, as required by the approved final study.

5.11.1 Single Family Residential Accessory Structures

Note: For design standards associated with single-family residential development see Chapter 5, Part 4 Residential Site Design Standards

5.11.2 Standards for Accessory Structures (other than accessory structures to single-family residential development)

A. Accessory structures (e.g. dumpsters, storage buildings, HVAC equipment, fast food ordering stations/menu boards and similar uses) shall not be constructed or permitted within any required setback/yard. These structures shall be subordinate in size to the principal structure, shall not be visible from the public street, and shall be screened from adjacent residential areas by fencing or walls. When accessory structures are adjacent to residential uses, the accessory structure shall not exceed the scale of the adjacent residential structure(s). Open unenclosed seating, decks or other similar types of areas are permitted to encroach within the required front setback/yard, provided that minimum landscape buffer areas are provided per Chapter 10 Part 2.

B. Setback from Alley or Rear Property Line – The setback shall be the same as for the required landscape buffer area or transition setback/yard if applicable, whichever is greater.

5.11.3 Form District Specific Requirements

A. Downtown Form District – Accessory structures/screens shall be designed and constructed of the same materials as the primary structure. Accessory structures shall only be permitted at the rear of a principal structure

5.12.1 Downtown Form District Open Space Standards

A. Open space standards have been developed to promote a pattern of open space consistent with the district and provide accessibility to public open spaces.

1. When development includes a residential component consisting of 50% or more of the total square footage of the project, open space shall be provided to include one or a combination of the following outdoor amenities:

   a. Pedestrian plaza or patio area (min. square foot equal to 1% of building foot print) with seating

   b. Landscaped green area (min. square foot equal to 1% of building foot print) with seating

   c. Approved public art or water feature

2. When an outdoor amenity is provided in the streetscape zone, sufficient width shall be given to accommodate the entire outdoor amenity.

3. Outdoor seating, when provided, shall be at a rate of not less than 1 seat per 200 square feet of outdoor amenity area.

4. Balconies, where provided for every dwelling unit, or roof terraces provided as common space may be counted for up to 50% of the required open space.

B. Open space lots shall be located at least 50 feet from the corner of two intersecting streets, unless the required Street Wall can be maintained as part of the open space design.

C. When new development is constructed adjacent to or directly across the street from an existing public open space, one primary building façade shall be oriented toward the existing open space.

NOTE: *Chapter 10 Part 5 specifies permanent preservation measures for public, private and common open space.*

5.12.2 Village Form District – Village Outlying Areas Open Space Standards

A. New major single family residential subdivisons of 25 acres or more and multi-family developments of 50 units or more, located in the Village Outlying Area, shall provide at least 15% of the gross site area in common open space which meets the requirements of Chapter 10 Part 5. Open space provided to meet this requirement may be used for credit under the Alternative Development Incentives or the development potential of the open space may be transferred to the remainder of the site in accordance with section G. below entitled “Transfer of Development Potential.”

B. Transfer of Development Potential

1. Developments required to provide open space may transfer the development potential (building sites or floor area) of the permanently preserved area to the remainder of the site subject to the following limitations:

   a. Areas to be permanently preserved are protected in accordance with 10.5.4.A of this Land Development Code; and,

   b. The area of the site to which development potential is being transferred is at least as large as the area from which development potential is being transferred (for example; if an applicant wishes to transfer development potential from 3 acres, the portion of the site to which the transfer occurs must be at least 3 acres); and,

   c. All lots in the proposed development meet the minimum alternative development incentive lot size as established in 5.3.2.C.14 (in village center) and 5.4.4 (8) (in outlying areas); and,

   d. All lots in the proposed development meet the height, yard and setback requirements as established in Table 5.3.1.

2. The maximum development potential allowable for transfer shall be determined by one of the following methods:

   a. One half of the theoretical development potential based on the number of acres preserved and the existing zoning of the area to be preserved (for example; if 3 acres of an R-4 site is proposed for protection, then 7 building sites could be transferred to other portions of the same property - 3ac x 4.84 units/acre / 2 = 7.26 units); or,

   b. The realistic development potential determined by an engineered development plan meeting all other requirements of this Land Development Code.

5.12.3 Campus Form District Open Space Standards

A. Development sites that are not subject to a master plan developed in accordance with Chapter 5 Part 13 of this section shall conform to the following standards:

1. Quantity – A minimum of 10% of the gross area of the site shall be preserved as common open space. The applicant may determine which type of open space, as defined in Section 10.5.2 will be provided. Open space shall meet the requirements of Section 10.5.4 applicable to the type of for common open space selected, and the designated area shall be retained as open space for the duration of the campus use. Outdoor amenities, such as pedestrian plazas, outdoor dining areas, water features, landscaped areas with seating, and sport/exercise facilities shall be provided within the open space.

2. Each development plan within a CFD shall meet the open space standard on site, or demonstrate that the required open space is provided off-site. The applicant shall provide documentation that off-site open space has been restricted from subsequent development and is not credited to more than one development site. Documentation shall be submitted to the Planning Commission for review and upon acceptance shall be recorded.

5.12.4 Multi-Family Residential Open Space Standards

A. Open Space Standards – Developments of 10 or more dwelling units shall provide open space based on size of the development site. Common open space shall meet requirements of Chapter 10, Part 5. Private open space (such as balconies and patios) may satisfy 50% of the total open space requirement.

Table 5.4.1

Density (d.u./ac.)	Open Space Required (% of net lot area)
<5 d.u./ac.	0
5 to 17 d.u./ac.	15
17 to 35 d.u./ac.	10
>35 d.u./ac.	5

1. Recreational Open Space Requirement - 50% of the required open space shall be set aside as recreational open space. Recreational open space shall include one or more of the following:

   a. Indoor club house area
   b. Swimming pool and associated patio area
   c. Tennis courts
   d. Ball fields
   e. Playgrounds
   f. Picnic areas (includes: picnic tables, gazebos, etc.)
   g. Walking, hiking and biking trails
   h. Outdoor amenity (fountain, woodland protection area designed for passive recreation, ponds/lakes with integrated walks and seating, pedestrian plazas etc.)

Open Space(i.e. recreational open space, etc.) shall meet the requirements of Chapter 10, Part 5, which states that all types open space shall have a minimum dimension of 30 feet and contain at least 6,000 square feet of contiguous area. See Section 10.5.4 paragraph A.4 for details.

The Planning Director or designee shall review and approve the use of any area provided to meet this requirement.
Exception: Sites within 1,000 feet of a public park are not required to provide the recreational open space.

2. Private Open Space – In order to qualify as open space, balconies shall have a minimum dimension of 5 feet and shall have a minimum area of 50 square feet Patios must measure at least 100 square feet in area and have a minimum depth of 10 feet.

3. Open Space Exception - Development sites that are located in traditional form districts and are within 1,000 feet of a public park shall not be required to provide common open space. The open space requirement for development sites in suburban form districts and within 1,000 feet of a public park shall be reduced by 50%. Distance shall be measured using the shortest walking distance (using sidewalks and designated crosswalks) from the nearest points of the multi-family development site and the park.

5.13.1 Master Plan Requirement

A. Suburban Form Districts

1. Commercial Developments with buildings that have a total footprint of more than 100,000 square feet or lots that are five acres or larger shall meet the following standards:

   a. A master plan shall be prepared that established the character and appearance of the development including any outlots, accessory structures and related development.

   b. The master plan shall demonstrate how the proposed development implements applicable guidelines of Cornerstone 2020.

   c. The plan shall address building design and materials and design of focal points.

   d. Signage – A master signage plan shall be created that sets consistent standards for the design, appearance and location of signs within the development.

B. Traditional Form Districts

1. Commercial Developments with buildings that have a total footprint of more than 80,000 square feet within the TCFD or 35,000 square feet within TMCFD, TNFD and Village Center shall meet the following standards:

   a. The master plan shall establish the character and appearance of the development including outlots, accessory structures, and related development.

   b. The master plan shall demonstrate how the proposed development implements applicable guidelines of Cornerstone 2020.

   c. The plan shall address building design and materials, design of focal points and streetscape design.

   d. Signage – A master signage plan shall be created that sets consistent standards for the design, appearance and location of signs within the development.

   e. Developments within the Town Center Form District shall be designed to:

i. extend the existing street and alley grid or create a new street and alley grid that is connected to existing streets and/or alleys where feasible;

ii. be organized along one or more principal streets so that buildings form a street wall and shared parking is in the rear of the buildings or combined with on-street parking;

iii. ensure that outlot development is consistent with the traditional pattern of development. This may require buildings to have two entrances – one on the front façade of the building facing the primary street and one in the rear where most parking is located; and

iv. construct new structures so that at least 40 percent of the total square footage of the development is comprised of buildings with two or more stories.

5.13.2 Outdoor Amenities/Focal Point(s)

A. Developments within the Neighborhood, Suburban Marketplace Corridor and Regional Center Form Districts shall meet the following standard.

1. Retail, Office and Mixed-Use developments that involve construction of a building or buildings with a total footrprint greater than 100,000 square feet shall set aside an area equivalent to a minimum of 10% of the total building footprint for outdoor amenities. Outdoor amenities may be used as a way of fulfilling the focal point requirement for activity centers listed within the Cornerstone 2020 comprehensive plan. The applicant shall provide outdoor amenities that include any one or a combination of the following (Note: Final design of outdoor amenities shall require approval from the Planning Commission or designee):

a. Sidewalks, plaza or patio area, at least 15 feet wide and providing seating

b. Outdoor dining

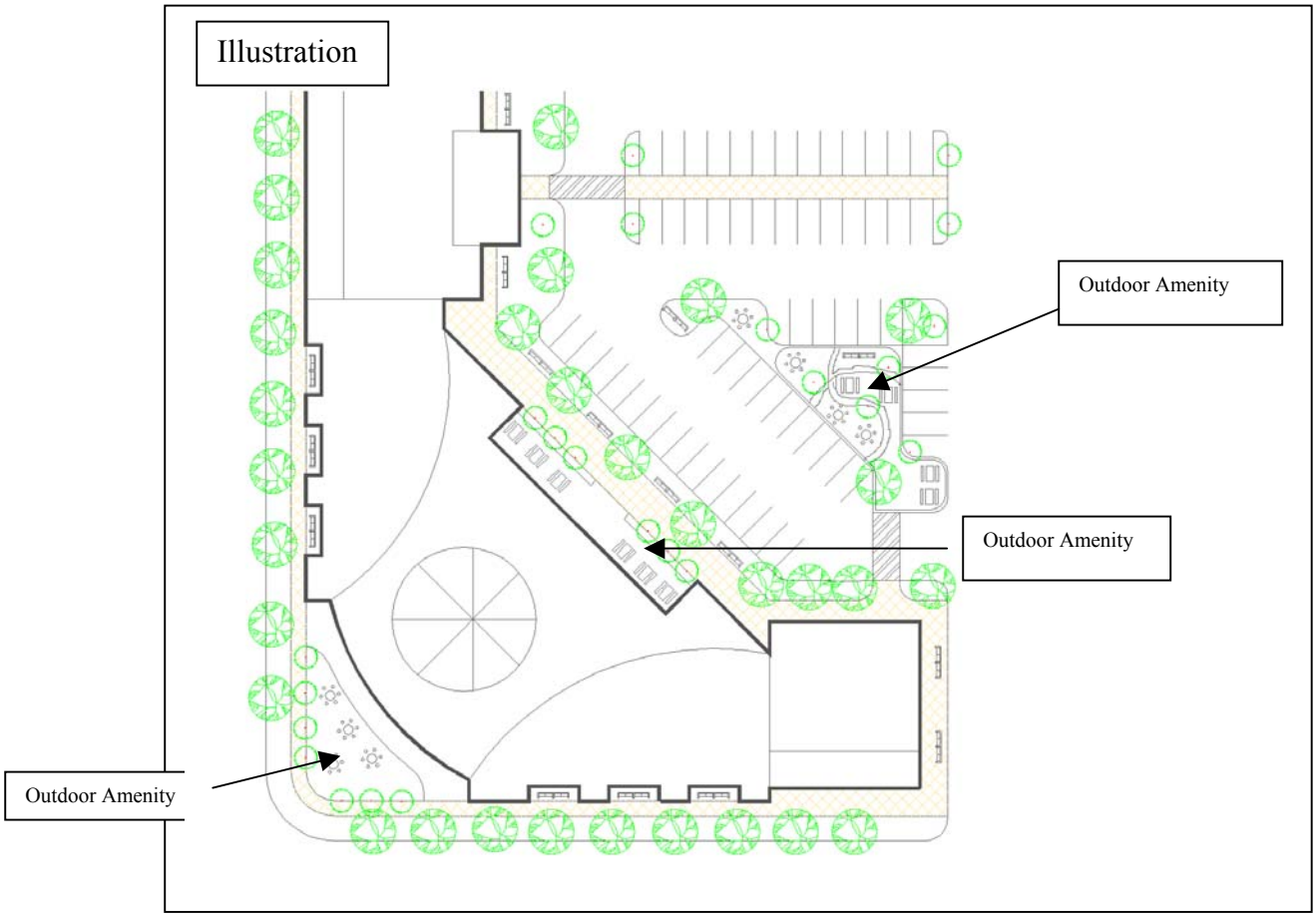
c. Water feature

d. Landscaped green area with seating

e. Outdoor playground area

f. Multi-purpose trails/paths

2. Any such areas shall be accessible by walkways linking with the various uses within the development and/or with adjacent development. Amenities may be centralized or dispersed, but shall be located no more than 600 feet (measurement based on the pedestrian walkways) from the buildings required to provide the amenities. Outdoor open space may contain food service areas. The outdoor space shall include seating at a rate on not less than 1 seat per 200 square feet of outdoor amenity. To enhance usability, at least 25% of the open space shall be shaded or used for landscaping.



Chapter 6	**Mobility Standards**		
	Part 1	**Access Management**	**6.1-1**
	Part 2	**Streets and Rights-of-Way**	**6.2-1**
	Part 3	**Street Name Change, Street Closing, Street Naming and Site Addressing**	**6.3-1**
	Part 4	**Design Standards for Transit**	**6.4-1**
	Part 5	**Traffic and Air Quality Assessment**	**6.5-1**
	Appendix 6A	*Access Management Design Manual*	*6A-1*
	Appendix 6B	*National Emergency Number Association Recommended Abbreviations for Streets and Thoroughfares*	*6B-1*
	Appendix 6C	*Jefferson County Addressing Manual*	*6C-1*
	Appendix 6D	*Louisville Metro Code of Ordinances 97.010 – 97.015 Display of Address Numbers*	*6D-1*
	Appendix 6E	*Guidelines for Traffic Impact Studies and Air Quality Analysis*	*6E-1*

6.1.1 Intent

The intent of this section is to manage vehicular access to land development, while preserving traffic flow in terms of safety, capacity, and speed. The site access approval procedures established herein are intended to balance the right of reasonable access to private property with the right of the citizens of Louisville and Jefferson County to safe and efficient travel. These regulations are intended to implement the Mobility Goals and Objectives of Cornerstone 2020, and Guideline 7 of the Plan Elements.

6.1.2 Approval Required

Construction of curb cuts or access to a public right-of-way serving any new development shall occur only after review of plans and receipt of the necessary permits from the Director of Works or the Kentucky Transportation Cabinet. All new development shall be reviewed for compliance with the Access Management Design Manual. The Director of Works may approve deviations from the Design Manual when site conditions prevent adherence to the manual, based on a determination that the deviation is in accordance with AASHTO standards and will not create a public safety hazard. Deviations from portions of the Design Manual relating to joint access and connections between adjacent uses may be approved if the Director of Works and the Planning Director jointly determine such deviations are consistent with public safety, the form district standards and the intent of the Comprehensive Plan.

In addition to new development, the following changes to existing development are subject to this Part:

A. existing structure is replaced by new structure or improvements; or

B. existing structure or parking lot is expanded by 20% or more beyond the size existing at the effective date of this regulation (incremental changes that cumulatively increase the size by 20% fall within the regulated activities of this paragraph); or

C. an existing use is changed to a use for which Chapter 9 of the Land Development Code specifies a higher parking ratio.

NOTE: *Refer to the Access Management Design Manual(Appendix 6A) for specific design guidance.*

6.1.3 Residential Developments

When a residential subdivision is proposed that abuts an arterial or collector roadway, it shall be designed to provide lots abutting the roadway with access only from an alley, frontage road or interior local road.

Direct driveway access to individual one and two family dwellings from arterial and collector roadways are prohibited unless the Planning Commission determines, in consultation with the Director of Works, that there is no acceptable access alternative.

Developments with an aggregate of 200 or more dwellings (single family or multi-family) shall have at least two separate access roadways connecting directly to existing roadway(s). Developments created prior to the effective date of this paragraph and not in compliance with it may be modified, including construction of ancillary facilities and improvements to existing structures, provided that the modifications do not increase the number of dwelling units.

6.1.4 Corridor Access Management Overlay Zones

Segments of a roadway corridor may be designated as corridor access management zones for the purpose of applying special access management controls that exceed the requirements and standards in this part. The purpose of this designation is to avoid significant traffic congestion problems, reduce vehicular and pedestrian conflict areas, and to ensure appropriate development within the designated area in accordance with the Comprehensive Plan.

The controls in such districts are not intended to be substitute for other Land Development Code provisions but can be superimposed over such provisions and should be considered additional requirements.

Corridor access management zones shall be created in accordance with the public involvement and public hearing requirements applicable to the creation of any form district.

6.2.1 Applicability and General Standards

A. All new streets located in or adjoining any subdivision of land hereafter proposed shall conform to the standards of design established in this Part. In any subdivision of land hereafter proposed, the subdivider shall agree to make all dedications and complete all physical improvements as required in Table 6.2.1 before the Commission may approve the preliminary plan or minor plat. In no case shall any new lots be created or new street constructed that does not meet a pavement width of at least 18 feet, except that a five lot, five acre per lot subdivision may be accessed by a 12 foot gravel road with 3 foot earthen shoulders.

B. All new development meeting one of the criteria listed in 1 through 6 below and having frontage on a public right-of-way shall dedicate land necessary to meet the minimum right-of-way width established in Table 6.2.1, unless exempted by the Planning Director and the Director of Works.

1. Category 3 Review (includes Major Subdivisions)

2. Rezoning/Plan Certain Development

3. Conditional Use Permit

4. Developments adjacent to legislatively adopted roadway improvement projects.

5. Developments with road improvements as required by Metro Public Works and/or the LDC.

6. Minor Subdivision Plats creating lots.

C. Developments meeting one of the criteria listed above that contain land that is depicted for future roadways shown in the comprehensive plan, legislatively adopted roadway plans, or an approved road alignment study shall dedicate right-of-way as outlined within the applicable plan or study.

D. All single family residential developments or detached unit condominium developments shall not create private streets unless written approval is obtained from the Directors of Works and Planning.

E. All new development and subdivisions having frontage on roadways proposed for bicycle facilities in the Comprehensive Plan shall provide right-of-way necessary to accommodate such facilities. The applicant shall construct the bicycle facilities, unless the Planning Director and the Director of Works determine, based on roadway conditions or the status of adjacent segments of the bicycle facility, that construction would not be appropriate.

6.2.2 Relationship of Streets to Topography

New streets shall be so related to the topography and to existing streets as to promote the public convenience and safety and to facilitate the proper use of the land they are constructed to serve. In particular, streets shall be designed to facilitate the drainage and storm water runoff objectives set forth in Appendix 4H (Erosion Prevention Sediment Control). Street Grades shall conform, as closely as practicable to the original topography.

6.2.3 Grade

No street grade shall be less than one per cent nor more than ten percent, unless a different grade is expressly approved by the Director of Works because of special topographical conditions.

The maximum grade at any point on a street constructed without curb and gutter shall be 6 percent, unless approved by Director of Works.

6.2.4 Street Intersections

A. Number of Approaches - Intersections involving more than four basic street legs or approaches shall be prohibited. Merging lanes, deceleration lanes, '"Y" intersections and traffic circles are not included in this prohibition, but are considered as being parts of one street leg or approach.

B. Angle of Intersection - For a tangent distance of at least one hundred feet measured from the intersection of right-of-way lines, all streets shall intersect at an angle of ninety degrees, where practical, but in no case shall the angle be less than seventy five degrees.

C. Intersection Offset - Streets entering opposite sides of another street shall be laid out either directly opposite one another or with a minimum offset of one hundred feet between their centerlines.

D. Intersection Spacing - All local and cul-de-sac streets intersecting with and entering the same side of other collector, local or cul-de-sac streets shall be located at least two hundred feet apart measured from centerline to centerline. When the intersected street is an arterial, the distance between intersecting streets shall be at least 1,000 feet. All other streets intersecting with and entering the same side of any other street shall be located at least five hundred feet apart, measured from centerline to centerline, unless a closer spacing is expressly approved by the Director of Works, to promote the public convenience and safety and to facilitate the proper use of the surrounding land.

E. Grades at Intersections - Where the grade of any street at the approach to an intersection exceeds three percent, a leveling area shall be provided, having not greater than a three per cent grade for a distance of fifty feet from the intersection of the street centerline. A sag immediately adjacent to the intersecting street and a vertical curve shall be used to connect the intersection grades.

6.2.5 General Layout of Streets

A. Coordination with Surrounding Streets - A proposed street shall recognize and extend the plan and profile of off-site existing streets, and shall make possible the future extension of streets into adjacent undeveloped land. Collector streets shall intersect with surrounding collector or arterial streets at safe and convenient locations.

B. Ingress and Egress - Access from new lots or a new street connecting an existing street shall not be approved unless the existing street has adequate pavement width to provide for ingress and egress to the proposed development.

C. Alignment - The alignment of all streets shall be related to the centerline and shall be as follows, unless a different alignment is required by the Director of Works because of special topographical considerations or sound engineering practices:

1. Major and Minor Arterials and Collectors - the radius of all horizontal curves shall be at least 573 feet and horizontal curves shall have a desired stopping site distance of 325 feet with the minimum stopping sight distance of 275 feet. All vertical crest and sag curves shall conform to the formula L = KA. The desired K value shall be 80 with a minimum K value of 55. The design of the horizontal and vertical curves may vary based on the design speed of the roadway as determined by the Director of Works.

2. Local and Cul-de-sac Streets - All local and cul-de-sac streets shall be related to the topography of the subdivision and shall generally tend to discourage fast or through traffic.

D. Corner Radii - The minimum radii at the pavement edge, or the back of the curb where required, shall be twenty-five feet for all street intersections, unless a different figure is expressly approved by the commission because of special topographical considerations or sound engineering practices. The minimum radii at the property line shall be fifteen feet for all street intersections, unless a different figure is expressly approved by the Director of Works because of special topographical considerations or sound engineering practices.

6.2.6 Requirements for Specific Types of Streets and Alleys

A. Minimum Requirements - New streets shall provide right-of-way and improvements specified in the following table, according to the functional class of the street and the form district in which it is located, subject to the following exception:

1. Sidewalks shall not be required on lots that are five acres or greater in area and developed for single family residential uses unless they connect with existing sidewalks on both sides of the property.

B. Fee in Lieu Option (Not in effect within the City of Jeffersontown and the City of Middletown, see Appendices 1B and 1C respectively for details) - The Director of Works or designee may allow the payment in lieu of sidewalk construction upon a finding that construction of a sidewalk is not appropriate due to one of the following:

1. Sidewalks construction is impracticable due to topographical conditions or narrow right-of-way; or

2. A determination by the Director of Works or designee that sidewalks do not exist in the area and there is not a likelihood for sidewalks to be constructed in the future.

   Amount of fee shall be set by Metro Public Works based on average sidewalk construction. All fees paid shall be used for sidewalk construction within the same Metro Council District. It should be noted that payment of a fee in lieu of sidewalk construction is an option available to developers that must be approved by the Director of Works. Applicants retain the right to request a sidewalk waiver; in no case shall the Planning Commission or Director of Works require the payment of a fee in lieu of sidewalk construction.

Table 6.2.1

						Alley
R.O.W Width	130 feet	120 feet	80 feet	60 feet/50 feet if curb & gutter	50 feet	24 feet
Pavement Width	As determined by the Director of Works; refer to Street Cross Sections for general guidance on pavement widths					
Sidewalk	Required[1]	Required[1]	Required[1]	Required		N.A.
Bicycle Lane	Bike Plan[2]	Bike Plan[2]	Bike Plan[2]	Bike Plan[2]		N.A.
Verge[3] (Planting Strip)	Width to be determined by Director of Works; refer to form district standards for recommended width (if adequate right-of-way)					N.A.

[1] Sidewalk is required on both sides of all streets. Minimum sidewalk width is 5 feet unless different width specified in Form Districts. With approval of the Director of Works, meandering sidewalks are specifically allowed.

[2] Bicycle facilities will be required along selected streets based on the adopted Bicycle and Pedestrian Plan.

[3] Verge width will be determined by the Director of Works, depending on right-of-way width and site specific factors. Recommended widths are listed in the table.

Table 6.2.1 continued

	The following standards are specific to the form district in which a roadway is located					
						Alley
Neighborhood	Sidewalk: 5 feet; Verge: 15 feet	Sidewalk: 5 feet; Verge: 15 feet	Sidewalk: 5 feet; Verge: 10 feet	If <20 lots, cul-de-sac standards[4] ; Sidewalk: 4 feet	Sidewalk (4 feet) if more than 20 dwellings	
Traditional Neighborhood	Sidewalk: 5 feet Verge: 5 feet	Sidewalk: 5 feet Verge: 5 feet	Sidewalk: 5 feet Verge: 5 feet	Sidewalk: 5 feet Verge: 5 feet	Sidewalk: 5 feet	15 feet ROW w. 5 feet utility easement
Village	Sidewalk: 6 feet in Center Verge: 6 feet	Sidewalk: 6 feet in Center Verge: 6 feet	Sidewalk: 6 feet in Center Verge: 4 feet	Sidewalk: 6 feet in Center; 4 feet in Outlying Areas Verge: 6 feet	Sidewalk (5 feet) if more than 20 dwellings	
Town Center	Sidewalk: 5 feet; Verge: 5 feet	Sidewalk: 5 feet; Verge: 5 feet	Sidewalk: 5 feet; Verge: 5 feet	Sidewalk: 5 feet; Verge: 5 feet	Sidewalk: 5 feet; Verge: 5 feet	
Traditional Marketplace	Sidewalk: 6 feet; Verge: 5 feet	Sidewalk: 6 feet; Verge: 5 feet	Sidewalk: 6 feet; Verge: 5 feet	Sidewalk: 6 feet; Verge: 5 feet	Sidewalk: 6 feet; Verge: 5 feet	
Suburban Marketplace	Sidewalk: 5 feet; Verge: 6 feet	Sidewalk: 5 feet; Verge: 6 feet	Sidewalk: 5 feet; Verge: 6 feet	Sidewalk: 5 feet; Verge: 4 feet	Sidewalk: 5 feet; Verge: 4 feet	
Traditional Workplace	Sidewalk: 5 feet, Verge: 5 feet	Sidewalk: 5 feet; Verge: 5 feet	Sidewalk: 5 feet; Verge: 5 feet	Sidewalk: 5 feet; Verge: 5 feet	Sidewalk 5 feet; Sidewalk required unless < 5 lots	
Suburban Workplace	Sidewalk: 5 feet; Verge: 15 feet	Sidewalk: 5 feet; Verge: 15 feet	Sidewalk on one side only: 5 feet; Verge: 10 feet	Sidewalk on one side only: 5 feet; Verge: 6 feet	Sidewalk required unless < 5 lots	
Regional Center	Sidewalk: 5 feet; Verge: 10 feet	Sidewalk: 5 feet; Verge: 10 feet	Sidewalk: 5 feet; Verge: 10 feet	Sidewalk: 5 feet; Verge: 6 feet	Sidewalk: 5 feet; Verge: 6 feet	

[4] Local level through streets that have no more than 20 single family lots when fully developed may be built to cul-de-sac right-of-way and pavement width standards, with a finding from the Director of Works that through traffic is adequately accommodated.

Table 6.2.1 continued

	The following standards are specific to the form district in which a roadway is located					
						Alley
Campus	Sidewalk: 5 feet; Verge: 10 feet	Sidewalk: 5 feet; Verge: 10 feet	Sidewalk: 5 feet; Verge: 10 feet	Sidewalk: 5 feet; Verge: 6 feet	Sidewalk required unless < 5 lots	
Downtown *	Sidewalk: 7 feet	Sidewalk: 7 feet	Sidewalk: 7 feet	Sidewalk: 7 feet		Sidewalk: 6 feet

* 5 ft. sidewalk width is acceptable in some situations

C. Exceptions – The Director of Works may approve exceptions from the standards of Table 6.2.1 where new development extends an established pattern of roadway design that has been shown to adequately serve the area's transportation needs. The Planning Commission, with comments from the Director of Works, may approve deviations from the standards (reductions and exceedences) of Table 6.2.1.

6.2.7 Construction Standards

Construction plan showing materials, methods of construction and detailed specifications for all required physical improvements, for public and private roadways, shall be submitted to and approved by the Director of Works before construction is begun.

A. Materials - The engineer shall be guided by sound engineering practices in the selection of materials for street construction and other physical improvements. Wearing surfaces shall be limited to high-type asphalt or Portland cement concrete. Base courses may be of, but not limited to, the following: Portland cement concrete, hot mixed asphalt concrete, crushed limestone, stabilization of acceptable soils with soil-cement, asphalt, lime or other recognized materials or combinations thereof. Sub-base stabilization with recognized materials may also be used.

B. Design Standards - The engineer designing the subdivision and the approving agency shall be guided by recognized procedures for determining adequacy of the various structures. Examples and guidelines are as follows:

1. Drainage - MSD Design Criteria or the Kentucky Department of Highways Drainage Manual will be acceptable for determining hydraulic adequacy of drainage facilities.

2. Structures - Design shall be by acceptable methods using AASHTO design loading as follows:

a. Local and Cul-de-sac	H - 15
b. Collector	H - 20
c. Arterial and All Industrial and Commercial Zoning Districts	As required by Director of Works

3. Street Pavement and Base - Design methods suggested by, but not limited to, trade associations, such as Asphalt Institute, Portland Cement Association, National Limestone Institute, and others shall be used. The following basic elements shall be considered: soil characteristics, design life, traffic usage, material strengths and provisions for maintenance.

4. Pavement Design Criteria - Pavement design for all street classifications shall conform to the current pavement design standards established by the Director of Works.

5. Road Shoulder Design - The design of new roadway shoulders must comply with the most recent AASHTO publication.

6. Construction Sequencing- The construction phasing of all sections within an approved preliminary plan shall be contiguous to completed subdivision sections. Any deviation from this scheduling must be approved by the Director of Works prior to beginning of construction.

7. Construction Specifications - The construction plans shall include complete specifications to guide construction and fully explain the intent of the drawings. Because of general familiarity by contractors, the current edition of MSD or Kentucky Transportation Cabinet Standard Specifications for Road and Bridge Construction or other adopted standards may be incorporated by reference to the extent applicable, or separate detail specifications may be written to satisfy the conditions. In any event, complete specifications shall be provided which include, but are not limited to the following:

   a. Materials and requirements for acceptance

   b. Methods of construction, and

   c. Basis for acceptance or rejection of the project

8. Private Roadways – All private roadways shall meet the right-of-way width and construction standards of sections 6.2.6 and 6.2.7, unless the Planning Director, with concurrence of the Director of Works, approves in writing a waiver of said standards, or unless eligible for the standards contained in section 6.2.8. Private streets/access easements located in the OR, OR-1, OR-2, OR-3, OTF, CN, CR, C-1, C-2, C-3, CM, EZ-1, M-1, M-2, M-3, PRO and PEC zones shall make all dedications and complete all physical improvements or provide a financial instrument adequate to ensure completion of the improvements as required under these regulations before the Commission may approve the subdivision plat.

9. Sidewalks shall maintain an unobstructed passage way (clear of fire hydrants, street trees, utility poles, other obstructions) at least 4 feet wide, or other dimension as approved by the Director of Works.

6.2.8 Private Roadways

A. Standards – Private roadways serving no more than five lots restricted for single family residential use may be constructed in accordance with the following standards:

Minimum Physical Improvements for Private Roadways

Number of Lots	Private Street
1 - 2 lots	P 18/R30
3 - 5 lots	P 18/R50

P = Pavement width
R = Right-of-way or easement width

B. Grade - No private access easement grade shall be less than one percent nor more than ten percent, unless a different grade is expressly approved by the Commission and the Director of Works because of special topographical conditions.

C. Minimum Pavement Standards - The Pavement/roadway design shall conform to the minimum physical improvements for private access easements issued by the Director of Works and to the requirements of the Jefferson County Code of Ordinances, Chapter 150.068 - 150.074.

D. Lots - All applicable zoning regulations, as pertaining to minimum yard requirements, shall be interpreted as being measured from the nearest boundary of the private access easement.

Right-of-Way Illustrations

The following illustrations depict right-of-way configurations based on the standards contained in Table 6.2.1. Streets developed prior to adoption of these standards may diverge significantly from the illustrations. Subdivisions and new developments along pre-existing routes may be required to dedicate right-of-way or make improvements in accordance with the Table 6.2.1 standards and the following illustrations.

Notes*: (applicable to all roadway types)*

1. Greater or lesser right-of-way widths may be needed, depending on topography and other circumstances.

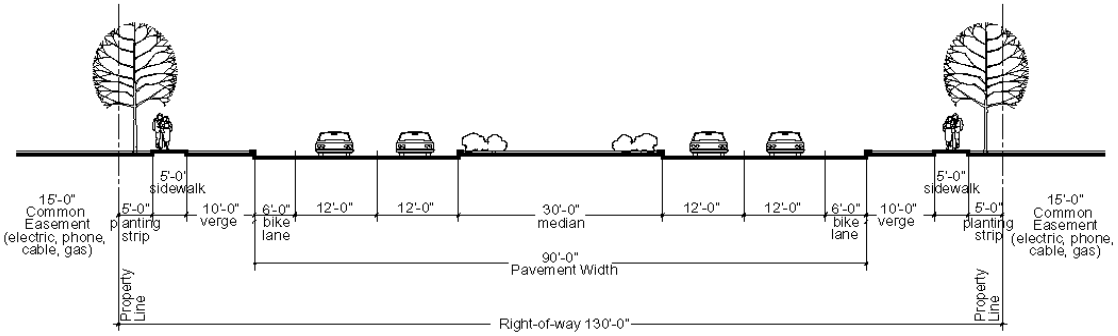
2. Shared use paths and bicycle lanes will be provided in selected locations based on the Bicycle and Pedestrian Plan. These facilities will not be constructed along every roadway. A wide curb lane may substitute for a bike lane, if the standards of the "Kentucky Transportation Cabinet Pedestrian and Bicycle Task Force Policy Recommendations" are met. Bike lanes and shared use paths are shown with various street types and configurations for purposes of illustration; these renderings are not intended to limit the type of bicycle facility provided with a certain road configuration.

3. Type, size and location of landscaping within the right-of-way must be in accordance with the requirements of the entity responsible for the right-of-way. Street trees shall be placed in accordance with requirements of the agency having jurisdiction over the roadway and applicable form district standards. Ground cover and low growing vegetation (two feet maximum height) compatible with utility line maintenance are recommended for the verge.

4. Sidewalk widths and setbacks vary according to form district; refer to the applicable form district regulation. A minimum five feet width is required in all form districts other than local level roadways in the Neighborhood Form District. Meandering alignment of walkways is permitted.

Major Arterial

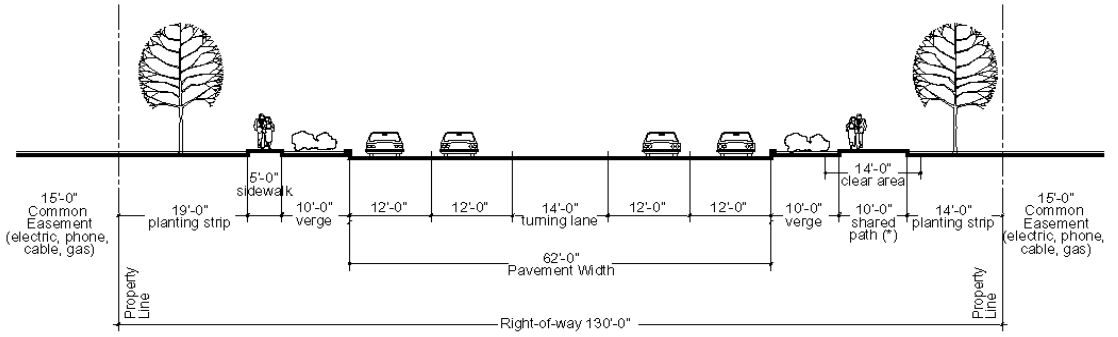
Urban Type A: Two-way, four-lane with median and bike lane / No parking



Major Arterial

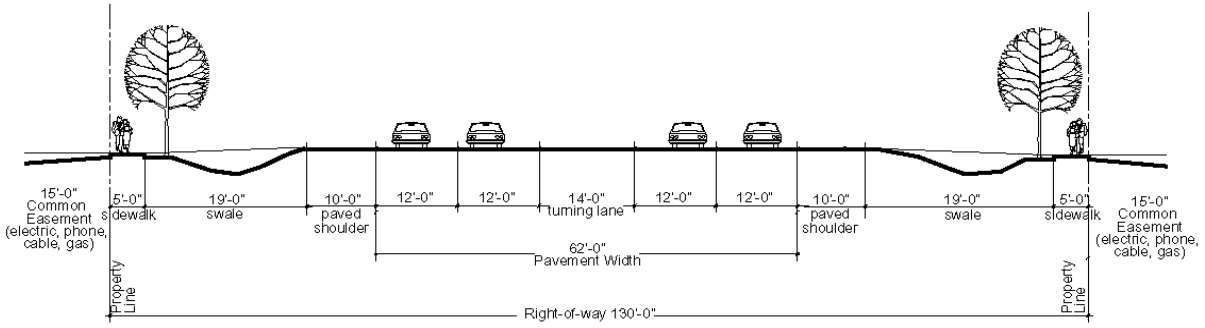
Urban Type B: Two-way, four-lane and turning lane / Shared use path / No Parking

(*) Shared use path (serving pedestrians and bicycles) may be located within the arterial right-of-way or on separate alignment, depending on factors such as frequency of street intersections and curb cuts.



Major Arterial

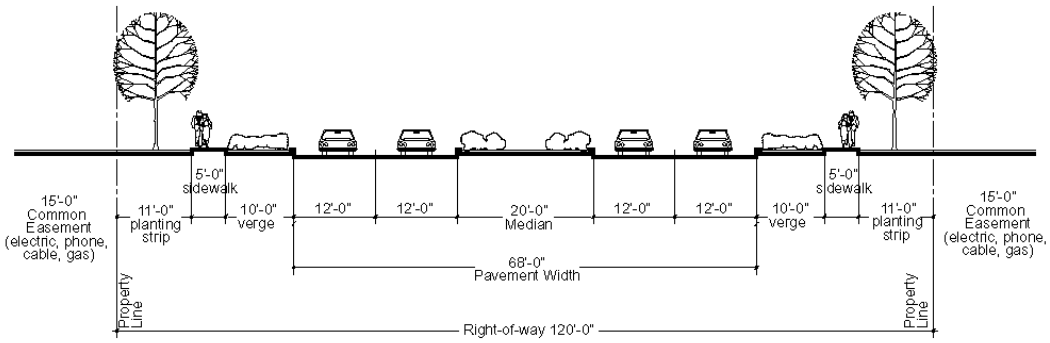
Rural: Two-way, four-lane + turning lane / paved shoulder / no parking



Minor Arterial

Type A: Two-way, four-lane and median

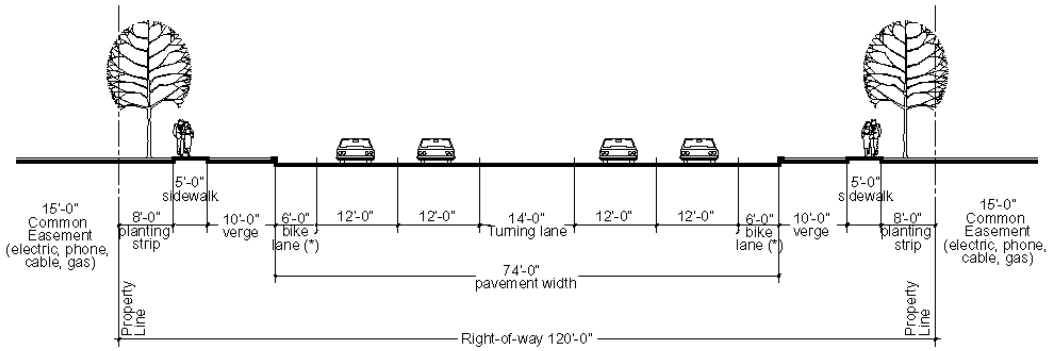
Note: Bike lanes or shared use path may be accomodated, per Bike Plan



Minor Arterial

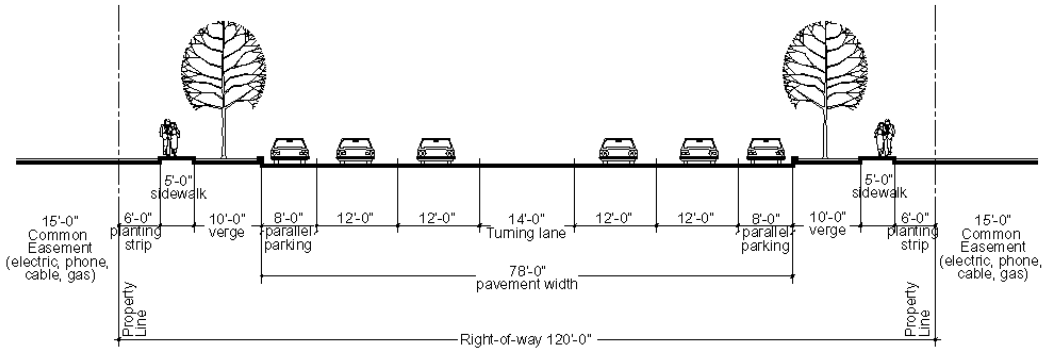
Type B: Two-way, four-lane and turning lane / No parking / Bike lanes (*)

(*) A shared use path may substitute for bike lanes if circumstances warrant



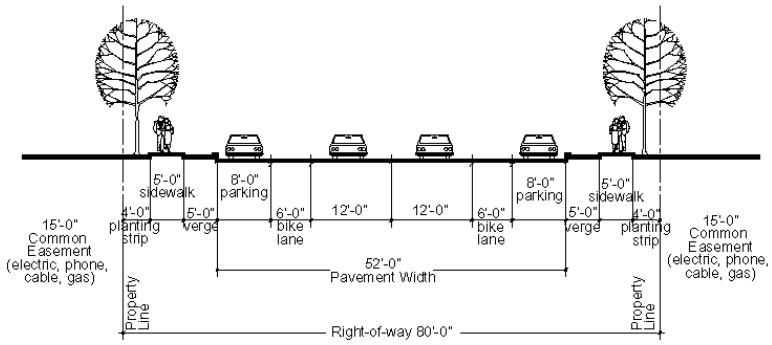
Minor Arterial

Type C: Two-way, four-lane and turning lane / Parallel parking



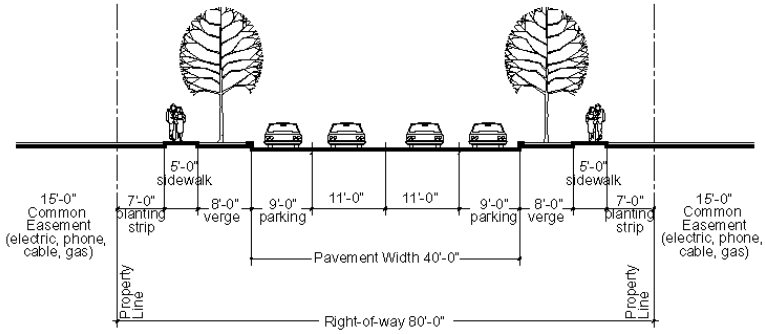
Collector Street (Primary and Secondary)

Urban Type A:Two-way, two-lane / Bike lanes / Parallel



Collector Street

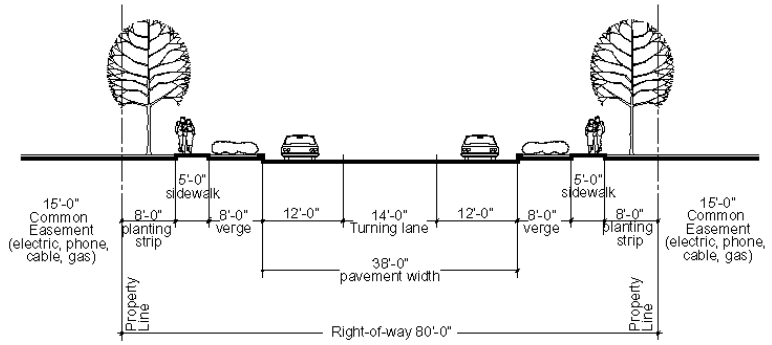
Urban Type B: Two-way, two-lane / Parallel parking



Collector Street

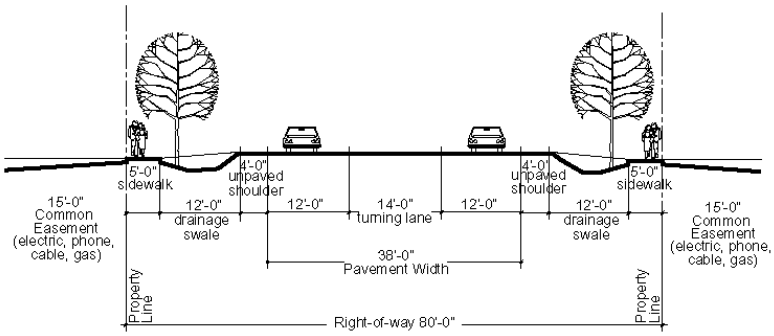
Urban Type C: Two-way, two-lane and turning lane / No parking

Note: Bike lane (6') or wide curb lane (15') on collectors without on-street parking may be appropiate if recommended in in the Bicycle and Pedestrian Plan



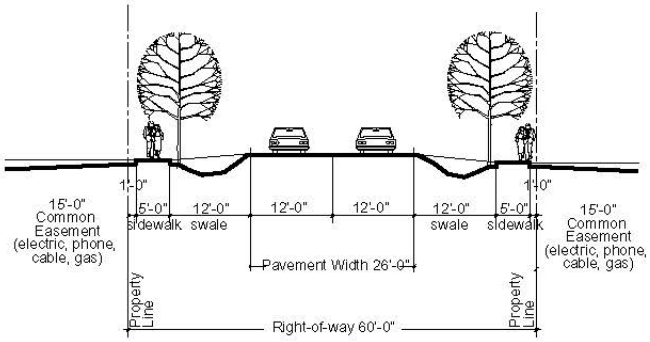
Collector Street

Rural: Two-way, two-lane + turning lane / no curb / no parking



Local Street

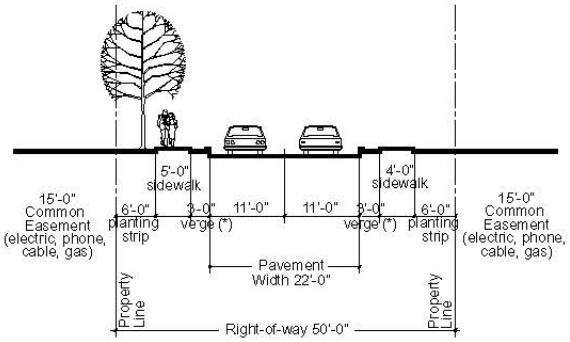
Rural: Two-way, two-lane no curb and gutter



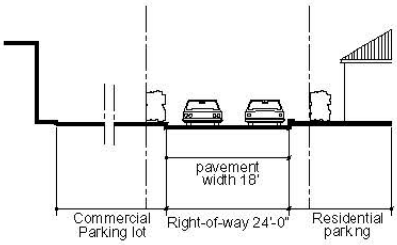
Local Street

Urban: Two-way, two-lane street with curb and gutter.

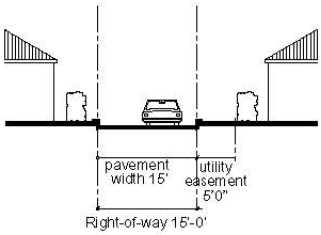
* (Trees may be planted in verge, depending upon established planting pattern)



Alley Neighborhood Form



Alley Traditional Neighborhood



6.3.1 General Provision

A. Purpose

These standards and procedures are established to promote and protect the public health, safety and welfare within Jefferson County by providing common and effective methods for assigning and changing street names and site addresses, and permanent closure of public rights-of-way and access easements. Such methods ensure the efficient delivery of emergency services to individual homes and businesses, and appropriate determination of the continued use of lands dedicated for public purpose.

B. Effect

No application for a building permit or subdivision plat shall be approved that contains street names or site addresses that do not comply with the requirements and procedures provided herein.

The following terms relating to Street Names are included in the Definitions (Chapter 1 Part 2): Commission, Planning Director, Fire Protection District, Louisville and Jefferson County Information Consortium (LOJIC, Person, Street Index File

6.3.2 Street Name Change

A. Authorization and Procedure

Street and alley names may be changed in accordance with this section.

B. Who May Initiate a Street or Alley Name Change

Applications for changing a street or alley name may be initiated by the Planning Commission, any governmental unit having jurisdiction over any part of the street or alley, property owners representing fifty-one percent of all parcels adjacent to the public right-of-way to be renamed, or by property owners whose property includes more than fifty-one percent of the linear front feet of the portion of the street or alley to be renamed.

C. Application Requirements

The following information items are required for acceptance of a formal application to the Louisville and Jefferson County Planning Commission to change the name of any public or private street or alley.

1. The formal application shall contain the following items:

   a. The existing street or alley name.

   b. The proposed street or alley name.

   c. Justification for request.

   d. The application shall be signed by the applicant or a person authorized by the applicant.

   e. Signed, notarized, consent and address of each adjoining property owner who has requested the name change, or an affidavit authorizing an agent to act on behalf of said adjoining property owner(s).

   f. Statement of the availability of the proposed street name, in accordance with Section 6.3.5.

   g. Additional information as required.

2. Ten copies of a scaled 8 1/2 x 14 inch drawing showing the entire street or alley involved and including names, sources of title, and addresses of all adjacent property owners along the street as reflected by information and maps maintained by the Property Valuation Administrator. Vacant lots shall be designated as such in the scaled drawing. A location/vicinity map showing the distance of the street proposed for re-naming to the nearest arterial street shall be on the drawing.

3. The appropriate application fee as defined in the Schedule of Application Fees.

4. Fee to record the final documents in the Office of the County Clerk.

D. Review and Action for Applications

Complete applications for a street name change shall be reviewed and action taken in accordance with the following procedures.

1. The Planning Commission or its designee shall determine the technical accuracy of the request and establish the Planning Commission public hearing date.

2. A notice of the proposal to change the street or alley name and the opportunity to request a public hearing shall be sent to all property owners adjacent to the affected portion of the street or alley and all governmental units having geographical jurisdiction. Notice shall be sent no less than 14 days prior to the Planning Commission's consideration of any proposed street name change.

3. If requested to do so by any interested party, the Planning Commission shall hold a public hearing on any proposed street or alley names changes. The Planning Commission may waive the public hearing if no such request is received, and affected governmental units having geographical jurisdiction agree to the proposed name change.

4. Notice of public hearing shall be published in accordance with the provisions of Kentucky Revised Statutes, Chapter 424 (minimum 14 calendar day notice).

5. Following a public hearing or business session at which the proposed street or alley name change was considered, the Planning Commission shall:

   a. If the street or alley is entirely within one jurisdiction with zoning authority, the Planning Commission shall make a recommendation to the legislative body of that jurisdiction for final action; or,

   b. If the street or alley is located in more than one jurisdiction with zoning authority, the Planning Commission shall make a recommendation to Fiscal Court, or, after January 1, 2003, the council of the consolidated local government.

6. Upon receipt of an ordinance from the legislative body approving a name change, a copy of the ordinance and the approved map shall be recorded in the Office of the County Clerk.

6.3.3 Permanent Street Closing

A. Authorization and Procedure

Publicly dedicated right-of-way may be permanently closed in accordance with this section. Temporary street closures may be authorized by the Director of Works; such closures are not subject to this regulation.

This regulation is not applicable to any streets or alleys located entirely within 5th or 6th class cities.

B. Who May Initiate an Application for Permanent Closing or Abandonment of a Public Right-of-Way or Easement.

Applications for permanently closing a public right-of-way may be initiated by the Planning Commission, any governmental unit having geographical jurisdiction over the public right-of-way, or property owners representing fifty-one percent of all parcels adjacent to the public right-of-way to be closed, or by persons owning at least fifty-one percent of the linear front feet of the affected street or alley.

C. Application Requirements

The following information items are required for acceptance of a formal application to the Louisville and Jefferson County Planning Commission to permanently close a public right-of-way.

1. Pre-Application Conference - The staff of the Division of Planning and Development Services will meet with applicants prior to formal submittal of the request to discuss the requirements, procedures and standards of the street closure process.

2. Formal Application – A complete application form available through the Division of Planning and Development Services including the following information and attachments:

   a. A metes and bounds description of the public right-of-way proposed for closure signed and sealed by a registered Land Surveyor in the Commonwealth of Kentucky.

   b. Justification for the request.

   c. The application shall be signed by the applicant or a person authorized by the applicant.

3. Plat of Survey - A recent plat of survey that describes the area proposed for permanent closure with the street or alley name(s) clearly labeled where appropriate. The plat shall show how the area proposed for closure is to be divided. The plat shall be signed and sealed by a land surveyor registered in the Commonwealth of Kentucky. Multiple copies of the plat shall be submitted, as determined by the Planning Director.

4. Site Plan - Closures related to any proposed development shall submit a site plan as part of the application. Where transportation or utility facilities are to be relocated, the site plan shall indicate specific locations for the relocation of these facilities and label as existing or relocated.

5. Notification List - The applicant shall provide a list of the names and mailing addresses of all property owners adjacent to the proposed street or alley closing extending to the nearest intersecting streets. This list may be prepared from maps and records maintained by the Jefferson County Property Valuation Administrator. A map shall be submitted illustrating the location of each of the property owners identified above. Vacant lots shall be designated in the map.

6. Notarized Consent - The applicant shall provide an original and one (1) copy of notarized consent to the closing from property owners of the adjoining properties along the proposed area of closure who have requested the closure, or an affidavit authorizing an agent to act on behalf of the said property owners.

7. Additional Information – The Planning Commission may request the applicant to provide other information based upon consultation with other local agencies (i.e., Air Pollution Control District, Department of Public Works), including but not limited to traffic impact analyses and utility relocation data.

8. Fees – The application and recording fees as defined in the Schedule of Application Fees.

D. Considerations for Approval of a Street or Alley Closing

In determining whether a proposed street closing should be approved, the Planning Commission shall consider the following:

1. Adequate Public Facilities - Whether and the extent to which the request would result in demand on public facilities and services (both on-site and off-site), exceeding the capacity or interfering with the function of such facilities and services, existing or programmed, including transportation, utilities, drainage, recreation, education, emergency services, and similar necessary facilities and services. No closure of any public right-of-way shall be approved where an identified current or future need for the facility exists. Where existing or proposed utilities are located within the right-of-way to be closed, it shall be retained as an easement or alternative locations shall be provided for the utilities.

2. Cost for Improvement - The cost for a street or alley closing, or abandonment of any easement or land dedicated to the use of the public shall be paid by the applicant or developer of a proposed project, including cost of improvements to adjacent rights-of-way or relocation of utilities within an existing easement.

3. Comprehensive Plan – The extent to which the proposed closure is in compliance with the Goals, Objectives and Plan Elements of the Comprehensive Plan.

4. Other Matters - Any other matters which the Planning Commission may deem relevant and appropriate.

E. Findings for Street Closings

The Planning Commission shall make a recommendation on the proposed street or alley closing based on its findings relating to the various considerations listed in section D, above or its designee shall review the application for compliance with Cornerstone 2020 (comprehensive plan).

F. Review and Action for Applications

Complete applications for a street closing shall be reviewed and action taken under the following procedures.

1. The Planning Commission or its designee shall determine the Planning Commission public hearing date.

2. The Planning Commission shall hold a public hearing on all proposed street or alley closings, unless waived in accordance with paragraph 4, below.

3. Notice of public hearing shall be published in accordance with the provisions of Kentucky Revised Statutes, Chapter 424. In addition, signs giving notice of the public hearing shall be placed in the area so as to be conspicuous for passing motorists or pedestrians using the affected street or alley and at or near the closest street intersections. Signs shall be posted at least 14 days prior to the public hearing. A notice of the proposal to close the street or alley shall be sent to all property owners adjacent to the street or alley segment defined by the nearest intersecting streets, and all governmental units having geographical jurisdiction. This Notice shall be mailed to property owners at least 30 days prior to any public hearing.

4. The Planning Commission may waive the public hearing if all owners of property adjacent to the street or alley, and affected governmental units having geographical jurisdiction, agree to the proposed closure.

5. Following a public hearing concerning a proposed street or alley closure, the Planning Commission shall make a recommendation to the affected legislative body for final action. If the street or alley is entirely within more than one jurisdiction with zoning authority, the Planning Commission shall make a recommendation to all of the affected legislative bodies for final action.

6. Upon receipt of an ordinance from the legislative body approving a street closure, a copy of the ordinance, approved plat and the metes and bounds description shall be recorded in the Office of the County Clerk.

6.3.4 Release or Modification of Private Access Easement

A. Authorization and Procedure

Private access easements created by documents or plats approved by the Planning Commission may be modified or released in accordance with this section. Applications for closing a private access easement shall be made in accordance with the procedures established in Chapter 11.

B. Non-Utility Access Easements

If an easement was established for private access only (and does not include an easement for sewer, drainage, or utilities), the Planning Director or designee may approve the release or modification of a private access easement if all of the following conditions are satisfied:

1. The applicant has submitted the notarized consents of 100% of the property owners adjoining the easement to be modified or released, extending in either direction to the nearest intersecting streets (three or four way intersection).

2. The easement is not necessary for access, or alternate appropriate access is provided.

3. If the easement was created by a minor plat, the applicant must obtain approval of a revised minor plat in accordance with the Subdivision Regulations. If the easement was created by a recorded major subdivision plat, the applicant must obtain approval of an amendment to the record plat in accordance with the Subdivision Regulations.

C. Joint Use Easements

If the easement is for private access, as well as sewer, drainage, or utilities, the Planning Director or designee may approve the release or modification of the easement if all of the following conditions are satisfied:

1. The applicant has submitted the notarized consents of 100% of the property owners adjoining the easement to be modified or closed, extending in either direction to the nearest intersecting streets (three or four way intersection).

2. Written approval of the closure or modification is received from MSD, Public Works, Louisville Water Company and Louisville Gas & Electric (or successor organization).

3. Thirty (30) days advance written notice of the proposed closure or modification is given to the following agencies/utilities (or their successors) and no objections are received within that time period:

   a. BellSouth;

   b. Louisville & Jefferson County Board of Health;

   c. Planning and Design Services (E-911);

   d. Agency responsible for police and fire services

   e. Clerk of the legislative body having jurisdiction;

4. All necessary utility easements are preserved or provided in alternate locations.

5. The easement is not necessary for access or alternate appropriate access is provided.

6. Easements created by minor plat must obtain approval of a revised minor plat in accordance with the Subdivision Regulations. Easements created by a recorded major subdivision plat, must obtain approval of an amendment to the record plat in accordance with the Subdivision Regulations.

D. Limitation of Commission Authority

The above conditions may not be waived by the Planning Commission. If all of the above conditions are not satisfied, neither Planning and Design Services staff nor the Planning Commission may approve the closure or modification.

E. Recording

Documentation of the release or modification shall be recorded in the office of the Jefferson County Clerk.

6.3.5 Street Names

A. Requirement for Naming

All public streets shall be named in accordance with the provisions of this section. All private streets, frontage roads and ingress/egress easements providing the principal means of access to residential, commercial, industrial, or other properties or buildings shall be named.

Exceptions: Private streets and easements that provide secondary means of access to parcels that are accessible from and qualify for an address on a named public or private street are not required to be named. Easements through a parking lot that link parcels in shopping centers or other multiple lot developments with the public street system shall be named if the Planning Director in consultation with the appropriate Fire Department determines that naming is required for emergency services purposes. The Planning Director, with comments from the appropriate Fire Department, may waive the requirement to name private streets based on a finding that naming would not benefit emergency service providers.

Street Signs: All street signs, for public and private streets shall conform to the requirements of the Manual on Uniform Traffic Control Devices. Permanent signs shall be installed no later than the date on which the road(s) are open to public use. Temporary signs may be required if the Director of Public Works determines they are necessary. The Director may determine the installation schedule and acceptable design (size, height, materials) of temporary signs. The party(ies) responsible for maintenance of private roads and access easements required to be named by this section shall provide, install and maintain street signs adequate to identify the private roads.

B. Agency Responsible for Assignment and Change of Street Names

The assignment or change of all public and private street names shall be approved by the Louisville and Jefferson County Planning Commission or its designated representative for approval of street names. Street names that have been approved by the Commission are considered official street names and are to be included in the Louisville and Jefferson County Street Index File (SIF).

C. Responsibility for Coordination of Street Name Assignments

The Division of Planning and Design Services (DPDS) shall be responsible for coordination with fire and police departments, public agencies, utility providers and others for the assignment or change of street names. This coordination will occur during the street name approval processes defined in this Chapter. DPDS will also be responsible for notification of all appropriate agencies of approved street names that have been entered into the Street Index File.

D. How Street Name Assignments May be Initiated

The approval process for new street names may be initiated as part of any of the following development approval procedures. Applicants for preliminary subdivision plan review are encouraged to seek street name approval as part of the preliminary plan application.

1. Preliminary Plan for Major Subdivision: Street names may be submitted for approval with a Preliminary Plan for Major Subdivision. Approval of the preliminary plan with street names may be given by the Planning Commission, the Technical Review Committee or the Planning Director. A street name review fee is not required for street name assignments that are part of an application for preliminary subdivision plan review.

2. Record Plat for Major Subdivision: Approved street names shall be shown on all major subdivision record plats. A street name review fee is not required for street name assignments that are part of an application for major subdivision record plat review.

3. Minor Subdivision: Street names must be submitted for approval with a Minor Subdivision Plat. Approval of the plat with street names may be given by the Planning Commission or the Planning Director. A street name review fee is not required for street name assignments that are part of an application for minor subdivision plat.

4. Condominium Property Regime Plan: Street names may be submitted for approval with a Condominium Property Regime Plan. Approval of the plan with street names may be given by the Planning Commission or the Planning Director. A street name review fee is required for street name assignments within condominium property regime plans.

5. Development Plan Review: Street names may be submitted for approval with a General Development or Detailed District Development Plan associated with a zoning district change. Approval of street names may be given by the Planning Commission or the Planning Director. A street name review fee is not required for street name assignments that are part of an application for general or detailed district development plan approval.

6. Street Name Change: Street name assignment requests that cannot be submitted as part of one of the development approvals listed above may utilize the street name change application process. Approval of these types of requests shall be given in accordance with Section 6.3.2 of this Land Development Code. A street name review fee is required for street name assignments.

E. Time Limits for Street Name Approvals

Street name approvals are limited to the effective period of the associated development approval as listed in this Code. For example, a street name approval contained with a preliminary subdivision plan approval is effective for one year. At the end of the one year period, the preliminary subdivision plan and street name approvals would expire if the applicant has not filed a record plat for the property or requested an extension of the preliminary approval as provided in this Code.

F. Reservation of Street Names

Property owners and registered agents may apply to the Division of Planning and Design Services for a street name reservation. Street name reservations have a maximum effective period of six months and may not be extended except through a new application process. A street name review fee is required.

G. Duplication of Existing Street Names Not Permitted

To eliminate potential confusion and delay of emergency response, duplication of street names shall not be permitted. Streets with the same name but different street type designations shall be considered duplicate street names (e.g., Chesterfield Drive and Chesterfield Road are duplicates). Proposed street names and name changes shall be compared with street names listed in the Street Index File (SIF) to determine if the proposal would create a duplicate name.

H. Similar or Confusing Spelling of Street Names Not Permitted

To eliminate confusion resulting from diction problems when individuals are reporting street names under stress, similar (text or phonetic) or confusing spelling of street names shall not be approved. The following are examples of the issues described in this section.

Stonehenge vs. Stonehedge	Similar Spelling
Rumplestiltskin	Difficult to spell
Jotunheimen	Obscure
Phunny	Phonetically confusing spelling

I. Length of Street Names

Street names of 12 or fewer characters are encouraged to maximize visibility of street signs. New street names shall not contain more than 16 characters, which does not include either the direction (north, east, etc.) or the street type (lane, drive, etc.). Names shall not contain hyphens, apostrophes, or other non-letter characters. New street names shall not contain more than two words, exclusive of direction or street type.

J. Permanent Voids (Use of Same Name For Interrupted Streets)

To preserve the continuity of street names, and accommodate permanent interruptions to streets including limited access freeways, streams or railroad facilities, the same street name shall not be continued on both sides of a permanent physical interruption to the road.

K. Continuation of Street Names

Streets continuing through an intersection shall keep the same name. For commercial, multi-family, or townhouse developments that have an entrance or access through a publicly maintained cul-de-sac, a separate street name will be required for the entrance or access road in the event that it serves or is intended to serve two or more address numbers.

Street names shall not be changed due to a change in direction of the street, nor shall a new prefix be used for those streets that meet the criteria for using a directional indicator in the street name.

L. Use of Directional Indicators in Street Names

Directional indicators, such as north and west, shall not be included in street name proposals as a prefix or suffix to a street name. When streets cross the east/west or north/south zero baseline the appropriate directional indicator may be assigned by DPDS as part of the street name approval process.

M. Street Type Designations

Street type designations shall be assigned by the Planning Commission or its designee. Street names submitted for review will be evaluated for conformance with the criteria provided below. Street type designations that appear on approved subdivision, development and condominium plans shall be consistent with approved designations. Abbreviations of street type designations shall be consistent with NENA (National Emergency Number Association) standards as depicted in Appendix 6B. See table below for the categories which comprise the range of street types that may be approved.

[redacted]	[redacted]	[redacted]
Limited Access Roadway	Four or more lanes, divided, limited access	Pike, Freeway, or Expressway
Major Arterials	Multi-lane, high volume, through movement of traffic	Thoroughfare, Avenue, Road, Boulevard, Parkway (County Designated), Highway
Minor Arterials and Collectors	Two or more lanes, moderate traffic volumes and trip lengths	Avenue, Street, Road, Drive, Trace
Local Residential or Commercial	Two or more lanes, provide access to individual residences or businesses	Lane, Drive, Way, Circle, Trail, Loop
Residential or Commercial Cul-de-sacs	Typically two travel lanes, providing access to fewer than twenty sites	Court, Place, Terrace
Shopping Center ingress/egress	Typically two travel lanes, providing access to business sites within a larger planned development	Square, Arcade, Center, Plaza
Service Facilities	One or more travel lanes providing service access to residences and businesses	Alley, Walk, Court, Terrace

Street type designations that are proposed that do not meet the criteria listed above will not be approved.

6.3.6 Street Address Assignment

A. Street Address Assignment

Street addresses shall be assigned to all residential and commercial lots, each home site within mobile home parks, condominium and apartment units, individual business, office and commercial uses and sites, and accessory structures and uses that represent separate living or business units. Addresses shall be assigned based on the Jefferson County Addressing Manual (see Appendix 6C).

B. Administrative Procedures

1. Authority, Duties and Responsibilities of Planning Director

   a. The Planning Director shall be responsible for the updating, interpretation, administration, and enforcement of all aspects of the addressing manual which are not the specifically reserved authority of the Louisville and Jefferson County Planning Commission, and shall have the necessary authority to ensure compliance herewith, including the issuance of violation notices and any other appropriate action.

   b. The Planning Director shall maintain records of all addresses for each property and building on the parcel identification maps that are maintained by LOJIC. Such records and maps shall be made available to all public safety, law enforcement and emergency agencies for their use in the performance of their respective duties.

   c. When street address numbers are noted by the Planning Director as either incorrect or otherwise in need of reassignment, the Planning Director is authorized to change the address in accordance with the provisions contained herein.

2. Cooperation with Fire Protection Districts

   The Planning Director shall cooperate with the Fire Protection Districts prior to the assignment and change of addresses and street names.

3. Enforcement of Numbering System

   a. Whenever there is reason to believe that any person is in violation of any provision of this ordinance, the Planning Director or any Fire Protection District acting through one of its regular firefighters may give notice of such violation to the person failing to comply with any such provision and order said person to take such corrective measures as are necessary within 30 days from the date of notification. Said notice shall also advise that the recipient may, within 14 days from the date of notification, submit written evidence to the Planning Director or the Fire Protection District, as the case may be, of why there is no violation of this ordinance. Copies of all violation notices and any response thereto shall be provided to both the Planning Director and Fire Protection District having jurisdiction regardless of the source that issued the original violation notice.

   b. Such notice and order shall be sent via certified mail, with return receipt requested, to the property owner. The date shown on the return receipt shall be the date from which the 30-day period shall commence for compliance or submission of written evidence of non-violation.

c. If such person fails to comply with the order issued pursuant to this section, the Planning Director may initiate such actions as are necessary to terminate the violation, including criminal citations and applying to courts of competent jurisdiction for injunctive relief, or any other appropriate action. If the original violation notice was issued by a regular firefighter, such firefighter may pursue and prosecute a criminal citation or complaint.

4. Preparation of Street Name and Address Maps, Address Files, and Emergency Service Numeration (ESN) District Boundary Maps

The Planning Director shall have prepared and shall maintain a series of maps of the entire county and such maps, to the extent possible, shall depict each street property address as well as the boundaries of all emergency service numeration districts. Due to the limitations of mapping to effectively portray each address for each building or building sub-unit, the Planning Director shall also cause to be prepared a listing of each address for each parcel and building and/or sub-units within buildings. The official street name, address maps are available through LOJIC and other related computer files.

5. Display of Address Number

Address numbers shall be displayed in accordance with Jefferson County Code of Ordinances 97.10 through 97.14. (See Appendix 6D)

6. Building and Occupancy Permits – Duty of Owner

NOTE: *Jefferson County Ordinance 14-1996, effective March 26, 1996*

a. No building permit shall be issued for any structure until the owner or developer has procured the official address number of the premises from the Planning Director or designee. An occupancy permit for any structure erected or repaired shall be withheld until permanent and proper address numbers have been affixed to such structure in accordance with the requirements of this regulation.

b. In the event that a structure is modified in use or design so that either a change in address or the assignment of additional addresses is required for continued compliance with this ordinance, the changed address or additional addresses must be acquired from the Planning Director in accordance with the provisions of this article. No building permit or occupancy permit shall be issued until the proper street address number(s) for a modified structure has been assigned.

7. Penalty

Any person, firm or corporation failing to comply with the provisions of this regulation after written notice by the Planning Director issued under the provisions shall be guilty of a violation and fined in accordance with Chapter 97.16 of the Jefferson County Code of Ordinances.

6.4.1 DESIGN STANDARDS FOR TRANSIT

A. Relationship to the Comprehensive Plan

These regulations are intended to implement the Mobility Goals A2, A3 and I6 of Cornerstone 2020, and Guidelines 7 and 9 of the Plan Elements.

B. Adoption of Design Manual

The Planning Commission is authorized to approve and revise as necessary the "Transit Design Standards Manual" or successor document, based on guidance from the Director of Works and of the Executive Director of the Transit Authority of River City, or successor agencies. The manual shall specify the type and design of transit-related amenities and transit-related site design features to be provided, as well as thresholds for provision of various types of transit-related features.

NOTE: *The Transit Design Standards Manual has not been completed. Upon completion and adoption by the Planning Commission, it will be included in the Chapter 6 Appendix.*

6.5.1 Traffic and Air Quality Assessment

A. Intent

These regulations are intended to implement the Mobility Goals and Objectives of Cornerstone 2020, and Guidelines 7 and 12 of the Plan Elements.

B. Analysis Required

The applicant shall be required to file a traffic impact study or air quality analysis or both, if the Director of Works or the Director of the Air Pollution Control District determines that the development meets the conditions and thresholds established in the current version of the "Guidelines for Traffic Impact Studies and Air Quality Analysis in Jefferson County, Kentucky" or successor document as approved by the Planning Commission (See Appendix 6E). The content and methodology of the traffic impact study and air quality analysis shall be in accordance with the Guidelines or successor document.

C. Planning Commission Approval

1. The Planning Commission may approve or deny a development plan, based on recommendations concerning the air quality or traffic study provided by the Air Pollution Control Board, Director of Works or the Director of APCD.

2. The Planning Commission is authorized to approve, revise and replace the "Guidelines for Traffic Impact Studies and Air Quality Analysis in Jefferson County, Kentucky" document, based on guidance from the Directors of Public Works and of the Air Pollution Control District, or successor agencies.

NOTE: *Part II A of the "Guidelines" establishes the conditions currently used to determine need for a traffic/air quality study:*

1. *200 or more peak hour trips*
2. *location near heavily congested roadways*
3. *location near roadway needing to be improved*
4. *project entails installation or modification of traffic signal*
5. *project affects air quality "hot spot" or area of special concern*

Appendix 6A
Access Management Design Standards

Part 1 Access Management

1.1 Intent and Applicability

This manual presents design guidelines for managing vehicular access to land development, while preserving traffic flow in terms of safety, capacity, and speed. Major thoroughfares and collectors serve as the primary network for moving people and goods. These corridors also provide access to businesses and homes and have served as the focus for commercial and residential development. The design principles described herein are intended to balance the right of reasonable access to private property with the right of the citizens of Louisville and Jefferson County to safe and efficient travel.

1.2 Relationship to the Comprehensive Plan

This manual is intended to assist in implementing the Goals, Objectives and Plan Elements of Cornerstone 2020.

1.3 Access Classification System and Standards

A. The Director of Works (City or County depending upon location) is responsible for approving the number and location of curb cuts. The Director issues permits in accordance with the design principles presented in this manual, AASHTO standards and good engineering practice.

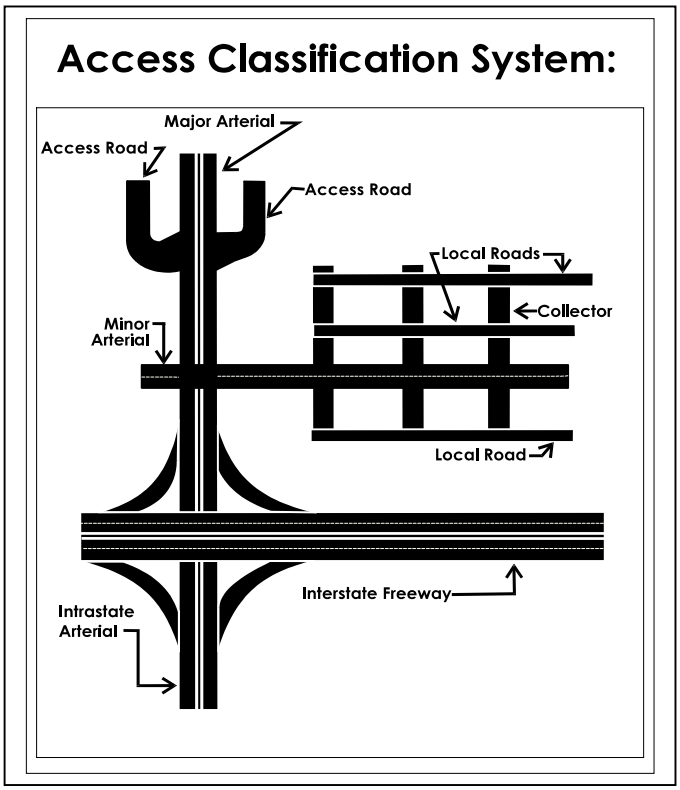
B. Roadways within Jefferson County are classified for the purposes of access management as shown in Core Graphic 10, "Roadway Classification and Projected Corridors."

C. Separation between access points on all City and County maintained roadways should meet or exceed the following minimum standards for that classification.

Table 4: Jefferson County Access Classification System & Standards: [1]

Functional Classification	Driveway Spacing	Spacing of Median Openings or Major Intersections [2]	Signal Spacing
Major Arterial with a Median	600 ft. [3], 400 ft. [4]	1200 ft. [3], 800 ft. [4]	¼ - ½ mile
Minor Arterial	600 ft.	600 ft	¼ mile
Collector	300 ft.	300 ft. to 600 ft.	¼ mile

(1) It is recognized that some locations, due to existing development characteristics, may not meet the standards provided in this section. Access to such properties is allowed to continue.
(2) Applies to full median openings on roadways with medians. Directional median opening spacing shall be ¼ mile on all major arterials.
(3) Applies to facilities with a speed of 45 mph or greater. Speed refers to posted speed or 85th percentile speed, whichever is lower.
(4) Applies to facilities with a speed of less than 45 mph. Speed refers to posted speed or 85th percentile speed, whichever is lower.



1. To provide reasonable flexibility in administration, some deviation from access spacing standards may be permitted, if the Director of Works finds that a property is otherwise unable to meet minimum driveway spacing standards and allowing such a deviation would not create a safety hazard on the public road.

2. The Director of Works may establish some or all of the following conditions as the basis for approving deviation from the driveway spacing standards:

   a) A traffic impact study, prepared at the expense of the applicant, demonstrates that the deviation will not create a public safety hazard;

   b) A joint-use driveway will be established wherever feasible, to serve two abutting building sites, with cross-access easements provided in accordance with Section);

   c) The building site is designed to provide cross access and unified circulation with abutting sites;

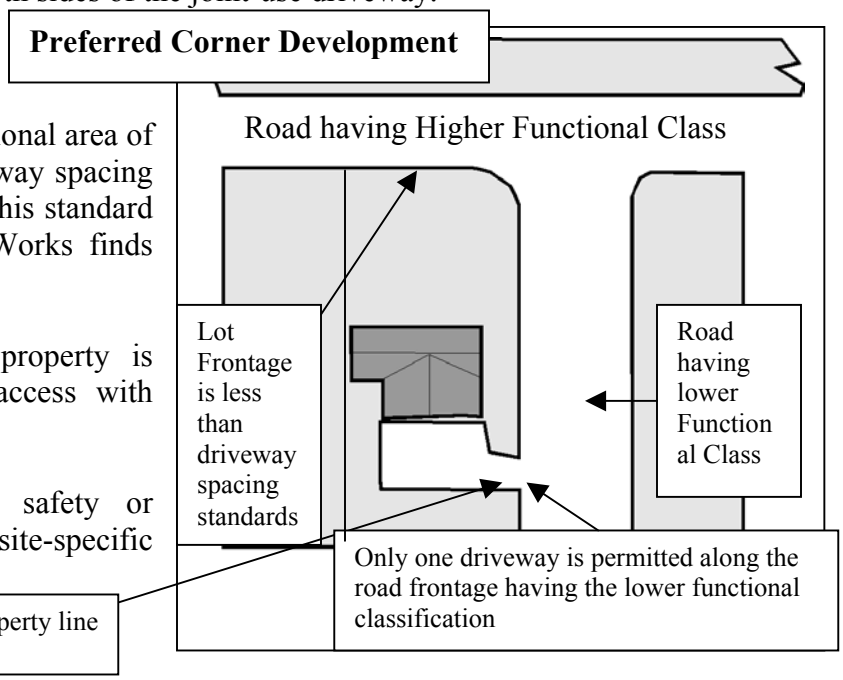
   d) The property owner shall agree to close any pre-existing curb-cuts that are nonconforming on the building site, after the construction of both sides of the joint-use driveway.

1.4 Corner Clearance

A. Locate new driveways outside the functional area of an intersection, as defined by the driveway spacing standards of this article. Exceptions to this standard may be approved if the Director of Works finds that:

1. No other reasonable access to the property is available, including joint and cross access with adjacent properties, and

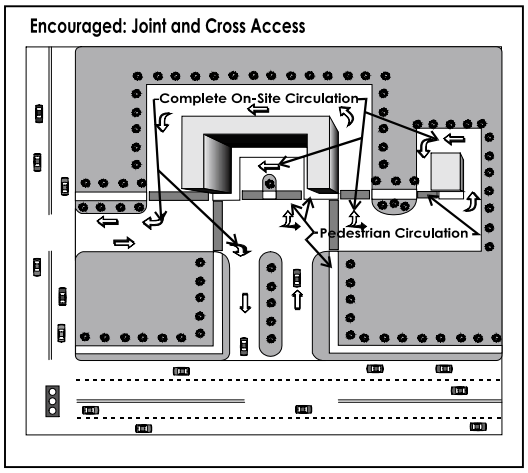
2. The connection does not create a safety or operational problem, upon review of a site-specific



study of the proposed connection prepared by a qualified professional.

B. If the Director finds that no other alternatives exist and provided appropriate sight distance standards are met, a driveway within the functional area of the intersection may be constructed. It shall be located as close to the property line and as far from the intersection as site conditions allow. Only one driveway will be permitted and it shall access the road frontage of the street having the lower functional classification, unless the Director determines that this would create a safety or operational problem on the public street system.

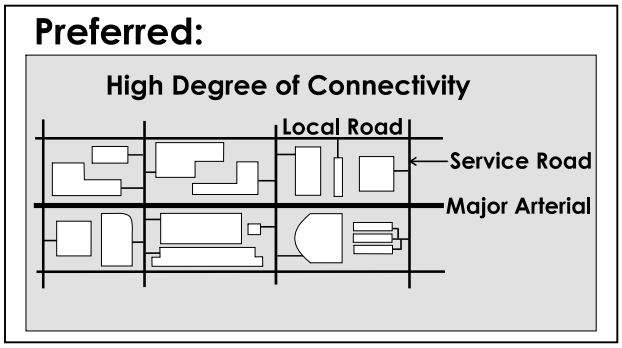
1.5 Joint and Cross Access



A. Properties located on arterial or collector roadways should provide a cross access drive and pedestrian access to allow circulation between adjacent sites as required by the Director of Works. Such connection is generally required in the following circumstances:
1. Retail commercial use adjacent to other commercial, office, industrial or multi-family development.
2. Other connections as required in the form district regulations.

B. Required cross-access corridors shall be shown on any subdivision or site plan. A system of joint use driveways and cross access easements shall be required to provide unified access and circulation among parcels and assist in local traffic movement. In such cases, the building site shall incorporate the following:

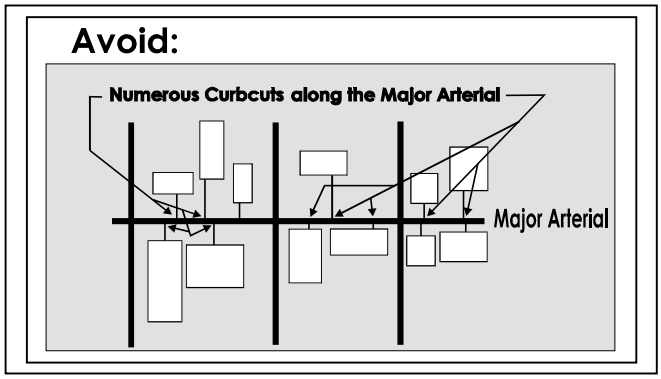
1. A continuous cross-access or service drive with sufficient width to accommodate two-way travel aisles for automobiles, service vehicles, and loading vehicles.



2. Stub-outs and other design features to make it visually obvious that abutting vacant properties should be tied in to provide cross access at the time they are developed.

3. Building sites shall be designed to ensure parking, access and circulation may be easily tied in to future adjacent development.

C. Where joint- and cross-access is provided pursuant to this section, property owners shall:



1. Record an easement in the office of the Clerk of Jefferson County Kentucky, allowing cross-access to and from other properties served by the joint use driveways or service drive, which shall be a covenant running with the land;

2. Record an agreement in the office of the Clerk of Jefferson County Kentucky that any pre-existing curbcuts providing for access in the interim shall be closed and eliminated after construction of the joint-use driveway, which shall be a covenant running with the land; and

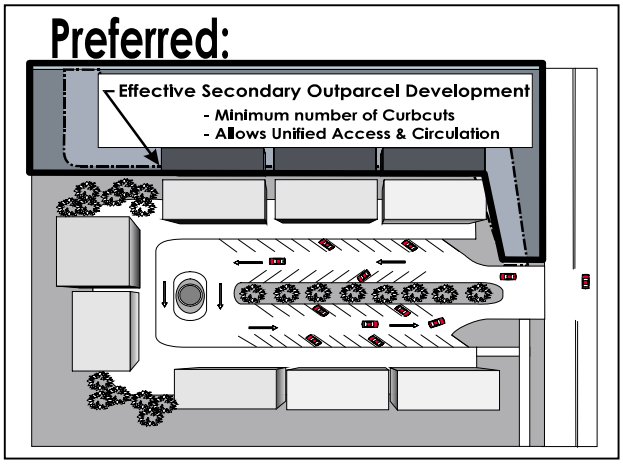
3. Record a joint maintenance agreement in the office of the Clerk of Jefferson County Kentucky, defining maintenance responsibilities of property owners that share the joint use driveway and cross access system, which shall be a covenant running with the land.

4. Items described in paragraphs 1 –3, above, shall be recorded prior to requesting a building permit; if no new construction, the items shall be recorded before requesting a certificate of occupancy.

1.6 Requirements for Unified Access and Circulation

A. In the interest of promoting unified access and circulation systems, integrated development sites comprised of more than one building or more than one lot are not considered separate properties in relation to the access management standards of this code. This will also apply to phased development plans. In addition, the following standards apply:

1. The number of curb cuts permitted shall be the minimum number necessary to provide reasonable access to the overall site and not the maximum available for that frontage. Reasonable access shall be determined by the Director of Works.



2. All necessary easements, agreements, and stipulations required under Section 1.5 (C) shall be met. Subsequent owners and lessees within the affected area are responsible for compliance with these requirements.

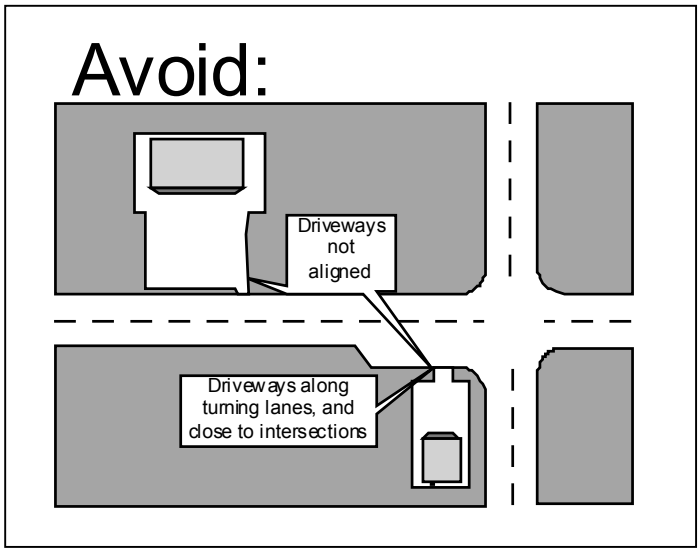
3. Outparcels should be accessed via the shared circulation system of the principal development or retail center. Access to outparcels should be designed to avoid

excessive movement across parking aisles and queuing across surrounding parking and driving aisles.

B. Where abutting properties are in different ownership and not part of an overall development plan, cooperation between the various owners to create a unified access and circulation system is encouraged.. Abutting properties shall provide unified access and circulation at the time that they are developed, or are redeveloped as provided in Section 1.8.

1.7 Driveway Location and Design

A. Sight distance at driveway approaches must be located and designed in conformance with appropriate AASHTO, ITE or other applicable standards.

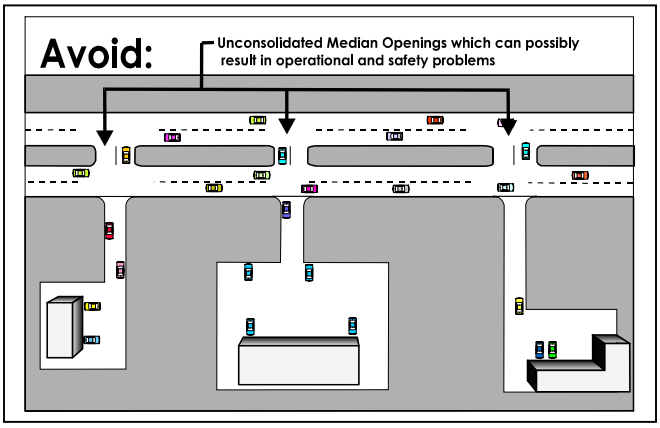


B. The Director of Works may require deceleration or storage lanes where deemed necessary due to traffic volumes, speed limits, or where there may be a safety or operational problem. The design of left-turn and right-turn deceleration/storage lanes shall conform to appropriate agency standards.

C. Due to the potential for vehicular weaving conflicts and crashes, construction of driveways along acceleration or deceleration lanes, left turn storage lanes and tapers is to be avoided, unless no other access to the property is available.

D. Driveways across from median openings should be consolidated wherever feasible, to coordinate access at the median opening.

E. Driveways on undivided roadways should be aligned directly opposite driveways on the opposite side of the road, or offset from each other in accordance with applicable County or State Highway Standards, due to the potential for conflicting left turns or jog maneuvers and resulting safety or operational problems.



F. Driveway width and return radius or flare shall be adequate to serve the volume of traffic and provide for efficient movement of vehicles onto and off of the major thoroughfare. However, the width of driveways shall not be so excessive as to

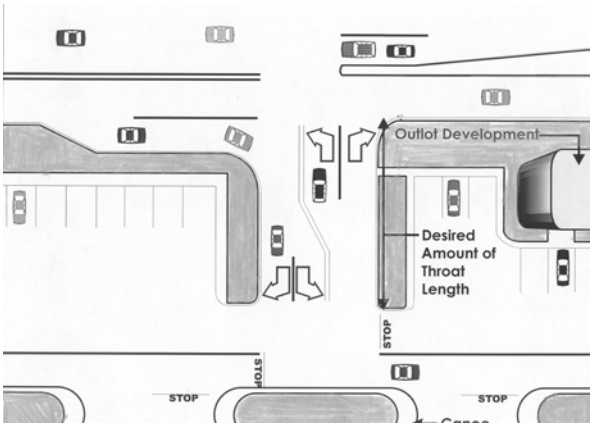
pose safety hazards for pedestrians and bicycles. The Director of Works may require longer radii and/or wider throats where deemed necessary to accommodate trucks.

G. Driveways with more than two lanes should incorporate channelization features. Double-yellow lines may be considered instead of medians where truck off-tracking is a problem.

H. Driveways shall be designed with adequate on-site storage for entering and exiting vehicles to reduce unsafe conflicts with through or on-site traffic and to avoid congestion at the entrance. These guidelines are intended for the principal access to the property and are not intended for minor driveways.

1.8 Redevelopment

Preferred:



Access connections to roadways in place as of the date of adoption of this article that do not conform with the standards herein are considered nonconforming. Properties with nonconforming connections should be brought into compliance with this article as changes to the roadway design allow or when an existing development is changed in any of the following ways:

a) existing structure is replaced by new structure or improvements; or
b) existing structure or parking lot is expanded by 20% or more beyond the size existing at the effective date of this regulation (incremental changes that cumulatively increase the size by 20% fall within the regulated activities of this paragraph); or
c) an existing use is changed to a use for which Chapter 9 of the Land Development Code specifies a higher parking ratio.

1.9 Corridor Access Management Overlay Zones

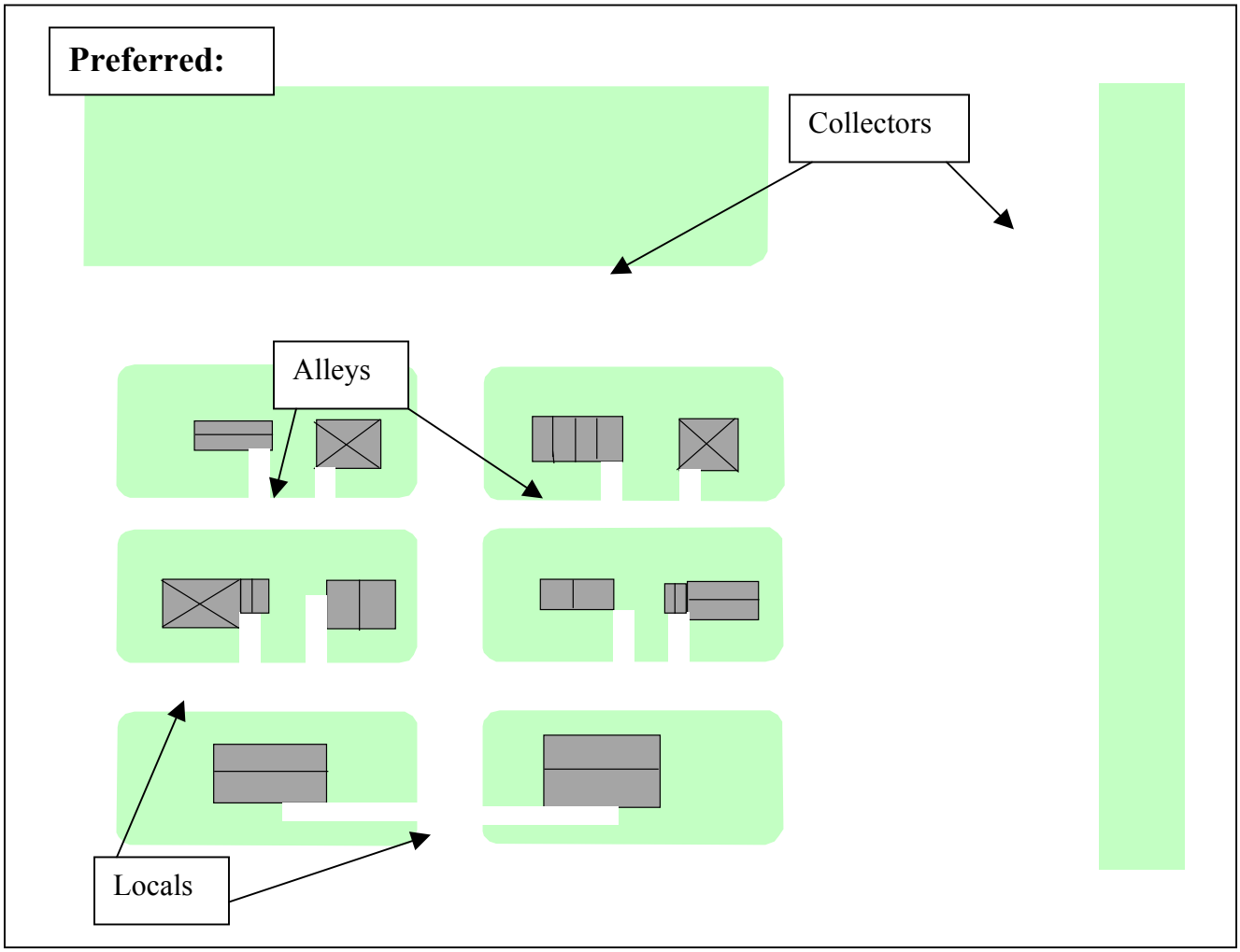
A. Segments of a roadway corridor may be designated as corridor access management zones for the purpose of applying special access management controls that exceed the requirements and standards in this article. The purpose of this designation is to avoid significant traffic congestion problems, reduce vehicular and pedestrian conflict areas, and to ensure appropriate development within the designated area in accordance with the Jefferson County Comprehensive Plan.

B. The controls in such districts are not intended to be substituted for other general zoning district provisions but can be superimposed over such district provisions and should be considered additional requirements.
C. Corridor access management zones shall be designated and approved in accordance with the public involvement and public hearing requirements of Jefferson County that govern the creation of all land use designations and zoning districts.

1.10 Access to Homes and Subdivisions

A. When a residential subdivision is proposed that abuts an arterial or major collector roadway, it shall be designed to provide lots abutting the roadway with access only from an interior local road or frontage road.

B. Direct Driveway access to individual one and two family dwellings on arterial and collector roadways are prohibited unless the Planning Commission determines that there is no acceptable access alternative.



APPENDIX 6B

NENA* RECOMMENDED ABBREVIATIONS FOR STREETS AND THOROUGHFARES

Alley	Aly		Parkway	Pky
Arcade	Arc		Pass	Pass
Avenue	Ave		Path	Path
Boulevard	Blvd		Pike	Pike
Bypass	Byp		Place	Pl
Center	Ctr		Plaza	Plz
Circle	Cir		Point	Pt
Court	Ct		Ridge	Rdg
Cove	Cv		Road	Rd
Drive	Dr		Row	Row
Expressway	Expy		Run	Run
Fork	Frk		Square	Sq
Freeway	Fwy		Street	St
Harbor	Hbr		Terrace	Ter
Highway	Hwy		Trace	Trce
Hill	Hl		Trail	Trl
Hollow	Holw		Turnpike	Tpke
Landing	Lndg		Village	Vlg
Lane	Ln		Walk	Walk
Loop	Loop		Way	Way
Park	Park		-	-

National Emergency Number Association

APPENDIX 6C

JEFFERSON COUNTY ADDRESSING MANUAL

A. Authority of the Planning Director

The Planning Director or designee shall assign addresses in accordance with the following procedures. When circumstances dictate, the Planning Director may authorize address assignments that diverge from the standards in this section.

B. Address Grid System

Each new subdivision parcel, each pad in a mobile home park, commercial unit, apartment, condominium, or townhouse shall be assigned an address on the street providing access to the parcel. Addresses will be assigned based on a countywide grid system.

The grid system allows a series of numbers to be assigned for approximately every 500 feet. The address grid includes the NW, NE, SW, and SE quadrants of Jefferson County and uses primary routes within the County as zero baselines.

C. Address Grid Baselines

Jefferson County's address numbering system shall be on a grid system that divides Jefferson County into quadrants establishing zero baselines from which numbers are assigned. The grid system, as shown on the property numbering map on file in the office of the Commission, indicates the point at which block numbers will change in increments of 100.

Assigned address numbers under the grid system will ascend numerically from 100 to the north and to the south based on Main Street/Shelbyville Road as the boundary or zero baseline for streets that are aligned basically North and South. Streets that are aligned basically east and west shall be assigned address numbers ascending numerically from 100 to the east and to the west based on First Street as extended to the county boundary representing the boundary or zero baseline. The directional orientation of a number street shall be determined by the Planning Director or the Commission. Numbers on the north side of the east-west streets shall be odd and numbers on the south side of the east-west streets shall be even. Numbers on the west side of the north-south streets shall be even and numbers on the east side of the north-south streets shall be odd.

D. Application of Address Grid

Application of the address grid will vary, as few streets run directly north, south, east or west. Most streets run at angles to the cardinal directions and often change direction. The primary consideration for assigning addresses on streets that diverge from the cardinal directions is the even distribution of address numbers. The grid shall be used to assist in assigning numbers by orienting the grid parallel to the direction of the street. In this manner, an appropriate distance between address numbers can be maintained.

E. Addressing Single Family Dwelling Lots

Addresses for single family dwelling lots shall be assigned consecutively on the odd and even sides of the street.

F. Addressing Mobile Home Parks

Addresses for home sites in mobile home parks are assigned consecutively on the odd and even sides of the street. A separate street address number shall be assigned for each mobile home pad. No unit numbers shall be assigned to mobile home park developments.

G. Addressing Townhouse Developments

Addresses for townhouse units are to be assigned consecutively on the odd and even sides of the street. A separate street address number shall be assigned for each townhouse lot. No unit numbers, such as apartment numbers, shall be assigned to townhouse developments.

H. Addressing Commercial, Office, and Warehouse Developments

Staff shall evaluate commercial, office and warehouse developments for address assignment based on the maximum potential number of units. Large stores, offices and warehouses may be divided into smaller spaces many years after the center is constructed. Staff will take into account the potential for readdressing the potential must be taken into account to avoid potential readdressing.

I. Addressing Commercial Shopping Centers

Commercial shopping centers shall generally be addressed in a manner similar to townhouses. Because the frontage dimension for each store may change as the use changes, site development plans for shopping centers shall include the maximum number of potential use units within the center in order to provide the maximum number of addresses. The location of the door to an individual use unit providing primary access is the critical factor in determining which available address applies.

In the event that a shopping center may allow more street addresses than are available with the segment of street, the Planning Director may assign one street address to the shopping center as a whole, and assign unit numbers for each of the potential use units within the center. Unit numbers for the stores shall run as consecutive whole numbers in the same direction as the addresses on the street. Unit numbers shall begin with 101 and progress until all use units have been addressed. No lower numbers, including 100, shall be used. The same procedure and information shall be used in assigning addresses and unit numbers for office and warehouse developments.

In shopping centers with multiple stories, each story shall be assigned four digit addresses beginning with 2100 on the second story and increasing by 1000 for each additional story. For example, stores on the first floor of a shopping center may run from 100 to 122, while stores on a second level of the shopping center may run from 2100 to 2122, and stores on a third level of the shopping center may run from 3100 to 3122. In this manner, it will be easier to locate a store in an emergency by providing a logical separation between levels in the shopping center.

J. Addressing Commercial Shopping Malls

Malls shall be addressed with one street address number assigned to the street intersecting with the main vehicular entrance. Separate address numbers shall not be assigned to each entrance of shopping malls. The maximum number of stores is to be included on the site development plans as well as the minimum potential store frontage. Based on this information, unit numbers shall be assigned using an odd and even distribution on either side of the mall corridor(s). Unit numbers shall begin with 101 on the odd (north and east) side and 100 on the even (south and west) side.

In malls with multiple corridors, each corridor shall be assigned numbers in higher hundred divisions. For example, stores in one corridor may run from 100 to 147, and stores in an adjoining corridor would run from 200 to 238. In this manner, it will be easier to locate a store in an emergency by providing a logical separation between corridors in the mall.

In malls with multiple stories, each story shall be assigned four digit addresses beginning with 2100 on the second story and increasing by 1000 for each additional story. For example, stores on the first floor of a commercial shopping mall may run from 100 to 147, while stores on a second level of the shopping mall may run from 2100 to 2147, and stores on a third level of the shopping mall may run from 3100 to 3147. In this manner, it will be easier to locate a store in an emergency by providing a logical separation between levels in the mall.

K. Addressing Offices and Multi-Family Dwellings

These procedures include residential and office buildings of the same construction design as apartment buildings. Multi-family housing units, such as apartments and condominiums, will have a separate whole number street address assigned to each door/entrance providing access to units within an individual building(s). Street addresses shall be assigned based on the normal criteria for assignment, skipping numbers in accordance with the grid and using the appropriate odd and even numbering scheme for building entrances.

Within structures having dwelling units placed one above another, a consecutive whole unit number (referred to as apartment, suite, or unit number) shall be assigned for each separate dwelling unit. The numbers shall be assigned in the same direction as the street numbers. The lowest floor shall begin with 101, progressing with 102, 103, etc., until all units have been assigned unit numbers. Successively higher floors shall begin with successively higher increments of hundreds. The complete official street address for each unit will consist of the street address, street name, and unit number.

When a single story multi-family structure has frontage along two streets, and has doors/entrances to individual dwelling units from each street, a separate street address will be assigned to each dwelling unit.

L. Addressing Marinas

This procedure includes all water-based facilities for the long term (more than six months) docking and storage of boats that may be used as dwelling units. Marinas shall be addressed in the following manner. The marina will be assigned a street address, and each dock providing access to individual boat slips shall be designated by a letter of the alphabet, beginning with “A” for the dock closest to the street entrance to the marina.

A whole unit number (1,2, etc.) shall be assigned for each separate boat storage slip beginning on the right side of the dock and continuing around the dock to the slip closest to the beginning of the dock on the left side. The complete official street address for each unit will consist of the street address, street name, dock indicator (alpha) and slip indicator (numeric).

M. Assignment of Addresses to Corner Lots

Residential and commercial lots which have frontage on two streets that are required to be named (See 06-03-05A), regardless of whether the streets are private or public, shall be assigned an address for each frontage street which the lot abuts. After the building is established, the Fire Protection District with jurisdiction shall determine which address will be used for the lot and report their decision to the Planning Commission.

POSTING OF ADDRESS NUMBERS

Editor's Note: This subchapter is based on Ord. 21-1982, adopted 5-19-82.

97.010 DEFINITIONS.

(A) For the purposes of this ordinance, the following terms shall have their assigned meanings:

COMMERCIAL or ***INDUSTRIAL STRUCTURE.*** Any building, structure, premises, or establishment used for commercial, industrial, or business enterprises as opposed to residential purposes.

COMMISSION The Louisville/Jefferson County Planning Commission.

FAMILY. One or more persons occupying residential premises and living as one housekeeping unit.

FIRE PROTECTION DISTRICT. Any lawfully created agency established for the ostensible purpose of fire suppression and enforcement of laws and regulations related to fire prevention, protection, and suppression.

MULTIPLE-FAMILY DWELLING A building or portion thereof designed for or occupied by two or more families living independently of each other, and doing their own cooking in separate kitchens. It shall also include residential dwellings which are grouped or clustered on a single parcel of land such as a townhouse, rowhouse, or condominium development. The term multiple-family dwelling shall include but not be limited to apartments, apartment buildings, condominiums, duplexes and patio homes.

REGULAR FIRE FIGHTER The regular members of a fire department in a Fire Protection District, except volunteer fire fighters, who have the same powers of arrest as now given by law to sheriffs of the Commonwealth in the manner prescribed in KRS 75.160.

SINGLE-FAMILY DWELLING. A detached building designed for or occupied exclusively by one family.

(1994 Jeff. Code, § 97.10) (Jeff. Ord. 41-1996, adopted and effective 11-12-1996)

97.011 DISPLAY OF STREET ADDRESS NUMBER.

All residential, commercial, and industrial property located in Jefferson County, shall conspicuously display the appropriate street address approved or assigned by the Louisville/Jefferson County Planning Commission in accordance with §§ 97.030 through 97.042.

(1994 Jeff. Code, § 97.11) (Jeff. Ord. 41-1996, adopted and effective 11-12-1996)

97.012 SINGLE-FAMILY DWELLINGS.

(A) All street address numbers for new single-family dwellings shall comply with the following requirements, except as explicitly set forth herein. Numbers always must be clearly visible to vehicles traveling in either direction on the nearest fronting road, in addition to all of the following:

(1) *Form.*

(a) Standard Arabic numerals (numbers shall not be written out);

(b) In a color distinguishable from its background;

(c) At least four inches in height, unless:

1. Street numbers posted prior to the effective date of §§ 97.012 and 97.013 that were in compliance with previous ordinance requirements as to numeral height will be considered to remain in compliance, until they are removed for any reason, including routine maintenance or replacement;

2. Street numbers that are constructed of laser-cut masonry may be allowed at the height of the cut brick, with a minimum height of three inches.

(2) *Placement.*

(a) Free and clear of any obstructions hindering clear visibility;

(b) Placed at, on, or about the front of the dwelling; however, numbers which are painted only on the road curb do not comply with this requirement; and

1. Placed on the back of such buildings, garages, fences, or other structures on the property, if the back of the property abuts an unnamed alley;

2. If dwelling sits back 100 feet or more from the nearest fronting road, thenumbers may be a minimum of three inches in height and permanently affixed to the mailbox, or, if there is no mailbox available on the fronting road, to a freestanding sign that is:

a. Located no closer than 6 feet, and no more than 12 feet from the driveway; and

b. At least 18 inches in height.

(1994 Jeff. Code, § 97.12) (Jeff. Ord. 41-1996, adopted and effective 11-12-1996; Lou. Metro Am. Ord. No. 224-2003, approved 12-15-2003)

97.013 MULTIPLE-FAMILY DWELLINGS.

(A) All street address numbers for new multiple-family dwellings shall comply with the following requirements, except as explicitly set forth herein. Numbers always must be clearly visible to vehicles traveling in either direction on the nearest fronting road, in addition to all of the following:

(1) *Form.*

(a) Standard Arabic numeral form;

(b) In a color distinguishable from its background;

(c) At least six inches in height with regard to street address/building numbers, and four inches in height with regard to individual unit numbers in buildings with street address/building numbers also posted, unless:

1. Street numbers posted prior to the effective date of §§ 97.012 and 97.013 that were in compliance with previous ordinance requirements as to numeral height will be considered to remain in compliance, until they are removed for any reason, including routine maintenance or replacement;

(2) *Placement.*

(a) Free and clear of any obstructions hindering clear visibility;

(b) Placed at, on, or about the front of the dwelling; however, numbers which are painted only on the road curb do not comply with this requirement; and

1. Placed on the back of such buildings, garages, fences, or other structures on the
property, if the back of the property abuts an unnamed alley;

2. If dwelling sits back 100 feet or more from the nearest fronting road, or is not clearly visible to vehicles traveling in either direction on the nearest fronting road, the numbers shall be permanently affixed to a freestanding sign, or the owner of any such building may submit an alternate form of placement of street address/building numbers to the Fire Department or Fire District having jurisdiction, that is reasonably calculated to readily identify such buildings to emergency and public safety personnel. The parties shall work together to insure proper identification without undue expense to the owner. The written proposal shall be signed off by the Fire Department or Fire District once approved, and submitted to the Commission as proof of compliance with §§ 97.012 and 97.013.

(1994 Jeff. Code, § 97.13) (Jeff. Ord. 41-1996, adopted and effective 11-12-1996; Lou. Metro Am. Ord. No. 224-2003, approved 12-15-2003)

97.014 COMMERCIAL OR INDUSTRIAL STRUCTURES.

(A) The street address number shall be placed at, on, or about the front of each individual commercial or industrial structure so it is clearly visible to vehicles traveling in either direction on the nearest fronting road or parking area and in order to insure prompt identification of the location of each separate building. The address shall be kept free and clear of any obstructions hindering clear visibility to vehicles traveling in either direction on the nearest fronting road or parking area.

(B) (1) After the effective date of this ordinance, the street address numbers for all new commercial or industrial structures shall be in standard Arabic form of a size at least six inches in height or larger so as to be clearly visible to vehicles traveling in either direction on the nearest fronting road or parking area, and the street address number shall be in a color distinguishable from its background.

(2) All commercial or industrial structures in existence upon the effective date of this ordinance which have existing posted street address numbers in standard Arabic form of a size at least five inches in height shall be deemed in compliance with this ordinance unless:

(a) The street address number for such commercial or industrial structure is determined to be in violation of §§ 97.030 through 97.042; or

(b) The street address number is replaced as a result of routine maintenance, replacement, or for any other reason.

(3) In either event set forth in divisions (B)(2)(a) and (b) of this section, such commercial or industrial structure will be required to have at least six-inch Arabic numerals for its posted street address.

(C) In the event that a commercial or industrial structure is more than 100 feet from the nearest fronting road or is otherwise not clearly visible from the nearest fronting road, the owner of such structure shall use a system of street address identification, approved by the Fire Protection District having jurisdiction, that is reasonably calculated to readily identify the structure to emergency and public safety personnel. The owner shall propose any such identification system in writing to the Fire Protection District having jurisdiction, and the Fire Protection District shall work with such owner to insure proper identification without undue expense to the owner. The Fire Protection District shall give written approval for any qualifying identification system, with a copy to the Commission, and such written approval shall be prima facie evidence of compliance with this ordinance.

(1994 Jeff. Code, § 97.14) (Jeff. Ord. 41-1996, adopted and effective 11-12-1996)

97.015 ENFORCEMENT PERSONNEL.

(A) The Code Enforcement Officer, or his authorized representatives, and all regular fire fighters are hereby designated as enforcement personnel for this ordinance, which shall be enforced with the intent to insure that each residential, commercial, and industrial structure in Jefferson County is clearly identified by its assigned street address in order to enable emergency and other public service personnel to promptly identify same at all times.

(B) Prior to the issuance of any citations for violation of this ordinance, an enforcement officer shall deliver a written warning, either in person or by first class mail, which shall describe the violation and direct the correction of such violation within ten business days of the written notice. Thereafter, if subsequent inspection reveals the violation has not been corrected, then the enforcement officer shall issue a citation for the violation.

(1994 Jeff. Code, § 97.15) (Jeff. Ord. 41-1996, adopted and effective 11-12-1996)

GUIDELINES

FOR

TRAFFIC IMPACT STUDIES

AND

AIR QUALITY ANALYSIS

IN

JEFFERSON COUNTY, KENTUCKY

Prepared by:

Public Works and Transportation Division
and Air Pollution Control District

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GUIDELINES FOR TRAFFIC IMPACT STUDIES AND AIR QUALITY ANALYSIS IN JEFFERSON COUNTY, KENTUCKY

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Table of Contents

I. INTRODUCTION……..……..6E-5
II. WARRANTS FOR REQUIRING AN IMPACT STUDY……...……..6E-5
III. RECOMMENDED CONTENTS OF AN IMPACT STUDY……..…….6E-6
IV. HOW THE TRAFFIC IMPACT STUDY WILL BE USED……..……...….6E-9
APPENDIX A TECHNICAL NOTES ……6E-11

A.	Trip Generation	6E-11
B.	Peak Hour Percent	6E-11
C.	Peak Hour	6E-11
D.	Directional Split	6E-11
E.	Pass By Trips	6E-11
F.	Diverted Linked Trips	6E-11
G.	Internal Circulation Trips	6E-12
H.	Trip Distribution	6E-12
I.	Trip Assignment	6E-12
J.	Capacity Analysis	6E-12
K.	Traffic Data	6E-12
L.	Adequate Accommodation of Traffic	6E-13
M	Air Quality Analysis Model	6E-14
N.	Mapping	6E-14
O	Receptor Location	6E-14
P.	Free Flow Speed	6E-15
Q.	Emission — Mobile 5a	6E-15
R.	National Ambient Air Quality Standards	6E-15
S.	Persistence Factor	6E-15
T	Background Concentrations	6E-16
U.	Meteorological Conditions	6E-16

Table A-1 LEVEL OF SERVICE CRITERIA FOR SIGN ALL INTERSECTIONS……6E-17

Table of Contents (continued)

APPENDIX B STUDY ELEMENTS……...……..…6E-18

A	Text	6E-18
	Part One: Traffic Impact Studies	6E-18
	Part Two: Air Quality Analysis .	6E-19
B	Maps	6E-20
C	Tables and Figures	6E-21
D	Appendix	6E-22

APPENDIX C. TYPICAL TRAFFIC IMPACT STUDY FINAL REPORT OUTLINE……..…..6E-23

APPENDIX D SAMPLE FORMS…….6E-25

Figure 1	Traffic Count Graphic Summary Sheet	6E-26
Figure 2	Vehicle Turning Movement Summary Sheet	6E-27
Figure 3	Traffic Signal Warrants Analysis Form	6E-28

APPENDIX E AIR POLLUTION CONTROL DISTRICT EMISSION FACTORS…….6E-29

Table E-l	CO Emission Factors	6E-30
Table E-2	CO Idle Emission Factors	6E-32
	Derivation of Tables E-l and E-2 .	6E-32

APPENDIX F TECHNICAL REFERENCE……..……..6E-18

I. INTRODUCTION

The Louisville and Jefferson County Planning Commission requires that all traffic data and/or analysis either by a project proponent or opponent must be first reviewed by the Jefferson County Public Works and Transportation Division. This is to insure compliance with these guidelines and the comprehensive plan.

The purpose of this document is to provide guidance to developers and consultants regarding traffic impact studies and air quality analysis submitted as attachments to proposed development plans in Jefferson County, Kentucky. These studies can be useful decision making tools and. when warranted, are an important component of a development petition. These guidelines are intended to provide consistency in the preparation of impact studies. They are provided as a reference only. The analysis required for a traffic impact study should be conducted only under the supervision of a transportation engineer with specific training in traffic engineering. The air quality analysis should be conducted only by a professional certified by the Air Pollution Control District.

Notes which provide definitions for the technical terms discussed herein and those that should be addressed in an impact study are included in Appendix A. Elements of a recommended impact study are presented in Appendix B and sample traffic analysis forms are shown in Appendix D. The emission data required for air quality analysis generated by the Air Pollution Control District is presented in Appendix E. The major acceptable sources of information and reference are presented in Appendix F.

II. WARRANTS FOR REQUIRING AN IMPACT STUDY

The Jefferson County Public Works and Transportation Division (PW&T), as the initial step in the review process of a proposed development plan, will evaluate the need for a traffic impact study. The need for a traffic impact study will be determined on a case-by-case basis. The criteria described below will be used by the PW&T staff in its recommendations of need for a traffic impact study. The final decision to require a traffic impact study will be determined by the Director of Public Works, based on staff recommendations. If a traffic impact study is determined to be necessary, a report of the study's findings must be transmitted to and reviewed by PW&T staff before a recommendation on the proposed development plan will be made to the Planning Commission. For air quality concerns the APCD shall determine when an analysis performed by or for the developer is required. In most instances a traffic and air quality impact study would be jointly performed, however, either or both may be waived when conditions warrant.

The normal maximum time required for review and comment is two weeks. Should action be required of the APCD's Board this time would be extended to be compatible with the Boards regular monthly meeting every third Wednesday. An impact study may be requested if any of the following conditions are present:

A. Significantly Sized Project: The proposed development is of sufficient size to have a substantial impact on a particular local area. The proposed development is considered to meet this criteria if it generates two hundred (200) or more peak hour trips according to the current editions of Trip Generation, published by the Institute of Transportation Engineers, locally generated data or other acceptable source.

B. Nearby Congestion: The proposed development, of any size, is located near roadways, intersections or set of intersections which have been identified by the Director of Public Works as being already heavily congested.

C. Modification to Roadway: When the proposed development is located near a roadway segment identified by the Director of Public Works as within a problem area, needing to be widened or improved. This criteria will also be satisfied if the proposed development plan includes modifications to the State or County roadway system.

D. Traffic Control Signal: This warrant will be satisfied if the proposed development plan includes the installation of a new or the modification of an existing traffic control signal.

E. Air Quality: The proposed development is located in or will affect potential "Hot Spot" area, as identified in the Core Graphics of the Comprehensive Plan or an area of special air quality concern.

III. RECOMMENDED CONTENTS OF AN IMPACT STUDY

The developer shall be responsible for all data collection, analysis, and reporting associated with the traffic and air quality studies. The results of the developer's efforts will be reviewed by PW&T and APCD for content, results and acceptability. A single report documenting the traffic and air quality studies should be prepared. Traffic should be presented first since air quality analysis is dependent on traffic data.

A. Traffic Impact

Generally a traffic impact study will provide operating capacity and level of service analysis for critical roadway segments and/or intersections within a predetermined impact area. Upon determination that a traffic impact study is required, the PW&T staff, with the petitioner, will identify the area of impact, the critical intersections to be analyzed and the scope of the study. Capacity and level of service analysis will be conducted for the following conditions:

1. Existing traffic, to establish the current conditions as a point of reference;

2. Existing plus expected natural traffic growth, and approved development projects not yet completed, if any, to establish the short term future traffic conditions without the proposed development;

3. Full development traffic condition (including existing traffic, expected natural growth, approved development projects, and expected site generated traffic), to estimate future traffic conditions once the project is completed.

[NOTE: If the proposed development is expected to be constructed in phases, over a period of years, analysis for each phase of development must be provided for each of the above conditions and should include a predetermined rate for natural growth of through traffic.]

If the proposed development includes a request for rezoning, the study should also include an analysis comparing the traffic generated by the proposed development with the traffic generated by the existing zoning or land use/zoning recommendations in Corridor Plans or Neighborhood Plans. This analysis should be very brief, possibly consisting only of a table comparing the expected number of new trips generated by the recommended zoning and the proposed development plan. In addition, a short narrative should be present comparing the percentage or basic differences between the two scenarios.

The individual parameters of the traffic impact study will be agreed upon during an initial review meeting between the petitioner and PW&T staff. These parameters may include, but not be limited to, the following:

1. Boundary of the traffic impact area;
2 Roadway segments and critical intersections to be included in the traffic impact study;
3. Adequacy of available turning movement counts and need for additional data;
4. Period of analysis (A.M. and/or P.M. peak hour weekday and/or weekend, depending on the development);
5. Trip generation rates or acceptable sources to be used;
6. Reductions to driveway trips due to internal circulation (if applicable);
7. Percentage of trip reassignment to account for pass-by and diverted traffic.
8. Directional distribution of site-generated traffic;
9. Mode split assumptions (if applicable);
10. Programmed projects in KIPDA's Transportation Improvement Program, the Comprehensive Plan's Core Graphics, along with travel demand estimating procedures for any assumptions relating to traffic diversion to new programmed facilities;
11. Roadway capacity and trends in traffic growth;
12. Acceptable methodologies to be used;

13. The range of feasible traffic engineering and operational improvements associated with the development;
14. Feasibility of including measures in the development proposal to promote transit ridership. This would require coordination with TARC *and* may include such provisions as transit stops and shelters with adequate pedestrian access, park-n-ride lots.
15. Possibility of implementing other transportation system management strategies such as flex-time and variable work hour programs to redistribute peak hour traffic, employer ridesharing programs, preferential parking for ridesharers, etc.;
16. Possibility of implementing provisions for alternative modes of transportation, such as bikeways, pedestrian walkways, including the provision of sidewalks along State Highways and along the County through roads system.
17. The identification of high accident locations; and
18. A formal cost estimate of mitigation measures, (including construction, design, right-of-way and utility relocation cost). Approval of the above parameters must be given by the PW&T at this initial meeting. It is recommended that the developer, or his representative, document the discussions at this meeting and submit a letter of conformation to PW&T for approval. This confirmation should be obtained prior to the beginning of analysis. Failure to obtain approval for the methodologies, parameters or assumptions used, in the traffic impact study, may result in rejection of the entire study by PW&T.

Proposed site plans should be submitted to APCD and PW&T as soon as possible. The Public Works and Transportation Division will then coordinate, for APCD, the collection and analysis of all traffic data, by the developer. A representative from APCD will be asked to attend the initial meeting discussed above and will be informed of all meetings, which may affect air quality, throughout the review Process.

No traffic data, however, will be submitted to APCD by the developer. All existing and expected traffic data will be submitted to and review by PW&T. The Public Works and Transportation Division will forward, to APCD, only traffic data required for air quality analysis. Any discussions between the Developer and APCD, concerning site or general traffic related issues, must be coordinated through the Public Works and Transportation Division.

Should any of the proposed development's ingress/egress points be located on a roadway controlled by the Commonwealth of Kentucky, the petitioner is recommended to contact the Kentucky Department of Highway's district office, (District 5). A copy of the proposed development site plan should be submitted to the District Permit Engineer. *The* District Permit Engineer will be informed of all meetings concerning traffic issues and asked to attend. A copy of the traffic impact study, (both draft and final), report should be submitted to the District Permit Engineer for their review and comment. Proposed mitigation measures, if any, on roadways controlled by the State must be approved by the District Permit Engineer before approval by PW&T will be granted and recommendations to the Planning Commission will be made.

B. Air Quality Analysis

The traffic impact study will generate a substantial amount of data required for the air quality analysis. The traffic data used for the air quality analysis must be identical to that used for traffic analysis. Coordination of all traffic studies shall be the responsibility of PW&T, even in those cases when only an air quality analysis is performed. Upon determination an air quality analysis is required the APCD staff will identify the intersections to be analyzed. These may or may not be the same intersections identified by PW&T for traffic analysis.

Prior to beginning any air quality analysis the petitioner will attend the initial review meeting where APCD staff will be available to discuss the petitioner's air quality analysis plan. At that meeting data collection, analysis techniques, assumptions, and products shall be discussed. The following study elements relative to air quality will be covered:

1) APCD's certification process for air quality analyst;
2) Relationship between traffic studies and air quality studies;
3) Critical intersections included for air quality analysis;
4) Criteria for locating receptors;
5) Acceptable air quality model;
6) Intersection drawing requirements;
7) Emission rates from MOBILE *5* a;
8) Traffic counts needed for persistence factor;
9) Assumptions for meteorological condition;
10) Background emission levels;
11) Mitigation of air quality impacts; and
12) National Ambient Air Quality Standards;

The guidelines set forth in this document and those discussed at the initial review meeting shall be followed. Any proposed deviation from the guidelines shall be well documented and thoroughly justified in writing prior to their use. Mitigation measures should be developed with consideration given to their effects on traffic and air quality. Although most mitigation measures that improves traffic flow also improves air quality, this is not true for all mitigation measures.

Mitigation measures should be clearly identified and should be implementable. Before a mitigation measure can be accepted there must be a formal enforceable agreement with the party responsible for implementation.

IV. HOW THE IMPACT STUDY WILL BE USED

The Jefferson County Public Works and Transportation Division staff will relate the findings from the traffic impact study to the following:

A. Changes in operating delays, levels of service and volume-to-capacity ratios;

B. Cost of making any necessary improvements to the transportation system;

C. Comparing the impacts of a proposed rezoning with those which would occur by adherence to the Comprehensive Plan;

D. Assessing the necessary capacity of the transportation system in the context of a fully developed impact area; and

E. Improvements proposed by the petitioner to mitigate traffic impacts.

The Air Pollution Control District staff has one major concern: Whether the air quality model predicts an exceedence of the National Ambient Air Quality Standards. Also of concern is the impact on the identified potential "Hot Spots".

Major conclusions reached by the PW&T and APCD will be discussed with the petitioner and incorporated into the staffs' comments and reported to the Louisville and Jefferson County Planning Commission. Three (3) copies of the final study report shall be submitted, by the petitioner, to the Jefferson County Public Works and Transportation Division, two (2) copies to the Air Pollution Control District of Jefferson County, and one (1) copy to the Planning Commission at a minimum of two (2) weeks prior to its Land Development and Transportation (LD&T) Committee, which is held on alternating Thursdays. Where applicable one (1) copy should be submitted to the District permit Engineer at the Kentucky Department of Highways' District 5 Office. Information presented within the final report, backup supporting data and staff comments from PW&T and APCD, will be made available to concerned citizens of Jefferson County requesting this information. A detailed description of the information to be included and a typical outline for the final report is presented in Appendix C. In addition, the study may be used by the PW&T staff to identify needed transportation improvements, right-of-way requirements and the potential for developer contributions to needed improvements. Written commitments regarding these issues may be incorporated, for plan approval, in the form of binding elements by the developer.

Based on this analysis the APCD will make recommendations to the Planning Commission, in regards to the proposed development's impact on air quality. Any negative recommendation must have official approval of the APCD Board. Traffic improvements required to reduce the developments impact on air quality may be identified, with the assistance of PW&T. If these mitigation measure represent sound traffic engineering practices, they may be incorporated into proposed binding elements for the approved plans.

APPENDIX A TECHNICAL NOTES

A. **Trip Generation**: Average trip generation rates or regression equations for the peak hour of the adjacent street will be obtained from the current edition of the Institute of Transportation Engineer's Trip Generation Manual or Local Trip Generation Study published in October 1993. Other local data may be acceptable provided it was collected using recommended methodology and can be properly documented.

B. **Peak Hour Percent**: A peak hour percentage of 10 percent of the daily trips will be assumed for existing traffic unless hourly counts are available.

C. **Peak Hour**: The petitioner shall use the peak one hour period which occurs during either 7-9 A.M. or 4-6 P.M. periods or both, as agreed to by the staff and petitioner. In some cases, however, the PW&T staff may require additional hours, for example, Friday nights or Saturday afternoon, to also be analyzed.

D. **Directional Split**: The directional split of the entering and exiting traffic associated with the development will be derived from the ITE Trip Generation manual unless other acceptable locally generated data is available.

E. **Pass-by Trips**: The percent of pass-by-trips shall be applied to the trips generated by the proposed development and assigned to the adjacent street network. This rate does not affect the proposed project's driveway volumes but rather reassigns existing trips to movements entering and existing the proposed development. The pass-by trip rates will be agreed upon during the preliminary meeting. The following pass-by trip rates have been determined for some land uses in Jefferson County:

Retail	30-35%
Quality and Sit Down Restaurants	25%
Fast-Food Restaurants	30-50%
Banks	55%
Convenience/Gas Stations	55-60%

These rates were determined as part of a Local Trip Generation Study. The use of these rates are recommended, however, the developer may supply additional information for review and consideration.

F. **Diverted Linked Trips**: A reassignment for diverted trips will generally occur outside the impacted study area; therefore, for the purpose of these traffic impact studies, diverted trips would be considered "new trips" within the study area and can be ignored in most cases. This factor, if applicable, will be decided during the preliminary meeting.

G. **Internal Circulation Trips:** Reductions for internal circulation trips are applicable for projects such as shopping centers with out-lots and represents a reduction in projected driveway trips. The internal circulation trip rate will be agreed upon during the preliminary meeting and shall not exceed 10 percent.

H. **Trip Distribution**: The directional distribution of the generated trips entering and exiting the proposed development via all access points must be justified by the relative locations of other traffic generators (e.g., employment centers, transportation terminals, etc.) and/or trip table information. These factors, or other factors agreed upon by the staff, shall be applied to the traffic generated by the proposed development as well as the traffic generated by nearby approved projects.

I. **Trip Assignment**: The distribution factors shall be applied to the trips generated by the proposed development and nearby approved projects and assigned to the existing traffic on the road network providing access to the proposed development.

J. **Capacity Analysis**: At the identified critical intersection(s), the existing and generated traffic is to be related to the adequacy of the intersection by using the techniques described in Chapters 9 and 10 of the 1985 Highway Capacity Manual. Special Report 209. The PW&T staff has the necessary computer program to review and verify this analysis. Link volume analysis shall also be related to the Highway Capacity Manual standards. The analysis should be carried out for the A.M. and/or P.M. peaks, as agreed to by the staff and petitioner. This analysis should use traffic data for non-holiday weekdays, unless specifically requested by PW&T staff to analyses other periods. It is also recommended that the operational methodology be used in the analysis of signalized intersections. If so desired, alternative capacity and level of service analysis techniques may be used, provided data is presented in such a form that the results may be duplicated using the latest version of the Highway Capacity Software and Signal Software sponsored by FHWA and McTrans, respectively.

K. **Traffic Data:**

1 Traffic volume data IS NOT available from PW&T at this time. Average Daily Traffic volumes, turning movement counts and traffic control signals data on roadways maintained by the Commonwealth of Kentucky MAY BE available from the Department of Highways or KIPDA. The above sources should be contacted concerning the availability of traffic data. If, however, acceptable data is not available, the petitioner is responsible for obtaining such data.

2. Traffic count data should be adjusted to the current year, or new counts should be made by the applicant if, in the opinion of the PW&T staff, traffic volumes have significantly increased due to some change(s) in the traffic pattern, such as the completion of a development project after the count was made.
3. If turning movement data is outdated or if there are locations for which data is non-existent, data must be acquired at the applicant's expense.

4. Intersection traffic counts conducted by the petitioner should be comprised of manual turning movement counts covering the period of 7-9 A.M. and 4-6 P.M. in order to allow for the selection of the peak hour within the nearest fifteen minutes (e.g., 4:00-5:00, 4:15-5:15, etc). The inclusion of all 7-9 A.M. and 4-6 P.M. turning movement data is requested as part of the petitioner traffic impact analysis., Summaries of each fifteen minute period should be submitted, under separate cover, to PW&T. (A typical turning movement count summary form is present in Appendix D.)

5. Ideally the traffic analysis should be performed for the design hour which represents the 30th highest hourly traffic volume on an annual basis. However most peak hour traffic volumes counts in urban areas closely approximately the 30th highest hour. Exception to this generalization are when special events occur, holidays (and holiday periods), and the month of December. Although these periods should be avoided for traffic counting, on occasions because of scheduling considerations counts are made. Such counts should be adjusted to approximate the 30th highest hourly traffic volumes. Historical counts and staff knowledge of the area will be used to judge the adequacy of counts used by the applicant.

6. If the proposed development includes plans for the installation of a new traffic control signal, the petitioner must conduct a Traffic Signal Warrant Analysis. This analysis would produce documentation that indicates the conditions at the proposed location warrant a traffic signal by meeting the recommended minimum warrants presented in the Manual for Uniform Traffic Control Devices. (MUTCD). Documentation of this analysis should be included in the appendix of the final report and should include, but not be limited to, the methodology used, daily traffic count data used in the analysis, and the resulting capacity analysis results at this location. A simple analysis form is presented in Appendix D.

L. **Adequate Accommodation of Traffic**: The ability of a highway system to carry traffic is expressed in terms of volume-to- capacity (V/C) ratios and level of service at the critical locations, usually intersections. The V/C ratios clearly define the degree of saturation at an intersection. A V/C ratio of 1.0 indicates that the intersection is operating at its theoretical capacity, that is, the traffic volume demand equals the estimated number of vehicle that may pass through the intersection in a given period of time. A value of over 1.0 depicts a situation where the demand exceeds the intersection's capacity and operational problems exist, either in geometries or signalization. As the V/C ratio approaches 0.9, breakdowns in the operational efficiency of the intersection tend to develop. When the V/C increases above 0.9, operational breakdowns also increase in frequency and may result in a high level of delay to motorists.

In considering mitigation measures, the change in V/C ratio and level of service must be taken into account as well as the actual V/C values for individual approaches and the overall intersection. If no mitigation exists or if the improvements required are beyond what could reasonably be expected from the petitioner, then negotiations between the petitioner and PW&T staff members will be conducted to determine the level of petitioner responsibility for improvements at the intersection.

Level of service for signalized intersections is defined by the Transportation Research Board's Special Report 209,**1985 Highway Capacity Manual**, in terms of delay. Generally, delay is considered a measure of driver discomfort, frustration, lost time and fuel consumption. Delay at signalized intersections is a result of a number of factors, including the signal's cycle length, phasing, progression in relation to other signals, traffic volumes and the intersection's lane configuration and geometries. Although they are an important consideration in intersection analysis, delay and level of service results should not be used in determining mitigation measures. The PW&T staff will rely primarily on the V/C ratio in determining the effectiveness of proposed mitigation measures.

"Levels of service" as defined by the **1985 Highway Capacity Manual** are presented in Table A-1.

M. **Air Quality Analysis Model:** The recommended model for roadway and signalized intersections is CAL3QHC. A copy of the computer program and user's guide prepared by the U.S. Environmental Protection Agency may be purchased from Pollution Control District. CAL3QHC is a microcomputer-based modeling methodology developed to predict the level of carbon monoxide (CO) emitted from motor vehicles traveling near roadway intersections.

N. **Mapping**: The application of the CAL3QHC model requires a scale drawing of each critical intersection. It is recommended that the scale be 1" = 50'. Alternative scales may be considered at the initial review meeting. When a grid system is placed on the scale drawing the spatial relationship between the driving lanes and receptors may be replicated within the computer model. A transparent grid has been successfully used on recent projects. The drawings should provide existing lane configuration, lane widths, and location of all-rights-of-way. Contour lines and spot elevations also must be presented on each drawing. Separate drawings showing existing and proposed conditions should be provided. Copies of these drawing should be submitted along with the impact analysis report.

O. **Receptor Location**: The receptors should be located where the maximum total projected concentration is likely to occur (not on the roadway itself). As a rule a receptor should be located outside the "mixing zone" of the travel lanes. The distance from the travel lanes should be 10 feet (3 meters) or at the right-of-way line (if no people generating activity occurs within the right-of-way), whichever is the greatest distance.

All space outside the right-of-way is considered to be available to the general public whether or not it is presently used. A dedicated buffer zone boundary legally identified for landscaping purposes on which routine public access is not intended may be used to locate receptor locations rather than the right-of-way line.

P. **Free Flow Speeds:** At an intersection, vehicles are considered to be idling when the traffic signal is red, all other times the vehicles are considered to be in a free flow mode. The speed for a free flow link represents the speed experienced by drivers traveling along the link during the time the traffic signal is not red. A free flow speed must be assigned to each link.

Based on the posted speed limit the following speeds should be used as default values:

Posted Speed (mph)	Free Flow Speed *(mph)*
55	40
45	35
40	30
35	25
25	20

Actual free flow speeds may be substituted for the above default values based on an acceptable documented study. The techniques in Chapter 9 of the Highway Capacity Manual (TRB 1985) to estimate adjusted vehicle speed may be used.

Q. **Emissions - MOBILE 5 a:** Separate emission rates are used as input data to CAL3QHC for each free flow and queue link. The U.S. EPA mobile source emission factor model (MOBILE 5 a) has been applied by APCD to generate both free flow and idling emission rates. Appendix E contains approved emission rates for the years 1991 through 2000. No other emission rates may be used without prior approval, in writing, of APCD.

R. **National Ambient Air Quality Standards:** The ambient air quality standards for carbon monoxide applicable in Jefferson County are the following Federal Standards.

One Hour - 35 ppm or 40 mg/m3

Eight Hour - 9 ppm or 10 mg/m3

These values may not be exceeded more than once per year. Any modeled concentrations above 35 ppm or 9 ppm is considered a violation.

S. **Persistence Factor:** The CAL3QHC model is to be used to predict the one-hour worst-case concentrations. A persistence factor is used to convert the one-hour worst-case modeling results to a

predicted 8-hour average concentration. The persistence factor **primarily** accounts for the variation in traffic over the eight hour period and can be estimated by using traffic counts made over the eight hour period on each leg of the intersection. These counts may be made with an automatic traffic counting machine, manual counts are not necessary. The persistence factor is determined by dividing the average of the eight highest hours by the peak hour. The calculated factor shall be used if it is greater then 0.60 or less then 0.80. if lower then 0.60 use 0.60 and if greater than 0.80 use 0.80. The eight highest hours must be continuous and must contain the peak hour.

The counts on the legs of the intersection should be summed for this calculation to determine one overall persistence factor for each intersection. The calculations used to determine the persistence factor shall be documented in the impact study report.

T. **Background Concentrations:** All concentrations of carbon monoxide that are not emitted by the sources being modeled are background concentrations. They can be wind blown from far away or from nearby sources such as parking lots and adjacent intersections. The following background concentrations (one hour) should be used for the conditions described:

	Condition	Background Concentration (ppm)
1)	CBD or intersection with congested adjacent intersection(s) and nearby parking facilities.	3.0
2)	Intersection with nearby parking facilities	2.0
3)	Isolated intersection (no nearby congested intersection or nearby parking facilities).	1.5

The use of background concentrations other than the above must receive prior approval, in writing, of the APCD.

U. **Meteorological Conditions:** The CAL3QHC User's Guide discusses various meteorological parameters that are input to the model. The following values or responses shall be used for air quality analysis in Jefferson County.

Wind Speed	1 Meter/Second
Wind Angle	0°
Multiple Wind Angles	Yes
Increment Angle	10°
First Increment Multiplier	0
Last Increment Multiplier	36
Mixing Height	1000M
Stability Class	D

Surface Roughness	
CBD	321 cm
Office Area	175 cm
Suburban Area	108 cm

TABLE A-l

LEVEL OF SERVICE CRITERIA FOR SIGNALIZED INTERSECTION

LEVEL OF SERVICE	DESCRIPTION
A	Describes operations with very low delay, i.e., less than 5.0 seconds per vehicle. This occurs when progression is extremely favorable, and most vehicles do not stop at all. Short cycle lengths may also contribute to low delay.
B	Describes operations with delay in the range of 5.1 to 15.0 seconds per vehicle. This generally occurs with good progression and/or short cycle lengths. More vehicles stop than for LOS A, causing higher levels of average delay.
C	Describes operations with delay in the range of 15.1 to 25.0 seconds per vehicle. These higher delays may result from fair progression and/or longer cycle lengths. Individual cycle failures may begin to appear in this level. The number of vehicles stopping is significant at this level, although many still pass through the intersection without stopping.
D	Describes operations with delay in the range of 25.1 to 40.0 seconds per vehicle. Longer delays may result from some combination of unfavorable progression, long cycle lengths, or high V/C ratios. Many vehicles stop, and the proportion of vehicles not stopping declines. Individual cycle failures are noticeable.
E	Describes operations with delay in the range of 40.1 to 60.0 seconds per vehicle. This is considered to be the limit of acceptable delay. These high delay values generally indicate poor progression, long cycle lengths, and high V/C ratios. Individual cycle failures are frequent occurrences.
F	Describes operations with delay in excess of 60.0 seconds per vehicle. This is considered to be unacceptable to most drivers. This condition often occurs with over-saturation, i.e., when arrival flow rates exceed the capacity of the intersection. It may also occur at high V/C ratios below 1.00 with many individual cycle failures. Poor progression and long cycle lengths may also be major contributing causes to such delay levels.

SOURCE: **Highway Capacity Manual**. Special Report 209, Transportation Research Board, Washington, D.C., 1985.

APPENDIX B
STUDY ELEMENTS

The following items should be included in the impact studies submitted to the Jefferson County Public Works and Transportation Division and the Air Pollution Control District of Jefferson County.

A. Text

The text should be brief and to the point. It should be presented in numbered sections which contain the information as outlined below:

Part One: Traffic Impact Studies

Section 1: Introduction — this section should identify clearly the developer of the proposed development and the consultant performing the analysis. It should also provide a description of the site's location, using a location map to depict its location in Jefferson County. In addition, this section should detail the site's current zoning, any proposed zoning changes, zoning of the surrounding area and the total acreage to be developed. The Comprehensive Plan recommendations for the proposed site should also be described in this section. In addition, this section should briefly describe the proposed project in terms of total square footage, by land use, or the number of dwelling units to be constructed. This description also should include the proposed construction schedule and the number of units, by land uses, to be constructed in each development phase.

Section 2: Section two of the report should describe the data collection process, that is, the type of data collected and when, if necessary, traffic counts were taken. This section should also include a description of the relationship between the site and the existing transportation system. This should include driveway locations, existing geometry, average daily traffic, lane configurations, traffic control devices at critical intersections, and existing and expected future functional classifications, as presented in the Comprehensive Plan Core Graphics. If applicable, the availability of public transit to the site should also be discussed.

Section 3: This section should indicate the procedures used in the analysis, street segment(s)/intersection(s) to be analyzed, trip generation rates used and their source, time period(s) to be analyzed, and the range of trip reassignments for pass-by, diverted, and trip reductions for internal circulation, identifying the source of the rates used, expected traffic entering and exiting the site, and the assignment of those trips to the street system, expressed as a percentage of total new trips generated.

Section 4: Discussion of the results for each condition analyzed should be submitted in section 4. A subsection should address committed roadway and intersection improvements in the area and their effect on the proposed development. If the street segment(s)/intersection(s) are scheduled for improvement, a description of these improvements and the expected completion date should be included. Planned roadway or intersection improvements may also be identified in this section. However, planned improvements may not be considered in the analysis of the proposed development. Only projects committed to by the state, county or local jurisdiction should be considered. In addition to committed improvements additional mitigation measures should be identified, if necessary. Analysis should be conducted and compared with results without these measures. Tables comparing the analysis results; should be presented within this section, and detailed result should be presented in the appendices of the report.

It should be the goal of any proposed mitigation measure to maintain an acceptable V/C ratio and level of service at all critical intersections. Whenever feasible, mitigation measures should be developed to ensure that resulting conditions at the critical intersections are no worse than currently exist or are expected to exist with committed improvements without the proposed development. .It is realized that this is not always possible or desirable; therefore, the main objective is to maintain an acceptable V/C ratio for the intersection. Detailed supporting data and analysis results used in the determination of mitigation measures should be submitted to PW&T under separate cover.

Section 5: The final section should briefly describe the roadway system's ability to handle the traffic generated for each condition analyzed. Identify needed street improvements over and above those currently programmed and a reasonable cost estimate for making the improvements. This section should also be used to document reasons for those street improvements above those currently programmed.

Part Two: Air Quality Analysis

The air quality analysis should be well documented, however, the text should be brief. The CAL3QHC modeling printouts provide most of the details needed for review and verification by the APCD. A diskette containing the data used for the CAL3QHC model runs should be provided. The text of the impact report should summarize the analysis. The certified air quality analyst should be identified in the report.

Section 1: Briefly described the process and in making the air quality analysis. If the procedure in the guideline were followed, a statement to that effect is all that is needed for this Section. Tables or maps describing the input or output of the model should be referenced. Should a value not recommended in the guidelines be used, the full documentation justifying the deviation should be presented here. (Caution: Although the documentation is presented in this report the approval to deviate from the guidelines must be obtained prior to the analysis.)

Section 2: The conclusions and findings relative to air quality are presented here. Mitigation measures proposed by the developer to reduce air quality impacts should be described. If the mitigation measure is to be implemented by someone or agency other than the developer an official statement must be included (letter of commitment) from the other party.

B. Maps

The following maps, as a minimum, should be provided for reference with the impact study report submitted for review and acceptance.

1. An area or location map which locates the proposed development in the context of the existing area wide street system.

2. A site plan of the proposed development which identifies the proposed land uses, access to the site from the existing roadway system, the proposed internal circulation system, parking layout and parking breakdown, (number of spaces required and number of spaces provided), as defined in **Article 10** of the **Louisville/Jefferson County Zoning Regulations.**

3. A map of the traffic impact area which identifies existing roads in the area, the proposed development, critical intersections and other approved projects in the area using the following status categories:

    a. **under construction**
    b. **zoning and/or construction approval**
    c. **proposed, but not yet approved.**

4. A map which identifies committed roadway improvements, if any, that are included in the Regional Transportation Improvement Program, the Commonwealth of Kentucky's Six Year Plan or identified by the Director of Public Works, which may affect traffic at the critical intersection(s) being studied.

5. A map which identifies existing A.M. and/or P.M. peakhour traffic volumes assigned to the affected street system. (**NOTE:** Both volumes, if needed, may be presented on the same map).

6. A map which identifies the trip distribution pattern, as a percent of total traffic generated, for the proposed development during the time period(s) agreed upon.

7. A map which identifies the trip distribution pattern, as a percent of total traffic generated, for approved projects in the impact area during the time period(s) agreed upon.

8. A map which identifies the actual traffic volumes generated by the proposed site and

other approved projects within the impact area assigned to the affected street system for the time period agreed upon. The map should distinguish between the two sources of traffic and identify the sum of the two.

9. Scaled drawings (1" = 50') of critical intersections with a grid overlay showing the location of the receptors, distance to adjacent intersections, length of storage lanes, and location of stop bar.

C. Tables and Figures

The following is a minimum list of tables and figures which should be included in a traffic impact study within Jefferson County.

1. A table which provides the following information about the land uses/trip generation characteristics of the traffic impact area identified in Map 3.

   a. ITE land use code used in the study;
   b. Units to be developed (sq. ft., D.U., etc);
   c. Trip generation rate/trip ends generated (for the adjacent street peak hour, entering/exiting the facility for the period(s) analyzed);
   d. Reassignment rates for pass-by, and diverted trips and reduction rates for internalcirculation;
   e. Total new Trip ends added to the new existing (and/or committed) street system.

2. A table which summarizes the volume-to-capacity ratios delay and level of service for each of the critical intersections, by approach and movement, for each of the conditions analyzed.

3. Diagrams of the existing geometry and lane utilization for the road segment(s) and/or critical intersection(s) being analyzed.

4. Diagram of the improved geometry and lane utilization for the road segment(s) and/or intersection(s) being analyzed. Diagrams identifying both planned improvements and mitigation measures should also be provided.

5. A receptor location description table (including coordinates).

6. Tables showing maximum 1-hour and 8-hour concentrations (including background) at each receptor point.

7. Modeling printouts with input listing and output files showing maximum concentration calculated. Should be submitted as a separate document.

D. Appendix

The appendix should include the output summary from the Highway Capacity software, or, if other procedures are used, equivalent documentation which would permit PW&T staff to easily replicate the procedures. Documentation should be provided for each condition analyzed. (Detailed results from the Highway Capacity Software should be provided under separate cover to PW&T).

All relevant data necessary to conduct an analysis using the Highway Capacity software should be provided within the appendix. This data includes assumptions or actual counts of truck and transit traffic, right turns on red, pedestrian traffic and parking maneuvers. This data should also include a diagram showing the iissumed phasing and timing for each signalized intersection analyzed. (If actual signal phasing and timings are used, phasing diagrams and time charts should be provide under separate cover to PW&T).

If the intersection level of analysis is being performed, existing intersection turning movement counts for the time period(s) analyzed should be included for each intersection. The counts should be presented in such a fashion mat the PW&T staff may determine the peak traffic hour for the time period(s) analyzed. In addition expected peak hour turning movement counts should also be provided for each critical intersection for the total build condition. If the project is to be constructed in phases, expected peak hour turning movements should be provided for each phase. A sample turning movement summary sheet is provided in Appendix D, Figure 2. This example provides a summary of all data required to determine the expected peak hour turning movements.

It is also requested that copies of the original turning movement field sheets be provided, under separated cover, to the PW&T staff. It is requested that these counts be summarized in 15 minute intervals. The purpose of this request is to develop a historical turning movement count file throughout Jefferson County. This data will be useful in more accurately determining the impacts of future development in the area and provide Jefferson County and developers with an accessible traffic count database. The recommendation for the installation of a traffic control signal and the estimated cost for installation should be presented within the text of the report, with other recommended improvements.

If the petitioner or the consultant feels that the installation of a new traffic control signal is warranted, documentation supporting this recommendation should be provided in the appendix. This documentation should include a discussion of the signal warrant expected to be satisfied and the methodology used in that determination. This narrative should be supported with tables and figures that clearly present any assumptions, calculations and results used in the analysis. Reference material used for this analysis should also be noted

In addition, possibilities of providing an interconnect signal system or to provide optimum signal progression should be discussed. Figure 3 of Appendix D provides an example of the type of table that should be present in this analysis to support the justification of signal installation.

APPENDIX C
TYPICAL TRAFFIC IMPACT STUDY FINAL REPORT OUTLINE

PART ONE: TRAFFIC IMPACT STUDY

I. INTRODUCTION
II. TRAFFIC DATA COLLECTION AND INVENTORY

A. Critical roadway segments/intersections
B. Existing traffic volumes
C. Traffic control devices
D. Functional classifications

III. PROJECT GENERATED TRAFFIC

A. Trip generation
B. Pass By/Diverted Traffic and internal circulation
C. Trip distribution and assignment

IV. TRAFFIC ANALYSIS

A. Methodology
B. Existing level of service
C. Future level of service
D. Mitigation Measures
E. Traffic signal warrant analysis (if required)

V. TRAFFIC IMPACT CONCLUSIONS

PART TWO: AIR QUALITY ANALYSIS

I. AIR QUALITY PROCEDURES
II. FINDINGS AND RECOMMENDATIONS

PART THREE ; APPENDICES

A. Existing traffic count data
B. Expected traffic count data

1. Future without proposed development
2. Future with proposed development

C. Existing capacity analysis results
D. Expected capacity analysis results

1. Future without proposed development
2. Future with proposed development
3. Future with proposed development and mitigation measures.

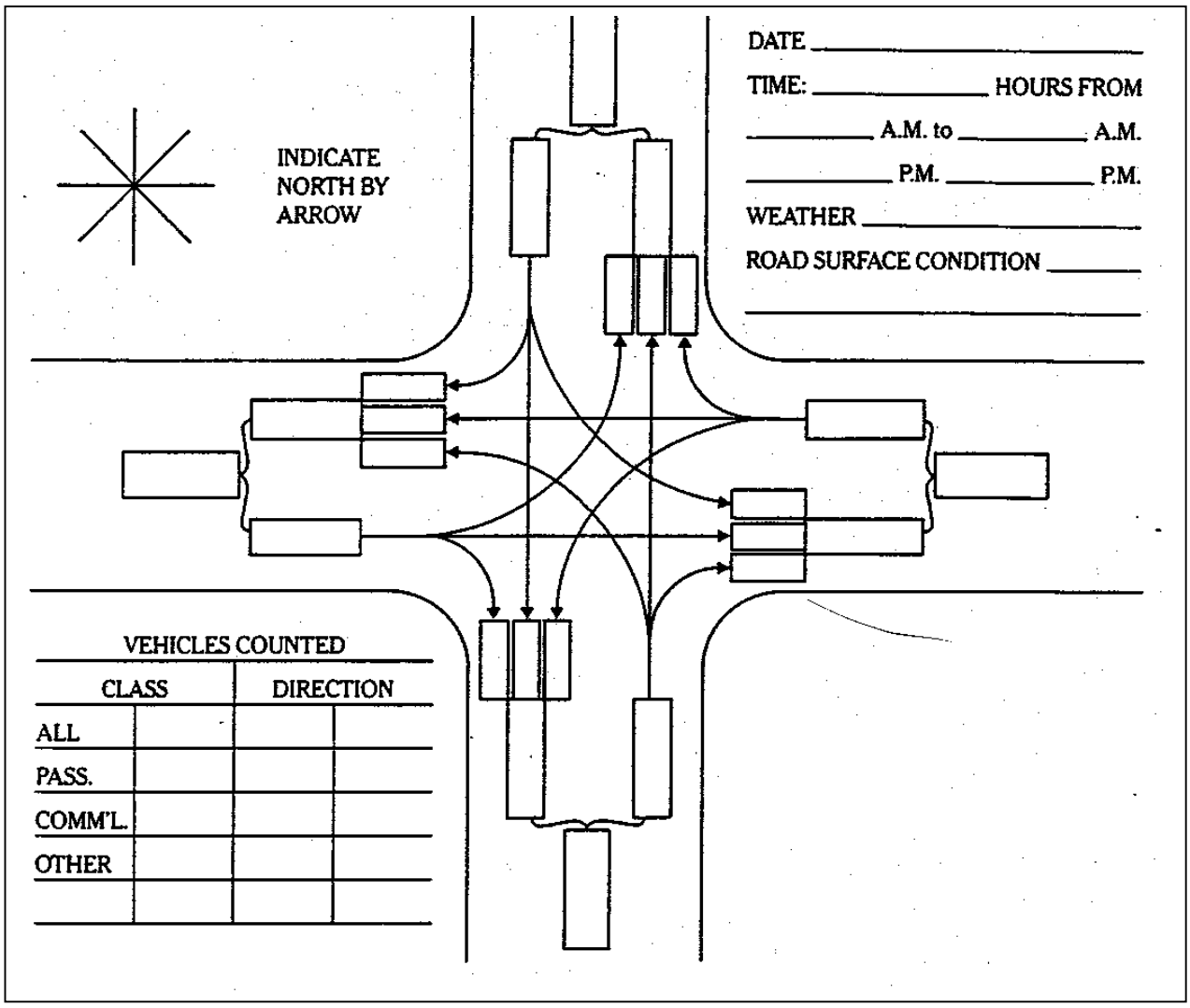
E. Traffic signal warrant analysis (if necessary)

F. Air Quality modeling printouts with input

APPENDIX D
SAMPLE FORMS

TRAFFIC COUNT

GRAPHIC SUMMARY SHEET



REMARKS:_____

FIGURE 1

VEHICLE TURNING MOVEMENTS

PROJECT_____
INTERSECTION_____
COMPLETION YEAR_____**TIME**_____

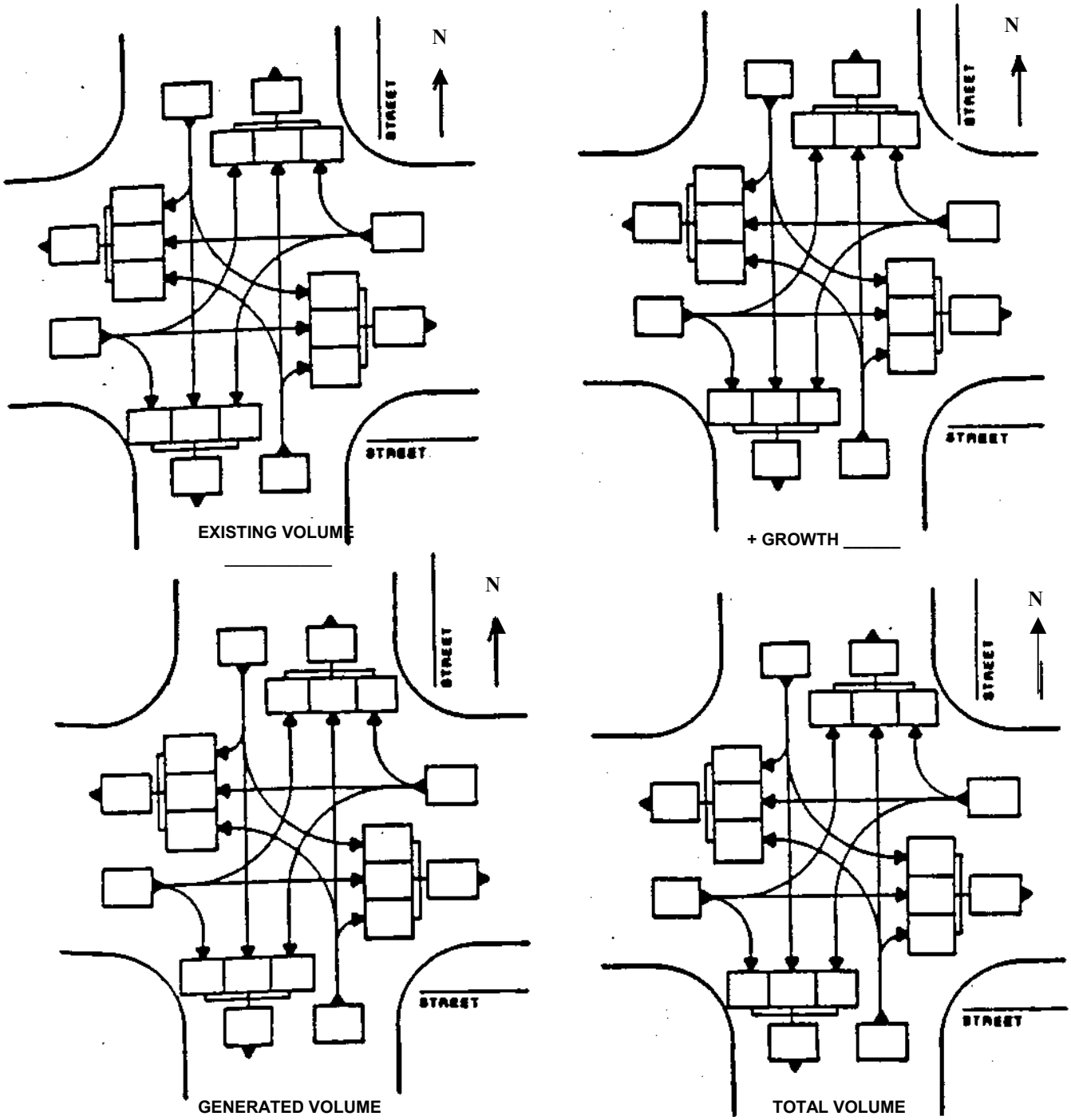


FIGURE 2

JEFFERSON COUNTY PUBLIC WORKS AND TRANSPORTATION DIVISION
AND AIR POLLUTION CONTROL DISTRICT OF JEFFERSON COUNTY

TRAFFIC SIGNAL WARRANTS ANALYSIS FORM

Major Street_____**Critical Approach Speed**_____**mph Lanes**_____

Minor Street_____**Critical Approach Speed**_____**mph Lanes**_____

	70% VOL.	100% VOL.
Critical speed of major street traffic > 40 mph	YES	NO
In built up area of isolated community of < 10,000 pop.	YES	NO
Applicable Minimum Volume Requirements:	70%	100%

WARRANT 1 — Minimum Vehicular Volume

	HOUR Minimum Requirements (80% Shown in Brackets)				YES NO 100% SATISFIED 80% SATISFIED							
	100%	70%	IO0%	70%								
Approach Lanes	1		2 or more									
					1	2	3	4	5	6	7	8
Both Approaches Major Street	500 (400)	350 (280)	600 (480)	420 (336)								
Highest Approach Minor Street	150 (120)	105 (84)	200 (160)	140 (112)								

TIME PERIOD FROM_____**M TO**_____**M**

WARRANT 2 — Interruption of Continuous Traffic

	HOUR Minimum Requirements (80% Shown in Brackets)				YES NO 100% SATISFIED 80% SATISFIED							
	IO0%	70%	IO0%	70%								
Approach Lanes	1		2 or more									
					I	2	3	4	5	6	7	8
Both Approaches Major Street	750 (600)	525 (420)	900 (720)	630 (504)								
Highest Approach Minor Street	75 (60	53 (42)	100 (80)	70 (56)								

TIME PERIOD FROM_____**M TO**_____**M**

FIGURE 3

APPENDIX E
AIR POLLUTION CONTROL DISTRICT
EMISSION FACTORS

Emission factors for air quality analysis in Jefferson County are presented in the following tables. Table E-1 contains the carbon monoxide emission factor during the operating mode (when vehicle is in motion) and Table E-2 shows the emission factors to vising when the vehicles are in the idling mode of operation. The factors are provided by the Air Pollution Control District and may not be changed without prior approval. The factors were generated using MOBILE 5a and MOBILE 4. Ic.

TABLE E-1

CO EMISSION FACTORS
(GRAMS PER MILE)
1990- 2000

MOBILE 5a (Version 26 Mar 93) Emission Factors –Carbon Monoxide (CO)
SIP 93 Method 07-27-93 Composite Emission Factors
WINTER Jefferson County

											2000
3	233.533	217.272	199.029	177.538	166.651	138.000	131.331	124.476	117.334	110.642	105.354
4	179.842	167.317	153.561	137.290	129.070	107.053	101.968	96.792	91.472	86.494	82.555
5	146.370	136.359	125.478	112.528	106.016	88.125	84.056	79.936	75.747	71.830	68.725
6	123.499	115.274	106.388	95.732	90.403	75.326	71.964	68.570	65.151	61.958	59.420
8	94.368	88.461	82.136	74.410	70.602	59.100	56.652	54.192	51.753	49.480	47.660
10	76.715	72.201	67.426	61.470	58.583	49.241	47.351	45.460	43.619	41.903	40.519
12	64.943	61.336	57.586	52.801	50.523	42.615	41.100	39.591	38.150	36.808	35.713
14	56.555	53.577	50.552	46.592	44.745	37.857	36.610	35.374	34.219	33.144	32.256
16	50.267	47.753	45.267	41.922	40.396	34.272	33.225	32.195	31.255	30.381	29.649
18	45.357	43.207	41.139	38.274	36.998	31.470	30.580	29.711	28.939	28.222	27.613
20	41.495	39.618	37.846	35.309	34.197	29.110	28.310	27.529	26.852	26.233	25.695
25	34.687	33.026	31.443	29.186	28.147	23.823	23.059	22.297	21.587	20.905	20.312
30	29.951	28.492	27.064	25.025	24.052	20.262	19.531	18.788	18.059	17.342	16.720
35	26.565	25.259	23.945	22.065	21.141	17.734	17.026	16.296	15.552	14.809	14.165
40	24.198	22.971	21.719	19.936	19.033	15.894	15.195	14.467	13.707	12.938	12.274
45	22.612	21.386	20.150	18.407	17.502	14.540	13.834	13.099	12.319	11.522	10.833
50	21.955	20.702	19.458	17.718	16.801	13.912	13.196	12.450	11.655	10.840	10.136
55	22.087	20.821	19.564	17.811	16.886	13.983	13.259	12.506	11.705	10.885	10.176
60	41.464	38.352	35.354	31.501	29.316	23.726	22.099	20.438	18.782	17.144	15.764
65	61.001	56.028	51.273	45.307	41.852	33.557	31.017	28441	25.921	23.460	21.405
I/HR											2000
IDLE	695.282	647.185	593.062	529.524	497.456	411.267	391.261	370.839	349.449	329.468	313.411

TABLE E-1 (CONTINUED)

CO EMISSION FACTORS
(GRAMS PER MILE)
2000-2010

MOBILE 5a (Version 26 Mar 93) Emission Factors –Carbon Monoxide (CO)
SIP 93 Method 07-27-93 Composite Emission Factors
WINTER Jefferson County

GM/MI @ MPH											2020
3	105.354	99.169	95.120	92.714	91.138	90.018	88.161	88.051	87.977	87.914	87.88
4	82.555	77.929	74.926	73.145	71.972	71.149	69.851	69.764	69.705	69.657	69.62
5	68.725	65.065	62.703	61.298	60.370	59.726	58.731	58.660	58.611	58.569	58.54
6	59.420	56.417	54.489	53.338	52.573	52.049	51.236	51.174	51.131	51.096	51.07
8	47.660	45.495	44.118	43.287	42.730	42.356	41.735	41.684	41.649	41.620	41.60
10	40.519	38.862	37.822	37.187	36.755	36.472	35.937	35.894	35.864	35.839	35.82
12	35.713	34.397	33.585	33.084	32735	32.515	32.022	31.983	31.957	31.934	31.92
14	32.256	31.185	30.538	30.132	29.844	29.667	29.197	29.162	29.138	29.117	29.10
16	29.649	28.763	28.240	27.906	27.664	27.520	27.063	27.030	27.008	26.988	26.97
18	27.613	26.871	26.445	26.168	25.962	25.843	25.395	25.365	25.343	25.325	25.31
20	25.695	25.028	24.646	24.395	24.205	24.099	23.665	23.634	23.614	23.596	23.58
25	20.312	19.562	19.120	18.836	18.631	18.504	18.151	18.121	18.105	18.091	18.08
30	16.720	15.921	15.440	15.133	14.918	14.776	14.483	14.454	14.440	14.430	14.42
35	14.165	13.330	12.821	12.498	12.275	12.123	11.879	11.851	11.838	11.830	11.82
40	12.274	11.406	10.872	10.536	10.307	10.147	9.9948	9.920	9.910	9.902	9.89
45	10.833	9.931	9.375	9.029	8.794	8.628	8.472	8.445	8.435	8.429	8.42
50	10.136	9.211	8.642	8.289	8.053	7.883	7.762	7.734	7.725	7.720	7.71
55	10.176	9.245	8.672	8.318	8.081	7.910	7.816	7.789	7.779	7.774	7.77
60	15.764	13.954	12.820	12.127	11.672	11.351	11.141	11.098	11.085	11.077	11.07
65	21.405	18.707	17.007	15.975	15.302	14.828	14.530	14.471	14.454	14.444	14.43
I/HR											2020
IDLE	313.411	294.734	282.911	275.633	270.664	267.293	258.158	257.826	257.607	257.425	257.33

All Rates are subject to future modification by the Air Pollution Control District as new information becomes available.

TABLE E-2

(Derivation of above values is described below under Table E-2)

CO IDLE EMISSION FACTORS
(GRAMS PER MINUTE)

1990-2010

24 Feb 1992 MOBILE version 4.1c (4 Nov 91)

YEAR	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000
IDLE	9.019	8.111	7.354	6.735	6.214	5.708	5.191	4.734	4.349	4.050	3.781

YEAR	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
IDLE	3.781	3.558	3.380	3.245	3.068	2.994	2.929	2.867	2.836	2.794	2.773

All Rates are subject to future modification by the Air Pollution Control District as new information becomes available.

Derivation of Tables E-l. and E-2;

Vehicle emissions per mile and idle emissions per minute from results of MOBILE 5a and MOBILE 4.1c (version of 4 Nov 91) model runs as prepared by APCDJC personnel to reflect reasonable predictions of future emissions rates. MOBILE 5a model default registration distribution is used. RVP of local gasoline is set to 15.0 as a realistic winter supply condition. The temperature used by the model was 28.5 degrees Fahrenheit, determined to be the average minimum daily temperature for January 1992, and reflects reasonable expectations of real-world low temperatures (CO emissions go up when temperature goes down).

The model assumed that an inspection/maintenance program equivalent to the EPA minimum performance-based standard is implemented for all vehicles in the area for all years. This specification does not take into account local improvements over title minimum I/M program but is realistic and meaningful, since the Clean Air Act mandates the minimum specification or better in all covered areas, and thus emission rates should be NO HIGHER than those shown. Using the minimum standard allows for more stable predictions of the future, since as-yet-undetermined program variations are ignored.

These assumptions should be adequate for the intended purpose of evaluating individual land-use or transportation projects. Only changes in the MOBILE model version should bring about a need to revise these rate tables.

APPENDIX F TECHNICAL REFERENCE

Manual of Traffic Engineering Studies. Box, Paul C. and Joseph C. Oppenlander, Institute of Transportation Engineers, Washington, D.C., 1976

Quick Response Urban Travel Estimation Techniques and Transferable Parameters: User Guide. NCHRP Report 187, Sosslau A.B., et al., National Cooperative Highway Research Program, Transportation Research Board, 1978.

Trip Generation. 5th edition, Institute of Transportation Engineers, Washington, D.C., 1991

Local Trip Generation Study. Barton Aschman Associates, Inc., October 1993,

Development and Application of Trip Generation Rates, Mehra, Joe and C. Richard Keller, Federal Highway Administration, Washington, D.C. 1985.

Highway Capacity Manual. Special Report 209, Transportation Research Board, Washington, D.C., 1985.

Manual on Uniform Traffic Control Devices. National Committee on Uniform Traffic Control Devices, U.S. Department of Transportation, Federal Highway Administration, 1978.

Transportation and Traffic Engineering Handbook. 2nd. Edition, Institute of Transportation Engineers, Washington, D.C., 1982.

User's Guide to CAL3OHC. U.S. Environmental Protection Agency, Technical Support Division, Research Triangle Park, N.C. July, 1990.

Traffic Engineering Handbook. 4th edition, Institute of Transportation Engineers, Washington, D.C. 1992

Transportation Planning Handbook. 1st edition Institute of Transportation Engineers, Washington, D.C., 1992

Chapter 7	**Subdivision Regulations**		
	Part 1	**General Provisions and Definitions**	**7.1-1**
	Part 2	**Procedures for Major Subdivisions**	**7.2-1**
	Part 3	**Standards of Designs for Major Subdivisions**	**7.3-1**
	Part 4	**Minimum Improvements for Major Subdivisions**	**7.4-1**
	Part 5	**Preliminary Plan for Major Subdivisions**	**7.5-1**
	Part 6	**Construction Plan for Major Subdivisions**	**7.6-1**
	Part 7	**Record Plat for Major Subdivisions**	**7.7-1**
	Part 8	**Minor Subdivisions**	**7.8-1**
	Part 9	**Standard Certificate Form**	**7.9-1**
	Part 10	**Enforcement**	**7.10-1**

7.1.10 Title

The official title of these regulations shall be "Metropolitan Subdivision Regulations."

7.1.20 Purpose of Regulations

The purpose of these regulations is to promote the public health, safety and welfare of Jefferson County by providing for the orderly development of stable, healthful, safe and desirable residential, commercial, industrial and public areas throughout the county.

7.1.30 Scope of Regulations

These regulations shall apply to all subdivisions of land situated anywhere within Jefferson County.

7.1.40 Powers of Commission

The Commission is hereby empowered to do all things necessary and proper to administer and enforce these regulations, including but not limited to the power to hear and finally decide applications for variances when a proposed development involves a subdivision and one or more variances. In considering applications for variances under these regulations, the Planning Commission shall assume all powers and duties otherwise exercised by the Board of Zoning Adjustment pursuant to KRS 100.231, 100.233, 100.237, 100.241, 100.243, 100.244 and 100.251. The applicant for the subdivision, at the time of the filing of the application for the subdivision, may elect to have a variance for the same development to be heard and finally decided by the Planning Commission at the same public hearing set for the subdivision, or by the Board of Zoning Adjustment as otherwise provided by KRS Chapter 100.

7.1.50 Severability of Regulations

These regulations are severable and the invalidation of any portion hereof by any court of competent jurisdiction shall in no way affect the validity of any other portion.

7.1.60 Amendment of Regulations

These regulations may be amended from time to time as provided by law.

7.1.70 Definitions

Terms defined in the Development Code shall have the meaning ascribed therein, except as expressly provided herein. In addition as used herein, the following terms are hereby defined.

The following terms relating to Subdivision Regulations are included in the Definitions (Chapter 1 Part 2): Building Limit Line Cardinal Point, Common Open Space, Concept Plan Construction Easement Construction Plans Easement -Pedestrian Way Preliminary Plan Public Improvement - Record Plat - Residual Tract Right-of-Way – Subdivision Minor Subdivision - Major Subdivision - Technical Review Committee (TRC)

7.1.80 Waivers

Requests for waivers shall be subject to the provisions of Chapter 11, Part 8 of the Land Development Code.

7.1.84 Major Subdivisions in the Suburban Workplace Form District

Major residential subdivisions within the Suburban Workplace Form District shall provide a 50 foot buffer strip with a six (6) foot berm and canopy trees as required by Chapter 10. No residential structure within the major residential subdivisions shall be allowed within 250 feet from the perimeter of the subdivision. Exception: 250 foot setback is not applicable to portions of the subdivision that adjoin lots developed for residential use at a density equal to or greater than one dwelling unit per acre.

7.1.85 Subdivisions in Traditional Form Districts

Where the Planning Commission finds that subdivision or resubdivision of a legally created lot in the Traditional Neighborhood Form District, Traditional Workplace Form District, or Traditional Marketplace Corridor Form District will not conflict with the established pattern in the neighborhood and will promote the public health, safety, or welfare by facilitating development or rehabilitation of such property compatible with the surrounding neighborhood, then the Planning Commission may approve the requested subdivision notwithstanding the fact that one or more of the resulting lots do not conform to the applicable requirements relating to area or width or size of yards.

Any request for approval of a subdivision under the provisions of this regulation shall, to the fullest extent practicable, show the lots resulting from said subdivision to be uniform in terms of those features which do not conform to the zoning and form district regulations applicable to the property. A subdivision of property in accordance with the terms of this provision shall not affect the pre-existing nonconforming use status pertaining to the property. As a condition of approval, the Planning Commission may require restrictions to be placed on the subdivision plat.

7.1.86 Subdivisions for Utility Service Facilities

Where the Planning Commission finds that the subdivision of a lot for sale or lease to a utility for the purpose of installing a service facility will promote the public health, safety, or welfare, then the Planning Commission may approve the requested subdivision notwithstanding the fact that the resulting lots do not conform to the applicable requirements relating to area or width of the lot or relating to the size of any associated access easements. Any such subdivision shall be solely for the purpose of installing the utility service facility. If the utility subsequently abandons its resultant substandard lot and the lot from which it was created is also substandard, then the substandard lot created for the utility shall not be used for any purpose unless it is consolidated with the lot from which it was originally divided. If the utility subsequently abandons its resultant substandard lot and the lot from which it was created does not become substandard by virtue of this division, then the substandard lot created for the utility shall not be used for any purpose unless it is consolidated with an adjacent lot and that resultant lot is in a zoning classification that permits the proposed use.

NOTE: *Conditions of Approval on all subdivision plans shall remain applicable to the subject property after the subdivision plan expires.*

7.1.90 Previously Approved Subdivisions

The provisions of the Land Development Code shall apply to all major and minor subdivision applications filed on or after March 1, 2003 (LDC effective date). Subdivision plans (major and minor) filed with a complete application prior to March 1, 2003 shall be reviewed for compliance with the Subdivision regulations in effect at the time of filing.

Approved Preliminary Subdivision Plans that will expire before September 1, 2003 shall be deemed to expire one hundred eighty (180) days after the expiration date of the Preliminary Plan.

No extensions of expiration dates of Preliminary Subdivision Plans approved prior to March 1, 2003 shall be granted by the Planning Commission.

Exception: In the case of subdivisions being developed by sections, for the period within five years of original approval of the preliminary plan, extensions of approval shall be automatic for all sections so long as construction is in progress in any section.

Upon the enactment of these regulations, the construction plans of subdivisions, which have previously received only preliminary plan approval, shall not be subject to the construction requirements of these regulations, provided approval of construction plans under applicable previous construction standards is obtained within one year after enactment.

7.1.91 Amendments to Recorded Plats (Major and Minor)

The Planning Commission shall have the power to amend any recorded plat at the request of any lot owner in the subdivision.

A. If all owners whose property is subject to the recorded plat have acknowledged their consent to the amendment, Division staff may approve the amendment provided it is in compliance with all other applicable requirements. Parties shall acknowledge their consent, in writing, on forms provided by the Division.

B. If all such owners have not acknowledged consent, no amendment shall be permitted until there has been reasonable notice given to all persons who may be affected by the record plat amendment and giving such persons a reasonable opportunity to express their objections or concerns.

The Land Development and Transportation Committee shall determine:

1. who may be affected;

2. who should be given notice;

3. the nature of the notice; and

4. the manner by which the opportunity to express objections or concerns will be accommodated.

The applicant shall be responsible for providing the Planning Commission with the names and addresses of those persons the Land Development and Transportation Committee determines shall be notified.

7.2.10 Pre-Application

Prior to formal application for major subdivision approval, the subdivider may present to Planning and Design Services for discussion a concept plan showing generally the boundaries of the proposed subdivision, the proposed street and lot pattern, dimensions, topography, proposed drainage pattern, north arrow, scale and any other pertinent information then known to the subdivider. The subdivider or his agent, or the Planning and Design Services staff, may request a conference to discuss the requirements of the Commission and of other public agencies, the improvements and uses of the subdivision and any potential problems involved in the proposed subdivision. Prior to filing a formal application for a major subdivision, a letter shall be sent from the developer/owner to all first tier property owners, neighborhood groups that have registered with Planning and Design Services to receive notice of development actions, metro council district representative and to PDS staff stating that a subdivision is being proposed and announcing a public meeting held by the developer/owner to discuss the proposed project. On receipt of said letter at the PDS office any pre-application file shall no longer be confidential. At time of filing a major subdivision application, the applicant shall provide a summary of the public meeting between the applicant and the adjacent property owners. The summary shall include a list of those invited, those in attendance and a summary of the issues discussed. The meeting shall be held no less than seven and no more than 30 days prior to filing the application.

7.2.15 Major Subdivisions Requiring Change in Zoning/Form District

The concept plan and pre-application conference are required when the subdivision application is accompanied by an application for a change of a zoning district map or a form district map with respect to any of the property within the proposed subdivision. See Chapter 11 Procedures for specific information regarding the process required for these applications.

7.2.20 Preliminary Plan Approval Process

The subdivider must receive Commission approval of a preliminary plan in accordance with the following procedure:

A. Formal Application and Submission - The subdivider shall file an application for preliminary plan approval on a form supplied by the Division, signed by the property owner or his/her agent, and shall submit therewith a preliminary plan prepared in conformance with the requirements of Part 5 hereof. No application shall be accepted unless it is complete and accompanied by the appropriate review fee. Applications shall be accompanied by supporting material determined appropriate by the Planning Director. The list of required supporting materials shall be available from the offices of the Commission. In addition, technical studies required by other applicable sections of this Land Development Code, including traffic, air quality, and hydro-geologic analyses shall be submitted. Failure to submit all required material may result in delay of the application review. Staff of the Division may require submission of information, material and documents beyond that required in this section as necessary to determine compliance with these regulations.

B. Distribution of Plan - Upon receipt of the preliminary plan, the Division shall submit copies to interested public agencies and utility companies and obtain a written report or approval on the plan from each such agency or company. Notice of the proposed subdivision and date for the Technical Review Committee (TRC) meeting shall be provided to adjoining property owners and neighborhood groups that have registered to receive notice of development applications.

C. Staff Review - The staff of the Division shall review the plan and shall consult with the affected cities, public agencies and utility companies to resolve any problems raised by the proposed subdivision. The staff shall then present its recommendations and the reports of the agencies and companies to the subdivider and adjoining property owners at the TRC meeting.

D. Administrative Approval - Commission action may be taken by the Director of the Division or any authorized staff member of the Division if the plan or revision complies with Chapter 6 Part 2 of these regulations and conforms to all zoning and form district regulations. Such action may not be taken until the expiration of the seven day petition period provided for in paragraphs 1 and 2, below. No staff member shall be required to approve any delegated item if they have reason to question its accuracy, or its compliance with any subdivision, zoning, form district or other regulation. Requested waivers and other items that are not appropriate for administrative approval shall be submitted to the Planning Commission or Committee of the Commission in accordance with paragraph 3, below.

1. Applicants may request LD&T review of TRC recommendations on forms supplied by the Division. Requests for review must be submitted within seven calendar days following the Technical Review Committee meeting at which the application is considered for approval. The request shall set out the item(s) for which the applicant is seeking LD&T review. The request will be considered for review at the first LD&T meeting following receipt of the request, or at a subsequent meeting if so requested by the applicant. Final action on the plan shall be taken in accordance with these regulations.

2. Other persons may request LD&T review of TRC recommendations. Petitions shall be filed on forms supplied by the Division and must be submitted within seven calendar days following the Technical Review Committee meeting at which the application is considered for approval. The petition shall set out the item(s) for which the petitioner(s) is seeking LD&T review. Petitions will be considered for review at the first LD&T meeting following receipt of the petition, or at a later meeting if agreed to by the Applicant. The applicant and petitioner shall be notified of the review date and item(s) to be considered during the review. Final action on the plan shall be taken in accordance with these regulations.

3. LD&T review of TRC recommendations shall address only specific items of the development proposal that:

   a. do not receive a consensus recommendation through the TRC process,

   b. are set out in a request for review by the applicant,

   c. are set out in a petition request by other persons, or

   d. are requested as waivers from current regulations.

4. The proposed subdivision shall be reviewed and action taken within ninety days of receipt of the completed application and the preliminary plan, unless this time limit is waived, in writing, by the subdivider. Approval shall be valid for one year unless otherwise provided by the Commission, and extensions may be granted by the Planning Commission. The developer shall submit a letter justifying the request for extension. The Planning Commission may grant requests for extension of expiration of the preliminary plan if the Commission finds that exceptional circumstances or extraordinary hardship justify such requests.

5. In the case of subdivisions being developed by sections, for the period within five years of original approval of the preliminary plan, extensions of approval shall be automatic for all sections so long as construction is in progress in any section. Beyond this five year period, an extension in accordance with Section 7.7.15 shall be required.

7.2.25 Site Disturbance Permit

No clearing of trees or ground cover, excavation or filling of land covered by a preliminary subdivision plan shall be performed except in accordance with a Site Disturbance Permit, issued in accordance with the Erosion Prevention and Sediment Control Ordinance, or a Work Order issued pursuant to Section 7.2.35. A Work Order must be obtained prior to the placement of roadway fill. No trees, stumps, or other perishable materials shall be buried at any location where a road is to be constructed. Approval for site clearing and grading may be issued by MSD and the Director of Works. A plan depicting existing and proposed grade elevations, limits of disturbance and erosion and sediment controls in accordance with the Jefferson County Erosion Prevention and Sediment Control Ordinance shall be submitted to MSD, Public Works, and the Planning Commission for review and approval. No land disturbance may begin until a Site Disturbance Permit has been issued by MSD. Once a preliminary subdivision plan is filed, clearing and site disturbing activities shall be limited to site investigation work, until such time as the Preliminary Subdivision Plan and Site Disturbance Plan are approved.

If the subdivision construction entrance is accessed from a roadway classified as a local street, the subdivider or applicant shall post an Encroachment Bond with Public Works. The bond shall be for potential damage to existing public roads caused by hauling or other work performed in conjunction with the site disturbance. The bond amount shall be $5,000 or greater as may be stipulated by the Director of Works. No bond shall be required for construction entrances located off collector or arterial level roadways.

7.2.30 Construction Plan

No construction of improvements for a subdivision shall begin until the subdivider has obtained a work order from the Director of Works, and no work order shall be issued by the Director of Works except in accordance with an approved construction plan, either for the subdivision in its entirety or for sections thereof, in accordance with the following procedure:

A. Time Limit - The construction plan shall be submitted to MSD and the Director of Works within one year of approval of the preliminary plan, unless an extension of approval is granted by the Commission prior to expiration.

B. Preparation - The subdivider shall have the construction plan prepared by an engineer and land surveyor in conformance with the requirements of Part 4 and 6 and any variances and waivers which have received prior Commission approval in accordance with Sections 7.1.40 and 7.1.90.

C. Submission to Other Agencies - The subdivider shall submit that part of the construction plan as required for approval or comment to interested agencies which shall consist of the following:

1. Director of Works

2. Metropolitan Sewer District

3. The fire chief of the district having jurisdiction over property

4. Health Department

5. Utilities providing water, gas, electricity, and telephone service

6. If the proposed subdivision abuts on a street maintained by the Commonwealth of Kentucky, then to the district engineer for the Kentucky Department of Transportation.

D. Action Taken on Plan – Within 90 days of submittal of the construction plan and following notification of approval of the plan by M.S.D., the Director of Works shall take action on behalf of the Commission and shall notify the subdivider in writing of his action. The action of the Director of Works shall take one of the following forms:

1. Approval - The plan may be approved as submitted. A copy of the approved construction plan shall be submitted to the Planning Commission. Approval of the plan shall be valid for one year and extensions of approval may be granted by the Director of Works. Construction may not proceed without a work order issued by the Director of Works in accordance with the approved plan. The subdivider's request for a work order shall be submitted to the Works Department and MSD no less than five working days prior to the day on which construction is intended to begin.

2. Disapproval - The plan may be disapproved and the Director of Works shall state, in writing if requested by the subdivider, his reasons for disapproval. The subdivider must then submit a new construction plan if he wishes to create the subdivision.

7.2.35 Conditions of Permit/Work Order and Authority of Inspectors

It is a condition of the issuance of a Site Disturbance Permit or a Work Order that the property and operations on it be open to inspection by the Director of Works, MSD, and the Director of Planning and their authorized agents or representatives at all times and that the subdivider and his agents shall abide by any order of said inspector(s) for the purpose of assuring conformance with approved plans. Application for such Permit or Work Order and any operations pursuant thereto shall be deemed to constitute consent to these conditions. Refusal to abide by an order of an authorized inspector or to allow the required inspection shall be a violation of these regulations. Further, willful or persistent failure to abide by such orders shall constitute just cause for the respective director to refuse construction approval and issue a stop work order for the particular subdivision, in addition to any other remedies available.

7.2.40 Record Plat

Before transferring title to any portion of a subdivision a record plat must be recorded. The subdivider shall obtain Commission approval to be shown on the record plat prior to its recording. Approval may be obtained in accordance with the following procedures:

A. Formal Application and Submission - The subdivider shall file formal application for subdivision approval on a form supplied by the Commission and shall submit therewith a record plat prepared by a land surveyor in conformance with the requirements of Part 7. If application for a record plat can not be submitted within one year of construction plan approval, extension of expiration date must be requested and obtained from the Commission.

B. Review

1. The staff of the Commission shall review the plat and approval may be given by any authorized staff member if the plat is in accordance with the approved preliminary plan.

2. Land Development and Transportation Committee Review - The Land Development and Transportation Committee may approve a plat if it is not in conformance with the approved preliminary plan or if waivers are requested. The Committee may request Commission action when it is deemed appropriate.

B. Commission Action - Within 90 days of receipt of the record plat, the Commission shall take action on the plat and notify the subdivider in writing of its action. Commission action shall take one of the following forms:

1. Approval - The Commission may approve the plat as submitted. The Commission shall certify its approval on the face of the plat so that it may be recorded in the office of the County Clerk of Jefferson County.

2. Conditional Approval - The Commission may approve the plat conditionally and require amendments to the plat before granting full approval. If the subdivider does not submit an acceptable amended plat within 90 days of submission of the original plat, the plat shall be deemed to be disapproved by the Commission.

3. Postponement - The Commission may postpone its decision pending further study of the plat, but in no event shall its decision be postponed more than 90 days after submission of the plat.

4. Disapproval - The Commission may disapprove a plat and shall state in writing its reasons for disapproval. The subdivider must then reapply if he wishes to create the subdivision.

7.2.45 Subdivider's Commitment and Bond Requirement

Before Planning Commission approval may be shown on the record plat for recording, the subdivider shall deliver to the Director of Works the following items:

A. Subdivider's Commitment - The subdivider shall be responsible for the installation, good repair and proper functioning of all improvements, including private roads, required by the approved construction plan and the installation of all reference monuments required by the record plat. Installation shall begin within a year after approval of the record plat, or within any one year extension granted by the Director of Works, and shall proceed in a manner which, in the judgment of the Director of Works, does not cause unreasonable harm, inconvenience or annoyance to any other property owner in or outside of the subdivision. The judgment of the Director of Works with respect to the manner of proceeding may not be questioned in any judicial proceeding by anyone except the subdivider, but said judgment when exercised in favor of the subdivider shall not constitute a defense to the subdivider in a judicial action against the subdivider by a complaining property owner. This obligation of the subdivider shall continue until the Director of Works, acting on behalf of the Planning Commission, has granted a release pursuant to Section 7.2.60. The required installations shall be completed and properly functioning within five (5) years from the date of which construction plans are approved, unless an extension is requested by the subdivider and approved by the Director of Works in writing. If eighty percent (80%) of the lots do not have a completed structure on them, the subdivider may request that the Director of Works, also acting on behalf of MSD, waive the eighty percent (80%) requirement and notify the Planning Commission of such waiver. If the waiver is granted, the subdivider or design engineer, acting on behalf of the subdivider, shall initiate the bond release process by sending a written request for bond release inspection to Public Works, MSD, the Health Department, and the local fire protection district. At any time after the date of approval of the record plat, the subdivider shall abide by any time limits which the Director of Works may specify in writing. This obligation shall be evidenced in writing signed by the subdivider on forms provided by the Director of Works.

B. Security Required - There shall be filed with the Director of Works a bond instrument(s) approved by the Planning Commission and in the amounts determined by the Director of Works and MSD to insure fulfillment of the subdivider's commitment as set out above. Reduction of bond requirements shall not alter the subdivider's liability for fulfilling the obligations set out in Section 7.2.45 (1).

7.2.50 Reduction of Bond Amount

The amount of bond may be reduced by the Director of Works, on the recommendation of MSD and acting on behalf of the Planning Commission one time only. No bond shall be reduced below an amount necessary to insure the installation of remaining improvements and the good repair and proper functioning of all improvements at the time when eighty percent (80%) of the lots shown on the record plat have primary structures built on them and appropriate measures taken to prevent erosion and siltation. The reduced amount shall be determined by Public Works and MSD upon construction of the internal roadway infrastructure. The design engineer shall submit a certificate as set forth in Part 9.35 to Public Works and MSD.

7.2.55 Bond Instruments

The subdivider shall post a bond instrument with Public Works to insure proper installation of the road and drainage improvements. In addition, the subdivider shall post an encroachment and/or clearing and grading bond with Public Works and/or MSD. The bond instrument may be in the form of a letter of credit or certificate of deposit with a properly executed assignment and notice, in the total bond amount. If the subdivider posts a surety bond, $3,000 of the total bond amount must be in the form of a letter of credit or a certificate of deposit with a properly executed assignment and notice.

7.2.60 Subdivider's Release from Guaranteeing Proper Functioning

A subdivider may request a release from responsibility for the good repair and proper functioning of required improvements by the Planning Commission in accordance with the following procedures:

A. A written request for release shall be submitted to the Director of Works with copies sent to Metropolitan Sewer District, the Board of Health, the agency or official having jurisdiction with respect to fire protection, and the Mayor or designee if the subdivision is located within an incorporated city. This release may be requested after primary buildings have been built on 80% of all lots shown on the record plat and the street improvements (public and private), drainage facilities, but not including sidewalks on unimproved lots, have been installed in a good and workmanlike manner and are functioning in accordance with the approved construction plans.

B. After eighty percent (80%) of the lots shown on the record plat have primary structures built on them, the subdivider may request bond release. Upon receipt of a written request from a subdivider, the appropriate agencies must inspect the subdivision and inform the subdivider in writing of approval or deficiencies within thirty (30) days. If deficiencies are noted, the subdivider shall have forty-five (45) days to complete the repairs and request re-inspection. The agency shall re-inspect and advise the subdivider of approval or further deficiencies within two weeks. Each agency shall provide original inspection reports and release approvals to Public Works. If the subdivider disagrees with the written comments received, an appeal may be filed with the Planning Commission. The Commission shall review this request through the Land Development and Transportation Committee.

C. Upon obtaining a written release from all appropriate agencies, the Director of Works may release the subdivision bond completely or reduce the bond to an amount necessary to insure the installation of sidewalks, related drainage and any other right-of-way and easement improvements. This bond shall be considered as if it were a separate bond designed solely for that purpose to be released by the approval of the Director of Works with the approval of the appropriate agencies. If a sidewalk only, pavement only, or drainage only bond is required, it shall be of a limited time period to insure that all such improvements are constructed and fully functioning within two years of date of said bond. The eighty percent (80%) figure referred to above may be increased or reduced by the Director of Works, as specified in Section 7.2.45 (1).

7.2.65 Builders Commitment

A builder on any lot in the subdivision shall be responsible for the good repair and proper functioning of all installed improvements required by the approved construction plan and installed reference monuments required by the record plat and shall proceed with construction in a manner which is satisfactory to the Director of Works and the subdivider, and which does not cause unreasonable harm, inconvenience or annoyance to any other property owner in or outside of the subdivision. The judgment of the Director of Works or that of the subdivider with respect to the manner of construction may not be questioned in any judicial proceeding by any one except the builder, but said judgment when exercised in favor of the builder, shall not constitute a defense to the builder in a judicial action against the builder by a complaining property owner. An applicant for a building permit shall execute and deliver written evidence of his awareness and commitment to fulfill this obligation on forms approved by the Director of Works.

The builder of each lot in a subdivision is required to grade the lot so that cross-lot drainage is in conformance with the approved Composite Drainage Plan for the subdivision and all drainage from the lot is directed to a public drainage facility in an easement or right-of-way.

7.2.70 Builder's Bonds Required

At the time of the subdivider's release from guaranteeing proper functioning of required improvements pursuant to Section 2.60, each builder is required to post with the Director of Works and/or M.S.D. a Builder's Bond prior to the issuance of the building permit to insure the fulfillment of the obligations set out in Section 7.2.65 and to insure compliance with the tree canopy requirements and sidewalk requirements in accordance with Part 4. The bond shall be in the amount of $2,500.00 or an appropriate amount as determined by the Director of Works, the Director of Planning, and/or M.S.D. In the event a building permit has been issued on unimproved lots that are sensitive to generation of drainage related damages to existing development at the time of release of the subdivider's performance bond, a $2,500.00 bond or an appropriate amount shall be posted on those lots by the builder. "Unimproved lots" refers to those on which no primary building has been constructed.

7.2.75 Release of Builder's Bond

Application for release of a builder's bond (7.2.70) may be made by filing a certificate with the Planning Commission and the Director of Works or M.S.D. in conformance with Section 7.9.42 bearing notice that false statements made therein are punishable. Within 60 days of receipt of application for release of a builders bond, the Director of Planning, Director of Works or M.S.D. may make an inspection of the subdivision and shall grant the release where it appears to his reasonable satisfaction that the required improvements are installed and are in good repair and functioning properly on and adjacent to the lot and that there is no reason to believe that construction on the lot has or will cause malfunctioning of installed improvements in other areas.

7.2.80 Property Owner's Obligation

It is the obligation of a property owner in the subdivision not to damage, alter or destroy the required improvements or reference monuments and not to allow any condition or activity on his property that will impair the proper functioning of the required improvements. For violation of this provision, the property shall be subject to the imposition of a lien for the amount necessary to remedy the violations which may be enforced in the same manner that mortgages are enforced, in addition to other remedies available.

7.2.85 Enforcement and Remedying of Obligations

If, at any time following the period allowed to the subdivider to complete his obligations (7.2.45 (1)), the Director of Works and/or MSD finds that the required improvements and reference monuments have not been installed or that they are not in good repair or that they are not functioning properly and also finds that it does not appear to his satisfaction that they will be completed within a reasonable time considering the potential for harm, inconvenience or annoyance to others, he shall recommend that the Planning Commission declare the obligation of the subdivider, as well as the obligation of any others who may appear to him to be responsible, to be in default.

Upon declaration of default, the Director of Works and/or MSD shall collect such amounts from bonds or otherwise as is required to remedy the default. In the event that amounts available from bonds are sufficient to cover the costs of remedying the default, such bonds shall be collected and used in full or in such proportion as the Director of Works or MSD determines to be just and equitable based upon apparent responsibility therefor. Anyone claiming to be aggrieved by such determination shall have as his exclusive remedy a cause of action for contribution or indemnity against the parties responsible for the default. The determination of the Director of Works or MSD shall not be used as evidence in support of or against responsibility in such cause of action, and he shall not be made a party thereto.

In the event that the Planning Commission has authorized bond forfeiture for any section(s) of a subdivision for which the applicant is responsible, no additional sections of the subdivision may be recorded until such time as the Metro Public Works Department notifies the Planning Commission that the roadway and drainage improvements for the previously recorded section(s) in accordance with the approved construction plans have been completed.

7.3.10 Streets

In or adjoining any major subdivision of land hereafter proposed, access from new lots or a new street connecting an existing street shall not be approved unless the Planning Commission, with input from the Director of Works, determines that the subdivision will be served by an adequate street network. In order to be considered adequate, the street or combination of streets providing most direct means of access to an arterial level street shall have a minimum roadway width of 18 feet of pavement. The Commission may determine, based on input from the Director of Works, that the traffic flow associated with a proposed subdivision will utilize more than one route to one or more arterial streets. As a result of such determination, the Planning Commission may require that more than one route (street or combination of streets) must have a minimum roadway width of 18 feet. In addition to the roadway width, the Planning Commission may require other off-site improvements to correct conditions that would impede the safe flow of traffic associated with the new subdivision. Subdivisions that create no more than five lots of five acres or more each are not subject to the requirements of this paragraph. (Arterial level streets are shown on Core Graphic 10: Roadway Classifications and Projected Corridors).

7.3.20 Blocks

All new blocks created by any major subdivision of land hereafter proposed shall conform to the following standards of design:

A. Pedestrian Access - Sidewalks bisecting non-residential blocks may be required within non-residential blocks where necessary to improve pedestrian circulation by providing more convenient access to schools, parks, shopping, etc., than is possible with sidewalks within the street right-of-way. Such walkways shall have an easement width of at least ten feet.

B. Mid-block Walkways - When residential blocks are over 800 feet in length, a walkway bisecting the block and dedicated to public use not less than ten feet wide, may be required to provide proper access to schools, playgrounds, shopping centers and other facilities.

7.3.30 Lots

All new lots created by any major subdivision of land hereafter proposed shall conform to the minimum requirements of the applicable zoning regulations and shall also conform to the following standards of design:

A. Shape of Lots - Pointed or very irregularly shaped lots shall be avoided where possible. Additional depth or landscaping may be required on lots which back up to railroads, major streets, or other conflicting land uses.

B. Access - All lots for detached houses shall abut a public street.

C. On Lot Sewage Disposal Systems (Septic Tanks) - Lots that are served by a septic tank or other means of on-lot sewage disposal shall meet the requirements of the Louisville and Jefferson County Department of Health.

D. Environmentally-Constrained Areas - Subdivisions that contain environmentally-constrained area as defined in Chapter 4 Part 6 Development on Sites with Environmental Constraints, shall be developed in accordance with applicable development standards (See Parts 4.7, 4.8 of the Land Development Code)..

E. No more than fifteen percent (15%) of a required rear yard of a buildable lot may be occupied by a detention basin or a retention basin.

7.3.40 Easements

A. All easements shall conform to the following standards of design:

1. Utility Easements – An easement for utilities, at least ten feet wide, may be required along any lot line or across lots whenever necessary to provide for extension of utility lines. (See 5. below for exception for utilities serving urban infill.)

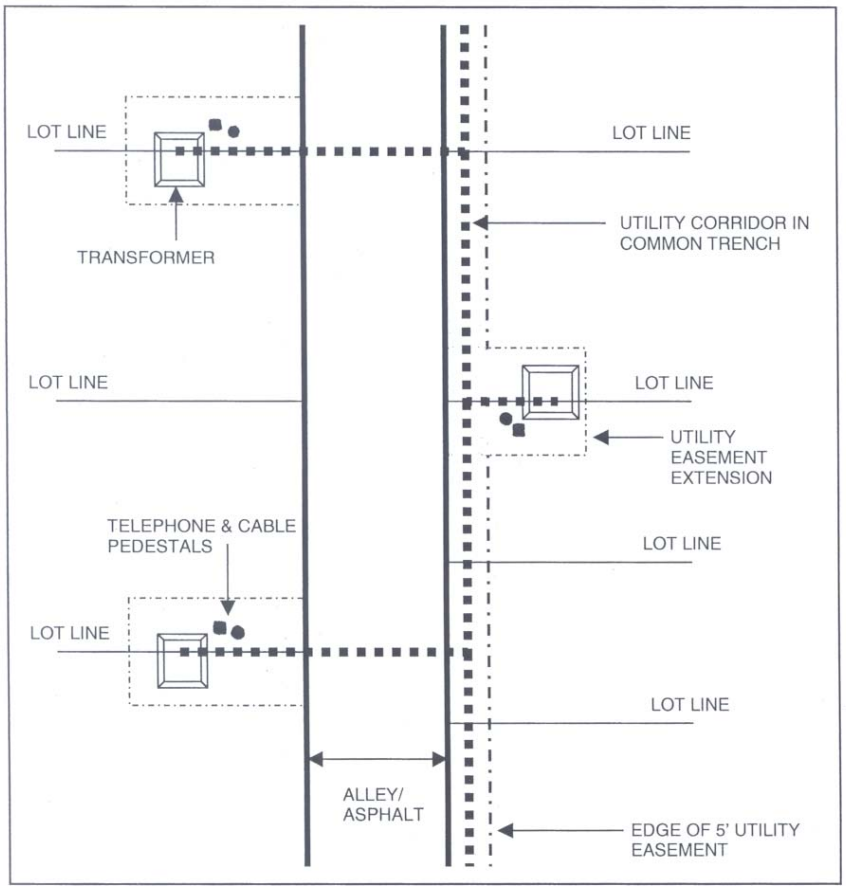
2. Slope Easements – Whenever a proposed subdivision affects an existing or proposed road in such a way that will necessitate cuts and fills in adjoining property, slope easements on such adjoining property shall be required.

3. Sewer and Drainage Easement – Whenever necessary, sewer and drainage easements shall be provided in accordance with MSD Design Criteria.

4. Flood Plain Easement – Whenever necessary, flood plain easement shall be provided in accordance with MSD Design Criteria.

5. Exception – Major residential subdivisions in the Traditional Neighborhood Form District and having lots that are served by alleys shall provide a common utility easement that parallels the alley and includes periodic extensions of the easement to accommodate transformers and pedestals. The frequency of periodic easement extensions shall be determined by the appropriate utility agency(ies). (See Fig. 7.3.1)

FIGURE 7.3.1 Urban Alley/Utility Corridor



7.3.50 Reservation of Public Areas and Roadways

Where a park, school, playground, or areas for other public uses shall be provided in the subdivision in accordance with the Comprehensive Plan, including future roadways shown in the Comprehensive Plan with specific location determined by the Director of Works, such areas shall either be dedicated to the proper public agency or it shall be reserved for acquisition by the appropriate agency within two years of approval of the preliminary plan.

7.3.70 Tree Canopy

All new subdivisions shall indicate the means by which requirements of Part 10.1, Tree Canopy Regulations, shall be met. If existing trees will be used to satisfy the minimum canopy standards, the location shall be shown in relation to areas of site disturbance, including roadways, utility lines, and drainage facilities.

7.4.10 Required Physical Improvements

In any subdivision of land hereafter proposed, the subdivider shall provide improvements as specified in Chapter 6, Access Management and Streets and Rights-of-Way.

7.4.20 Utility Services

Before the record plat is approved, or alternatively, before the performance bond is released, the subdivider shall obtain installation of all utility services required hereunder.

A. Water Supply - All new subdivisions shall include public water mains that meet the minimum standards of the Louisville Water Company and Section 150.069 of the Jefferson County Code of Ordinances (Fire Hydrants). These standards may include but are not limited to, size of water mains, flow capacity of mains, fire hydrant locations, primary feed for a new development, etc. Prior to being placed in service, the water mains must be accepted by the Louisville Water Company.

B. Fire Hydrants - Fire hydrants shall be provided as required by Sec. 150.069 of the Metro Louisville Code of Ordinances (or successor regulation). All fire hydrants and water lines shall be in accordance with the standards of the Louisville Water Company.

C. Power Supply - All subdivisions hereafter proposed shall be provided with an adequate power supply system.

7.4.30 Sanitary Sewage

The method of disposal of sanitary sewage shall be the requirements of the Louisville and Jefferson County Board of Health in coordination with the Metropolitan Sewer District and the Kentucky Department for Natural Resources and Environmental Protection. When a subdivider constructs a sewage disposal plant, he shall provide for maintenance thereof until taken over by a public agency.

(See Chapter 4.2.45, Conditional Uses, of the Land Development Code for Sewage Disposal Plants).

7.4.40 Reference Monuments

Before the record plat is recorded, the subdivider shall install permanent reference monuments. The reference monuments shall be installed at all points of change in direction of all exterior boundary lines of the subdivision or subdivision section. Monuments shall be installed at all control points of the roadway at the right-of-way lines of the subdivision or subdivision section. These points shall include but are not limited to PC (point of curvature), PT (point of tangency), PI (point of intersection), and POT (point on tangent). Every monument set by a Land Surveyor shall be of a substantial size and shall be made of durable materials and shall include an element that makes it possible to detect the monument by means of some device for finding ferrous or magnetic objects. All monuments set by a Land Surveyor shall bear their registration number on a metallic cap or identifier, as required by the Minimum Standards of Practice for Land Surveying adopted by the Kentucky State Board of Registration for Professional Engineers and Land Surveyors. Any permanent markers now in place shall remain in lieu of new monuments. Notice of compliance in writing shall be given to the Planning Commission prior to recording a section.

Before the Performance Bond is released, the reference monuments shall be installed at all points of change in direction of all exterior boundary lines of the subdivision or subdivision section. Monuments shall be installed at all control points of the roadway at the right-of-way lines of the subdivision or subdivision section. These points shall include but are not limited to PC (point of curvature), PT (point of tangency), PI (point of intersection), and POT (point on tangent). These monuments shall conform to the standards set out above

7.5.10 Format and Materials

The preliminary plan shall be drawn on paper or other media approved by Division staff at a scale of not more than one hundred feet to the inch. Sufficient copies, as required by the Division's application process, shall be submitted to Planning and Design Services. In case of an unusually large subdivision, Division staff may modify this requirement and allow a scale of not more than two hundred feet to the inch. The plan shall contain a seal from a professional authorized by their accrediting agency as established in the Kentucky Revised Statutes to produce preliminary subdivision plans.

7.5.20 Legend Information

The preliminary plan shall contain a "key/interpretive guide" to symbols used in the plan.

7.5.30 Easements and Public Areas

The preliminary plan shall show:

A. The proposed street layout for the subdivision including right-of-way width, curve radius, ingress and egress, and temporary street names.

B. The names and locations of all existing streets and easements located in and adjacent to the subdivision. Identify all existing entrances and drives and indicate proximity to proposed subdivision entrance.

C. The location of existing utility easements and structures in the subdivision, and at the entrance(s) to the subdivision. The location of proposed sewer and drainage easements in the subdivision. Identify existing fire hydrant locations within 400 feet of the proposed development.

D. The location of existing and proposed parks, existing tree masses and tree masses to be preserved, public spaces, common open spaces, retention basins and drainage easements. Identify existing railroads, historic structures, cemeteries, buildings and governmental boundaries, if any, in the subdivision.

E. Features on adjacent property which might affect the design of the subdivision.

F. Designated landscape buffer areas and other buffer areas as required by the Zoning and Form District Regulations and in compliance with Chapter 10.

7.5.40 General Information

The preliminary plan shall show:

A. The name(s) of property owner(s) and the tax block(s) and lot number(s) for all Parcels that are contained within the boundaries of the proposed subdivision as identified from Property Valuation Administrator's current maps and records.

B. The boundaries of the proposed subdivision.

C. Lot layout for the subdivision including lot numbers, front and street side building limit lines if different than the required yards of the zoning district, and dimensions.

D. The location, ownership, deed book and page number of all adjoining property.

E. Elevation and description of the bench mark used.

F. A north arrow, written and graphic scale.

G. Existing contours at intervals of not more than two feet based on field data referred to U.S.G.S. sea level datum in sufficient detail to show the general character of the land.

H. Portions of the site having slopes of 20% or greater, and 30% or greater.

I. The proposed use of all the land in the subdivision, including reserved areas and the acreage of each.

J. A key map showing the relative location of the proposed subdivision to the nearest existing arterial street intersection.

K. Existing streams, flood plains, and drainage facilities, and a description of the proposed drainage facilities, including downstream drainage.

L. All roadway grades in excess of 10% shall have roadway profiles and cross-sections at 50 foot intervals submitted with preliminary subdivision plans.

M. The location of all existing and proposed sidewalks.

N. Gross and net acreage and density.

O. Zoning and Form district(s).

P. Compliance with Tree Canopy requirements.

7.5.50 Title Block

The preliminary plan shall contain a title block in the lower right hand corner of the plan, showing the title of the proposed subdivision, the name and address of the owner, the name and address of the subdivider, the name and address of the person or firm preparing the plan, date of preparation, the scale, and date of all revisions. The title block shall also contain current and proposed zoning and total number of lots.

7.5.60 Graphics

The following lines and symbols shall be used when drawing the preliminary plan:

Heavy, solid	Enclosing all land included in the subdivision and any existing lot lines to remain
Medium, solid	Proposed lot lines of new tract or lot
Light, solid	Street or right-of-way lines and adjoining property line stubs
Light, dot-dash	Center lines of streets or rights-of-way
Light, short-dash	Easement boundaries
Tie-lines (Light, long-dash)	Showing proposed consolidation of lots or parcels to form new tracts and any existing lot lines to be removed
Line breaks	Used to shorten straight lines on plat

7.6.10 Format and Materials

The construction plan shall be submitted to the Director of Works, in accordance with the established specifications for format, material and number of copies.

7.6.20 Cover sheet

The construction plan shall include a cover sheet containing:

A. A key map, showing the relative location of the proposed subdivision to the nearest existing arterial street intersection.

B. A title block, showing the title of the subdivision, the name and address of the owner, the name and address of the subdivider, the name and address of the engineer or engineering firm preparing the plan, the date of preparation, the scale, a graphic scale and the date of all revisions.

C. An original engineer's seal and signature.

7.6.30 Approved Preliminary Plan

The construction plan shall include a copy of the approved preliminary plan.

7.6.40 Composite Drainage Plan

The construction plan shall include a composite drainage plan showing all improvements, including all proposed streets, easements, parks, storm sewers, ditches, hydraulic calculations, reserved areas and lot drainage and existing drainage areas designated in acres contiguous to the subdivision. This plan shall bear the engineer's seal and signature.

7.6.50 Plan View and Profile

The construction plan shall include a plan view and profile of all streets, ditches and swales in easements, paved rights-of-way and special ditches, and details of all structures, which are a part of the physical improvements in the subdivision. The plan view and profile shall include as many sheets as are necessary to show adequately all improvements. Each sheet shall contain a plan view and a profile, and it shall show the page number and the number of pages. Each sheet shall contain the engineer's seal and signature; however, the engineer's seal and signature shall not be required for the information described in part 1(h) below.

A. The plan view shall show:

1. The title of the subdivision

2. The north point

3. The latest revision date

4. The name or designation and right-of-way and pavement widths of each street

5. The centerline of each proposed street, with stationing to one-hundredths of a foot at points of intersection; points of tangents, points of curves and street intersection, together with deflection angels, degree of curves, radii of curves, sub-tangent lengths and lengths of curves

6. All proposed drainage structures, including manholes, catch basins, junction boxes, pipe storm drains, ditches and other drainage facilities, including headwalls

7. The size, type and location of existing and proposed easements

8. Landscape buffer area, as specified in Chapter 10 Part 2 of the Land Development Code, Woodland Protection Area and existing Tree Canopy to be preserved as required by Chapter 10 Part 1.

9. Location of bench marks with elevations referred to U.S.G.S. sea level datum

10. A typical section of road

11. Adjoining streets, drainage ways, or drainage structures affecting the design of the Subdivision

12. Details of structures requiring special design

13. Soundings if required

14. Environmentally-constrained areas as defined in Chapter 4 Part 6

B. The profile shall show:

1. Proposed road grades, designated by solid lines, with percent of grade and lengths of vertical curves

2. The elevations of proposed road grades to one-hundredths of a foot every 100 feet on uniform grades, every fifty feet on vertical curves, and at the center of all street intersections

3. The elevations and grades, of proposed roadway ditches not conforming to road grades

4. The elevations, length and grades of other existing and proposed ditches, drainage structures, manholes, catch basins, junction boxes, pipe storm drains, and other drainage facilities, including headwalls

5. Stationing, to be shown along the bottom of each sheet

6. The original ground and final grade elevations, lettered at the proper station along the bottom of each sheet

7. The profile and stationing of adjoining roads, and all pertinent information on the alteration of all existing ditches or drainage

8. Cross section of proposed ditches

7.6.60 Cross Sections and Details

The construction plan shall include:

A. Cross Sections of proposed roadways at intervals of fifty feet or the equivalent thereof where special conditions exist as requested by the Director of Works.

B. Cross sections at five foot intervals on abutting existing roadways showing roadways existing ditches, proposed ditches, and proposed sidewalk locations.

C. Details of typical catch basins, manholes, drainage structures, junction boxes, and other incidental structures.

7.6.70 Certificate of Engineer/Land Surveyor

Any revision on the construction plan during construction shall be pre-approved by the Director of Works and MSD. Following inspection of all improvements as built, including private roadways, the engineer/land surveyor shall submit a certificate in compliance with Section 9.40 and 9.41 hereof. The Director of Works and/or MSD may require as-built construction plans on an as needed basis prior to subdivision bond release.

7.6.80 Reference Monuments

If the as-built plan has already been approved, a current certificate that all reference monuments have been installed shall be included.

7.7.10 Format and Materials

The record plat shall be prepared and certified by a Land Surveyor and shall be drawn with waterproof ink or photographed on permanent reproducible material at a scale of not more than one hundred feet to the inch or a computer generated plat with lines and symbols equivalent in weight to those required in Section 7.70. If more than one sheet is required, a key plat shall be shown on all sheets. The original and two prints shall be submitted to the Commission. No sheet of the record plat may exceed 24 inches by 36 inches, unless the County Clerk has agreed in writing to record it, and is approved by the Planning Commission. A two-inch by three-inch space shall be reserved in the lower right hand corner for the County Clerk's stamp.

7.7.15 Timeframe

The record plat shall be in conformance with the approved preliminary plan. If the record plat is not recorded within one year of the construction plat approval date, the developer may request a one-year extension of expiration date for the construction plan from the Director of Works. The developer shall submit a letter justifying the request for extension to the Director of Works, with a copy provided to the Planning Commission.

7.7.20 General Information

A. All dimensions shall be expressed in U.S. Survey feet and decimals of a foot.

B. Number of lots, written and graphic scale, a north arrow, designated meridian, and building limit lines shall be shown.

C. All distances and angles shall be drawn large enough to be legible after photo-reduction of the plat by 50%.

7.7.30 Easements and Public Areas

The record plat shall show the names, location and widths of all streets and other areas to be dedicated to the public use and all easements to be dedicated for the installation and maintenance of utilities, all fully dimensioned, showing the angles of intersection of streets and the radii, chords, point of tangency, sub-tangent lengths and central angles for all curvilinear streets, and the radii of all rounded corners, and shall also contain notations concerning the dedication, reservation and use of such public areas and easements and reference to the status of such areas adjacent to the subdivision.

7.7.35 Names

All private streets, frontage roads or ingress/egress easements which provide the principal means of access to residential, commercial, industrial, or other properties or buildings and/or do not have public roadway frontage shall be named on the record plat, unless exempted by Section 6.3.5 of the Land Development Code. All public streets shall be named on the record plat. A street which is obviously a continuation of an existing street shall bear its name. No street name shall duplicate or closely approximate the name of an existing street in Jefferson County. Street names shall be assigned in accordance with Chapter 6 Part 3.

7.7.40 Required Information - The record plat shall show:

A. The boundaries of the property proposed for subdivision, including all bearings and dimensions as determined by an accurate survey in the field, the name(s) of property owner(s) and the tax block(s) and lot number(s) for all parcels contained within the boundaries of the proposed subdivision as identified from Property Valuation Administrator's current maps and records.

B. The names and widths of all adjoining streets and easements, a stub property line approximating the location of intersecting boundaries of all adjoining properties and the ownership of all adjoining properties. Ownership shall be identified by an owner's name and a deed book and page number or an owner's name and plat book and page number.

C. Lot numbers, lot lines, front and street side building limit lines if different than the required yards of the zoning district, all fully dimensioned, bearings and distances of non-parallel lot lines, and square footage or acreage of each lot.

D. The location, description and coordinate values of all permanent monuments set at all points of change in direction of all exterior boundary lines of each section. All permanent monuments set as a result of a boundary survey based on survey monuments established and published by the National Ocean Service/National Geodetic Survey must be tied to the Kentucky Coordinate System of 1983 (North Zone). All monuments shown shall be interconnected and dimensioned so that any registered land surveyor can lay out the lots or streets in the subdivision correctly by referring to the plat alone without any additional information.

E. The location of the 100 year flood elevation shown as an easement designated by … — … — … — … —.

F. A key map, showing the relative location of the proposed subdivision to the nearest existing arterial street intersection.

G. Landscape buffer areas and other regulatory buffers as required in Chapter 5 and Chapter 10 of the Land Development Code.

H. All waivers and variances granted by the Planning Commission.

I. Deed book and page number of the deed of restrictions applicable to the subdivision, if any.

J. Provisions to comply with Tree Canopy requirements.

7.7.50 Certificates and Title Block - The record plat shall contain:

A. A certificate of ownership and dedication in compliance with Section 9.10 hereof, and an accompanying certificate of acknowledgment in compliance with Section 9.20 hereof.

B. A land surveyor's certificate in compliance with 9.30 hereof.

C. Certificates of reservation in compliance with Sections 9.50, 9.60 and 9.70, 9.75, 9.76, and 9.93 hereof, if applicable.

D. A title block, in the lower right hand corner of the plat, showing the title of the subdivision, the name and address of the owner, the name and address of the subdivider, the name and address of the land surveyor preparing the plat, the date of preparation, and the scale. For an amended or corrective record plat, the title block should show the purpose of the plat and the plat book and page number of the recorded plat that is being amended.

E. A certificate of approval in compliance with Section 9.80 hereof.

7.7.60 Notice of Legal Requirements - the record plat shall contain:

A. Notice of the obligation set out in Section 2.80 in the following form:

Property Owner's Obligation

Certain improvements in this subdivision are required by the Metropolitan Subdivision Regulations as specified by an approved constructed plan on file in the office of the Director of Works. It is the obligation of every property owner in the subdivision not to damage, alter or destroy those improvements and not to allow any condition or activity on his property that will impair the proper functioning of those improvements. For violation of this provision, the property shall be subject to the imposition of a lien for the amount necessary to remedy the violation which may be enforced in the same manner that mortgages are enforced, and persons responsible shall be subject to fine.

B. Notice of Bond Requirement set out in Section 2.70 in the following form:

Notice of Bond Requirement

After construction approval and release of the undersigned subdivider's bond by the Louisville and Jefferson County Planning Commission, the owner of any lot may be required to post a cash bond as a condition of obtaining a building permit pursuant to Section 2.70 of the Metropolitan Subdivision Regulations.

C. Notice of the builder's obligation set out in Section 2.65 in the following form:

Builder's Obligation

The builder of each lot in this subdivision is required to grade the lot so that cross-lot drainage is in conformance with the approved Composite Drainage Plan for the subdivision and all drainage from the lot is directed to a public drainage facility in the easement or right-of-way. In addition, the builder shall construct sidewalks and plant trees in accordance with the construction plan, the landscape plan, and all applicable regulations.

7.7.70 Graphics

The lines and symbols identified in Section 5.60 shall be used when drawing plats.

7.8.10 Procedure

Any person desiring to create a minor subdivision shall submit to the Commission for approval an application on forms provided by the Division, and a record plat in conformance with the requirements of Section 7.8.11 and Section 7.8.20 prepared by a professional land surveyor. Staff of the Division may require submission of information, material and documents beyond that required in this section as necessary to determine compliance with these regulations. No application shall be accepted unless it is complete and accompanied by the appropriate review fee.

7.8.11 Agency Review

The subdivider shall submit to the following agencies copies of the minor subdivision plat for approval. Approval shall be in the form of a stamp from the appropriate agency on the back of the plat. Agency review will include the following:

A. Appropriate agency responsible for transportation review for the subject property.

B. Metropolitan Sewer District. (All property, regardless of location.)

C. Jefferson County Environmental Health and Protection. (Property served by on-site sewage disposal systems.) If lots are served by on-site sewage disposal systems (existing or proposed) they shall meet the requirements of the Louisville and Jefferson County Board of Health.

D. The fire chief of the district having jurisdiction over the property where any of the following apply:

1. A new lot is being created unless:

a. The plat is a “buy-down” minor plat to record and/or develop a section of an approved major subdivision preliminary plan; or,

b. The lots involved are located in any major subdivision approved after October 8, 1991 (effective date of Jefferson County Kentucky Code of Ordinances, Section 150.065 - 150.073)

2. A new lot is being created on private access easement and the new lot has no access from a publicly dedicated roadway.

3. The minor plat crosses the Jefferson County Line.

4. The property is located within a fire protection district other than the Louisville Division of Fire District or its successor.

E. For minor subdivision plats that show roadways, structures or other encroachments into an easement, documentation of notice to the easement holder shall be submitted.

Approval by additional agencies may be required if special circumstances warrant.

7.8.12 Administrative Approval

Commission Approval may be given by the Director of the Division of Planning and Design Services or any authorized staff member of the division when all of the following criteria are met:

A. The existing tract, parcel, or lot is subdivided into not more than five tracts, parcels or lots including any remainder proposed to be retained by the owner(s);

B. The existing tract was lawful under these regulations at the time the property description was recorded;

C. The existing tract(s) have not been the subject of a previously approved preliminary plan for a residential subdivision.

D. The subdivision does not include the dedication of a new public street or change in an existing public street;

E. All resulting lots have frontage on an existing public or private street with pavement at least 18 feet wide, except that roads serving no more than 5 lots of 5 acres or more may be 12 feet wide with 3 foot shoulders on each side;

F. The subdivision can satisfy these regulations and other applicable ordinances and statutes without the construction of streets, water facilities, storm drainage facilities or other improvements except as necessary to directly serve the lots created and to provide a direct connection to an existing and approved system;

G. The subdivision is in compliance with the minimum requirements of the applicable zoning regulations and other ordinances and regulations, and no substandard tracts, parcels, or lots will be created;

H. Adequate provision will be made for access to a public roadway. If a private street is to be used, provisions for maintenance, acceptable to staff and Commission legal counsel, will be placed on applicable recorded documents;

I. Along all road frontages, the plat dedicates additional right-of-way of a width sufficient to meet one-half (1/2) of the required right-of-way width for that specific public roadway as indicated on the County Thoroughfare Plan or the Official Map and as prescribed in Chapter 6 Part 2 of the Land Development Code;

J. Private roadways (e.g. access easement) and related facilities serving uses other than single family residential meet the requirements of Chapter 6 Part 2. The Division, based upon the recommendations of other governmental agencies, may increase the requirements for private roadways beyond those specified in Chapter 6 Part 2.

Minor plats involving the following conditions are also eligible for approval by staff:

K. Amending a record plat for minor corrections/shifting of lot lines; for revisions to lot lines where all signatures of adjoining property owners are obtained; for revisions to easements where consent letters from utility companies are received; or for revisions to building limit lines where a variance has been granted for the same encroachment.

L. Creating a flag lot for obtaining utility service.

M. Direct access to collector level road (where no new access is created).

N. Creation of two or more lots on collector level road which share an access easement.

O. Administrative waiver to dedicate right-of-way.

P. Creating a lot in the area of an approved preliminary subdivision plan/district development plan for “buy-down” or a lot created in compliance with the approved plan.

Q. Creating a lot with an existing accessory structure, prior to construction of a primary residential structure.

R. Resulting lots have frontage on an existing public or private roadway that does not meet the minimum requirements for a public or private street as listed in Section 7.8.12.E, above. A plat creating such lots may be approved in accordance with the provisions of Section 7.8.85.

S. The plat would create new proposed private roadway(s) (e.g., access easement(s)). If the proposed roadways have received necessary approvals, and related facilities meet the requirements of Chapter 6 Part 2 the plat may be approved in accordance with Section 7.8.90. The Division, based upon the recommendations of other governmental agencies, may increase the requirements for private roadways beyond those specified in Chapter 6 Part 2.

NOTE: *County Clerk requires that a related deed or other recordable instrument be recorded with minor plat.*

7.8.13 Appeal Process

No staff member shall be required to approve any delegated item if they have reason to question its accuracy, or its compliance with good planning principles, subdivision, zoning or other regulation(s). The property owner may request any minor plat, for which staff approval has been refused, to be placed on the docket of the LD&T Committee.

7.8.14 Approval and Recording of Plat

If approved and all conditions are met, the Director or any authorized staff member shall complete and sign the Certificate of Approval located on the face of the plat. Approval shall be valid for one year. During this period the approved minor subdivision plat shall be recorded in the office of the Clerk, Jefferson County, Kentucky.

If the plat is not recorded within one year of the approval date, the applicant may request a one-year extension of the expiration date. Only one extension may be granted for the plat. The applicant shall submit a written request for extension. Division staff may grant requests for extension of the expiration date if they find that circumstances or hardship justify such requests. Extension requests beyond one year will be treated as new applications.

7.8.20 Plat - The plat submitted under Section 8.10 hereof shall conform to the following requirements:

A. Format and Materials - The plat shall be on 8 1/2" x 14" paper or other media or size approved by Division staff at a scale large enough to be easily legible and containing a 1/2" border.

B. Content - The plat shall include the following:

1. A title block containing the title of the survey (e.g. Minor Subdivision Plat), the purpose of the plat, the name and address of the owner(s) of the property(ies) being subdivided, source of title, and the current tax block(s) and lot number(s) from the Property Valuation Administrator's maps and records, the location of the land surveyed, and the name and address of the land surveyor or the surveying firm who prepared the plat and the date of preparation.

2. All dimensions expressed in feet and decimals of a foot, the area of each resulting lot, the zoning district and form district classification, a north arrow, designated meridian, and a written and graphic scale.

3. The boundaries of the property being subdivided and of all resulting lots showing all bearings or interior angles and distances as determined by an accurate survey in the field. All bearings and distances on the perimeter of the entire site shall follow in order. All resulting lots shall bear a tract or lot enumeration.

4. The location, description, and coordinate values of all permanent monuments set at all points of change in direction of all exterior boundary lines of all lots in the subdivision. - All monuments shown shall be interconnected and dimensioned so that any registered land surveyor can lay out the lots or streets in the subdivision correctly by referring to the plat alone without any additional information. Witness monuments shall be set, on line if possible, whenever a monument cannot be set at the actual point of change in direction. Monuments set shall be of substantial size and shall be made of durable materials and shall include an element that makes it possible to detect the monument by means of some device for finding ferrous or magnetic objects. All monuments set by a Land Surveyor shall bear their registration number on a metallic cap or identifier as required by the Minimum Standards of Practice for Land Surveying adopted by the Kentucky State Board of Registration for Professional Engineers and Land Surveyors.

5. The names and widths of all adjoining streets and easements, a stub property line approximating the location of intersecting boundaries of all adjoining properties and the ownership of all adjoining properties. Ownership shall be identified by an owner's name and deed book and page number or an owner's name and a plat book and page number. Where the width of a street right-of-way varies, the distance to the centerline of the street right-of-way shall be shown along all portions abutting the site.

6. The names, location and width of any areas to be dedicated to public use and any easements to be dedicated for the installation of utilities, all fully dimensioned.

7. All existing structures and buildings shall be shown to scale in solid lines, fully dimensioned, with distances to the existing and proposed property lines and identified as to use. Existing structures which utilize on-site sewage disposal systems shall have those systems shown on the plat.

8. In addition to showing existing easements, the plat shall show all new sanitary sewer easements necessary to provide sanitary sewers to each lot shown on the plat. When a sanitary sewer connection does not exist for any lot shown on the plat, the proposed method of sewage disposal for each such lot shall be shown on the plat.

9. The plat shall show all new drainage easements necessary to provide drainage to each lot shown on the plat.

10. The location of the 100 year flood elevation shown as an easement designated by … — … — … — … —; or a note stating that the subject property is not located within a 100-year flood elevation.

11. The location and dimensions of landscape buffer areas and woodland protection areas, as designated on approved development plans and preliminary subdivision plans. Also, the location and dimensions of parkway buffer areas shall be shown, if applicable.

12. The location of solid blue line streams as designated on topographic maps Published by the U.S. Geologic Survey.

13. A key map showing the relative location (distance) of the proposed subdivision to the nearest existing arterial street intersection, nearest intersecting street created by record plat, or nearest commonly known street. The distance may be shown on the main body of the plat.

14. The following lines and symbols shall be used when drawing plats:

Heavy, solid	Enclosing all land included in the subdivision and any existing lot lines to remain
Medium, solid	Proposed lot lines of new tract or lot
Light, solid	Street or right-of-way lines and adjoining property line stubs
Light, dot-dash ℄	Center lines of streets or rights-of-way
Light, short-dash	Easement boundaries
Z Z Z Z Z Tie-lines (Light, long-dash)	Showing proposed consolidation of lots or parcels to form new tracts and any existing lot lines to be removed
Line breaks	Used to shorten straight lines on plat

15. All signatures shall be made in ink on all prints of the original plat being submitted.

16. The Planning Commission Certificate of Approval shall be on all pages of the plat which contain the drawing.

17. If a street shown on a minor plat is not a public street or a private street created by minor plat, then the applicant must supply the following documentation, or other documentation approved by the Commission's legal counsel:

    a. A copy of the deed(s) or other recorded document(s) originally creating the street which gives access to a recognized street.

    b. A statement by an attorney or title insurance company that a title examination reveals that such street has existed continuously since before June 17, 1954, for the benefit of applicant's property.

    c. A statement by a surveyor or engineer that the street referred to in the deed(s) submitted and referred to in the legal opinion, is the same as the street shown on the proposed plat as providing frontage to the resulting lots and access to a public street.

C. If the total extent of the land to be shown on the plat cannot be shown at an appropriate scale on a single 8 1/2" x 14" sheet and/or use of a residual statement is not possible, then the plat may be composed of two drawing sheets. If two drawing sheets are used, then each drawing sheet shall contain the appropriate match line(s) relating it to the other drawing sheet, each sheet shall contain a key or index map showing the entire site, each sheet shall bear the land surveyor's signature and seal, and each sheet shall contain a Certificate of Approval.

7.8.30 Certificates

A. The plat shall include a certificate of ownership and dedication, a certificate of acknowledgment, a land surveyor's certificate, a certificate of approval, a zoning conformance certificate, certificates reserving easements for utilities if applicable, residual land certificates if applicable, and certificate of sewer extension if applicable. All certificates shall conform to Article 9 hereof unless otherwise required by the Commission. For large format minor plats, all certificates are required on the face of the plat.

B. The land surveyor's signature and seal on the plat shall apply to all certificates and/or statements (except the Certificate of Approval) on the face of the plat.

7.8.40 Dedications

Unless waived in writing by the Director of Public Works and the Director of Planning and Design Services, the subdivider shall make all dedications as required under Chapter 6, Part 2, before the Commission may approve the minor plat.

7.8.50 Minimum Physical Improvements for Private Roadways

Minimum physical improvements for private roadways shall be as provided in Chapter 6 Part 2.

7.8.55 Measurement of Setback

All applicable form district regulations as pertaining to minimum setback requirements shall be interpreted as being measured from the nearest boundary of the private access easement.

7.8.60 Lots

All new lots created by any subdivision of land hereafter proposed shall conform to the minimum requirements of the applicable zoning and form district regulations and shall also conform to the following standards of design:

A. Lot Constraints. Excessive depth in relation to width shall be avoided, with a proportion of five to one normally being considered as a desirable maximum for lot width of sixty feet or greater. Pointed or very irregularly shaped lots and flag lots (except where required for utility connection) shall be avoided where possible. Additional depth shall be required on lots which abut to railroads, have frontage on major streets, or adjoin other conflicting land uses, as specified in applicable form districts. In case of unusual soil conditions or physical factors, including but not limited to steep slopes, sinkholes, and/or the location of any portion of the property in the flood plain, which may impair the health and safety of the persons in the neighborhood in which a subdivision may be located, the Commission may prohibit or limit disturbance of environmentally constrained sites as defined in Chapter 4 Part 6. Division staff may approve lot shapes which vary from these general guidelines.

B. Access.

1. All lots for any uses or structures shall have access to and abut a public or private street for at least twenty-five feet. No private street shall be used to provide access to more than twenty lots.

2. All private streets, frontage roads or ingress/egress easements providing access to residential, commercial, industrial, or other properties or buildings shall be named in accordance with Chapter 6 Part 3.

3. Any minor plat submitted which creates, extends, widens, or otherwise modifies a private street or submitted for creation or modification of any lot(s) fronting on a private street, shall be accompanied by a properly prepared deed of restrictions for maintenance of the street which deed shall have been reviewed and approved by the Planning Commission's legal counsel (or authorized designee) prior to recording.

4. Direct access to major arterial, minor arterials and collector level roadways from individual single-family lots is prohibited.

7.8.70 Easements

All easements shall be dedicated and shall conform to the following standards of design:

A. Utility Easements - An easement for utilities, at least ten feet wide, may be required along any lot line or across lots whenever necessary to provide for extension of utility lines.

B Construction Easements - Whenever a proposed subdivision affects an existing or proposed road in such a way that will necessitate cuts and fills in adjoining property, construction easements on such adjoining property shall be required prior to recording of the plat.

C. Sewer and Drainage Easement - Whenever necessary, sewer and drainage easements shall be provided, having adequate width for workmen with necessary equipment to install, maintain, or repair sewer and drainage facilities.

7.8.80 Large Format Minor Subdivision Plats

Minor subdivision plats exceeding 50 acres in area, consisting of more than two pages, or that contain an irregular configuration which staff determines cannot be adequately shown on legal-sized sheets, must be submitted as large format minor subdivision plats.

The large format minor subdivision plat shall be drawn on mylar at a scale of not more than one hundred feet to the inch. One copy, as required by the Division's application process, shall be submitted to Planning and Design Services. In case of an unusually large subdivision, division staff may modify this requirement and allow a scale of not more than two hundred feet to the inch. All distances and angles shall be drawn large enough to be legible after photo-reduction of the plat by 50%.

No sheet of the record plat may exceed 24 inches by 36 inches, unless the Planning Commission and the County Clerk has agreed in writing to record it. A two-inch by three inch space shall be reserved in the lower right hand corner for the County Clerk's stamp.

All other sections of Part 8 shall apply to the large format minor subdivision plats.

7.8.85 Minor Subdivision Plats Requiring Road Improvements

Minor Plats creating lots with frontage on existing public or private streets that do not meet the pavement width standards specified in 7.8.12.E., above and therefore require improvements to the existing street(s) shall conform to the following standards:

A. The minor subdivision plat shall be drawn on mylar at a scale of not more than one hundred feet to the inch. One copy, as required by the application process, shall be submitted to Planning and Design Services. In case of an unusually large subdivision, division staff may modify this requirement and allow a scale of not more than two hundred feet to the inch. All distances and angles shall be drawn large enough to be legible after photo-reduction of the plat by 50%.

No sheet of the record plat may exceed 24 inches by 36 inches, unless the Planning Commission and the County Clerk has agreed in writing to record it. A two-inch by three inch space shall be reserved in the lower right hand corner for the County Clerk's stamp.

All other sections of Part 8 shall apply .

Sec. 150.065-073 of the Code of Ordinances requires roads to be 18 feet wide; roads serving no more than 5 lots 5 acres or greater may be 12 feet wide with 3 foot shoulders on each side.

B. The plat shall show pavement depth details, sidewalk details if required, roadway cross-section, and other items necessary for compliance with Section 150.065 of the Louisville Metro Code of Ordinances and as required by Metro Public Works.

C. Before Planning Commission approval may be shown on the record plat for recording, the subdivider shall deliver to the Director of Works the following items:

1. Subdivider's Commitment - The subdivider shall be responsible for the installation, good repair and proper functioning of all improvements, including private roads, required by the approved minor plat and the installation of all reference monuments required by the record plat. Installation shall begin within a year after approval of the record plat, or within any one year extension granted by the Director of Works, and shall proceed in a manner which, in the judgment of the Director of Works, does not cause unreasonable harm, inconvenience or annoyance to any other property owner in or outside of the subdivision. The judgment of the Director of Works with respect to the manner of proceeding may not be questioned in any judicial proceeding by anyone except the subdivider, but said judgment when exercised in favor of the subdivider shall not constitute a defense to the subdivider in a judicial action against the subdivider by a complaining property owner. This obligation of the subdivider shall continue until the Director of Works, acting on behalf of the Planning Commission, has granted a release pursuant to Section 7.2.60. The required installations shall be completed and properly functioning within five (5) years from the date of which construction plans are approved, unless an extension is requested by the subdivider and approved by the Director of Works in writing. If eighty percent (80%) of the lots do not have a completed structure on them, the subdivider may request that the Director of Works, also acting on behalf of MSD, waive the eighty percent (80%) requirement and notify the Planning Commission of such waiver. If the waiver is granted, the subdivider or design engineer, acting on behalf of the subdivider, shall initiate the bond release process by sending a written request for bond release inspection to Public Works, MSD, the Health Department, and the local fire protection district. At any time after the date of approval of the record plat, the subdivider shall abide by any time limits which the Director of Works may specify in writing. This obligation shall be evidenced in writing signed by the subdivider on forms provided by the Director of Works.

2. Security Required - There shall be filed with the Director of Works a bond instrument(s) approved by the Planning Commission and in the amounts determined by the Director of Works and MSD to insure fulfillment of the subdivider's commitment as set out above. Reduction of bond requirements shall not alter the subdivider's liability for fulfilling the obligations set out in Section 7.2.45 (1).

7.8.90 Minor Subdivision Plats Creating Private Streets

Minor Plats creating new private streets serving single family residential uses may be approved only after review and approval of a construction plan for the proposed private street. The construction plan shall conform to the following standards:

A. **Construction Plan Requirement**

No construction of improvements for a subdivision shall begin until the subdivider has obtained a work order from the Director of Works, and no work order shall be issued by the Director of Works except in accordance with an approved construction plan, either for the subdivision in its entirety or for sections thereof, in accordance with the following procedure:

1. Time Limit - The construction plan shall be approved by Metro Public Works prior to the approval of the minor plat.

2. Preparation - The subdivider shall have the construction plan prepared by an engineer and land surveyor in conformance with the requirements of Part 4 and 6 and any variances and waivers which have received prior Commission approval in accordance with Sections 7.1.40 and 7.1.90.

3. Submission to Other Agencies - The subdivider shall submit that part of the construction plan as required for approval or comment to interested agencies which shall consist of the following:

   a. Director of Works

   b. Metropolitan Sewer District

   c. The fire chief of the district having jurisdiction over property

   d. Health Department

   e. Utilities providing water, gas, electricity, and telephone service

   f. If the proposed subdivision abuts on a street maintained by the Commonwealth of Kentucky, then to the district engineer for the Kentucky Department of Transportation.

4. Action Taken on Plan – Within 90 days of submittal of the construction plan and following notification of approval of the plan by M.S.D., the Director of Works shall take action on behalf of the Commission and shall notify the subdivider in writing of his action. The action of the Director of Works shall take one of the following forms:

   a. Approval - The plan may be approved as submitted. A copy of the approved construction plan shall be submitted to the Planning Commission. Approval of the plan shall be valid for one year and extensions of approval may be granted by the Director of Works. Construction may not proceed without a work order issued by the Director of Works in accordance with the approved plan. The subdivider's request for a work order shall be submitted to the Works Department and MSD no less than five working days prior to the day on which construction is intended to begin.

   b. Disapproval - The plan may be disapproved and the Director of Works shall state, in writing if requested by the subdivider, his reasons for disapproval. The subdivider must then submit a new construction plan if he wishes to create the subdivision.

7.9.10 Certificate of Ownership and Dedication

(This certificate must be signed by the owner(s) of all property shown on the plat. Separate certificates for each owner may be used.)

This is to certify that the undersigned is the owner of the land shown on this plat and hereby acknowledges the same to be the plat of _____
_____
[for a major plat, fill in subdivision name; for a minor plat, fill in the owner's name(s) and deed book(s) and page(s)] and does hereby dedicate to public use _____
_____ shown thereon.

_____
Owner(s) Signature

_____
Owner(s) Signature

_____
Owner(s) Signature

_____
Address

7.9.20 Certification of Acknowledgment

Commonwealth of Kentucky
County of Jefferson

I, _____, a Notary Public in and for the County aforesaid do hereby certify that the foregoing plat of _____
_____ was this day
[for a major plat, fill in the subdivision name; for a minor plat, fill in the owner's name(s) and deed book(s) and page(s)]
presented to me by _____, known to me, who executed these Certificates in my presence and acknowledges it to be _____ free act and deed.
(her, his, their)

Witness my hand and seal this _____ day of _____, 20_____.
My Commission expires: _____ day of _____, 20_____.

_____
Notary Public

7.9.30 Land Surveyor's Certificate

(This certificate is used when a field survey and a drawing are required.)

I hereby certify that this plat and survey were made under my supervision, and that the angular and linear measurements as witnessed by monuments shown hereon, are true and correct to the best of my knowledge and belief. This survey and plat meets or exceeds the minimum standards of all applicable regulations.

_____ _____ _____
Signature RLS# Date

_____
Print Name

_____
Seal

7.9.35 Inspection Certificate for Bond Reduction

Engineer's Certificate of Inspection

Re: _____
Name of Subdivision and Section No.

_____
Planning Commission Docket No.

The undersigned certifies as follows:

I personally inspected this subdivision on _____ and to the best of my knowledge, the inspection showed that the following improvements required by the construction plans approved on _____ (date of approval letter) have been installed as indicated on the attached sheet and are functioning properly.

The attached sheet indicates roadway and/or drainage facilities installed and items remaining to be installed.

_____
Date

_____
Signature of Engineer and Seal Number

_____
Name

_____
Address

7.9.40 Certificate of Engineer / Land Surveyor (Field Inspector)

(This certificate is required for bond release.)

Re: _____
Name of Subdivision and Section No.

_____
Planning Commission Docket No.

NOTICE

ANY FALSE STATEMENT MADE IN THIS CERTIFICATE IS PUNISHABLE UNDER THE PROVISIONS OF KRS 523.030 AND _____ OF THE METROPOLITAN SUBDIVISION REGULATIONS.

Certificate of Field Inspector

The undersigned certifies as follows:

1. I personally inspected this subdivision on _____, 20_____, and to the extent that can be determined from what is visible, the inspection showed that all improvements, including private streets, required by the approved construction plans dated _____, 20_____, (except sidewalks on unimproved lots) have been installed in a good and workmanlike manner and that they are in good repair and functioning properly.

2. Unimproved lots refers to those on which no primary building has been constructed, and the number of such lots remaining in the subdivision does not exceed 20% of the total number of lots in the subdivision.

3. I have no knowledge or information which would reasonably indicate that any of the required improvements have not been installed in a good and workmanlike manner or that any of these improvements are not functioning properly.

_____
Date

_____
Signature of Field Inspector

_____
Print Name

Certificate of Engineer / Land Surveyor

(This certificate is required for bond release.)

The undersigned licensed and practicing engineer certifies as follows:

1. _____, the field inspector for this subdivision, was employed under my supervision at the time of such inspection and is fully competent to perform it in a manner which is in keeping with the standards of the engineering profession, and I assume full responsibility for any inaccuracies in the inspector's inspection and certification.

2. I have no knowledge or information which would reasonably indicate that any of the required improvements have not been installed in a good and workmanlike manner or that any of those improvements are not functioning properly.

The undersigned licensed and practicing land surveyor certifies as follows:

1. Reference monuments have been installed at all points of change in direction of all exterior boundary lines of the subdivision or subdivision section. Monuments have been installed at all control points of the roadway at the right of way lines of the subdivision or subdivision section. These points shall include but not limited to PC (point of curvature), PT (point of tangency), PI (point of Intersection), and POT (point on tangent).

_____	_____
Date	Date
_____	_____
Signature of Land Surveyor	Signature of Engineer
_____	_____
Name P.L.S.#	Name P.E.#
_____	_____
Address	Address
_____	_____
Seal	Seal

7.9.41 Certificate of Engineer / Land Surveyor

Re: _____
Name of Subdivision and Section No.

_____
Planning Commission Docket No.

NOTICE

ANY FALSE STATEMENTS MADE IN THIS CERTIFICATE IS PUNISHABLE UNDER THE PROVISIONS OF KRS 523.030 AND _____ OF THE METROPOLITAN SUBDIVISION REGULATIONS.

The undersigned licensed and practicing engineer certifies as follows:

1. I personally inspected this subdivision on _____, 20___, and to the extent that can be determined from what is visible, the inspection showed that all improvements, including private streets, required by the approved construction plans dated _____, 20___, (except sidewalks on unimproved lots) have been installed in a good and workmanlike manner and that they are in good repair and functioning properly

2. Unimproved lots refers to those on which no primary building has been constructed, and the number of such lots remaining in the subdivision does not exceed 20% of the total number of lots in the subdivision.

3. I have no knowledge or information which would reasonably indicate that any of the required improvements have not been installed in a good and workmanlike manner or that any of these improvements are not functioning properly.

_____
Date

_____
Signature of Engineer

_____
Name P.E.#

_____
Address

_____
Seal

The undersigned licensed and practicing land surveyor certifies as follows:

1. Reference monuments have been installed at all points of change in direction of all exterior boundary lines of the subdivision or subdivision section. Monuments have been installed at all control points of the roadway at the right of way lines of the subdivision or subdivision section. These points shall include but not limited to PC (point of curvature), PT (point of tangency), PI (point of intersection), and POT (point on tangent).

_____
Date

_____
Signature of Land Surveyor

_____
Name P.L.S.#

_____
Address

_____ Seal

7.9.42 Builder's Certificate for Bond Release

Re: _____
Name of Subdivision, Section No. and Lot No.

_____
Planning Commission Docket No.

NOTICE

ANY FALSE STATEMENT MADE IN THIS CERTIFICATE IS PUNISHABLE UNDER THE PROVISIONS OF KRS 523.030 AND the Enforcement provisions of the Land Development Code (Chapter 11 Part 10).

The undersigned certifies as follows:

1. All construction on this lot has been substantially completed and, if a site drainage plan was required, construction was accomplished in accordance with the plan.

2. Proper measures have been taken on this lot to prevent drainage related damage to improvements required by the approved construction plan applicable to this subdivision.

3. Disrepair or improper functioning of any installed improvements or reference monuments resulting, in whole or in part, from activity engaged in or allowed on this lot has been corrected in a good and workmanlike manner.

_____
Date

_____
Signature of Builder

_____
Name

_____
Address

7.9.50 Certificate of Reservation of Gas, Electric, and Telecommunication Easements

The spaces outlined by dashed lines and marked "gas, electric, and telecommunication easement" are hereby reserved as easements for gas, electric and telecommunication utility purposes, which include: (1) the right of ingress and egress across all lots, access areas, and ways to and from the easements; (2) the right to cut down or trim any trees within the easement; (3) the right to trim or cut down any trees outside easement area within 10' of the closest conductor within the easement or a public way; (4) the right to cut down or trim any trees on private property that may be so defective as to present a hazard to the utility lines after reasonable notice to the property owner; (5) the right of any utility company using said easements to remove permanent structures or obstructions within the easement. No permanent structures shall be erected within the easement.

Fences, shrubbery and gardens may occupy easement area at property owner's risk. The developer is to remove all trees that may interfere with the original construction of the gas lines, electric lines and telephone lines to serve this subdivision.

a. All property owners' electric utility service lines both overhead and underground shall be placed at locations designated by Louisville Gas and Electric Company (from LG&E's termination point throughout length of service lines to customer's buildings); and title thereto shall remain with, and the cost of installation and maintenance thereof shall be borne individually by the owner of the lot upon which the said service line is located.

   Appropriate easements are hereby dedicated and reserved to each property owner, together with the right of ingress and egress over abutting lots or properties to install, operate and maintain electric service lines connecting to LG&E's termination points. Electric service lines, as installed, shall determine the exact location of said easements.

b. All property owner's gas utility supply lines shall be at locations designated by Louisville Gas and Electric Company (from LG&E's termination point throughout length of service and house lines and through customer's buildings); and title thereto shall remain in, and the cost of installation and maintenance thereof shall by borne individually by the respective lot owner upon which the said gas line serves.

   Appropriate easements are hereby dedicated and reserved to each property owner, together with the right of ingress and egress over abutting lots or properties to install, operate and maintain gas lines to LG&E's termination points. Gas lines, as installed, shall determine the exact location of said easements.

c. The gas, electric and telecommunication easements shown on this plat shall be maintained and preserved in the present condition and no encroachment therein and no change in the grade of elevation thereof shall be made by any person or lot owner without the consent in writing of the Louisville Gas and Electric Company and BellSouth Telecommunications.

d. Easements for overhead electric transmission and distribution feeder lines, poles and equipment appropriate in connection therewith are reserved over, across, and under all spaces (including park, open and drainage space areas), outlined by dash lines and designated for underground and overhead facilities.

   Above ground electric transformers and pedestals may be installed at appropriate points in any electric easement.

   In consideration of LG&E bringing service to the property shown on this plat, it is granted the right to make further extensions of its lines from all overhead and underground distribution lines.

e. Above ground telecommunications facilities and pedestals may be installed at appropriate points in any telecommunications easement.

f. Construction fencing shall be erected prior to any grading or construction activities - preventing compaction of root systems of trees to be preserved. The fencing shall enclose the area beneath the dripline of the tree canopy and shall remain in place until all construction is completed. No parking, material storage, or construction activities shall be permitted within the fenced area.

NOTE
Also, the right to overhang lots with service wires to serve adjoining lots.

OWNERS: _____

_____

7.9.60 Certificate of Reservation of Gas Easement

The spaces outlined by dashed lines and marked "Gas Easement" are hereby reserved as easements for underground gas lines and appurtenances thereof, including the right to construct, operate, maintain, repair, and remove such underground gas lines and appurtenances, and the right of ingress and egress over all lots to and from the easements and the right to cut down any trees within the easement that may interfere with the installation or operation of the lines. No permanent structure shall be erected within the easement. Any gas utility using said easement may remove any permanent structure or obstruction within the easement. Fences, shrubbery, and gardens may occupy easement areas at the property owner's sole risk.

(1) All property owners' gas utility supply lines shall be at locations designated by Louisville Gas and Electric Company (from LG&E's termination point throughout length of service and house lines and through customer's buildings); and title thereto shall remain in, and the cost of installation and maintenance thereof shall be borne individually by the owner of the lot upon which the said gas line serves.

Easements are hereby dedicated and reserved to each property owner, together with the right of ingress and egress over abutting lots or properties as may be necessary to install, operate and maintain gas lines to LG&E's termination points. Gas lines, as installed, shall determine the exact location of said easements.

OWNERS:_____

_____

7.9.70 Certificate of Reservation of Sanitary Sewer and Drainage Easement

Easements for sanitary sewer and drainage purposes are hereby reserved on, over and under the strips of land and spaces as defined and bounded by dashed lines, marked “Sanitary Sewer and Drainage Easement”, together with the right of ingress and egress over all lots to and from the easements, for construction, operation, maintenance of sewers and drains over, under and across said land. No permanent structure of any kind shall be placed on, over or under the land which is subject to said easements. The easements shall be for the benefit of the land in the subdivision and other land which naturally drains therein, and said sewers and drains may be constructed by the Metropolitan Sewer District, or by any other public agency having legal authority for such construction, or by others subject to the approval by the aforesaid sewer district.

OWNERS: _____

_____

7.9.75 Certificate of Reservation of Water Line Easement

Permanent easement(s) for water lines and appurtenances are hereby reserved on, over, under, and through the strips of land as defined and bounded by dashed lines marked “Louisville Water Company Easement” together with the right of ingress and egress over all lots to and from the easement(s) for constructing, repairing, removing, replacing, relocating, reconstructing, maintaining and enlarging of water mains. No permanent structure of any kind shall be erected or the grade of the surface of the land changed within the said easement(s) without prior written consent of Louisville Water Company. Fences, shrubbery, and gardens may occupy easement area at the owner’s risk. Temporary rights are hereby reserved to use land adjacent to the permanent easement(s) herein granted for storage and movement of excavated earth, rock, construction materials, tools, and equipment during construction of said water lines.

OWNERS: _____

_____

7.9.76 CERTIFICATE OF RESERVATION OF DRAINAGE RETENTION BASIN EASEMENT

Easements for drainage and bonding purposes are hereby reserved on and over the land and spaces as defined and bounded by dashed lines, marked "Drainage Retention Basin Easement", together with the right of ingress and egress over all lots to and from the easements, for construction, operation, maintenance and reconstruction of retention basins and other drainage improvements. No permanent structure of any kind shall be placed on or over the land within said easements, except for drainage structures, pavements and landscape planting. The easements shall be for the benefit of the land in the subdivision and additional drainage improvements may be constructed by the Metropolitan Sewer District, or by any other public agency having legal authority for such construction, or by others subject to approval of the aforesaid sewer district or the Works Department. Until said easement areas are accepted for maintenance by said sewer district, or another responsible public agency, said areas shall be maintained by the owners of the underlying fee simple title.

OWNERS: _____

_____

7.9.77 Dedication of Public Utility, Sewer and Drainage Easements and Private Access Easements (Two Lots on Minor Plat Only)

This instrument made and entered into on this _____ day of _____, 20_____, by ***(Name and address of owner(s)*** **hereby {*collectively*}** referred to as "GRANTOR"), confers the rights and obligations regarding certain real property as follows:

WHEREAS, GRANTOR is the owner of the land shown on the minor subdivision plat attached hereto and made a part hereof by deed of record in Deed Book ___, Page ___, in the Office of the Clerk of Jefferson County, Kentucky;

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency is hereby acknowledged, GRANTOR hereby grants, covenants, and agrees as follows:

A. Public Utility, Sewer and Drainage Easement. GRANTOR hereby grants a perpetual easement for public utilities, including, but not necessarily limited to, water, electric, gas, telephone, cable, sewers and drains on, over and under the strips of land and spaces designated on the attached plat as "Public Utility, Sewer, Drainage and Private Access Easement", together with the right of ingress and egress over GRANTOR'S property to and from the easement(s) for construction, operation, maintenance, and reconstruction of the aforesaid public utilities, sewers and drains. No permanent structure of any kind, other than a paved roadway, shall be placed on, over or under the land within the perpetual public utility, sewer, and drainage easement(s). The public utility, sewer and drainage easement(s) shall run with the land and shall be for the benefit and use of the GRANTOR'S property and all lands abutting the aforesaid easements. All costs or expenses incidental to the maintenance or repair of the easements granted by this paragraph, to the extent they are not occupied by a public utility, shall be borne [equally] by the owners of the Lots/Tracts _____ on the attached minor subdivision plat. [Any owner who fails to pay his share of said expense promptly upon demand by the person who has initially borne it shall be subject to a lien upon filing of an appropriate notice in the County Clerk's Office. Said lien may be enforced against the property in the same manner as mortgages are foreclosed upon real property.]

B. **Private Access Easement.** GRANTOR hereby grants to the owners and occupants of Lots/Tracts _____ on the attached minor subdivision plat a private access easement for vehicular and pedestrian ingress and egress on, over, and across the property designated as "Public Utility, Sewer, Drainage, and Private Access Easement" on the attached minor subdivision plat. Said easement shall be for the benefit of the owners and occupants of Lots/Tracts _____, their guests and invitees. The rights conveyed by said private access easement shall be limited to such as is customarily incidental to _____ usage of the lot.

All costs or expenses incidental to the maintenance, repair, or rebuilding of said road so as to keep it in a good and passable condition as a _____ road shall be borne [equally] by the owners of Lots/Tracts _____. [Any owner who fails to pay his share of said expense promptly upon demand by the person who has initially borne it shall be subject to a lien upon filing of an appropriate notice in the County Clerk's Office. Said lien may be enforced against the property in the same manner as mortgages are foreclosed upon real property.]

The private access easement shall not be dedicated to or maintained by the public except by agreement of the owners of all the Lots/Tracts and only with the approval of the Louisville and Jefferson County Planning Commission after finding that it meets all standards required for a newly created public road.

C. **Amendment.** The provisions of this document may not be modified except by agreement of the owners of all the Lots/Tracts and the approval of the Louisville and Jefferson County Planning Commission.

D. **Binding Effect.** The provisions of this document shall be considered a covenant running with the land, shall be binding on the parties hereto and their respective successors, heirs, and assigns, and may be enforced by any one or more of the owners of the Lots/Tracts subject to the attached minor subdivision plat in a civil action at law or in equity.

E. **Severability.** The provisions hereof are severable, and if one or more of said provisions are held invalid, the remaining provisions shall remain in full force and effect.

IN TESTIMONY WHEREOF, witness the signature of the GRANTOR as of the day and year set out above.

_____
GRANTOR's Signature

COMMONWEALTH OF KENTUCKY)
)
COUNTY OF JEFFERSON)

The foregoing Dedication of Public Utility, Sewer and Drainage Easements and Private Access Easements was signed, sworn to, and acknowledged before me by _____, GRANTOR, this _____ day of _____, 20 _____.

My commission expires:_____

_____
Notary Public, Kentucky State-At-Large

This Instrument prepared by:

_____ (Signature)

Name _____

Address _____

_____

Phone _____

7.9.78 Dedication of Public Utility, Sewer and Drainage Easements and Private Access Easements (three or more lots on a minor plat only)

This instrument made and entered into on this _____ day of _____, 20___, by ***Name and address of owner[s]*** (hereinafter ***[collectively]*** referred to as "GRANTOR"), confers the rights and obligations regarding certain real property as follows:

WHEREAS, GRANTOR is the owner of the land shown on the minor subdivision plat attached hereto and made a part hereof by deed of record in Deed Book ___, Page ___, in the Office of the Clerk of Jefferson County, Kentucky;

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency is hereby acknowledged, GRANTOR hereby grants, covenants, and agrees as follows:

A. Public Utility, Sewer and Drainage Easement. GRANTOR hereby grants a perpetual easement for public utilities, including, but not necessarily limited to, water, electric, gas, telephone, cable, sewers and drains on, over and under the strips of land and spaces designated on the attached plat as "Public Utility, Sewer, Drainage and Private Access Easement", together with the right of ingress and egress over GRANTOR'S property to and from the easement(s) for construction, operation, maintenance, and reconstruction of the aforesaid public utilities, sewers and drains. No permanent structure of any kind, other than a paved roadway, shall be placed on, over or under the land within the perpetual public utility, sewer, and drainage easement(s). The public utility, sewer and drainage easement(s) shall run with the land and shall be for the benefit and use of the GRANTOR'S property and all lands abutting the aforesaid easements.

All costs or expenses incidental to the maintenance or repair of the easements granted by this paragraph, to the extent they are not occupied by a public utility, shall be borne [equally] by the owners of the Lots/Tracts _____ on the attached minor subdivision plat. [Any owner who fails to pay his share of said expense promptly upon demand by the person who has initially borne it shall be subject to a lien upon filing of an appropriate notice in the County Clerk's Office. Said lien may be enforced against the property in the same manner as mortgages are foreclosed upon real property.]

B. Private Access Easement. GRANTOR hereby grants to the owners and occupants of Lots/Tracts _____ on the attached minor subdivision plat a private access easement for vehicular and pedestrian ingress and egress on, over, and across the property designated as "Public Utility, Sewer, Drainage, and Private Access Easement" on the attached minor subdivision plat. Said easement shall be for the benefit of the owners and occupants of Lots/Tracts _____, their guests and invitees. The rights conveyed by said private access easement shall be limited to such as is customarily incidental to _____ usage of the lot.

The private access easement shall not be dedicated to or maintained by the public except by agreement of the owners of all the Lots/Tracts and only with the approval of the Louisville and Jefferson County Planning Commission after finding that it meets all standards required for a newly created public road.

All costs or expenses incidental to the maintenance, repair or rebuilding of said road so as to keep it in a good and passable condition as a _____ road shall be borne [equally] by Lots/Tracts _____. [Any owner who fails to pay the assessment promptly upon demand by the person who has borne said cost or expense shall be subject to a lien upon filing of an appropriate notice in the County Clerk's Office. Said lien may be enforced against the property in the same manner as mortgages are foreclosed upon real property.]

The owners of Lots/Tracts shall have the power to make all decisions relating to the implementation of the purposes and provisions hereof and such decisions shall be made by a majority vote of those persons representing the owners who are present and voting at a regularly called meeting at which a quorum is present. The representatives shall have one vote for each lot represented.

A meeting may be called at any time by any owner by giving at least 21 days written notice to all other owners of the time, place and purpose thereof. Such meeting shall be held on the lot of the person calling the meeting, or other location just as convenient to said owners, and notice thereof shall be sent by first class mail to the last known address of the intended recipient. Notice to one owner of a given lot shall be considered notice to all owners of that lot.

Without limiting the generality of the preceding paragraphs, at such meeting decisions may relate to any of the following matters:

1. The manner and extent of maintenance, repair or rebuilding desired for said road.
2. Delegation of authority to one or more persons relating to such matters as may be desirable, included but not limited to signing contracts, collecting funds, selecting a depository, signing checks, keeping records, or any other matter desired to carry out the purposes or provisions of this instrument.
3. Whether contracts relating to the maintenance, repair or rebuilding should be taken on bids or otherwise.
4. Whether litigation should be commenced for the purpose of enforcing the provisions hereof to be paid for from assessments collected or a fund maintained for the purposes of this instrument.
5. Whether any person delegated authority to carry out the provisions of this instrument shall be compensated or required to be bonded.
6. Any rules or regulations relating to the manner of the use of the road including but not limited to, speed limits, parking restrictions, weight limits, or other use of the paved or unpaved portion of the right-of-way including establishment of easements for water, gas, electricity, sewers and drainage.
7. Whether payments determined in accordance with the preceding paragraphs should be made only as needed, or on a regular periodic basis (monthly, annual, etc.) in regular amounts, the time such payments are due, and the amount of any penalties required for delinquent payment or violation of any rules or regulations relating to the use of said road.

C. **Amendment.** The provisions of this document may not be modified except by agreement of the owners of all the Lots/Tracts and the approval of the Louisville and Jefferson County Planning Commission.

D. **Binding Effect.** The provisions of this document shall be considered a covenant running with the land, shall be binding on the parties hereto and their respective successors, heirs, and assigns, and may be enforced by any one or more of the owners of the Lots/Tracts subject to the attached minor subdivision plat in a civil action at law or in equity.

E. **Severability.** The provisions hereof are severable, and if one or more of said provisions are held invalid, the remaining provisions shall remain in full force and effect.

IN TESTIMONY WHEREOF, witness the signature of the GRANTOR as of the day and year set out above.

_____
GRANTOR's Signature

COMMONWEALTH OF KENTUCKY)
)
COUNTY OF JEFFERSON)

The foregoing Dedication of Public Utility, Sewer and Drainage Easements and Private Access Easements was signed, sworn to, and acknowledged before me by _____, GRANTOR, this _____ day of _____, 20 ____.

My commission expires:_____

_____
Notary Public, Kentucky State-At-Large

This Instrument prepared by:

_____ (Signature)

Name _____

Address _____

_____

Phone _____

7.9.80 Certificate of Approval

Approved this _____ day of _____, 20_____.

Invalid if not recorded before this date: _____

By: _____
Planning Commission

Approval subject to attached Certificates.

Special requirement(s): _____
Docket Number: _____

7.9.90 Certificate of Residual Land

A. If the total extent of the land being subdivided, cannot reasonably be shown on the plat, because of its size, the following statement may be used:

The residual land of tract _____ herewith being subdivided is in a single parcel of _____ acres designated as tract _____ and has frontage of _____ feet on _____ which is (are) (a) public way(s).

_____
Land Surveyor signature
(Signature on Surveyor's Certificate is acceptable)

B. If the total extent of the land being consolidated cannot reasonably be shown on the plat because of its size, the following statement may be used:

Tract _____, a parcel of land herewith being conveyed, will become a part of tract _____, a single parcel of _____ acres which has frontage of _____ feet on _____ which is (are) (a) public way(s).

_____
Land Surveyor signature
(Signature on Surveyor's Certificate is acceptable)

7.9.91 Zoning Certificate

This certificate must be signed by the owner(s) of all property shown on the plat.

With the exception of those existing encroachments which are not affected by the actions of this plat and are noted hereon, I / We hereby certify all of the lots of this minor subdivision and any existing buildings and improvements thereon and/or any buildings and improvements included in a building permit either applied for or approved thereon are in compliance with all the provisions of the Form District Regulations. With the exception of those encroachments noted on the face of the plat, any such buildings or improvements not in compliance with the Form District Regulations have been granted all necessary variances by the Board of Zoning Adjustment as described in Docket No._____ or documentation of the existence of the buildings or improvements prior to the adoption of the applicable regulations has been submitted to Planning Commission staff.

_____
Owner(s) Signature

(If the last sentence is not applicable, "N.A." should be placed in the space after "...Docket _____.")

7.9.92 Certificate of Sewer Extension

(This certificate must be signed by the owner(s) of all property shown on the plat. This includes owner(s) of residual tracts. Separate certificates for each owner may be used.)

This is to certify that the undersigned is the owner(s) of the land shown on this plat and hereby acknowledges that this plat is being approved with the condition that prior to any construction activity (including but not limited to clearing, grading, excavation or issuance of building permits) on any of the lots created hereby, a contract for extension of the sanitary sewer collection system (also known as a "lateral extension contract") shall be executed with the Metropolitan Sewer District.

_____
Owner(s) Signature

_____
Owner(s) Signature

_____
Address

_____
Title

7.9.93 Certificate of Signature Entrance

An easement for signature entrance purposes, including walls, fences and landscaping, is hereby reserved on, over and under the strip of land and spaces defined and bounded by dashed lines marked "Signature Entrance/Landscape Easement" for the installation, maintenance and repair of signature walls, fences and landscaping. The easement shall be for the benefit of _____ Homeowners' Association, Inc., and its assigns or agents.

Any public agency responsible for maintenance of facilities within the right-of-way may require for any reason the removal of a signature entrance located within the right-of-way. The removal shall be done at the owner's expense and within 30 days from receiving a written notice.

OWNERS: _____

_____

7.10 Enforcement

A. Duties of Enforcement Officer

The enforcement officer, with the assistance of the officials of other departments of the city and county having jurisdiction, is hereby authorized and directed to enforce all provisions of these regulations; to review plans and specifications; to issue permits and certificates; to conduct inspections; and to perform such other services as may be necessary to execute the provisions of these regulations.

B. Right of Entry:

Upon representation of his official credentials, the enforcement officer, or his deputies, may enter during reasonable hours any premises covered by these regulations to perform the duties imposed upon him by these regulations.

C. Stop Orders:

Upon notice from the enforcement officer that any subdivision is being constructed contrary to the provisions of these regulations or contrary to any approved plans, being maintained contrary to the provisions of these regulations, such violation shall be stopped immediately. Notice shall be in writing and shall be given to the owner of the property or his agent, or to the person so developing the property, and shall state specifically the regulation or approved plan being violated. Said notice may be given by registered mail to the person so developing the property after two reasonable efforts personally to serve the notice have failed.

D. Citations:

Any person or entity who fails to stop use immediately as required by Section C hereof shall be issued a citation for such violation pursuant to the provisions of KRS 100.991.

E. Penalties

1. Any person or entity who violates any of these regulations, or any order of an enforcement officer, or any restriction or condition imposed pursuant to these regulations shall be fined not less than $10.00 nor more than $500.00 for each violation. Each day of violation shall constitute a separate offense.

2. Any person, owner or agency who sells or purports to sell land constituting a subdivision without an approved plat shall be fined not less than $100.00 nor more than $500.00 for each lot or parcel which was the subject of the sale of transfer or contract for sale or transfer.

Chapter 8[1,2]	Sign Regulations		
	Part 1	General Provisions	8.1-1
	Part 2	Residential/Office Signs	8.2-1
	Part 3	Business Signs	8.3-1
	Part 4	Outdoor Advertising Signs	8.4-1
	Part 5	Portable Signs	8.5-1
	Part 6	Signs Along Special Roadway Corridors	8.6-1

[1] Not in effect within the City of Jeffersontown, see Appendix 1B for details.
[2] Where the City of Middletown Sign Ordinance Regulations are more restrictive, such as the disallowance of portable or temporary signs, the prohibition of billboards or off-premises advertising signs, and reduced signs in the historic district, such more restrictive regulations shall apply.

8.1.1 Relationship to the Comprehensive Plan

The Sign Regulations implement the following Cornerstone 2020 Comprehensive Plan Goals, Objectives and Plan Elements:

Community Form Goals A3, C1, D1, E1, F4, G2, H4	Community Form Objectives A3.1, A3.4, C2.5, C4.5, D2.4, E2.4, F4.4, G4.3, H4.3	Guidelines 1, 3, 13

8.1.2 Definitions

Certain terms are defined for the purposes of this regulation. All other words and phrases shall be given their common, ordinary meaning unless the context clearly requires otherwise.

Address sign: The numeric reference of a use or building to a street name.

Area of sign: The total area of the sign face, which is used to display a message or attract attention, not including its supporting structures.

Attached Sign: A business sign painted on or mounted on and parallel to the façade of a building and extending in front of the building wall 18 inches or less. Signs temporarily or permanently affixed to a window are not considered attached signs.

Illustration 8.1.2 Awning and Awning Sign

Awning: A shelter supported by the exterior wall of a building and projecting a minimum of 24 inches from the wall over a window and/or doorway or building facade.

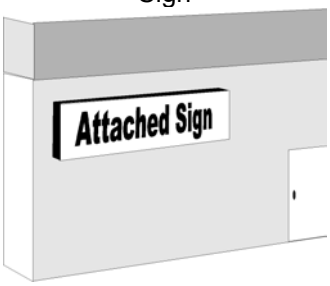
Awning sign: Graphics, symbols and written copy painted on, printed on, or attached flat against the surface of an awning.

Banner Sign: A cloth, plastic or other soft material sign placed flat against the façade of a building. No banner sign shall flap or move with the wind.

Bench sign: A sign painted on or affixed to any portion of a bench or seating area at bus stops or other such pedestrian areas.

Business Sign (on premises sign): A sign used to identify a business, profession, trade or occupation on the site and/or the generic or brand name products or services available at the site, and shall include an attached sign, window sign, freestanding sign, projecting sign, awning sign, and freestanding directional sign all as more specifically described in and allowed by Chapter 8, Part 3 hereof, and a small freestanding sign as more specifically described in and allowed by Section 8.5.2 hereof.

Illustration 8.1.1 Attached Sign

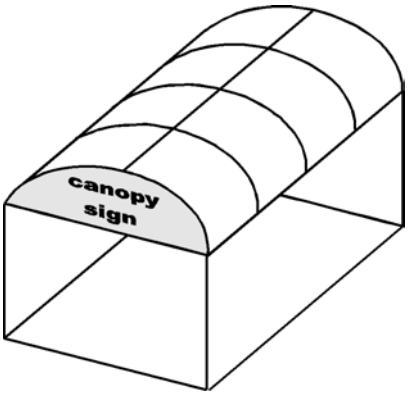


Canopy, Building: A rigid, multi-sided structure covered with fabric, metal or other material and supported by a building at one or more points and by columns or posts at the other points.

Canopy, Free-standing: A rigid multi-sided structure covered with fabric, metal or other material and supported solely by columns or posts.

Canopy Sign: is a sign painted on, printed on or attached flat against the surface of the canopy.

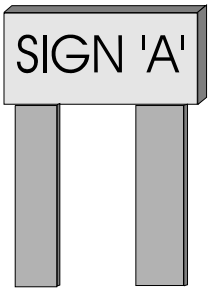
Illustration 8.1.3 Canopy and Canopy Sign



Changeable copy sign/Reader board: A sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the face or the surface of the sign. A sign on which the only copy that changes is an electronic or mechanical indication of time or temperature shall be considered a “time and temperature” portion of a sign and not a changeable copy sign for purposes of this Regulation.

Changing Image Sign: A sign, including a sign using a video display method, which changes its message or background by means of electrical, kinetic, solar or mechanical energy. A video display method is a method of display characterized by real-time, full-motion imagery of at least television quality.

Illustration 8.1.4
Columnar Sign



Club Identification Sign: A sign used to identify a club, lodge, fraternity or sorority.

Columnar Sign: A freestanding business sign supported by columns or pillars having an aggregate width equal to at least 40% but less than 80% of the width of the sign cabinet or sign face.

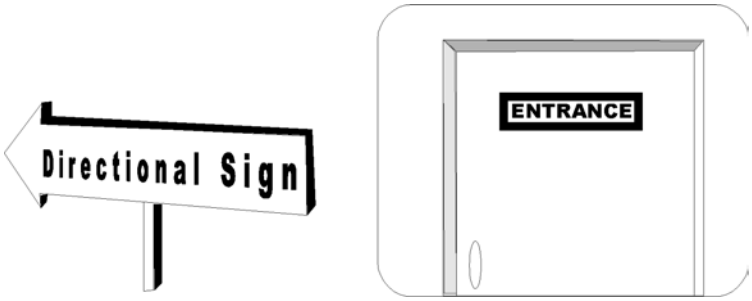
Community Facility Identification Sign: A sign identifying public and governmental buildings and facilities including offices, training armories, storage, maintenance and repair facilities located on the site.

Construction Sign: A sign used to identify the persons or businesses engaged in the construction of a building on site.

Corporate Flags: A flag used to advertise a business, product or service. Corporate flags shall be considered business signs and shall be subject to the business sign restrictions as listed under Chapter 8, Signs.

Directional Sign: An on-premise sign used to direct pedestrian or vehicular traffic, including but not limited to signs for entrances, exits, parking areas, one-way drives and drive-throughs.

Illustration 8.1.5 Freestanding and Attached Directional Signs



Directory sign: A sign, which lists the names of the occupants of a multiple occupancy building or site.

Elevation: A geometrical projection of a building on a vertical plane.

Façade: All the wall planes of a structure as seen from one side or view. For example, the front façade of a building would include all of the wall area that would be shown on the front elevation of the building plans.

See illustrations related to types of freestanding signs such as monument style sign, columnar sign and pole/pylon sign.

Freestanding sign: A sign that is set firmly in or upon the ground surface and is not attached to any building or other structure.

Grade: The average level of the finished surface of the ground adjacent to a sign or to the exterior wall of the building to which a sign is affixed.

Illegal sign: A sign, which was not in compliance with this regulation, or with the applicable regulation when it was erected, installed, altered or displayed.

Illuminated sign: A sign with an artificial light source, either internally or externally, for the purpose of lighting the sign.

Incidental sign: Any sign, generally informational, that has a purpose secondary to the use of the lot on which it is located, such as “no parking,” “entrance,” “loading only,” “telephone,” and other similar directives. No sign with a commercial message legible from a position off the lot on which the sign is located shall be considered incidental.

Institution Identification Sign: A sign identifying a church, school or other institution of learning, library, museum, community center or similar institution on site.

Marquee: A roof like awning or canopy of permanent construction, projecting from the wall of a building above an entrance often bearing a signboard.

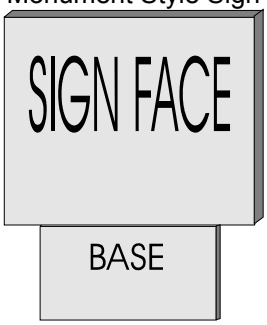
Marquee Sign: is a sign painted on, printed on or attached flat against the surface of the marquee.

Master Plan Project Identification Sign: An on-premises sign which identifies the name of a Master Plan Project that contains more than five (5) lots and is located at the primary access to the Master Plan Project.

Metropolitan Area: An area within Jefferson County, Kentucky as shown on the attached map (Figure 8.1.1) which is incorporated herein and said area being more particularly described as follows:

> Beginning at a point in the centerline of Dixie Highway, said point being 2,000 feet Northeast of the centerline of the Snyder Freeway; thence with a line parallel to the centerline of the Snyder Freeway, if extended, North 64 degrees 32 minutes 19 seconds West crossing the Ohio River to the Kentucky State Line; thence Northeast with said state line to a point, said point being 2,000 feet South of the centerline of the Snyder Freeway if extended from its terminus at US Highway 42; thence with a line crossing the Ohio River and parallel to the centerline of the Snyder Freeway South 64 degrees 16 minutes 47 seconds East to a point in the east line of US 42, said point being 2,000 feet Southwest of the centerline of the Snyder Freeway; thence with a line 2,000 feet from the centerline of the Snyder Freeway, and parallel to same, southeast, south, southwest, west, southwest and west to the point of beginning.

Illustration 8.1.6
Monument Style Sign



Monument Style Sign: A freestanding business sign with a base width of at least eighty percent (80%) of the width of the sign cabinet or sign face.

Multi-family Residential Identification Sign: A sign used to identify a multi-family residential development on site.

Non-conforming sign: A sign that was erected or installed in compliance with the sign regulation in effect at the time of its erection or installation but which is not in compliance with this Regulation and which has not been reconstructed, altered or otherwise modified since the adoption of this Regulation in any manner which renders the sign or its placement less in compliance with this regulation.

Non-Metropolitan Area: All the area within Jefferson County, Kentucky not described as a Metropolitan area.

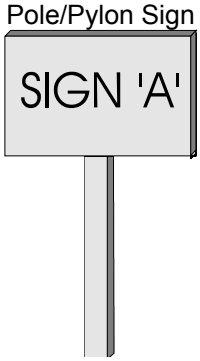
Office Building Identification Sign: A sign used to identify an office building on site, or, where allowed, the occupants thereof.

Off-premises sign: See Outdoor Advertising Sign.

On-premises sign: See Business Sign.

Outdoor Advertising Sign: commonly known as a "billboard" or an "off premises sign" is a sign used to display, advertise or otherwise direct attention to any business enterprise, commodity, service or entertainment conducted, sold or offered at a location other than the premises on which the sign is located. A shared business sign that meets the provisions of this chapter and a directional sign as authorized in Section 8.1.3 (5), below, shall not be considered an off premises sign.

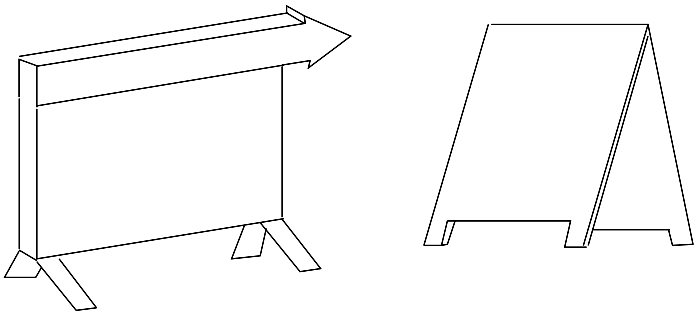
Illustration 8.1.7
Pole/Pylon Sign



Pole/Pylon Sign: A sign that is mounted on one or more freestanding poles or pylons.

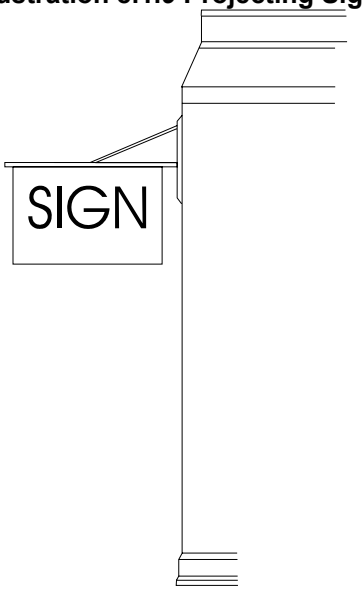
Portable sign: A sign, which is not permanently anchored by way of a rigid, nonflexible connection to a building or the ground.

Illustration 8.1.8 Examples Portable Signs



Projecting sign: Any sign, which is erected on or attached to and not parallel to a building wall or structure and extends beyond the building wall more than eighteen (18) inches.

Illustration 8.1.9 Projecting Sign



Note: One or more businesses occupying the same space, such as a filling station with a convenience store that may include a fast food restaurant service area, would not be eligible for a shared business sign. Multiple businesses in a shopping center, even if they are on the same lot, would qualify for a shared business sign.

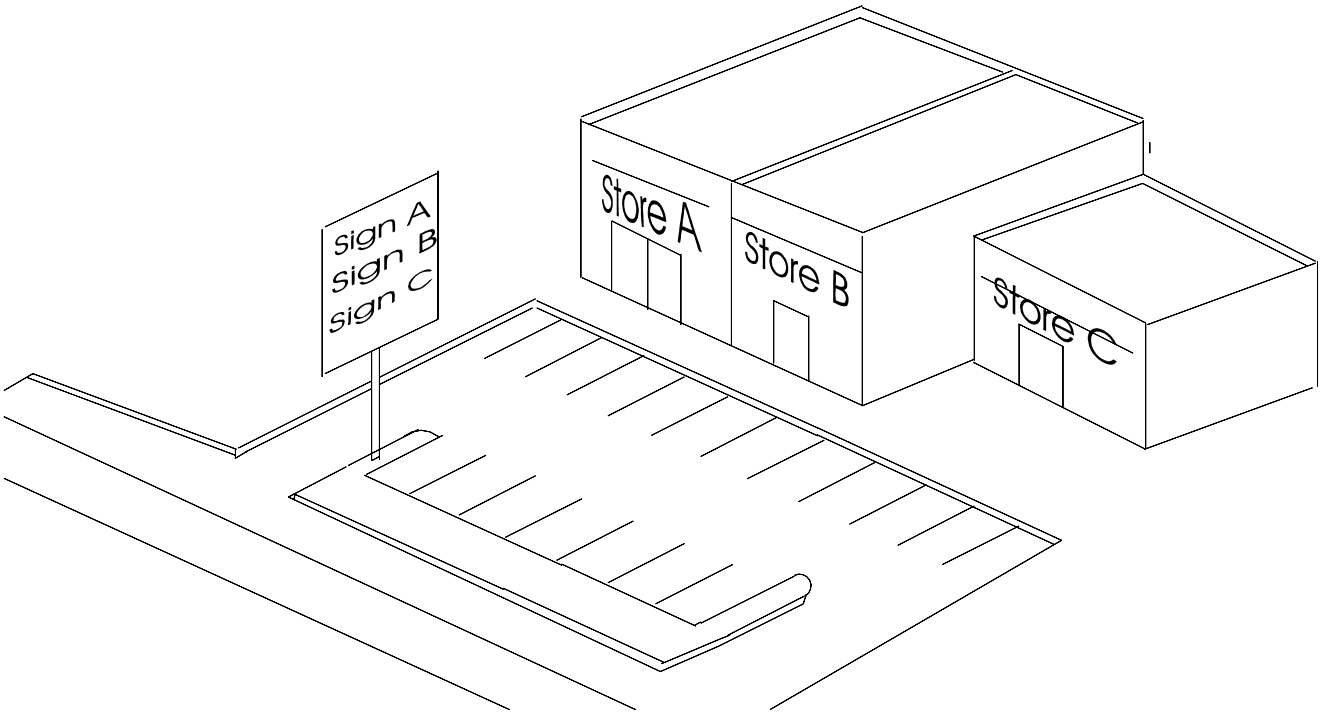
Rent/Sale Sign: A sign used to advertise the premises on site or a portion thereof for sale or lease.

Roof sign: A sign erected and constructed wholly or in part upon, against, or above the roof of a building. For purposes of this Regulation, any portion of a building above or behind the fascia or parapet of a building shall be considered part of the roof.

Shared Business Sign: A business sign that advertises two or more businesses in separate premises, which utilize common off-street parking and/or shared access. A shared business sign is not considered an outdoor advertising sign by this chapter.

NOTE: *Roof Signs are prohibited.*

Illustration 8.1.10



Sign: Any display to public view of letters, devices, structures, fixtures, displays, emblems, pictures,placards, or any parts or combinations thereof designed to provide direction, draw attention to, or advertise any establishment, product, goods, place, activity, business, or service. See exemptions listed in Section 8.1.3.

For special event sign and small freestanding business sign refer to portable sign definition for illustrations.

Sign plan: A coordinated plan for developing signs for an individual building or a group of buildings.

Single Family Residential Occupant Sign: A sign used to identify the individual or individuals occupying a single-family residence.

Small Freestanding Business Sign: A freestanding business sign that is no greater than (12) square feet in area for each sign face.

Special Event Sign: A temporary sign used to advertise a special event associated with a religious institution, government facility, or other not-for-profit organization.

Street frontage: The distance along which a lot line adjoins a public street right-of-way between lot lines intersecting the same street. Corner lots have at least two (2) street frontages.

Structure: Anything constructed or erected, the use of which requires location on the ground, or attachment to something having a location on the ground, including walls or fences exceeding four (4) feet in height, buildings, and signs. In these regulations, reference to buildings includes structures and vice versa.

Subdivision Identification Sign: A sign used to identify a residential subdivision on site.

Temporary sign: A sign whose removal within a specified period of time is required by Chapter 8 of the Land Development Code and which complies with the appropriate regulations of that chapter.

Time or temperature sign: A sign or portion thereof on which the only copy that changes is an electronic or mechanical indication of time or temperature.

Window: The combined area of glazing within a wall opening.

Window sign: A sign that is placed inside a window, or applied or attached to windowpanes or glass, and which is visible from the exterior of the window. Signs that are permanently painted or otherwise permanently affixed to the window shall be considered window signs.

Illustration 8.1.11

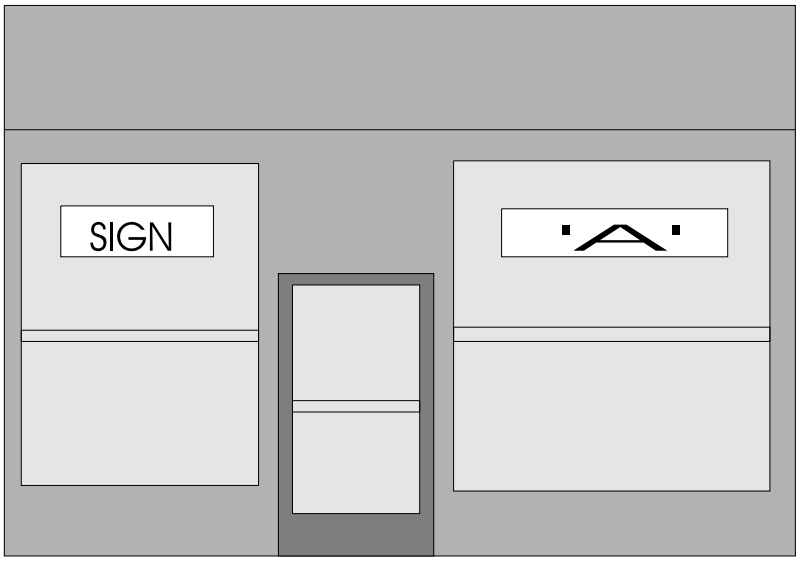
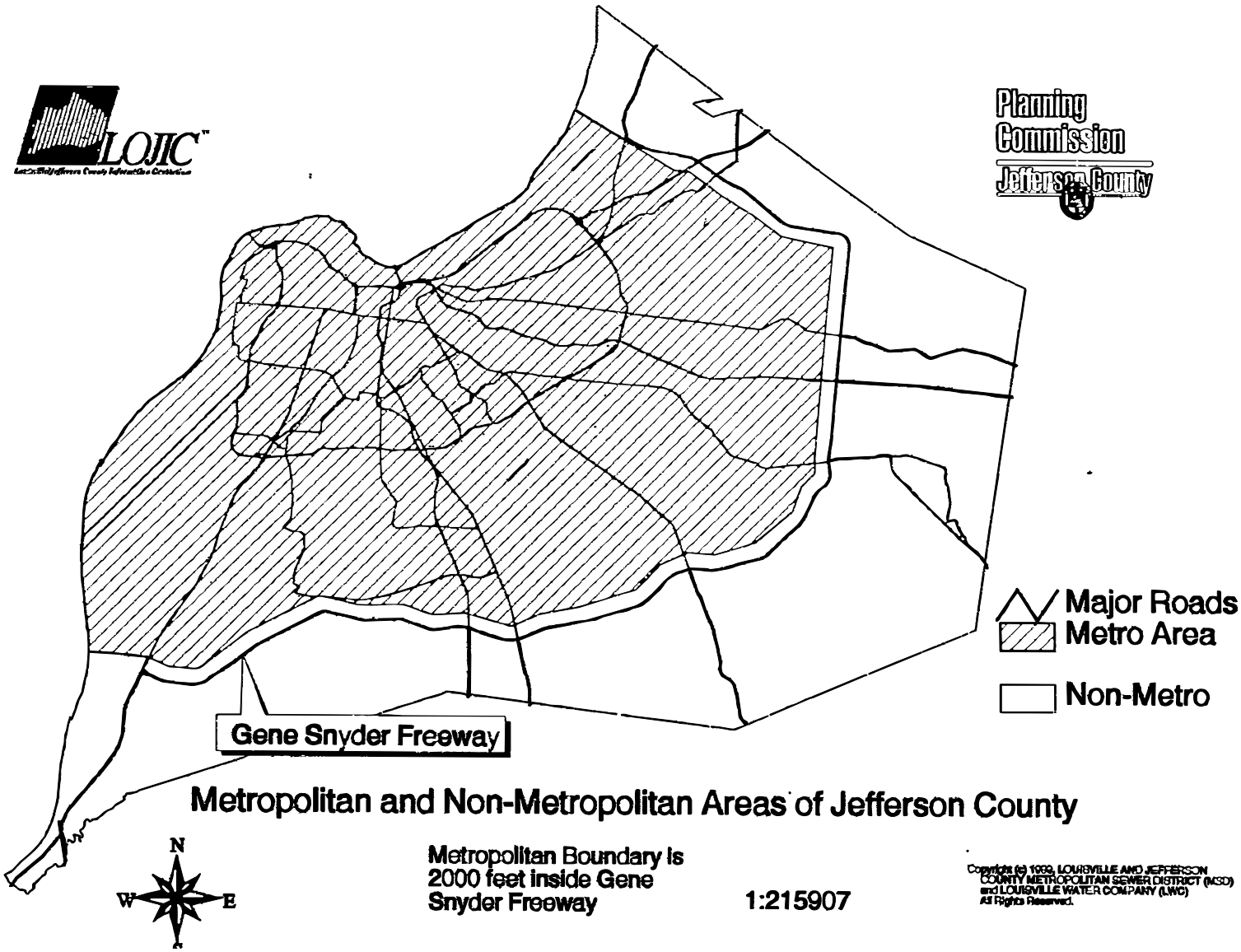


Figure 8.1.1


LOJIC
Planning Commission
Jefferson County
Major Roads
Metro Area
Non-Metro
Gene Snyder Freeway
Metropolitan and Non-Metropolitan Areas of Jefferson County
N
W
E
Metropolitan Boundary is 2000 feet inside Gene Snyder Freeway
1:215907
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8.1.3 Signs Exempt From Regulation

The following signs shall be exempt from regulation under this Chapter 8:

1. Any traffic sign, public notice or warning required by a valid and applicable federal, state, or local law, regulation, or ordinance.

2. Holiday lights and decorations on residential lots with no commercial message; and retail store window displays of merchandise, freestanding three-dimensional promotional items (with or without proprietary words or symbols solely describing the merchandise and/or merchandise that is sold in the store), and/or display fixtures or backdrops not affixed to windowpanes or glass.

3. Traffic control signs on private property, such as Stop, Yield, and similar signs, and which contain no commercial message.

4. Signs within a ballpark, field or diamond which indicates sponsorship of the teams or activities that occur therein. These signs shall be oriented toward the field or diamond.

5. Directional signs that assist the public in locating community facilities or health care facilities, as approved by the Director of Works and the Planning Director based on a finding by the directors that the signs are necessary to promote public health and safety. Directional signs may be located in the right-of-way or on private property, with permission of the property owner or public agency having jurisdiction over the right-of-way. The size, design and illumination shall be subject to approval by the Works and Planning Directors.

6. Monumental commemorative sculpture and/or graphic art in any medium and including images depicting real or allegorical persons, non-commercial themes or symbols, historical scenes and events or idealized scenes, and inscribed dedications or quotations, permanently attached to and incorporated into the overall design of all or part of one or more facades of a community center, church, school, library, museum, hospital, or similar public or private, not-for-profit, institutional or civic structures.

7. Signs placed by a public utility for the safety, welfare, or convenience of the public, including, but not limited to signs identifying high voltage, public telephone, or underground cables.

8. Non-illuminated names of buildings, dates of erection, monument statues, commemorative tablets and the like when carved into stone, concrete, metal, or any other permanent type of construction and made an integral part of an allowed structure or made flush to the ground.

9. Non-illuminated signs used to identify a non-registered historic property and/or permanently preserved open space property (preserved meaning through the use of conservation easement or fee simple ownership) erected by a not-for-profit organization and/or government agency. No commercial messages shall be allowed on the sign. The sign shall be constructed from stone, metal or any other permanent type of construction and must be permanently anchored to the ground. The sign shall not exceed five (5) square feet in area and six (6) feet in height.

10. Signs used to identify local Landmark/National Register historic sites.

11. No trespassing signs not to exceed two (2) square feet in area.

12. Signs upon a vehicle, provided that any such vehicle with a sign face of over two square feet is not conspicuously parked so as to constitute a sign; nothing herein prevents such a vehicle from being used for bona fide delivery and other vehicular purposes.

13. Animating features such as public art or murals of a non-commercial nature, as approved by the Planning Director.

14. Address signs no greater then five (5) square feet in area. Address signs in excess of five (5) square feet in area shall be considered attached business signs and shall be counted toward the number and area of attached signage permitted on a building façade.

15. Signs required by law or a duly constituted governmental body.

8.1.4 Nonconforming Signs

Any sign legally in existence on the effective date of any zoning regulation, which does not permit such signs may continue in existence as a matter of right. A nonconforming sign may be maintained and repaired on the same property so long as the area, height, placement of movable parts, and luminosity are not altered to make the sign less in conformance with this regulation. Development sites with a non-conforming sign(s) may not install any additional freestanding signs if an existing freestanding sign is more than twenty (20%) percent nonconforming or any additional attached signs if an existing attached sign is more than twenty (20%) percent nonconforming even if one or more would otherwise be allowed by other provisions of this chapter. Nonconforming in this instance deals with area and height dimensions only. Non-conforming freestanding signs that meet the situation listed above shall be brought into 100% compliance before a second freestanding sign can be permitted.

NOTE: *Structural components include the base and frame of the sign, but do not include the sign face.*

At such time as any structural element of a nonconforming sign is replaced, the sign must be brought into compliance with the requirements of current regulations, except that a nonconforming business sign may be replaced by another nonconforming business sign, provided that all nonconformance in area, height, size, and setback is reduced by fifty percent (50%) of the difference between the existing nonconforming sign and what the regulation allows. Exception: No reduction in nonconformance shall be required for the replacement of signs, awnings, canopies and marquees that were damaged by a weather event or accident (i.e. vehicular accident) unless the damage results from neglect of maintenance or other willful act of the property owner. Replacement of structural elements in this context means the disassembly and subsequent re-assembly or the substantial alteration of the pole, base, or frame. For awnings and canopies any change to the frame shall be considered as a structural change. The replacement of material covers shall not be considered a structural change.

8.1.5 Removal Of Certain Nonconforming Signs

Nonconforming signs that have been abandoned shall be immediately removed by the sign owner or lessee, or the property owner. There shall be a presumption that a nonconforming sign has been abandoned in the event that for a period of 360 days, the business, which the sign advertises ceases operation or the use of the sign is discontinued. Upon failure of the sign owner or lessee, or property owner to remove the nonconforming sign in accordance with this Section, a zoning enforcement officer may issue a written notice to the sign owner or lessee, or property owner ordering that the sign shall be removed within thirty (30) days. The action of the zoning enforcement officer may be appealed to the Board of Zoning Adjustment in accordance with the provisions in KRS Chapter 100.

As applicable to non-conforming signs in this Section, the word “remove” shall mean:

1. The sign face, along with posts, columns, or supports of freestanding signs, shall be taken down and removed from the property.

2. The sign face and supporting structures of “projecting”, “roof” or “attached” signs shall be taken down and removed from the property.

3. The sign face of “painted wall signs” shall be removed by painting over the wall sign in such a manner as to completely cover up and hide from sight the sign in question.

8.1.6 General Requirements

The following standards are applicable to development proposals within all form districts.

A. No sign shall be placed in a manner visible from any public street, alley, right-of-way, sidewalk or other public easement except as provided herein nor shall any sign be placed in or extend over street, right-of-way, roadway, sidewalk, public or private utility or access or other easement, or alley except as provided herein and with the approval of the Director of the Department of Public Works for encroachment within the right-of-way of public streets.

NOTE: *A 30-foot sight triangle is required at all intersections.*

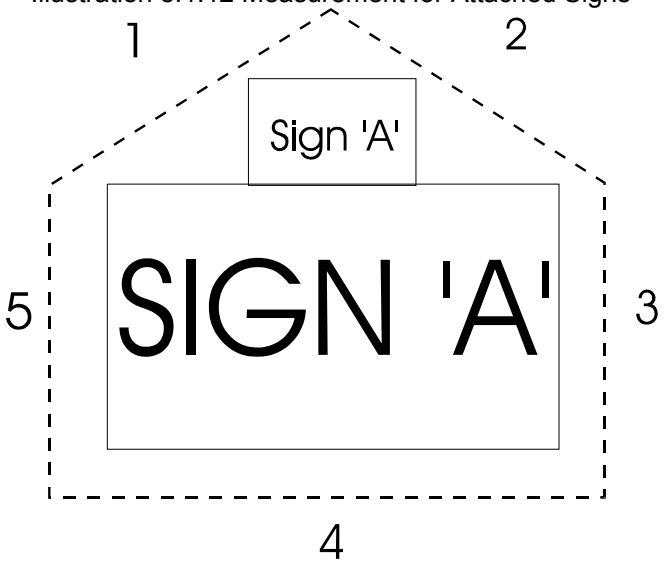
B. All signs allowed hereunder shall be constructed and placed so as not to obstruct sight lines for persons using streets, pedestrian rights-of-way and driveways; (see Section 5.1.7 H for restrictions on signs in the sight triangle).

C. No sign shall be allowed to be illuminated except as expressly provided herein. Signs which are otherwise allowed to be illuminated are not allowed if the Director shall find that the lighting causes glare or otherwise interferes with the vision of persons operating motor vehicles. All illuminated signs shall be non-flashing and shall be constant in intensity and color, except that signs which display time and temperature and changeable copy signs in accordance with Section 8.1.6M are allowed in C-N, C-I, C-2, C-3, C-M, EZ-1, M-I, M-2 and M-3 zones.

D. No sign shall be allowed if the Planning Director finds that the sign is constructed or designed in a manner, which may cause the sign to be confused with a traffic sign or other traffic control device.

E. The maximum allowed area for all signs other than freestanding business signs shall be determined by drawing five or fewer straight lines encompassing the extremities of the sign within the smallest possible area, except that outdoor advertising signs are allowed extensions and embellishments beyond the rectangular sign as more specifically provided in Section 8.4.5.

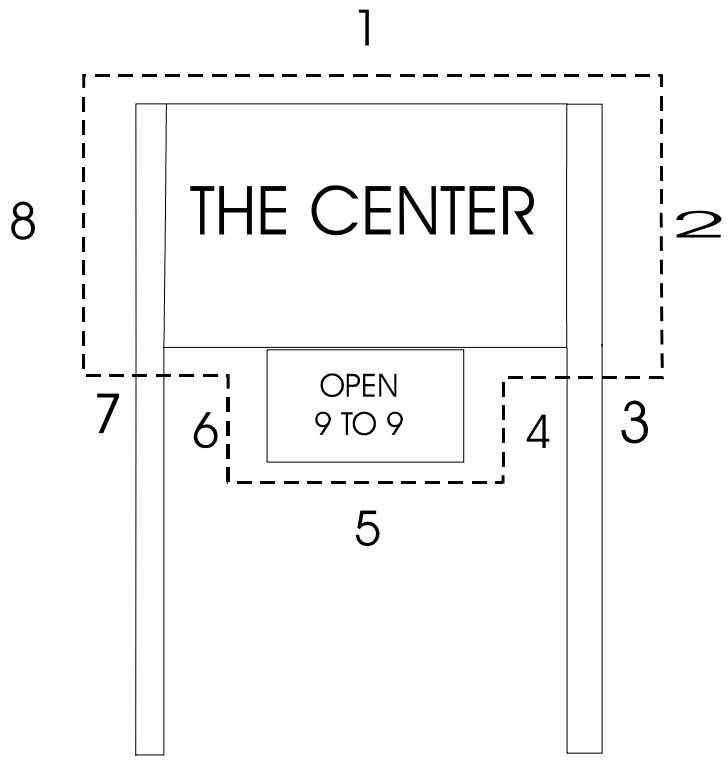
Illustration 8.1.12 Measurement for Attached Signs



Note: To calculate the area of an attached, calculate the area of the polygon created by drawing the five lines around the extremities of the sign face.

F. The maximum allowed area for freestanding business signs shall be measured by drawing eight (8) or fewer straight lines encompassing the extremities of the sign within the smallest possible area, provided, however, that the area of a freestanding sign shall not include poles, supports or other structures which are solely for support and which do not contain any advertising and, the area of a freestanding sign shall not include the space between the business identification portion of a freestanding business sign and the reader board portion.

Illustration 8.1.13 Measurement of Freestanding Signs



Note: To calculate the area of a freestanding sign, calculate the area of the polygon created by drawing the eight lines around the extremities of the sign face.

G. Signs, which revolve, rotate or move shall be permitted in the C-N, EZ-1, C-1, C-2, C-3, C-M, M-1, M-2, and M-3 zoning districts only and no such sign shall move faster than one cycle every ten (10) seconds. Signs, which revolve, rotate or move shall not be permitted within the Neighborhood, Traditional Neighborhood, Traditional Marketplace Corridor and Village Form Districts.

Example: four-sided sign, with a permitted area of 40 SF would be allowed to have sign faces that are 10 SF each.

H. No sign shall have more than four faces. Signs with more than two sign faces shall be calculated for compliance with this section in the following manner. The maximum allowable size of each sign face shall be calculated by taking the maximum allowable square footage for a two-sided freestanding sign (from Table 8.3.2) and dividing it by the total number of sign faces.

I. One freestanding rent/sale sign per site not exceeding twelve (12) square feet in area shall be allowed in any district. For lots abutting more than one street, one such rent/sale sign shall be allowed for each abutting street. In the C-N, EZ-1, C-1, C-2, C-3, C-M, M-1, M-2, M-3, OR, OR-1, OR-2, OR-3, OTF, W-1, W-2, W-3, PRO and PEC Districts freestanding or attached rent/sale signs not exceeding sixty-four (64) square feet shall be allowed. Such signs shall be removed no later than seven (7) days after closing of sale or consummation of lease. Rent/Sale signs within the above listed zoning districts may have two signs on street frontages in excess of 600 feet. The area of each of the two signs combined shall not exceed the total maximum area allowed for one rent/sale sign.

J. One or more signs identifying persons or business firms engaged in the construction of a building on site, are allowed, provided that each such sign not exceed twelve (12) square feet in area and fifteen (15) feet above ground in height. In the alternative, one sign identifying all persons or business firms engaged in construction of a building on site is allowed, provided the sign shall not exceed sixty-four (64) square feet in area and fifteen (15) feet above ground in height. All such signs must be removed within seven (7) days following issuance of a certificate of occupancy for the building.

K. Awnings and canopies constructed of translucent materials that are internally illuminated, with the exception of fully shielded lighting fixtures directed down onto non-illuminated ground and/or sidewalk shall be considered attached signs and shall be included as part of the total allowable signage on any one facade of a building as listed in Section 8.3.2. Signs located on an opaque awning or canopy shall be included as part of the total allowable signage area permitted on any one facade of a building as listed in Section 8.3.2 of this chapter. Awning signs and canopy signs may be internally illuminated in accordance with Section 8.3.1. Exterior lighting is permitted in accordance with Chapter 4, Part 1, Lighting.

NOTE: *Translucent internally illuminated awnings and/or canopies with or without signage shall be considered attached signage and shall be included as part of the total allowable signage on any one façade. Opaque awnings with signs shall have only the area of the sign included as part of the total allowable signage on any one façade.*

L. Outdoor Advertising signs are prohibited except as specifically allowed under Chapter 8, Part 4.

M. Changing image signs (includes electronic changeable copy signs and time and temperature signs) shall conform to the following standards:

1. All changing image signs under five (5) square feet in area with no more than one line of text shall not exceed a rate of change of once per four (4) seconds.

2. All changing image signs over five (5) square feet in area and/or with more than one (1) line of text shall not exceed a rate of change of once per 20 seconds.

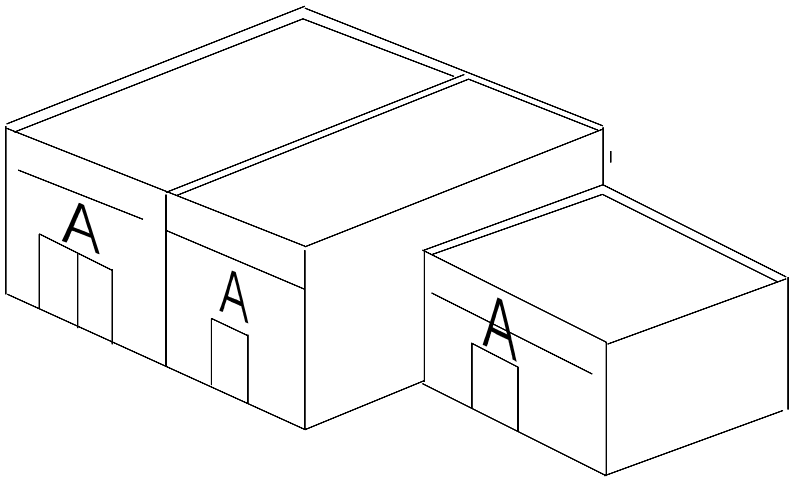
3. Changing image signs with a rate of change in excess of the restrictions set forth in numbers 1 & 2 above or signs with video displays; shall require approval from the Planning Commission or designee. The Planning Commission review shall include at a minimum the following issues:

   a. Characteristics of the adjacent street (traffic speed, number of lanes, functional class, etc.)
   b. Proximity to another changing image sign or sign with a video display
   c. Dimensions of the proposed signs
   d. Number of lines of text
   e. Proximity to residential development
   f. Legibility of text

N. The area of a façade of a building is determined by adding the square footage of surface area of each section of wall visible from a given perspective. For buildings with more than one wall along one façade (for example, rooms jutting out from the main building or a building where each floor is set back from the floor below), all of the walls are included in the total area. The total area does not include any roof area.

Illustration 8.1.14

Total Façade Area = the Area of A+A+A for façade facing public street frontage



O. This regulation shall be in addition to the requirements of KRS 177.830 – 177.890, the most restrictive requirement applies.

NOTE: KRS transportation related definitions.

P. Planned Development District sign standards shall be established when the Master Plan for the Planned Development District is developed and approved by the Planning Commission.

Q. Specific provisions within this regulation that are not eligible for a variance in accordance with KRS 100.111 may be waived in accordance with Chapter 11, Part 8.

R. Preservation Districts and Local Landmarks:

All new sign construction within designated Preservation Districts and for Local Landmarks shall conform to the Landmarks Commission Design Guidelines.

NOTE: Variances may be obtained from BOZA for dimensional requirements including area and height of signs.

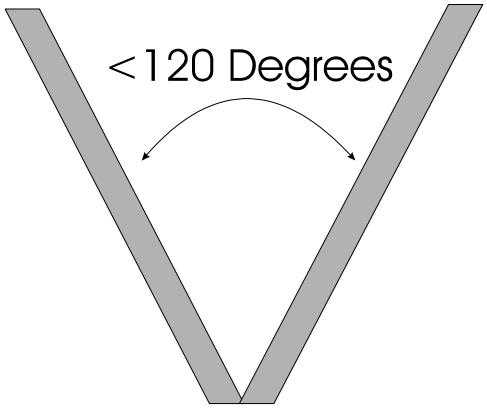
Note: Refer to definition for illustration.

S. Window signs shall not exceed 25% of the total window area on a given facade.

T. A composite group of signs integrated into one framed unit or compact structure constitutes one sign.

U. A back-to-back or V-shaped sign constitutes one sign if it has a common set of supports. If the interior angle between the two sign faces is less than 120 degrees, the sign area is of one sign face only. If the angle between the two sign faces is greater than or equal to 120 degrees, the sign area is the sum of the areas of the two sign faces.

Illustration 8.1.15



V. Downtown Form District:

All new signs within the designated Downtown Form Special Districts shall be reviewed and approved in accordance with the guidelines and procedures of the Downtown Development Review Overlay (DDRO) District. Recognizing the unique character and function of these Special Districts, the DDRO, at its discretion, may allow signs (type, size, height, location and functional characteristics) not otherwise permitted under Chapter 8 for developments within the Fourth Street Entertainment District (4th Street between Liberty Street and Broadway) and for individual cultural arts attractions requiring DDRO review. In review and approval of such signage the DDRO Committee shall follow the review procedures outlined for LDC waivers in Chapter 11.

W. Roof signs are prohibited.

X. The use of pennants, streamers and balloons as signs shall be prohibited (see definition of “sign”).

Y. All permanent signage shall require a permit from the appropriate building department unless stated otherwise within this chapter.

8.2.1 Single Family Residential Occupant Sign

One single-family residential occupant sign not exceeding one (1) square foot shall be allowed anywhere on the premises of each residence.

8.2.2 Subdivision Identification Sign

One freestanding subdivision identification sign not exceeding sixty-four (64) square feet in area and fifteen (15) feet in height shall be allowed at each dedicated street entrance within the building lines of the subdivision during construction, for not more than sixty (60) days prior to the commencement of construction, and after construction until such time as eighty percent (80%) of the lots are sold. Thereafter, one freestanding subdivision identification sign not exceeding fifteen (15) square feet in area and six feet in height shall be allowed at each dedicated street entrance within the building lines. In the alternative, a signature entrance with one 15 square feet attached sign per wall or fence (no more than two signs) is allowed as permitted in Section 4.4.3 at each entrance to the development.

8.2.3 Community Facility Identification Sign

Public and governmental buildings and facilities including offices, training armories, storage, maintenance and repair facilities may be allowed one non-flashing identification sign, not to exceed 60 square feet in area and 10 feet in height, may be located at the major entrances, provided the sign complies with Section 5.1.7 H (Sight Triangle), except in zoning districts and form districts where larger signs are allowed. Public utility service buildings and facilities within zoning districts and form districts where signs are not allowed, may erect one non-illuminated identification sign, not to exceed 12 square feet in area, provided the sign complies with Section 5.1.7 H (Sight Triangle).

8.2.4 Club Identification Sign

One club identification sign facing each bordering street not to exceed six (6) square feet in area is allowed on each site on which an exceptional residential use or club, lodge, fraternity or sorority is located. Any such sign if freestanding must not exceed six (6) feet in height.

8.2.5 Institution Identification Sign

One freestanding or attached institution identification sign not to exceed thirty-two (32) square feet in area and not exceeding ten (10) feet in height facing each bordering street is allowed on the premises of any community center, church, private school, library, museum or similar institution, provided that, if the institution is located in a district for which a larger business sign would be allowed, then the size of the sign may conform to the size allowed in that district. Two freestanding signs (32 square feet each) per street shall be permitted for street frontages in excess of 600 feet provided that the two signs are a minimum distance of 300 feet apart. In the alternative, one 50 square foot sign shall be permitted for street frontages in excess of 600 feet. In addition, one 60 square foot banner sign shall be allowed. The banner sign shall be attached to a permanent structure only. Any institution, regardless of street frontage size, is eligible for a banner sign; no permit is required for the banner sign.

8.2.6 Multi-Family Residential Identification Sign

One illuminated or non-illuminated multi-family residential identification sign attached flat on the face of the building and extending no more than eighteen (18) inches from the surface of such building is allowed to face each street bordering on the site on which a multi-family dwelling is located. Said signs may not exceed twelve (12) square feet in area if the site is in the R-5A, R-6, R-7, R-8A or OR-1 Districts and for permitted[1] multi-family dwellings within the TNZD zoning district (including Bed and Breakfast) and may not exceed fifty (50) square feet in area if the site is in the OR-2, OR-3, OTF, W-1 or W-2 Zoning Districts. In Neighborhood, Traditional Neighborhood, Town Center, and Village Form Districts and within the Traditional Neighborhood Zoning District attached signs shall not be located more than three (3) feet above the ceiling of the first floor of the building.

In Campus, Regional Center, Suburban Workplace Suburban Marketplace Corridor and Downtown Form Districts attached signs shall not be located more than three feet above the ceiling of the upper most floor of the building.

Within the Traditional Marketplace Corridor and Traditional Workplace Form Districts the tops of attached signs shall not be higher than 20 feet and shall not extend above the cornice line of the building.

In the alternative one freestanding sign which shall not extend into any required yard is allowed to face each street bordering the site provided that such freestanding signs if located within the R-5A, R-6, R-7, R-8A, TNZD or OR-1 Districts shall not exceed a height of six (6) feet above ground nor exceed an area of twelve (12) square feet and if located in the OR-2, OR-3, OTF, W-1 or W-2 Districts shall not exceed a height of ten (10) feet above ground nor exceed an area of thirty (30) square feet. In the alternative a signature entrance with attached signs is allowed at each entrance to the development as permitted in Section 8.2.2.

8.2.7 Office Building Identification Sign

One illuminated or non-illuminated office building identification sign attached flat on the facade of the building oriented toward the public street providing primary access and extending no more than eighteen (18) inches from the surface of such building is allowed per facade in the OR-1, OR-2, OR-3, OTF, W-1 or W-2 districts and for permitted office uses within the TNZD zoning district. Said signs shall meet the following requirements:

In Neighborhood, Traditional Neighborhood, Town Center, and Village Form Districts and TNZD zoning district, attached signs shall not exceed thirty-two (32) square feet in area. In no event shall an attached sign be located more than three (3) feet above the ceiling of the first floor of the building.

[1]Permitted multi-family in TNZD includes multi-family uses of right and mapped multi-family use.

In Campus, Regional Center, Suburban Workplace and Suburban Marketplace Corridor Form Districts attached signs shall not exceed one hundred (100) square feet in area. In no event shall an attached sign be located more than three feet above the ceiling of the upper most floor of the building.

Within the Traditional Marketplace Corridor Form District and Traditional Workplace Form District the tops of attached signs shall not be higher than 20 feet and shall not extend above the cornice line of the building. The size of the attached sign(s) shall not exceed sixty-four (64) square feet in area.

Freestanding signs are permitted in accordance with the applicable Form District requirements as listed in Chapter 8, Part 3. Office uses within the TNZD zoning district shall use the requirements of the Traditional Neighborhood Form District.

8.3.1 Illuminated/Non-Illuminated Signs

Illuminated or non-illuminated business signs are allowed in all non-residential zoning districts (these districts include: OR, OR-1, OR-2, OR-3, OTF, C-R, C-N, C-1, C-2, C-3, C-M, M-1, M-2, M-3, EZ-1, PEC, PRO, W-1, W-2, W-3) and for non-residential uses within the TNZD zoning district, subject to the restrictions set forth in Sections 8.3.2 - 8.3.5 and the following. Internally illuminated business signs within the Neighborhood, Traditional Neighborhood and Village Form Districts, and within transition zones adjacent to the aforementioned form districts where signs are visible from these form districts shall have opaque backgrounds with translucent letters, symbols and logos. Reader Boards/Changeable Copy Signs, Temporary Business Signs and Special Event Signs are exempt from the previous restriction. Opaque means that the material must not transmit light from an internal illumination source. Outdoor exterior illuminated business signs shall be lighted in accordance with Chapter 4, Part 1, Lighting. Sign lighting shall be subject to the light trespass standards as outlined under Chapter 4, Part 1, Lighting.

8.3.2 Attached, Awning, Canopy and Marquee Signs

A. There shall be no more than a total of three (3) of any of the following types of signs; attached, or awning, or canopy, or marquee signs on any one facade of a building, subject to the total maximum sign area requirement set forth below, except that multiple use buildings may have one sign for each business. First floor awning, canopy and marquee signs are excluded from the number of awning, attached, canopy or marquee signs permitted on any one façade of a building, subject to the total maximum sign area requirement set forth below; attached signs, canopy signs, marquee signs and awning signs are permitted within all non-residential zoning districts (these districts include: OR, OR-1, OR-2, OR-3, OTF, C-R, C-N, C-1, C-2, C-3, C-M, M-1, M-2, M-3, EZ-1, PEC, PRO, W-1, W-2, W-3), unless otherwise regulated by Section 8.2.7 and within the form district regulations. Commercial uses permitted within a TNZD district may include attached, awning, canopy or marquee signs as authorized in this section, subject to additional limits established in the applicable TNZD Plan Report.

B. The total area encompassed by all attached signs on any one facade of the building shall not exceed the limits established in Table 8.3.1, below. The area of the building façade shall be measured as specified in Section 8.1.6 N.

Table 8.3.1: Attached Signage

C. An attached sign mounted parallel to the exterior walls of a building may project up to eighteen (18) inches from the surface to which it is mounted. An attached sign constructed flat on the face of such building may extend into the right-of-way no further than eighteen (18) inches from the surface of such building without the approval of the Director of the Department of Public Works. An attached sign mounted to a slanted (inclined) exterior surface may be mounted in the vertical upright position as long as the sign does not project beyond eighteen (18) inches at the point of attachment. No such sign shall extend more than five (5) feet above the highest point of the exterior wall to which it is attached. No such sign shall be mounted on any roof.

1. In Neighborhood, Traditional Neighborhood, Village, Town Center Form Districts attached signs shall not be located more than three (3) feet above the ceiling of the first floor of the building.

2. In Campus, Regional Center, Suburban Workplace, Suburban Marketplace Corridor and Downtown Form Districts attached signs shall not be located more than three feet above the ceiling of the upper most floor of the building.

3. Within the Traditional Marketplace Corridor Form District the tops of attached signs shall not be higher than 20 feet and shall not extend above the cornice line of the building.

4. Awnings and canopies containing signs must be mounted no more than 3 feet above the ceiling of the first floor of the building. The area of all awning signs and canopy signs shall be included as part of the total allowable signage on any one facade of a building as listed in Section 8.3.2.B.

D. Window signs are permitted within the C-N, C-1, C-2, C-3 and C-M zoning districts. A use may display window signs so long as the aggregate area of such signs does not exceed 25% of total window area located on the ground floor of the building. For computation of area, window panels separated by muntins or mullions shall be considered as one continuous windowpane. Window signs shall not be considered attached signs.

E. Form District Specific Attached, Awning and Window Sign Restrictions:

1. Traditional Neighborhood Form Districts:

a. Attached, Awning, Canopy and Marquee signs shall be permitted at a maximum total size of 60 square feet in area.

b. The area of the illuminated face of outdoor vending machines with advertising graphics shall count toward the number and area of attached signs permitted on a site. Outdoor vending machines shall not be permitted in the right-of-way.

2. Traditional Marketplace Corridor Form Districts:

a. Multiple tenant buildings shall be permitted either an attached sign or a projecting sign for each tenant.

8.3.3 Freestanding Business Signs

In addition to the attached signs allowed above, illuminated or non-illuminated freestanding business signs are allowed subject to the following restrictions:

A. Freestanding business signs are allowed within all non-residential zoning districts (these districts include: OR, OR-1, OR-2, OR-3, OTF, C-R, C-N, C-1, C-2, C-3, C-M, M-1, M-2, M-3, EZ-1, PEC, PRO, W-1, W-2, W-3), unless otherwise listed under Chapter 8, Part 2 or restricted within the applicable form district sign restrictions. Commercial uses permitted within a TNZD district may include freestanding business signs in accordance with the restrictions of the Traditional Neighborhood Form District as listed in this section, subject to additional limits established in the applicable TNZD Plan Report.

B. No freestanding sign shall be located in or project over or into the right-of-way or into any adjoining property.

C. A lot fronting only on one street shall have no more than one freestanding sign unless the street frontage exceeds 600 feet, then a second freestanding sign is allowed. The sum of the areas of the two freestanding signs combined shall not exceed the total maximum area allowed for one freestanding sign.

D. A lot fronting on two or more public streets shall be allowed to have one freestanding sign for each street frontage. If one street frontage exceeds 600 feet then a third sign shall be permitted in accordance with Section 8.3.3C. If the site contains more than one street frontage with more than 600 feet of length, then only one of the street frontages shall be permitted to have a second sign in accordance with Section 8.3.3C.

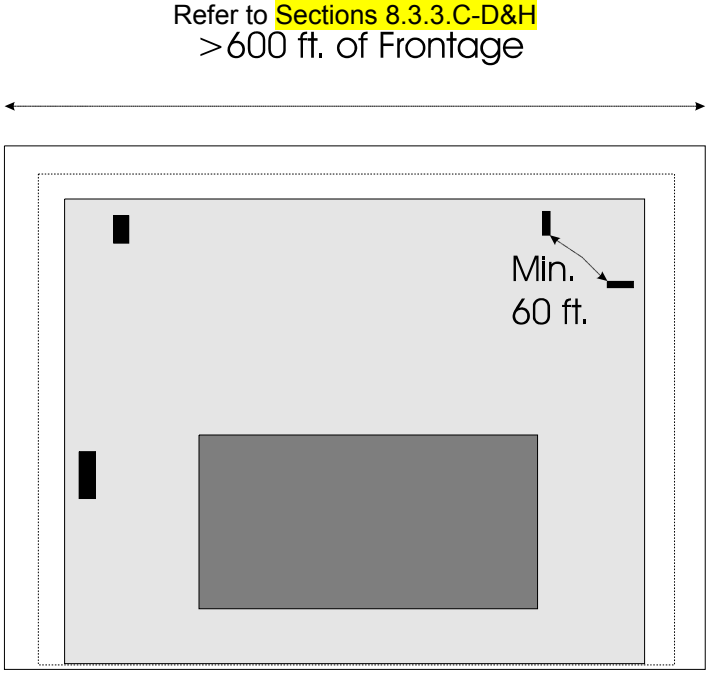
E. An outdoor advertising sign shall not be counted in determining compliance with items C and D above.

F. No lot frontage shall have a freestanding sign unless the building situated on that lot is set back at least fifteen (15) feet from the street right-of-way line. Corner lots may have a freestanding sign for the frontage on which the building is setback at least fifteen (15) feet from the street right-of-way line. Traditional Neighborhood, Traditional Marketplace and Village Form Districts shall be exempt from the setback requirement as listed in the two preceding sentences.

G. There shall be no minimum setback for a freestanding business sign as long as the sign meets the restrictions listed under Section 8.1.6B. Freestanding business signs shall be permitted in required form district setbacks/yards.

H. Where more than one (1) freestanding sign is proposed for installation on a development site with multiple frontages, a minimum of sixty (60) linear feet shall separate each freestanding sign.

Illustration 8.3.1
Refer to Sections 8.3.3.C-D&H



I. Freestanding business signs for lots adjacent to Scenic Corridors, Olmsted Parkways and Parkways and for lots within the Traditional Marketplace Corridor, Neighborhood, Traditional Neighborhood, Campus and Village Form Districts shall meet one of the following design standards:

1. The sign shall be a monument style sign; or

2. The sign shall be a columnar sign; or

3. In locations where the permit issuer identifies a potential sight distance problem and when the Director of Works determines that the design standards 1 or 2 above would negatively affect sight distance necessary for pedestrian and vehicular traffic accessing the site or using adjacent intersections, another sign style may be approved by the Planning Director.

J. Form District Specific Freestanding Sign Restrictions:

1. Traditional Neighborhood Form Districts:

   a. Freestanding signs are permitted only when the linear street frontage of the lot exceeds 120 feet.

2. Suburban Workplace Form Districts:

a. One freestanding master plan project identification sign shall be permitted adjacent to the primary entrance to developments having more than five lots and having an access point from an arterial level street. This sign shall not be counted towards the number of allowed freestanding business signs on a lot. The sign shall not exceed 150 square feet in area and 24 feet in height.

3. Campus Form Districts:

a. In multiple lot developments the base, side and frame of freestanding signs shall be uniform in design, materials and color.

b. One freestanding master plan project identification sign shall be permitted adjacent to the primary entrance to developments having more than five lots and having an access point from an arterial level street. This sign shall not be counted towards the number of allowed freestanding business signs on a lot. The sign shall not exceed 100 square feet in area and 18 feet in height.

c. Signs may be located within the building setbacks, established within Section 5.3.5.

4. Downtown Form District:

NOTE: The freestanding business sign prohibition in DFD is not subject to the LDC waiver process.

a. Freestanding signs shall be limited to small freestanding business signs, directory signs and directional signs. Freestanding signs shall only be permitted within the storefront zone of the sidewalk, subject to the licensing requirements established by the Director of Works, or as part of the plaza, park or other open space designed in conjunction with the structures(s).

K. The maximum area and height of freestanding business signs within non-residential zoning districts (these districts include: OR, OR-1, OR-2, OR-3, OTF, C-R, C-N, C-1, C-2, C-3, C-M, M-1, M-2, M-3, EZ-1, PEC, PRO, W-1, W-2, W-3) are listed in Table 8.3.2.

TABLE 8.3.2 FORM DISTRICT FREESTANDING BUSINESS SIGN RESTRICTIONS

							Shared 4> Business Height
Neighborhood	Local	40	6	60	8	80	10
	Collector	60	8	80	10	100	12
	Arterial 4 Lanes or less	80	10	100	12	120	14
	Arterial > 4 Lanes	80	12	100	14	120	16
Town Center	**See Neighborhood Above**						
Campus	**See Neighborhood Above**						
Regional Center	Local	60	12	80	14	100	16
	Collector	80	18	100	20	120	22
	Arterial 4 Lanes or Less	100	22	120	24	140	26
	Arterial >4 Lanes	100	24	120	26	140	28
Suburban Marketplace Corridor	**See Regional Center Above**						
Suburban Workplace	**See Regional Center Above**						
Traditional Neighborhood	Local	24	4	48	6	64	8
	Collector	32	6	56	8	72	10
	Arterial 4 Lanes or less	48	6	72	8	88	10
	Arterial >4 Lanes	48	8	72	10	88	12
Village	**See Traditional Neighborhood Above**						
Traditional Workplace	Local	40	10	60	12	80	14
	Collector	60	14	80	16	100	18
	Arterial 4 Lanes or Less	80	18	100	20	120	22
	Arterial .4 Lanes	80	22	100	24	120	26
Traditional Marketplace Corridor	Local	32	6	60	6	80	10
	Collector	48	6	64	6	72	10
	Arterial 4 Lanes or less	48	6	64	6	72	10
	Arterial >4 Lanes	64	8	72	10	88	12

* Lanes refer to driving lanes, which include center turn lanes and medians, de-acceleration lanes are not included.

8.3.4 Freestanding Directional Signs

Freestanding directional signs, i.e., signs used primarily to direct on premise vehicular or pedestrian circulation or traffic, are allowed to a maximum height of three (3) feet, with a maximum area of five (5) square feet. Such signs shall not be counted toward the number of freestanding signs allowed on a lot. One single faced "Menu Board" type sign is allowed for a "drive through" facility and shall not be counted toward the number of freestanding business signs allowed, provided such sign is no larger than forty (40) square feet. Freestanding directional signs shall be permitted within form district setbacks/yards.

Note: See definition for illustration.

8.3.5 Attached Directional Signs

Attached directional signs, i.e., signs used exclusively to direct on premise vehicular or pedestrian circulation or traffic, are allowed to a maximum area of five (5) square feet. Such signs shall not be counted toward the number of attached business signs allowed on a lot. No attached directional sign may exceed a height greater than 10 feet from the grade of the property on which the sign is located.

Note: See definition for illustration.

8.3.6 Projecting Signs

Buildings on lots which contain no freestanding sign (other than a freestanding directional sign) may not have more than one sign which projects perpendicularly from the facade (but not the roof) of the building providing that the sign does not exceed thirty-two (32) square feet in area, does not extend below nine (9) feet above the ground or sidewalk, or more than eight (8) feet from the facade of the building, or closer than two (2) feet to the abutting roadway. The area of the projecting sign shall be part of the total allowable signage allowed on any one facade of the building as listed in **Section 8.3.2B.** of this Part. Multiple use buildings may have one projecting sign for each business, subject to the total maximum sign area permitted in Table 8.3.1.

Note: See definition for illustration.

8.3.7 Special Provisions

A. A single use building may have one attached sign for the sole purpose of furnishing emergency telephone numbers or other such emergency information. Such a sign shall not be counted toward the number of attached signs allowed provided it does not exceed one square foot in area. Multiple use buildings may have one such emergency sign for each independent use. A sign in a gasoline service station identifying a self service and/or full service pump island may be attached to canopy supports or light standards over a pump island at a height greater than the three (3) feet allowed for other directional signs, provided the area of such a sign does not exceed five (5) square feet.

B. Shared Business Signs shall not be considered outdoor advertising signs by this regulation.

8.4.1 Unilluminated Outdoor Advertising Signs

An unilluminated outdoor advertising sign of less than seventy-two (72) square feet shall be allowed if:

A. Located in a C-N, C-1, C-2, C-M, M-1, M-2 or M-3 District;

B. Set back at least fifteen (15) feet from the front or street side property lines if in a C-N, C-1, C-2 or C-M Districts;

***Editor's note**: Outdoor advertising signs are prohibited in the city of Middletown*

C. Located not less than four hundred fifty (450) feet from any existing billboard of any size on the same side of the same street, and not less than nine hundred (900) feet from any existing billboard of any size on the same side of a controlled access highway or designated parkway*;

***Editor's note:** *"Designated parkways" as referenced in the section of Chapter 10, Part 3.*

D. Located not less than two hundred twenty five (225) feet from any existing billboard of any size on the opposite side of the same street (measured from the point of intersection on the same side of the street with the line from the existing sign perpendicular to the roadway), and not less than four hundred fifty (450) feet from any existing billboard of any size on the opposite side of the same controlled access highway or designated parkway (as so measured);

E. Located not less than seventy-five (75) feet from the centerline of an intersecting roadway;

F. In a C-N District, located not less than two hundred (200) feet measured radially from the nearest edge of a residentially zoned or residentially developed lot in the metropolitan area, in a C-1 through M-3 district, located not less than one hundred fifty (150) feet measured radially from the nearest edge of a residentially zoned or residentially developed lot in the metropolitan area, and located not less than six hundred (600) feet measured radially between the sign and the nearest edge of a residentially zoned or residentially developed lot in the non-metropolitan area;

G. Located not less than seventy five (75) feet from the nearest edge of the right-of-way of a controlled access highway or designated parkway passing through the metropolitan area and not less than six hundred sixty (660) feet from the nearest edge of a controlled access highway or designated parkway passing through the non-metropolitan area;

H. Placed so that the highest point of the advertising sign does not exceed sixteen (16) feet above ground;

I. Located not less than two hundred fifty (250) feet measured radially from any public park or any designated parkway or any landmark property or historic district designated as such by the Louisville Landmark's Commission or the Jefferson County Preservation Commission or from any property listed in the National Register of Historic Places.

8.4.2 Illuminated Outdoor Advertising Signs

An illuminated or non-illuminated outdoor advertising sign of less than three hundred thirty (330) square feet shall be allowed if:

A. Located in a C-1, C-2, C-M, M-1, M-2 or M-3 District;

B. Set back at least thirty (30) feet from the front or street side property lines if located in a C-1, C-2 or C-M District;

C. Located along a major or minor arterial highway as designated in the Comprehensive Plan;

D. Located not less than six hundred (600) feet from any existing billboard of any size on the same side of the same major or minor arterial highway and not less than twelve hundred (1,200) feet from any existing billboard of any size on the same side of a controlled access highway or designated parkway;

E. Located not less than three hundred (300) feet from any existing billboard of any size on the opposite side of the same major or minor arterial highway (measured from the point of intersection on the same side of the major or minor arterial highway with the line from the existing sign perpendicular to the roadway), and not less than six hundred (600) feet from any existing billboard of any size on the opposite side of the same controlled access highway or designated parkway (as so measured);

F. Located not less than seventy-five (75) feet from the centerline of an intersecting roadway;

G. Located not less than three hundred (300) feet (measured radially) between the sign and the nearest edge of a residentially zoned or residentially developed lot in the metropolitan area and not less than six hundred (600) feet measured radially between the sign and the nearest edge of a residentially zoned or residentially developed lot in the non-metropolitan area;

H. Located not less than one hundred fifty (150) feet from the nearest edge of the right-of-way of a controlled access highway or designated parkway passing through the metropolitan area and not less than six hundred sixty (660) feet from the nearest edge of the right-of-way of a controlled access highway or designated parkway passing through the non-metropolitan area;

I. Constructed so the highest point of the sign (including embellishments shall not exceed forty (40) feet above the ground, except that for signs located in the C-1 District the highest point of the sign (including embellishments) shall not exceed thirty-five (35) feet above the ground;

J. Located not less than five hundred (500) feet measured radially from any public park or any designated parkway or any landmark property or historic district designated as such by the Louisville Landmark's Commission or the Jefferson County Preservation Commission or from any property listed in the National Register of Historic Places;

K. Notwithstanding the provisions of subparagraph i. hereof the highest point of an outdoor advertising sign (including embellishments) located along an elevated section of a controlled access highway may be fifty (50) feet above the ground, provided that the lowest point of the sign shall be not less than ten (10) feet above the grade of the elevated controlled access highway;

8.4.3 Illuminated/Non-Illuminated Outdoor Advertising Sign 330-750 Square Feet

An illuminated or non-illuminated outdoor advertising sign of greater than or equal to three hundred thirty (330) square feet but less than seven hundred fifty (750) square feet shall be allowed if:

A. Located in a C-2, C-M, M-1, M-2 or M-3 Districts;

B. Set back at least sixty (60) feet from the front or street side property lines if in a C-2 or C-M District;

C. Located along a major or minor arterial highway as designated in the Comprehensive Plan;

D. Located not less than twelve hundred (1,200) feet from any existing billboard of any size on the same side of the same major or minor arterial highway and not less than fifteen hundred (1,500) feet from any existing billboard of any size on the same side of a controlled access highway or designated parkway;

E. Located not less than six hundred (600) feet from any existing billboard of any size on the opposite side of the same major or minor arterial highway (measured from the point of intersection on the same side of the major or minor arterial highway with the line from the existing sign perpendicular to the roadway), and not less than nine hundred (900) feet from any existing billboard of any size on the opposite side of the same controlled access highway or designated parkway (as so measured);

F. Located not less than seventy-five (75) feet from the centerline of an intersecting roadway;

G. Located not less than four hundred (400) feet (measured radially) between the sign and the nearest edge of a residentially zoned or residentially developed lot in the metropolitan area and not less than six hundred (600) feet measured radially between the sign and the nearest edge of a residentially zoned or residentially developed lot in the non-metropolitan area;

H. Located not less than one hundred fifty (150) feet from the nearest edge of the right-of-way of a controlled access highway or designated parkway passing through the metropolitan area and not less than six hundred sixty (660) feet from the nearest edge of the right-of-way of a controlled access highway or designated parkway passing through the non-metropolitan area;

I. Constructed so the highest point of the sign (including embellishments) does not exceed forty (40) feet above the ground:

J. Located not less than five hundred (500) feet measured radially from any public park or any designated parkway or any landmark property or historic district designated as such by the Louisville Landmark's Commission or the Jefferson County Preservation Commission or from any property listed in the National Register of Historic Places;

K. Notwithstanding the provisions of subparagraph I. hereof the highest point of an outdoor advertising sign (including embellishments) located along an elevated section of a controlled access highway may be fifty (50) feet above the ground, provided that the lowest point of the sign shall be not less than ten (10) feet above the grade of the elevated controlled access highway;

8.4.4 Outdoor Advertising Signs Greater Than 750 Square Feet

No outdoor advertising sign greater than seven hundred fifty (750) square feet shall be allowed in any district.

8.4.5 Extensions and Embellishments for Outdoor Advertising Signs

A. Allowable Shapes for Outdoor Advertising Signs

Outdoor advertising signs of all sizes shall be rectangular in shape except that extensions are allowed if such extensions are not greater than five (5) feet at the top, two (2) feet at the sides and/or eighteen (18) inches at the bottom of the sign and comprise in the aggregate an area not more than 12.5 percent as great as the basic rectangular shape to which such extensions are attached. Such embellishments are included in the calculation of the sign area restrictions.

B. Extension of Outdoor Advertising Signs

No attached outdoor advertising sign shall extend past the exterior wall of the building to which it is affixed.

C. Double-Faced/V-Type/Back to Back Outdoor Advertising Signs

Double-faced, V-type or back-to-back outdoor advertising signs shall be considered as one sign for spacing purposes.

8.4.6 Form District Specific Outdoor Advertising Sign Restrictions

A. New outdoor advertising signs shall not be permitted within the Neighborhood, Traditional Neighborhood, Traditional Marketplace Corridor, Traditional Workplace, Town Center, and Downtown Form Districts

The prohibition of new billboards in certain form districts (Section 8.4.6 A) is not subject to the LDC waiver process.

8.5.1 Portable Signs

In addition to the freestanding signs allowed under Section 8.3.3, portable signs that include such signs as small freestanding business signs, temporary business signs, temporary banners and special event signs shall be allowed as permitted under this part. For purposes of KRS 100.253 portable signs shall be regarded as personal property unattached to the real property on which they are placed and such signs are not structures and no non-conforming land use rights shall attach to them.

8.5.2 Small Freestanding Business Signs

NOTE: Examples of small freestanding business signs are: sandwich boards and 'A' frame signs.

A. One small freestanding business sign shall be allowed on each lot located in the C-N, C-1, C-2 and C-M Zoning Districts.

B. The small freestanding business sign shall not exceed twelve (12) square feet of surface area per face and there shall be no more than two (2) faces. The sign shall not extend more than four (4) feet above the ground on which it is placed.

C. The small freestanding business sign shall advertise only the business, profession, trade or occupation lawfully practiced on site and/or the generic or brand name products or services lawfully available on site, or religious, charitable or other non-commercial messages. Display of small freestanding business signs shall be limited to the hours of operation of the business, profession, trade or occupation lawfully practiced on site.

D. Small freestanding business signs shall not be illuminated or contain any electrical component.

E. No small freestanding business sign shall be allowed within the public right-of-way or public easement, unless all required permits have been issued therefore and it shall be a condition of all such permits that the sign shall be removed from the public right of way or easement when the business is closed.

F. No small freestanding business sign shall be constructed and placed so as to interfere with vehicular traffic by obstructing sight lines for streets, pedestrian right-of-way and driveways.

G. Any code enforcement officer or peace officer who finds a small free-standing business sign so placed on private property that the sign as located causes an obstruction to pedestrian or vehicular traffic or restricts the vision of drivers of vehicles on abutting streets or on the subject property may cause the sign to be removed to a safe location on the subject property. Any code enforcement officer or peace officer may remove any sign located on the public right-of-way and dispose of same.

H. All small freestanding business signs shall be kept in good repair and in a proper state of preservation.

I. Every small freestanding business sign and the premises immediately surrounding the sign shall be maintained by the owner or person in charge thereof in a clean, sanitary and inoffensive condition, and free and clear of all obnoxious substances, rubbish and weeds.

8.5.3 Temporary Freestanding Business Signs

A. One temporary freestanding business sign shall be permitted in lieu of a permanent freestanding business sign with a permit from the appropriate building department for a period not to exceed one hundred twenty (120) days within the C-1, C-2, C-M, M-1, M-2, M-3, EZ-1 Zoning Districts. Only one permit shall be issued for a property within a year. Sites with shared business signs shall not be permitted to have a temporary freestanding business sign. The expiration date shall be affixed to the sign at all times when the sign is within public view. A copy of the permit shall be available on the business premises and shall be made available for inspection by the Director or his/her designee.

B. The temporary freestanding business sign shall not exceed thirty-two (32) square feet of surface area per face and there shall be no more than two (2) faces. The sign shall not extend more than six (6) feet above the ground on which it is placed.

C. The temporary freestanding business sign shall advertise only the business, profession, trade or occupation lawfully practiced on site and/or the generic or brand name products or services lawfully available on site, or religious, charitable or other non-commercial messages.

D. Temporary freestanding business signs may not be illuminated, or contain any electrical component unless UL approved and unless connected to a ground fault interrupter. All illuminated temporary freestanding business signs shall be non-flashing and any illumination shall be constant in intensity and color. All components of a small freestanding sign shall be non-moving and stationary.

E. No temporary freestanding business sign shall be allowed within the public right-of-way or public easement

F. No temporary freestanding business sign shall be constructed and placed so as to interfere with vehicular traffic by obstructing sight lines for streets, pedestrian right-of-way and driveways.

G. Any code enforcement officer or peace officer who finds a temporary freestanding business sign so placed on private property that the sign as located causes an obstruction to pedestrian or vehicular traffic or restricts the vision of drivers of vehicles on abutting streets or on the subject property may cause the sign to be removed to a safe location on the subject property. Any code enforcement officer or peace officer may remove any sign located on the public right-of-way and dispose of same.

H. All temporary freestanding business signs shall be kept in good repair and in a proper state of preservation.

I. Every temporary freestanding business sign and the premises immediately surrounding the sign shall be maintained by the owner or person in charge thereof in a clean, sanitary and inoffensive condition, and free and clear of all obnoxious substances, rubbish and weeds.

J. Property in the C-1, C-2, C-M, M-1, M-2, M-3, EZ-1 Zoning Districts and located in a Suburban Marketplace Corridor Form District may have a temporary freestanding business sign in accordance with the provisions of this Section 8.5.3. The temporary freestanding sign shall be in addition to permanent freestanding business signs as allowed in this Chapter. No site shall have more than one temporary freestanding sign. Temporary signs shall be displayed for no more than 120 days in a calendar year. The expiration date shall be affixed to the sign at all times when the sign is within public view. A copy of the permit shall be available on the business premises and shall be made available for inspection by the Director or his/her designee.

8.5.4 Temporary Banner Signs

In addition to the permanent attached signs allowed within Section 8.3.2, temporary banner signs (cloth, plastic or other soft material) are allowed in the C-N, C-1, C-2, C-3, C-M, EZ-1, M-1, M-2 and M-3 Districts upon the issuance of a permit by the Director. Only one such temporary banner shall be allowed on any business premises. The area of such a banner shall not exceed fifty percent (50%) of the sign area allowed for permanent attached business signs on the building façade adjacent to the banner sign pursuant to paragraph Section 8.3.2B. No person shall be allowed to place a temporary banner sign on property owned by him or on property upon which he owns or operates a business, profession, trade or occupation without having received the permit required hereby. Said permit shall be issued by the Director or his deputy upon written request therefore, for a period not to exceed thirty (30) consecutive days and for cumulative periods not to exceed ninety (90) days in any calendar year. Immediately upon expiration of the permit, said temporary banner shall be removed. At all times while the banner is in public view the expiration date of the sign shall be affixed to the sign. The permit for the banner sign shall be kept on the business premises and shall be available for inspection by the Director or his/her designee. Temporary banners shall be attached to permanent structures only.

8.5.5 Special Event Sign

A. One special event sign shall be permitted for institutional uses with a permit from the appropriate building department for a period not to exceed 120 days within a calendar year. The expiration date of the permit shall be affixed to the sign at all times when the sign is within public view. A copy of the permit shall be located on the property and shall be made available for review upon request.

B. The special event sign shall not exceed thirty-two (32) square feet of surface area per face and there shall be no more than two (2) faces. The sign shall not extend more than six (6) feet above the ground on which it is placed.

C. The special event sign shall advertise only the activity lawfully practiced on site, related special events including fund raising activities, or religious, charitable or other non-commercial messages.

D. Special event signs may not be illuminated, or contain any electrical component unless UL approved and unless connected to a ground fault interrupter. All illuminated temporary freestanding business signs shall be non-flashing and any illumination shall be constant in intensity and color. All components of a small freestanding sign shall be non-moving and stationary.

E. No special event sign shall be allowed within the public right-of-way or public easement.

F. No special event sign shall be constructed and placed so as to interfere with vehicular traffic by obstructing sight lines for streets, pedestrian right-of-way and driveways.

G. Any code enforcement officer or peace officer who finds a special event sign so placed on private property that the sign as located causes an obstruction to pedestrian or vehicular traffic or restricts the vision of drivers of vehicles on abutting streets or on the subject property may cause the sign to be removed to a safe location on the subject property. Any code enforcement officer or peace officer may remove any sign located on the public right-of-way and dispose of same.

H. All special event signs shall be kept in good repair and in a proper state of preservation.

I. Every special event sign and the premises immediately surrounding the sign shall be maintained by the owner or person in charge thereof in a clean, sanitary and inoffensive condition, and free and clear of all obnoxious substances, rubbish and weeds.

J. Small special event signs not to exceed four (4) square feet in area each shall be allowed without a permit. Said signs shall not include any electrical or mechanical components and shall be removed from the property within three (3) days after the completion of the advertised event.

8.6.1 Outdoor Advertising Signs And Business Signs Location Limitations For Gene Snyder Freeway

A. No outdoor advertising signs shall be located within two thousand (2,000) feet of the nearest right-of-way line. No freestanding business signs shall be located within 200 feet of the nearest right-of-way line. No freestanding signs shall exceed twenty (20) feet in height when located between two hundred (200) and five hundred (500) feet of the nearest right-of-way nor exceed eighty (80) square feet in area. Signs shall meet limitations of the zoning district in which they are located.

B. No small freestanding sign or banners (permanent or temporary) shall be located within two hundred (200) feet of the nearest right-of-way line.

C. Attached business signs. No sign attached to a building or structure within two hundred (200) feet of the Freeway right-of-way shall exceed eighty (80) square feet in area on any facade visible from the Freeway at any angle or view nor exceed the size limitation of the district in which it is located, or as required by Chapter 8 of the Development Code.

D. Maps showing the location of the Snyder Freeway right-of-way are available at the Planning Commission offices.

8.6.2 Outdoor Advertising Signs Location Limitations For Parkways And Scenic Corridors

No billboards, temporary, portable or outdoor advertising signs (such as signs located on transit benches) shall be permitted on any property or within any development site or parkway buffer adjacent to a designated parkway or scenic corridor.

8.6.3 Freestanding Business Sign Restrictions For Parkways (see Table 8.6.1 on next page)

Note: When the Form District Regulations are more restrictive then they shall supersede the requirements of Table 8.6.1.

Table 8.6.1

Freestanding Business Sign Restrictions for Designated Parkways

		Area
Commercial and Industrial with frontage amount listed below:		
< 450 feet	**6 ft.**	**60 S.F.**
Over 450 feet	**9 ft.**	**72 S.F.**
Over 600 feet	**12 ft.**	**81 S.F.**
Office and Institutional	**6 ft.**	**32 S.F.**
Over 600 feet	**6 ft.**	**60 S.F.**
Multi-Family Residential	**6 ft.**	**6 S.F.**

Chapter 9	**Parking and Loading**		**9.1-1**
	Part 1	**Motor Vehicle Parking Standards**	**9.1-1**
	Part 2	**Standards**	**9.2-1**
	Appendix 9A	*Bicycle Parking Design Manual, 2002*	*9A-1*

The requirements of this Part are intended to provide off-street parking, queuing and loading facilities in proportion to the need created by each land use. They are further intended to provide for accommodation of vehicles in a functionally and aesthetically satisfactory manner and to minimize external effects on adjacent land uses.

The following terms relating to Motor Vehicle Parking and Loading are included in the Definitions (Chapter 1 Part 2):

Truck, -Light Truck, -Medium Truck, –Heavy Truck, Utility Trailer, Vehicle, Vehicle Passenger, Vehicle Recreational

9.1.1 Relationship to the Comprehensive Plan

The parking and loading standards prescribed by this Part are intended to implement the following Cornerstone 2020 Comprehensive Plan Goals and Plan Elements.

Community Form Strategy A3	Guidelines 2, 3, 7

9.1.2 Applicability

The requirements of this Part shall apply to all parking and loading areas in all Form Districts, whether required by this Land Development Code or created for the convenience of property owners or users. No certificate of occupancy shall be provided unless and until the appropriate motor vehicle parking and loading facilities are provided in compliance with this Part.

9.1.3 Calculating Parking Requirements / Allowances[1]

A. Parking Spaces Required / Allowed. The minimum and maximum number of parking spaces required/allowed is based upon both the use and the Form District/Planned Development District in which that use is located. To determine the minimum number of parking spaces required and the maximum allowed, locate the applicable standard based on the Form District/ Planned Development District in which the use is located in Table 9.1.1 and apply that standard to the requirements associated with the specific use located in Table 9.1.2.

[1] See appendix 1C for changes to this section in effect within the City of Middletown.

B. Parking Requirements for Additions to Existing Structures/ Uses. The following standards shall apply when any existing use or structure is proposed for an addition or expansion that increases the unit(s) of measurement (such as number of dwelling units, gross or leasable floor area, seating capacity, building or portion of building maximum occupancy/ capacity, or number of employees) used for computing the required parking facilities for that use.

1. When a lawful building or use not meeting the requirements for motor vehicle parking is increased in gross floor area by fifty (50) percent or less, then only the addition shall be required to meet the standards of this Part. The existing building or use is not required to come into compliance with the standards of this Part.

2. When a lawful building or use not meeting the requirements for motor vehicle parking is increased in gross floor area by more than fifty (50) percent, then both the existing building or use and the addition shall be required to meet the standards of this Part. This provision shall be cumulative and shall apply to any single or group of successive increases that occur after the effective date of this Part.

3. When a lawful building or use not meeting the requirements for motor vehicle parking is increased in gross floor area to the extent that three or less parking spaces are required as a result of the addition, no additional parking spaces shall be required. This exception shall be cumulative and in no case shall its use allow a single or group of successive increases that occur after the effective date of this Part to exceed the three parking space threshold.

C. Parking Requirements for a Change of Use. When a change of use occurs, the minimum number of parking spaces required by this Part for the new use shall be provided. These parking spaces must meet the dimensional requirements depicted in Section 9.1.13 of this Part. In those cases that the existing number of parking spaces on the site exceeds the maximum permitted by this Part for the new use, the new use may continue utilizing those parking spaces, but may not add new parking spaces without a Parking Waiver.

***Example**: In a 40,000 square foot building with a 30,000 square foot warehouse and a 10,000 square foot accessory office area, the required or allowed parking would be computed separately for the office and warehouse uses.*

D. Parking Requirements for Uses not Listed. Parking requirements for a use not specifically listed in Table 9.1.2 shall be determined by the Planning Commission or its designee based on the standards for the closest comparable use and on the particular parking demand and trip generation characteristics of the proposed use.

E. Different Use Areas

1. The number of parking spaces shall be computed based on the primary uses on the site except as stated in E.2. of this Section, below. Where there are two or more separate primary uses on a site, the required or allowed parking for the site shall be the sum of the required or allowed parking for the individual primary uses. For joint use parking provisions, see Section 9.1.6 of this Part.

2. When more than twenty (20) percent of the gross floor area of all buildings on a site is in an accessory use, the required or allowed parking shall be calculated separately for the accessory use.

   Exception: An accessory use constituting twenty (20) percent or less of the gross floor area of all buildings on a site shall be calculated independently when the accessory use is specified in the parking requirements for the primary use found in Table 9.1.2.

F. Calculations.

1. When the calculation of the number of required or allowed parking spaces result in fractions, any fraction less than one-half (1/2) shall be disregarded and any fraction of one-half (1/2) or more shall be rounded up to the next whole number.

2. If the maximum number of parking spaces allowed is less than one, then the maximum number is automatically increased to one.

3. If the maximum number of parking spaces allowed is less than or equal to the minimum number required, then the maximum number is automatically increased to one more than the minimum.

Table 9.1.1: Minimum and Maximum Parking Spaces Based on Form District/ Planned Development District

Neighborhood **Village** **Town Center** **Planned Village Development District**	**Minimum Required in Table 9.1.2 is Applicable** **Maximum Allowed in Table 9.1.2 is Applicable** Notes 1, 2, 7 and 8 are applicable in the Neighborhood, Village and Town Center Form Districts. If a development incorporates the options described in notes 1 and 2, the maximum cumulative reduction shall be 15%.
Traditional Neighborhood **Traditional Marketplace Corridor** **Traditional Workplace**	**Minimum Required in Table 9.1.2 is Applicable** **Maximum Allowed in Table 9.1.2 is Applicable** Notes 1, 2, 4, 6, 7 and 8 are applicable in the Traditional Neighborhood Form District.
Campus **Suburban Workplace**	**Minimum Required in Table 9.1.2 is Applicable** **Maximum Allowed in Table 9.1.2 is Applicable** Notes 1, 3, 7 and 8 are applicable in the Campus and Suburban Workplace Form Districts. If a development incorporates the options described in notes 1 and 3, the maximum cumulative reduction shall be 30%.
Downtown	**There is No Set Minimum in This Form District** **There is No Set Maximum in This Form District**
Regional Center **Marketplace Corridor**	Minimum Required in Table 9.1.2 is Applicable Maximum Allowed in Table 9.1.2 is Applicable Notes 1, 2, 5, 7 and 8 are applicable in the Regional Center and Suburban Marketplace Corridor Form Districts. If a development incorporates the options described in notes 1, 2 and 5, the maximum cumulative reduction shall be 20%.
Planned Transit Development District	80% of the Minimum Required in Table 9.1.2 is Applicable Maximum Allowed in Table 9.1.2 is Applicable Notes 2, 7 and 8 are applicable in the Planned Transit District.

Note: *All reductions are cumulative unless otherwise specified and, when utilized, all percentages shall be calculated using the minimum number of parking spaces required by Table 9.1.2.*

Table 9.1.1 Notes:

1. A ten (10) percent reduction in the minimum required number of spaces shall apply to any development with a regularly scheduled transit stop within 200 feet of the site, measured using the shortest walking distance (following sidewalks and designated crosswalks). The reduction shall be limited to five (5) percent in the Regional Center Form District. The reduction shall apply to any development within 200 feet of a designated transit route, rather than a stop, in the Traditional Neighborhood, Traditional Marketplace Corridor and Traditional Workplace Form Districts.

2. A ten (10) percent reduction in the minimum required number of spaces for non-residential uses shall apply to any neighborhood or community serving development that incorporates residential uses equal to 25% of the floor area of the total development, within or adjacent to the development site. The residential uses must be part of the same development plan, and credit may not be given for existing residential uses. Developments providing residential uses less than 25% of the non-residential area shall qualify for a proportional reduction in required parking spaces. (Proportional reduction in parking spaces means that a use providing residential floor area equal to 20% of the non-residential floor area receives an 8% reduction; 15% residential qualifies for a 6% reduction, etc.) If residential uses occupy upper story(ies) over non-residential use, no parking shall be required for dwelling units equaling 25% of the non-residential use. Residential uses greater than 25% of the non residential development shall provide parking in accordance with this Part.

3. Applicants may defer construction of up to 30% of the required number of spaces, if the applicant commits to implement a traffic demand management plan which eliminates the need for the number of parking spaces being deferred. This 30% deferral shall be in addition to any other reductions provided in this Part. The use of this provision shall require that an area owned or controlled by the applicant and large enough to provide the deferred parking spaces be set aside and maintained as open space. The plan shall be prepared in accordance with guidance established by the Planning Director. The Director shall consult with the agency responsible for approval of off-street parking facilities in review of the plan, and the Planning Director may approve, approve with conditions, or deny said plan. The deferral of parking space construction shall continue for as long as the traffic demand management plan is in effect and the demand for vehicle parking is satisfied on property owned or controlled by the applicant. The Director shall notify the building permit issuing department of any approved reduction in parking. Applicants shall agree to construct the deferred parking spaces if the Planning Director finds that any portion of the plan is not in effect or that the demand for vehicle parking is not being satisfied on the site. Provisions of the traffic demand management plan shall be enforceable in the same manner as binding elements.

4. No minimum number of spaces shall be required for residential uses that are located in the Central Business District.

5. An area equal to that needed to provide up to ten (10) percent of the parking spaces required for retail uses may be delineated from the balance of the parking lot with removable barriers and be used as open space, recreational facilities or outdoor sales/display area during the non-peak period (January 15th to November 15th or any other ten month non-peak period approved by the Planning Director). This area shall be surfaced with grass or a semi-pervious or other paving system, excluding asphalt or concrete, approved by the agency responsible for approval of off-street parking facilities. Parking areas existing at the time of adoption of this Chapter that are surfaced with hard and durable materials, including but not limited to asphalt and concrete, may comply with this note without modifying the existing surfacing material(s) only if the area meets the screening requirements for vehicle use areas as required in Chapter 10 of the Land Development Code.

__Note:__ When Outdoor Sales or Display is proposed in an area set aside in accordance with Note 5, the property must be appropriately zoned to allow such activities and the requirements of Section 4.4.8 of the Land Development Code must be met.

6. Reductions for uses allowed in the C-N zoning district:

   a. A use permitted in the C-N zoning district with less than 2,500 square feet of floor area can reduce parking space requirements by twenty percent up to three (3) spaces provided the use is not adjacent to another use owned or controlled by the same person.

   b. Commercial uses permitted in the C-N zoning district that occupy no more than 2,500 square feet of floor area and are located in corner commercial structures will have no parking spaces required. Expansion of these structures after the effective date of these regulations will void this exception. Corner commercial structures, as used in this Part, shall mean structures that were constructed prior to 1946 and were built to house a commercial establishment and are situated at an intersection.

7. A Parking Waiver must be obtained to reduce the minimum number of required parking spaces, except as provided in Table 9.1.1.

8. A Parking Waiver must be obtained to exceed the maximum number of parking spaces permitted except when those spaces in excess of the maximum allowed are located within a structured parking facility.

Table 9.1.2: Minimum and Maximum Motor Vehicle Parking Based on Use

USE	Maximum Required	Maximum Allowed
Use Category: Residential		
Single Family Dwellings		
Located on a lot < 6,000 sq. ft. in size:	1 space for each dwelling unit in Traditional Form Districts and 2 spaces for each dwelling unit within Suburban Form Districts (driveways, carports and garages may be used to fulfill this requirement)	No more than 3 vehicles owned or leased by a resident may be parked outdoors. This does not include vehicles parked in garages or carports with at least three sides enclosed. (See Section 9.1.15)
Located on a lot between 6,000 and 20,000 sq. ft. in size:	1 space for each dwelling unit in Traditional Form Districts and 2 spaces for each dwelling unit within Suburban Form Districts (driveways, carports and garages may be used to fulfill this requirement)	No more than 4 vehicles owned or leased by a resident may be parked outdoors. This does not include vehicles parked in garages or carports with at least three sides enclosed. (See Section 9.1.15)
Located on a lot > 20,000 sq. ft. in size:	1 space for each dwelling unit in Traditional Form Districts and 2 spaces of each dwelling unit with Suburban Form Districts (driveways, carports and garages may be used to fulfill this requirement)	No more than 5 vehicles owned or leased by a resident may be parked outdoors. This does not include vehicles parked in garages or carports with at least three sides enclosed. (See Section 9.1.15)
Duplexes	1 space for each dwelling unit (driveways, carports and garages may be used to fulfill this requirement)	No more than 3 vehicles owned or leased by a resident may be parked outdoors. This does not include vehicles parked in garages or carports with at least three sides enclosed. (See Section 9.1.15)
Multiple Family Dwellings		
Located within the Traditional Neighborhood, and Traditional Marketplace Corridor Form Districts:	1.5 space for each dwelling unit	2.5 spaces for each dwelling unit
Located within any other Form District:	1.5 spaces for each dwelling unit	3 spaces for each dwelling unit

USE	Minimum Required	Maximum Allowed
Senior Citizen or Retirement Facilities	.5 spaces for each dwelling unit, plus 1 space for each 2 employees on maximum shift	1.5 spaces for each dwelling unit, plus 1 space for each employee on maximum shift
Dwellings for Persons with Disabilities that Preclude Driving	.25 spaces for each dwelling unit intended for occupancy by persons with disabilities that preclude driving, plus 1.5 spaces for each dwelling unit intended to be occupied by support staff	.75 spaces for each dwelling unit intended for occupancy by persons with disabilities that preclude driving, plus 2 spaces for each dwelling unit intended to be occupied by support staff
Assisted Living Residences	.5 spaces for each dwelling unit, plus 1 space for each 2 employees on maximum shift	1.5 spaces for each dwelling unit, plus 1 space for each employee on maximum shift
Rooming, Boarding and Lodging Houses / Bed & Breakfast	.75 spaces for each bedroom	1.5 spaces for each bedroom
Fraternities and Sororities	2 spaces for each 3 bedrooms, or 1 space for each 50 sq. ft. of floor area used for meeting rooms, whichever is greater	1.5 spaces for each bedroom, or 1 space for each 30 sq. ft. of floor area used for meeting rooms, whichever is greater
College Dormitories	1 space for each sleeping room **OR** As determined upon review by the Planning Director	2 spaces for each sleeping room **OR** As determined upon review by the Planning Director
Accessory Residential Uses (e.g. swimming pools, club houses, tennis courts, etc.)	*As determined upon review by the Planning Director*	*As determined upon review by the Planning Director*
Use Category: Office		
General / Professional Office	1 space for each 350 sq. ft. of gross floor area	1 space for each 200 sq. ft. of gross floor area
Medical / Dental / Veterinary Office or Clinic	1 space for each 250 sq. ft. of gross floor area	1 space for each 150 sq. ft. of gross floor area
Telemarketing Facility / Call Centers and Similar Uses	1 space for each 250 sq. ft. of gross floor area	1 space for each 125 sq. ft. of gross floor area

USE	Minimum Required	Maximum Allowed
Banks and Related Financial Institutions Drive-Through and/or Walk In Facility- Drive-Through Only-	1 space for each 300 sq. ft. of gross floor area (See Section 9.1.14 for queue space requirements) 1 space for each 2 employees on maximum shift, plus 2 additional spaces (See Section 9.1.14 for queue space requirements)	1 space for each 200 sq. ft. of gross floor area 1 space for each employee on maximum shift, plus 2 additional spaces
Studios for Artist, Designers, Photographers and Similar Professionals	1 space for each practitioner occupying the site on a full time basis, plus 1 space for every 3 students if classes are conducted on the site	3 spaces for each practitioner occupying the site on a full time basis, plus 1 space for every student if classes are conducted on the site
Studios for Audio and Video Recording	2 spaces plus 1 space for each employee on maximum shift	5 spaces plus 1 space for each employee on maximum shift
Use Category: Industrial and Manufacturing		
Industrial, Manufacturing, Warehouse and Storage Uses	1 space for each 1.5 employees based on combined employment count of the main shift plus the second shift	1 space for each employee based on combined employment count of the main shift plus the second shift
Use Category: Retail		
Motor Vehicle Sales	1 space for each 7,000 sq. ft. of outdoor display/sales area, plus 1 space for each 250 sq. ft. of interior display/sales area, plus parking requirements for auto service establishment (if applicable)	1 space for each 5,000 sq. ft. of outdoor display/sales area, plus 1 space for each 150 sq. ft. of interior display/sales area, plus parking requirements for auto service establishment (if applicable)
Manufactured / Modular Home Sales	2 spaces for each employee on maximum shift, plus requirements for offices	3 spaces for each employee on maximum shift, plus requirements for offices
Grocery Stores	1 space for each 250 sq. ft. of gross floor area	1 space for each 200 sq. ft. of gross floor area

USE	Minimum Required	Maximum Allowed
Pharmacies / Drug Stores	1 space for each 300 sq. ft. of gross floor area used by pharmacist and related waiting areas, plus 1 space for each 250 sq. ft. of gross floor area of retail space (See Section 9.1.14 for queue space requirements)	1 space for each 200 sq. ft. of gross floor area used by pharmacist and related waiting areas, plus 1 space for each 150 sq. ft. of gross floor area of retail space
Convenience Stores and Gas Stations	1 space for each 200 sq. ft. of gross floor area (Parking spaces at gasoline pumps maybe used to satisfy these requirements)	1 space for each 100 sq. ft. of gross floor area
Book, Art, Gift, Pet, Music, Flower Shops and Similar Uses (if greater than 50,000 sq. ft., parking requirements for department / discount stores shall apply)	1 space for each 250 sq. ft. of gross floor area	1 space for each 150 sq. ft. of gross floor area
Furniture Stores	1 space for each 400 sq. ft. of gross floor area	1 space for each 200 sq. ft. of gross floor area
Pawn Shops	1 space for each 300 sq. ft. of gross floor area	1 space for each 200 sq. ft. of gross floor area
Hardware / Home Improvement Stores	1 space for each 300 sq. ft. of gross floor area, plus the requirements for any outdoor display or sales area	1 space for each 200 sq. ft. of gross floor area, plus the requirements for any outdoor display or sales area
Outdoor Display / Sales	1 space for each 500 sq. ft. of outdoor display or sales area	1 space for each 300 sq. ft. of outdoor display or sales area
Greenhouses and Nurseries	1 space for each 300 sq. ft. of gross floor area, plus the requirements for any outdoor sales area	1 space for each 150 sq. ft. of gross floor area, plus the requirements for any outdoor sales area
Department / Discount Stores	1 space for each 300 sq. ft. of gross floor area, plus the requirements for any outdoor sales area	1 space for each 200 sq. ft. of gross floor area, plus the requirements for any outdoor sales area

USE	Minimum	Maximum Allowed
Shopping Centers and Malls (A primarily commercial development that includes one or more retail uses. The total gross leasable area must be in excess of 50,000 square feet, in one or more buildings, located on one or more lots which are designed and laid out to function as an interrelated development, as evidenced by both shared driveways and common parking areas,)		
<400,000 sq. ft. of gross leasable area:	4 spaces for each 1,000 sq. ft. of gross leaseable area	5 spaces for each 1,000 sq. ft. of gross leaseable area
400,000 – 600,000 sq. ft. of gross leasable area:	4.5 spaces for each 1,000 sq. ft. of gross leaseable area	5.5 spaces for each 1,000 sq. ft. of gross leaseable area
>600,000 sq. ft. of gross leasable area:	5 spaces for each 1,000 sq. ft. of gross leaseable area	6 spaces for each 1,000 sq. ft. of gross leaseable area
	(Any use or group of uses located within a shopping center as defined herein shall have the option of meeting the parking requirements for the individual uses within the shopping center or the requirements for a shopping center, except that the minimum parking requirements for restaurants and movie theaters should be calculated independently.)	(Any use or group of uses located within a shopping center as defined herein shall have the option of meeting the parking requirements for the individual uses within the shopping center or the requirements for a shopping center, except that the maximum number of parking spaces permitted for restaurants and movie theaters should be calculated independently.)

USE	Minimum Required	Maximum Allowed
Use Category: Non-Retail Commercial / Recreational		
Restaurants Sit-down dining (with or without drive-through): *outside dining area subject to same requirements as indoor dining. Carry-out only (with or without drive-through):	1 space for each 125 sq. ft. of gross floor area (See Section 9.1.14 for queue space requirements) 1 space for each 200 sq. ft. of gross floor area (See Section 9.1.14 for queue space requirements)	1 space for each 50 sq. ft. of gross floor area 1 space for each 125 sq. ft. of gross floor area
Ice Cream Parlor / Coffee Shop *outside dining area subject to same requirements as indoor dining.	1 space for each 200 sq. ft. of gross floor area (See Section 9.1.14 for queue space requirements)	1 space for each 100 sq. ft. of gross floor area
Night Clubs, Taverns, dance Halls, Pool Halls, and Similar Uses	1 space for each 100 sq. ft. of gross floor area	1 space for each 50 sq. ft. of gross floor area
Movie Theaters and Cinemas (indoors)	1 space for each 4 seats	1 space for each 3 seats
Drive –In Movie Theater	1 space for each vehicle at maximum capacity, plus 3 spaces	1 space for each vehicle at maximum capacity, plus 10 spaces
Video Rental Stores	1 space for each 250 sq. ft. of gross floor area	1 space for each 200 sq. ft. of gross floor area
Roller or Ice Skating Rink	1 space for each 300 sq. ft. of gross floor area	1 space for each 150 sq. ft. of gross floor area
Bowling Alleys	4 spaces for each alley or lane	6 spaces for each alley or lane
Tennis Centers	1 space for each 2 employees on maximum shift, plus 4 spaces for each court	1 space for each employee on maximum shift, plus 6 spaces for each court

USE	Minimum Required	Maximum Allowed
Public Swimming Pools	1 space for each 100 sq. ft. of water surface area, plus 1 space for each 50 sq. ft. of site area used for spectator seating	1 space for each 60 sq. ft. of water surface area, plus 1 space for each 30 sq. ft. of site area used for spectator seating
Indoor Athletic and Exercise Facilities / Health Club / Gymnastic, Karate, Yoga Studios and Similar Facilities	1 space for each 300 sq. ft. of gross floor area	1 space for each 100 sq. ft. of gross floor area
Coliseums, Stadiums, and Similar Facilities	1 space for each 4 seats or 4 people accommodated at maximum capacity	1 space for each 2.5 seats or 2.5 people accommodated at maximum capacity
Golf Courses	2 spaces for each hole, plus 1 space for each 2 employees on maximum shift	4 spaces for each hole, plus 1 space for each employee on maximum shift
Skateboard Parks, Water Slides, and Similar Uses	1 space for each 5 people the facility is designed to accommodate at maximum capacity	1 space for each 2 people the facility is designed to accommodate at maximum capacity
Athletic Fields	To be determined by the Planning Director	To be determined by the Planning Director
Golf Driving Ranges and Miniature Golf Courses	1 space for each 1.5 tees, plus 1 space for each 1.5 employees on maximum shift	1 space for each tee, plus 1 space for each employee on maximum shift
Horseback Riding Stables (Commercial)	1 space for each horse boarded at the facility	3 spaces for each horse boarded at the facility
Auto Rental Agency	1 space for each 400 sq. ft. of gross floor area in the building, plus 1 space for each 2 employees on maximum shift, with a minimum of 5 spaces	1 space for each 200 sq. ft. of gross floor area in the building, plus 1 space for each employee on maximum shift

USE	Minimum Required	Maximum Allowed
Auto Service Establishments	1 space for each employee on maximum shift, plus 2 spaces for each service bay (service bay may count as 1 of the required spaces)	1 space for each employee on maximum shift, plus 5 spaces for each service bay (service bay may count as 1 of the required spaces)
Car Wash Conveyor Type Operated by Customer –	1 space for each conveyor unit or stall plus 1 space for each vacuum unit (if not accessible to queue spaces) (See Section 9.1.14 for queue space requirements)	2 spaces for each conveyor unit or stall, plus 1 space for each vacuum unit (if not accessible to queue spaces)
Conveyor Type Operated/ Washed by Employees –	1 space for each 2 employees on maximum shift (See Section 9.1.14 for queue space requirements)	1 space for each employee on maximum shift
Self-Service Manual Type-	2 spaces for each stall, plus 1 space for each vacuum unit (if not accessible to queue spaces) (See Section 9.1.14 for queue space requirements)	3 spaces for each stall, plus 1 space for each vacuum unit (if not accessible to queue spaces)
Barber and Beauty Shops	1 space for each 250 sq. ft. of gross floor area	1 space for each 100 sq. ft. of gross floor area
Electronic and Electrical Repair Service Shop	1 space for each 300 sq. ft. of gross floor area, with a minimum of 3 spaces	1 space for each 200 sq. ft. of gross floor area
Picture Framing, Photo Copying, Tailor Shops and Similar Service Shops	1 space for each 250 sq. ft. of gross floor area, with a minimum of 3 spaces	1 space for each 150 sq. ft. of gross floor area
Pet Grooming and Kennels	3 spaces, plus 1 for each 2 employees on maximum shift, plus 1 space for each 3 pet owners at maximum capacity if animal training classes taught on-site	5 spaces, plus 1 for each employee on maximum shift, plus 1 space for each 3 pet owners at maximum capacity if animal training classes taught on-site

USE	Minimum Required	Maximum Allowed
Laundromats and Dry Cleaners	1 space for each 300 sq. ft. of gross floor area (See Section 9.1.14 for queue space requirements)	1 space for each 150 sq. ft. of gross floor area
Catering Kitchen Preparing Food for Off-Site Consumption	2 spaces, plus 1 space for each 1.5 employees on maximum shift, plus 1 space for each business vehicle	4 spaces, plus 1 space for each employee on maximum shift, plus 1 space for each business vehicle
Hotels and Motels	1 space for each sleeping room or individual suite of sleeping rooms, plus 1 space for each 250 sq. feet of gross floor area within the restaurant / bar / entertainment facility (if applicable)	1.5 spaces for each sleeping room or individual suite of sleeping rooms, plus 1 space for each 100 sq. feet of gross floor area within the restaurant / bar / entertainment / meeting room facilities (if applicable)

USE	Minimum Required	Maximum Allowed
Use Category: Institutional		
Churches, Synagogues and Similar Religious Uses		
Where permanent seats installed:	1 space for each 3 seats in the sanctuary or primary assembly area	125% the minimum number of spaces required.
Where no permanent seats provided:	1 space for each 50 sq. ft. of seating area in the sanctuary or primary assembly area *When calculating the required parking for this use, one shall consider all uses associated with the primary use on the site and their hours of operation and peak hours of usage to determine the minimum number of parking spaces needed to adequately serve all uses associated with the primary use. The Planning Director may waive the requirements of Section 9.1.3 E. of this Part if adequate information is provided by the applicant to determine the cumulative parking needs on the site.	125% the minimum number of spaces required.
Trade, Business and Other Proprietary Schools	1 space for each 4 classroom seats, plus 1 space for each 3 employees on maximum shift	1 space for each 2 classroom seats, plus 1 space for each employee on maximum shift
Colleges and Universities	*As determined upon review by the Planning Director*	*As determined upon review by the Planning Director*
Grade, Elementary, and Junior High Schools	2 spaces for each classroom, or 1 space for each 5 seats in the primary assembly area, whichever is greater **OR** *As determined upon review by the Planning Director*	3 spaces for each classroom, or 1 space for each 3 seats in the primary assembly area, whichever is greater **OR** *As determined upon review by the Planning Director*

USE	Minimum Required	Maximum Allowed
High Schools	5 spaces for each classroom, or 1 space for each 4 seats in the primary assembly area, whichever is greater **OR** *As determined upon review by the Planning Director*	10 spaces for each classroom, or 1 space for each 3 seats in the primary assembly area, whichever is greater **OR** *As determined upon review by the Planning Director*
Day Care Centers, Day Nurseries, Nursery Schools and Similar Uses	2 spaces for each employee on maximum shift or 1 space for each employee on maximum shift plus an area designated for children drop-off and pick-up that must be approved by the agency responsible for the approval of off-street parking facilities.	4 spaces for each employee on maximum shift or 2 spaces for each employee on maximum shift plus an area designated for children drop-off and pick-up that must be approved by the agency responsible for the approval of off-street parking facilities
Funeral Homes and Mortuaries	1 space for each 150 sq. ft. of floor area in parlors or assembly areas	1 space for each 75 sq. ft. of floor area in parlors or assembly areas
Fire Stations With Full-Time Staff: With Voluntary Staff:	 1 space for each 2 employees on the maximum shift, plus 3 additional spaces 4 spaces for each piece of apparatus **OR** To be determined upon review by the Planning Director	 1 space for each employee on the maximum shift, plus 3 additional spaces 6 spaces for each piece of apparatus **OR** To be determined upon review by the Planning Director
Hospitals	To be determined upon review by the Planning Director	To be determined upon review by the Planning Director
Asylums, Institutions, and Homes for Convalescents, Orphans, or Indigents	1 space for each 6 beds	1 space for each 2 beds

USE	Minimum Required	Maximum Allowed
Social / Fraternal Clubs or Lodges, Union Halls and Similar Uses (individual recreational components should be counted separately)	1 space for each 150 sq. ft. of gross floor area	1 space for each 75 sq. ft. of gross floor area
Libraries, Museums, Art Galleries and Similar Uses	1 space for each 300 sq. ft. of gross floor area	1 space for each 150 sq. ft. of gross floor area
Post Office	1 space for each 300 sq. ft. of gross floor area	1 space for each 150 sq. ft. of gross floor area
Airports	To be determined upon review by the Planning Director	To be determined upon review by the Planning Director
Bus and Train Stations	To be determined upon review by the Planning Director	To be determined upon review by the Planning Director
Penal and Correctional Facilities	To be determined upon review by the Planning Director	To be determined upon review by the Planning Director
Use Category: Other / Miscellaneous		
Agricultural, Silvicultural, Mining, and Quarrying Operations	1.5 spaces for each 2 employees on maximum shift	1 space for each employee on maximum shift
Sanitary Landfill	To be determined upon review by the Planning Director	To be determined upon review by the Planning Director

9.1.4 Location of Parking on Lot

Off-street parking is prohibited in all required building setbacks unless specifically authorized in the Form District Regulations.

Exception: Parking for single-family residential uses and duplexes is permitted in the required front or street side yard only on a hard surface or approved semi-pervious driveway that does not exceed twenty (20) feet in width and that leads to a garage, carport, house or rear yard.

9.1.5 Off-Site Parking

A. Parking spaces required by this Part may be located off-site on property under the same ownership as the use the parking spaces are intended to serve. Such parking spaces intended to serve customers and clientele must be located within 500 feet, and spaces intended to serve employees and staff within 1,000 feet of the buildings or uses requiring the parking. The 500 and 1,000 feet requirements shall be measured by the shortest walking distance (using sidewalks and designated crosswalks) from the nearest point of the property on which the parking spaces are located, to the nearest point of the property on which the use is located and which the parking is intended to serve. The site must be properly zoned and have all proper approvals for automobile parking areas.

B. Parking spaces required by this Part may be located on property under separate ownership from the use the parking is intended to serve as long as the following conditions are satisfied.

1. The applicant(s) demonstrates that one or more uses located off-site exceed the minimum number of parking spaces required by this Part and are willing to allocate a certain number of the excess spaces to another use to meet its minimum number of required spaces.

2. The site is properly zoned and has all proper approvals for automobile parking areas.

3. Off-site parking spaces intended to serve customers and clientele must be located within 500 feet, and spaces intended to serve employees and staff within 1,000 feet of the buildings or uses requiring the parking. The 500 and 1,000 feet requirements shall be measured by the shortest walking distance (using sidewalks and designated crosswalks) from the nearest point of the property on which the parking spaces are located, to the nearest point of the property on which the use is located and which the parking is intended to serve.

4. All parties shall execute a properly drawn legal instrument/agreement providing for the use of the off-site parking spaces. This instrument shall be drawn to the satisfaction of the Planning Commission's attorney and shall be executed by all parties concerned assuring the availability of the number of spaces designated for off-site use and shall be recorded in the County Clerk's Office. No lease, easement or license of parking spaces may be cancelled without sixty (60) days prior written notice to the Planning Director and a copy of the signed lease, easement, license or agreement must be filed with the application. The applicants and their successors shall annually provide certification to the Planning Director that the parking spaces associated with the off-site parking agreement are still available. The applicant shall provide the Planning Director with immediate written notice at any time that any of the parking spaces associated with the off-site parking agreement become unavailable and shall have thirty (30) days from the time that the parking spaces associated with the off-site parking agreement became unavailable to provide the required number of parking spaces or to apply for a Parking Waiver to reduce the required number of spaces. The use's Certificate of Occupancy shall be conditioned upon the continued availability of the required number of parking spaces.

9.1.6 Joint Use Parking

The Planning Director or designee may authorize the joint use of required parking spaces when two or more uses on the same or separate properties are able to share the same parking spaces because their peak parking demands occur at different times. Joint use of off-street parking spaces shall be subject to the following:

A. A Parking Study that conforms to the requirements of Section 9.1.17 shall be submitted by the applicants.

B. The number of parking spaces which may be credited against the requirements for the structures or uses involved shall not exceed the number of spaces reasonably anticipated to be available during any hours of operation as determined by the Planning Commission based upon the recommendation of the applicable agency responsible for approval of off-street parking facilities.

Note: any joint use parking site must be properly zoned and have all proper approvals for automobile parking areas.

This lot is available from 6 P.M. to 11P.M. to patrons of

"MIKE'S DINER"

C. The joint parking spaces intended to serve customers and clientele must be located within 500 feet, and spaces intended to serve employees and staff within 1,000 feet of the buildings or uses being served by such facility, measured by the shortest walking distance (using sidewalks and designated crosswalks) from the nearest point of the property on which the parking facility is located, to the nearest point of the property on which the use is located and which the parking is intended to serve. Additionally, signage shall be provided identifying any parking spaces that are being leased or jointly used, who those spaces are available to, and any other restrictions (e.g time available) that may apply. The location and size of such signage shall be required as part of the joint use agreement and shall be subject to review and approval by the Planning Commission or its designee.

D. Off-street parking areas required for residential use shall not be included in any joint parking arrangement.

E. All parties shall execute a properly drawn legal instrument/agreement providing for the joint use of the off-street parking areas. This instrument shall be drawn to the satisfaction of the Planning Commission's attorney and shall be executed by all parties concerned assuring the availability of the number of spaces designated for joint use and shall be recorded in the County Clerk's Office. The applicants and their successors shall annually provide certification to the Planning Director that the parking spaces associated with the joint use agreement are still available. The applicant shall provide the Planning Commission with immediate written notice at any time that any of the parking spaces associated with the joint use agreement become unavailable and shall have thirty (30) days from the time that the parking spaces associated with the joint use agreement became unavailable to provide the required number of parking spaces or to apply for a Parking Waiver to reduce the required number of spaces. The use's Certificate of Occupancy shall be conditioned upon the continued availability of the required number of parking spaces.

9.1.7 Carpool Parking

For office, industrial, and institutional uses where there are more than 20 parking spaces designated for employee use on the site, the following standards must be met:

A. Five spaces or five percent of the parking spaces on the site, whichever is less, must be reserved for carpool use. More spaces may be provided, but are not required.

B. The spaces designated for carpool use will be those closest to the building entrance or elevator, but not closer than the spaces for disabled parking and those signed or intended for exclusive customer use.

C. Signs must be posted, or painted within the spaces, indicating that these spaces are reserved for carpool use.

9.1.8 Elevator Parking Systems

Elevator parking systems or vertical parking towers may be used to meet the minimum number of parking spaces required in accordance with the following:

Note: *Explanatory material on vertical parking towers is available from Planning and Design Services.*

A. The use of elevator parking systems or vertical parking towers may be permitted by the Planning Commission or its designee for any use as long as an attendant is present during all business or working hours to move vehicles. The applicant must file an agreement/guarantee with the Planning Commission or its designee ensuring that an attendant will always be present when the system/tower is in operation.

B. The use of elevator parking systems or vertical parking towers may be permitted by the Planning Commission or its designee for any office or industrial use without an attendant present if the parking spaces provided in this manner are designated for employee use only.

9.1.9 Stacked Parking

Stacked or valet parking may be used to meet the minimum number of parking spaces required in accordance with the following:

A. The use of stacked or valet parking may be permitted by the Planning Commission or its designee for any use as long as an attendant is present during all business or working hours to move vehicles. The applicant must file an agreement/guarantee with the Planning Commission or its designee ensuring that an attendant will always be present when the lot is in operation.

B. The use of stacked parking may be permitted by the Planning Commission or its designee for any office or industrial use without an attendant present if the parking spaces used in this manner are designated for employee use only.

C. The specific design and layout of stacked or valet parking areas shall be approved by the agency responsible for approval of off-street parking facilities.

9.1.10 Credit for On-Street Parking Spaces

Legal on-street parking spaces may be used to satisfy the minimum parking space requirements of this Part. The use of on-street parking spaces to satisfy the minimum parking space requirements of this Part, however, in no way limits the use of said parking spaces to customers, employees or visitors of that particular use. Such parking spaces shall be available to the general public. The use of this provision shall be in accordance with the following:

A. Credit for on-street parking spaces may be given only in the Neighborhood, Traditional Neighborhood, Traditional Marketplace Corridor, Traditional Workplace, Town Center, Downtown and Village Form Districts.

B. Any on-street parking space used in this manner must be located on a public street directly abutting and on the same side of the street as the development site.

C. On-street parking spaces whose use is governed by parking meters or by peak hour parking restrictions may not be used to satisfy the minimum parking requirements of residential uses, but may be used for all other uses as long as the restricted hours of use do not overlap with the land use's peak hours of operation. Bus stops, clear zones adjacent to curb cuts and other areas in which parking is prohibited shall not be included in the calculation of on-street parking spaces.

Example: A site with 56 feet of frontage on a public street can claim credit for three parking spaces; a site with 55 feet of frontage can claim credit for two spaces.

D. On-street parking spaces that are not directly abutting the development site may be counted towards the minimum parking space requirements only if specifically authorized by a Parking Waiver.

E. For the purposes of this section an on-street parking space shall be a minimum of 20 feet in length. Fractional spaces less than .8 (16 feet) shall not be counted as a parking space.

9.1.11 Use of Required Parking Spaces

The following shall apply to the use of required parking spaces and areas:

A. Required parking spaces must be available for the use of residents, customers, visitors or employees of the use. They may not be assigned in any way to a use on another site, except where the joint use parking provisions are employed (see Section 9.1.6).

B. Fees may be charged for the use of required parking spaces.

C. Required parking spaces and areas shall not be used for the display, advertisement, sale, repair, dismantling or wrecking of any vehicles, equipment or materials.

D. Buildings or structures shall be permitted for shelters for guards, attendants or watchmen; however, any such structure shall not occupy required parking spaces and shall be appropriately delineated on the approved development plan.

Example: *If a development is required to provide a minimum of eighty (80) parking spaces and provides one-hundred (100) parking spaces, then the developer shall have the option of surfacing twenty-five (25) percent of the development's total parking area using concrete, surfacing twenty parking spaces using semi-pervious paving systems, locating twenty parking spaces within a parking structure or elevator parking facility, or of providing 25% more canopy trees within the site's ILA's than is otherwise required.*

9.1.12 Parking Area Improvements and Maintenance

A. Surfacing and Facility Type.

1. All off-street parking areas except for those serving agricultural uses shall be of a hard and durable surface that limits or precludes particulate air pollution. Asphalt, brick, concrete paving and interlocking paving blocks, including semi-pervious systems that retain space for vegetation, are acceptable paving materials. Other paving materials (including gravel) may be permitted upon approval by the agency responsible for approval of off-street parking facilities but must include a binding agent to stabilize the surface and prevent dust.

2. Developments that provide more than fifty (50) off-street parking spaces and exceed the minimum number of parking spaces required by this Part shall either:

   a. Surface a portion of its total parking area proportional to the extent to which the minimum number of parking spaces is exceeded using concrete; or

   b. Surface the parking spaces in excess of the minimum using semi-pervious paving systems, or locate those parking spaces in excess of the minimum within parking structures or elevator parking systems: or

   c. Provide 25% more trees within the required Interior Landscape Area (ILA) than is otherwise required by Chapter 10 of the Land Development Code for the site's entire parking area. The trees provided shall be Type A trees that maximize the amount of shade that is provided within the parking area. Additionally, the ILA's shall be designed to maximize their ability to absorb the site's stormwater runoff in an effort to improve the water quality of the stormwater runoff and to provide an adequate water supply to ensure the long term health of the canopy trees.

      The Planning Commission may modify this requirement if the applicant demonstrates that an alternative site design, surfacing material or facility type offers greater environmental benefits than those associated with the requirements in this Part.

B. Striping. All off-street parking spaces, except for those serving detached single-family uses and agricultural uses, shall be delineated using durable painted lines that meet the Manual of Uniform Traffic Control Devices (MUTCD) standards or be approved by the agency responsible for approval of off-street parking facilities. The agency responsible for approval of off-street parking facilities may waive this requirement based on the particular surfacing material being used and other relevant factors.

C. Wheel Stops and Protective Curbing. Concrete wheel stops or curbing at least six (6) inches high and six (6) inches wide shall be provided to prevent vehicles from overhanging abutting sidewalks, properties or public rights-of-way, to protect landscaped areas and to protect adjacent properties. Such wheel stops or curbing shall be located at least three (3) feet from any adjacent wall, fence, property line, woody vegetation, walkway or structure.

D. Landscaping. Parking area landscaping shall be provided in accordance with Chapter 10 of the Land Development Code.

E. Lighting. Parking area lighting shall be provided in accordance with Chapter 4 of the Land Development Code.

F. Litter Receptacles. All off-street parking areas serving retail uses and restaurants shall provide at least one outdoor litter receptacle within the parking area or at the building entrance. One additional outdoor litter receptacle shall be provided within the parking area or at the building entrance for each seventy-five (75) parking spaces located on the site.

G. Handicapped Parking Spaces. Handicapped parking spaces shall be provided as required by local ordinances or Federal or State law.

H. Signage. All signs within off-street parking areas shall be approved by the agency responsible for approval of off-street parking facilities.

I. Maintenance. All off-street parking areas shall be permanently and continually maintained in good condition and free from potholes, weeds, dirt, trash and other debris.

9.1.13 Parking Area Layout and Design

A. Access to Parking Spaces.

1. All parking areas, except stacked parking areas, must be designed so that a vehicle may enter or exit without requiring another vehicle to move.

2. Except for single-family dwellings and duplexes, each off-street parking space shall open directly upon a private aisle or private driveway of such width and design as to provide a safe and efficient means of vehicular access between the parking space and public streets. Parking spaces shall be designed to preclude vehicles backing from or onto a public street. Non-residential off-street parking facilities designed for vehicles backing from or onto an alley may be allowed at the discretion of the Director of Works, while those designed for vehicles backing from or onto a private access easement may be allowed at the discretion of the agency responsible for approval of off-street parking facilities.

B. Parking Space and Aisle Dimensions

1. The dimensions of off-street parking spaces and associated drive aisles shall be determined by applying the minimum dimensional requirements found within Table 9.1.3..

2. Parking structures developed to provide the minimum number parking spaces required by this Part must meet the minimum dimensional requirements specified in Table 9.1.3, below. The design and layout of all other parking structures, including but not limited to those used to create parking spaces in excess of the maximum allowed for a particular use and those for-profit parking structures not associated with any particular use, shall be approved by the agency responsible for approval of off-street parking facilities.

Note: *The parking dimensions required by this Part are based on the parking turnover rate for various uses. The concept, which is published and recommended by ITE, is based upon the premise that the more frequently a parking space is entered and exited, the more space is needed to accommodate for driver error.*

3. Parking spaces serving single family residential developments located within driveways and garages need only meet the Stall Width and Stall Depth to Wall standards set forth in Table 9.1.3.

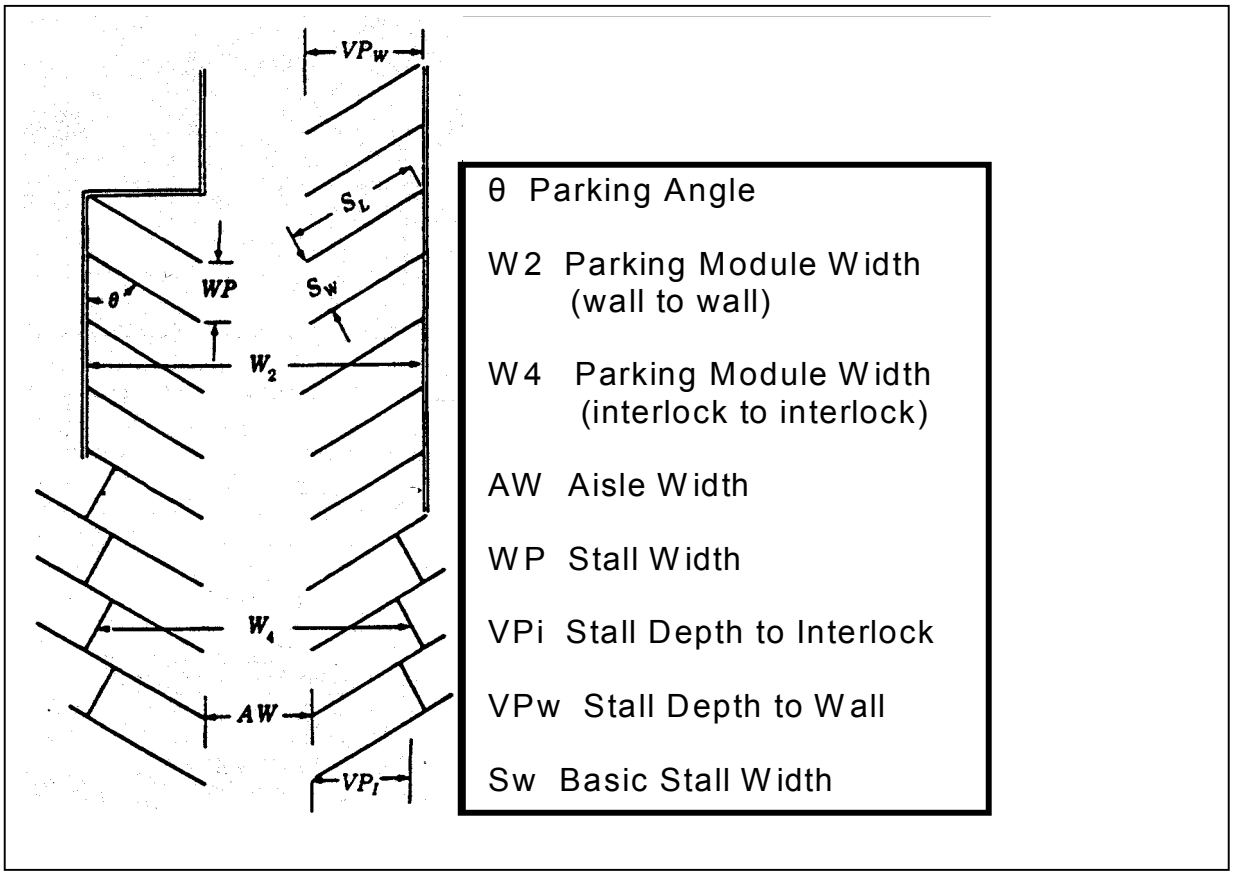
4. Parallel parking spaces shall be at least ten (10) feet in width and twenty- two (22) feet in length.

5. The Director of the Permit Issuing Authority may modify the dimensional requirements of this Section when he/she finds that such modifications would not adversely affect the functionality of the parking area and the safety of those that use it (such as the use of other acceptable standards like ITE Manual standards).

Table 9.1.3: Minimum Parking Dimensions By Parking Class

Parking Angle (degrees)	Sw Basic Stall Width (ft)	WP Stall Width Parallel to Aisle (ft)	VPw Stall Depth to Wall (ft)	Vpi Stall Depth to Interlock (ft)	AW Aisle Width (ft)	W2 Wall to Wall (ft)	W4 Interlock to Interlock (ft)
45	8.5	12.0	17.5	15.3	13	48	44
45	9.0	12.7	17.5	15.3	12	47	43
45	9.5	13.4	17.5	15.3	11	46	42
60	8.5	9.8	19.0	17.5	18	56	53
60	9.0	10.4	19.0	17.5	16	54	51
60	9.5	11.0	19.0	17.5	15	51	50
75	8.5	8.3	19.5	18.8	25	64	63
75	9.0	9.3	19.5	18.8	23	62	61
75	9.5	9.8	19.5	18.8	22	61	60
90	8.5	8.5	18.5	18.0	26	62	60
90	9.0	9.0	18.5	18.0	24	60	60
90	9.5	9.5	18.5	18.0	24	60	60

Figure 9.1.1: Parking Dimensional Layout Diagram



C. General Design Criteria

1. The parking areas of all developments shall be designed so that sanitation, emergency, and other public service vehicles can serve such developments without the necessity making hazardous turning movements.

2. Circulation areas shall be designed so that vehicles can proceed safely without posing a danger to pedestrians, bicyclists, or other vehicles and without interfering with parking areas. This includes the provision for “stop”, “yield”, “speed limit”, “do not enter” and other traffic signs at appropriate locations.

3. Vehicles parked on private driveways shall be arranged to avoid pedestrian / vehicle conflict (i.e. vehicles should not extent across sidewalks or other pedestrian facilities).

9.1.14 Queuing for Drive-Through Facilities

In addition to meeting the parking requirements of this Part, drive-through facilities shall comply with the following standards.

A. Spaces Required. The minimum number of queue spaces required shall be as follows. The Director of the Permit Issuing Authority may permit variations from these minimums when he/she finds that such modifications would not adversely affect the functionality of the parking area and the safety of those that use it. The Director of Works may require queue spaces in excess of the minimum when he/she finds that the proposed facility would cause traffic to back-up on a public thoroughfare.

Use	Minimum Spaces	Measured From
Bank Teller Lane, Laundromats/Dry Cleaners, Drug Store, Ice Cream Parlor/Coffee Shop Drive-Through Lane	3 per Lane	Teller or Window
Automated Teller Machine (ATM)	2 per Machine	Teller Machine
Restaurant Drive-Through	6 per Lane	Pick-up Window
Car Wash (Conveyor Type Operated by Customer)	4 per Conveyor Unit/Stall	Entrance
Car Wash (Conveyor Type Operated/ Washed by Employees)	6 per Conveyor Unit/Stall	Entrance
Car Wash (Self Service/ Manual)	2 per Stall	Stall

B. Minimum Dimensions. Each queue space shall be at least ten (10) feet in width and twenty (20) feet in length.

C. Design. Each queue lane shall be clearly defined and designated so as not to conflict or interfere with other pedestrian or vehicular traffic on the site.

9.1.15 Parking in Residential Areas

Note: This restriction prohibits the parking of tractor-trailers on a residential lot or on the street in a residential area in the Neighborhood , Traditional Neighborhood and Village Form Districts.

The following regulations shall apply to outdoor parking for all residential zoning districts located in allowed parking area in the Neighborhood, Traditional Neighborhood and Village Form Districts.

A. Parking of Passenger Vehicles and Light Trucks. Passenger vehicles and light trucks may be parked in any allowed parking area to the extent that the number of vehicles being parked does not exceed the maximum permitted in Table 9.1.2.

B. Parking of Medium and Heavy Trucks.

1. The parking of medium trucks shall count against the maximum number of vehicles allowed in Table 9.1.2 and shall be permitted as follows:

No more than one medium truck per dwelling unit may be parked outdoors on a lot that is less than 20,000 square feet in size.

No more than two medium trucks per dwelling unit may be parked outdoors on a lot that is greater than or equal to 20,000 square feet in size.

2. The parking of heavy trucks and equipment is prohibited.

C. Buses, Utility Trailers and Recreational Vehicles. Buses, utility trailers, recreational vehicles and trailers used to haul recreational vehicles may be parked in required parking spaces as specified in B above, but shall not be parked between the street and façade of the principal structure on the lot. These vehicles shall count toward the maximum number of vehicles permitted on a lot. For purposes of this regulation a recreational vehicle on a trailer shall be considered as one vehicle.

Note: Abandoned, Junked and Inoperable Vehicles are regulated by various City and County Ordinances.

Exception: Those located within multi-family developments that consist of six (6) or more apartment units shall be parked in areas set aside for such parking and shall be screened using a continuous vegetative hedge at least three (3) feet in height.

D. Vehicle Service and Repair. Service and repair of vehicles not owned or leased by and registered to a resident of the site is prohibited. Vehicles may be serviced and repaired provided that the conditions listed in either 1 and 2 or 3 and 4, below, are met..

1. The vehicles are owned or leased by and registered to residents of the site; and

2. The service and repair is minor. Minor service and repair includes tune-ups, replacement and servicing of oil and other fluids, and replacement and adjustment of minor parts such as tires, hoses, belts, filters, fuses and similar items. It does not include: body and fender repair and replacement; painting; engine or transmission removal or replacement; or any work using welders, torches, or air-driven power tools.

OR

3. The vehicles are owned or leased by and registered to residents of the site; and

4. All work occurs within a completely enclosed structure.

9.1.16 Parking Waiver Provisions

A. General Parking Waivers. In extraordinary cases in which the requirements of this Part would create hardship in the use of a particular site, the Planning Commission may consider granting a General Parking Waiver.

1. When Required. General Parking Waivers are required when an applicant wishes to provide less parking spaces than are required by this Part, when an applicant wishes to provide more parking spaces than are allowed by this Part, or when an applicant wishes to use on-street parking spaces that are not directly adjacent or abutting the development site or parking spaces located in a public parking lot to meet the minimum number of spaces required by this Part.

2. Application Requirements. General Parking Waiver applications must provide the following:

a. A completed application form.

b. A district development plan depicting the use and the off-street parking areas which, except as otherwise specified herein, shall be processed, implemented and enforced as prescribed by other portions of the Land Development Code. The applicant shall pay the fee specified for such a request unless the request is processed with a request for rezoning relating to the same property.

c. The names and addresses of all persons designated by the property valuation administrator as owners of property within 200 feet of subject property and within 100 feet of any on-street parking space or public parking lot proposed to be used to meet the requirements of this Part.

d. Parking Study as prescribed in Section 9.1.17 of this Part.

e. A current recorded deed with an "End of Document Stamp" on the last page.

f. Any other submittal requirements as determined by the Planning Director.

3. Process.

a. The Planning Commission shall hold a public hearing to consider any request for a General Parking Waiver, except as stated in Section 9.1.16 A. 3. b., below. It shall send notice of the public hearing to those meeting the criteria of Section 9.1.16 A. 2. c., above, using the information provided by the applicant, by first class mail not less than seven (7) and not more than thirty (30) days prior to the hearing.

b. The Planning Commission's designee may waive the requirement for a public hearing and take action on General Parking Waivers requesting a reduction of five (5) or fewer parking spaces not to exceed the maximum parking waiver percentage permitted within the form district (see number 4 below) or a reduction constituting less than ten (10) percent the total number of required parking spaces, not to exceed twenty five (25) spaces. Notice shall be sent stating that a General Parking Waiver has been filed and that the Planning Commission's designee may waive the public hearing requirements and take action on the request. The notice shall be sent following the same criteria depicted in Section 9.1.16 A. 3. a., above.

4. Maximum Waiver Reductions. The maximum reduction in the required number of parking spaces that can be granted by a General Parking Waiver shall be as follows:

a. No more than a thirty three (33) percent reduction shall be permitted within the Neighborhood, Village, Campus, Town Center, Regional Center, Suburban Marketplace Corridor and Suburban Workplace Form Districts.

b. No more than a fifty (50) percent reduction shall be permitted within the Downtown, Traditional Neighborhood, Traditional Marketplace and Traditional Workplace Form Districts.

c. A one hundred (100) percent reduction may be permitted in the Central Business District.

5. Required Findings**.** In granting a General Parking Waiver the Planning Commission must find that:

a. All General Parking Waivers

   i. The Parking Waiver is in compliance with the Comprehensive Plan.

b. Waivers to Reduce the Minimum Number of Required Parking Spaces

   ii. The applicant made a good faith effort to provide as many parking spaces as possible on the site, on other property under the same ownership, or through joint use provisions; and

   iii. The requested waiver is the smallest possible reduction of parking spaces that would accommodate the proposed use; and

   iv. Adjacent or nearby properties will not be adversely affected; and the requirements found in Table 9.1.2 do not accurately depict the parking needs of the proposed use and the requested reduction will accommodate the parking demand to be generated by the proposed use.

c. Waivers to Provide More Parking Spaces than the Maximum Allowed

   The requirements found in Table 9.1.2 do not allow the provision of the number of parking spaces needed to accommodate the parking needs of the proposed use and the requested increase is the minimum needed to do so.
   The Planning Commission's designee may waive the requirement for a public hearing and take action on Maximum Parking Waivers requesting an increase of five (5) or fewer parking spaces or an increase constituting less than ten (10) percent of the total number of required parking spaces, not to exceed twenty five (25) spaces. Notice shall be sent stating that a General Parking Waiver has been filed and that the Planning Commission's designee may waive the public hearing requirements and take action on the request. The notice shall be sent following the same criteria depicted in Section 9.1.16 A. 3. a., above.

d. Waivers for Use of On-Street Parking Spaces Not Adjacent to Site or Public Parking Lots or Facilities to Meet Minimum Parking Requirements

   i. There is a surplus of on-street parking or public parking lots or facilities in the area that are not being currently utilized and can accommodate the generated parking demand; and

   ii. Adjacent or nearby properties will not be adversely affected.

6. Continued Validity. The continued validity of a Parking Waiver shall be in accordance with following:

   a. Any reduction of the required number of parking spaces granted by the Planning Commission shall be limited to the specific use of the property and the amount of parking shown on the district development plan.

   b. Any expansion of the use beyond what is depicted on the development plan shall provide parking as required by this Part.

   c. Any change of use of property that has been granted a parking waiver shall be reviewed by the Planning Commission. If the Commission determines that the change in use may have a substantial impact on the need for parking facilities, the Commission shall hold a public hearing to determine if the reduction of parking spaces granted to the previous use shall apply to the new use.

B. Residential Revitalization Parking Waivers. In cases in which the minimum parking space requirements of this Part would create hardship in the use of a particular site for residential purposes, the parking space requirements may be reduced by up to one hundred (100) percent of the spaces normally required if:

   1. The site is located within a Traditional Neighborhood, Traditional Marketplace Corridor, Traditional Workplace or Town Center Form District.

   2. The Planning Commission finds that the reduction of parking requirements will not create a shortage of parking spaces in the surrounding area and that the provision of parking spaces as prescribed in this Part would create a hardship or would entail extraordinary expense; and

   3. For requests for reduction of parking requirements by ten (10) or more spaces, the Planning Commission finds the request to be in conformance with the Comprehensive Plan. The Planning Commission may hold a public hearing on the waiver request if it determines that a public hearing is necessary.

4. Planning Commission approval or denial of any residential revitalization parking waiver request may be reviewed by the legislative body having zoning authority over the property in question, if said legislative body determines that such a review is warranted. Any such review shall be conducted as a public hearing. The owner(s) of the subject property or any aggrieved party may request such a hearing by written letter to the appropriate legislative body stating the reason(s) why such a review is warranted. Such letter shall be filed with the appropriate legislative body within fifteen (15) days from the date the minutes of the Planning Commission are approved reflecting its action regarding said residential revitalization parking waiver request. The legislative body shall forward a copy of said letter to the owner of the subject property, if the owner is not the applicant for the review. A copy of said letter shall also be forwarded by the legislative body to the Planning Commission.

   a. If the legislative body determines that a review regarding the residential revitalization parking waiver request is warranted, it shall inform the Planning Commission, by letter, of the date, time, place, and subject of the public hearing concerning the review.

   b. The legislative body shall notify, by letter, all parties of record to any Planning Commission hearing previously held regarding the subject residential revitalization parking waiver request, and all owners of property adjoining the subject property of the date, time, place, and subject of the hearing.

   c. The public hearing shall include a presentation by the Planning Commission stating the reason(s) for its action pertaining to the residential revitalization parking waiver request. In addition, any applicant for review of the Planning Commission's action pertaining to said request shall state why he believes the Planning Commission's action was not justified. The legislative body may hear any other such witnesses and review any other evidence at the hearing it deems appropriate.

   d. The legislative body may adopt a resolution approving or denying the residential revitalization parking waiver request, but it must act no later than sixty (60) days from the time Planning Commission acts on the waiver request.

9.1.17 Parking Studies

A. When Required. A Parking Study shall be required when any of the following occurs:

1. An applicant wishes to utilize the Joint Use Parking provisions described in Section 9.1.6.

2. An applicant requests a General Parking Waiver to allow the provision of less parking spaces than are required by this Part.

3. An applicant requests a General Parking Waiver to allow the provision of more parking spaces than is allowed by this Part.

4. An applicant wishes to use on-street parking spaces that are not directly adjacent to or abutting the development site or parking spaces in a public parking lot to meet the minimum number of parking spaces required by this Part.

5. The Planning Director, upon consultation with the Director of Works and the agency responsible for approval of off-street parking facilities, requests a Parking Study due to unusual circumstances on or near the site.

B. Content. A Parking Study submitted to satisfy the requirements of this Part shall include the following information based upon the reason the Parking Study is required. The Planning Director, upon consultation with the Director of Works and the agency responsible for approval of off-street parking facilities, may waive any of these required contents or require additional information depending upon the specifics of the application. The Parking Study shall be reviewed by, and must be acceptable to, the Planning Director, upon consultation with the Director of Works and the agency responsible for approval of off-street parking facilities.

1. Joint Use Parking

a. A description of each site's use(s) including a detailed calculation of its required/allowed parking, a listing of peak hour(s) of parking demand for each use and/or site, and an inventory of existing spaces on each site; and

b. The results of at least three separate site surveys, conducted on different days, that depict the usage of the existing parking spaces hourly during the peak hours of usage and hourly four hours before and after that time. Site surveys are not needed for any portion of the period four hours before and after the peak hour in which the use is not in operation. One of the days surveyed should be the peak day or busiest day of operation, if one can be determined for the specific use(s); and

c. Any other information requested by the Planning Director or the agency responsible for approval of off-street parking facilities.

d. A map showing the location of on-street and off-street parking spaces used in the parking study. The map shall clearly delineate the location and number of spaces used in the study.

2. Parking Waivers for Space Reductions or Increases.

   a. An analysis of the peak parking demand for two similar or like facilities in terms of use and size. The analysis should include the facilities' peak parking days of the week and hours of the day, as depicted by a study of the existing parking spaces hourly during the peak hours of usage and hourly four hours before and after that time for each facility. It should also include the number of spaces each facility contains; or

   b. The results of at least three separate site surveys, conducted on different days, that depict the usage of the existing parking spaces hourly during the peak hour of usage and hourly four hours before and after that time for a similar or like facility. Site surveys are not needed for any portion of the period four hours before and after the peak hour in which the use is not in operation. One of the days surveyed should be the peak day or busiest day of operation, if one can be determined for the specific use(s); and

   c. Any other information requested by the Planning Director or the agency responsible for approval of off-street parking facilities.

   d. A map showing the location of on-street and off-street parking spaces used in the parking study. The map shall clearly delineate the location and number of spaces used in the study.

3. Parking Waivers for Use of On-Street Parking Spaces Not Adjacent to Site or Spaces Located in Public Parking Lots

   a. A map depicting the site and all lots, uses, streets, and alleys adjacent to on-street parking spaces proposed to be used to satisfy the minimum parking space requirements of this Part. The map should also depict the on-street parking spaces or public parking lot and should be drawn to scale and include a north arrow; and

   b. The results of at least three separate site surveys, conducted on different days, that depict the usage of the existing on-street parking spaces or public parking lot during the peak hour of usage and four hours before and after that time. Site surveys are not needed for any portion of the period four hours before and after the peak hour in which the use is not in operation. One of the days surveyed should be the peak day or busiest day in the vicinity, if one can be determined for the specific use(s); and

   c. Any other information requested by the Planning Director or the Director of Works.

d. A map showing the location of on-street and off-street parking spaces used in the parking study. The map shall clearly delineate the location and number of spaces used in the study.

9.1.18 Loading Area Requirements

All buildings and uses that require the receipt or distribution of materials or merchandise by medium or heavy trucks or similar vehicles shall provide loading space in accordance with this Part.

A. The following requirements for loading areas shall be applicable within the Neighborhood, Village, Campus, Town Center, Regional Center, Suburban Marketplace Corridor and Suburban Workplace Form Districts:

1. New buildings, or buildings structurally altered to the extent of increasing floor area to an amount equal to the minimum floor area required to provide loading space, shall provide the number of spaces in accordance with its class of use as prescribed by this Section. Only that portion erected or expanded after the effective date of this Part shall be required to meet the provisions of this Section.

a. Commercial, industrial, and public utility uses, which have gross floor area of 5,000 square feet or more, shall provide off-street truck loading or unloading berths in accordance with the following:

Square Feet of Floor Area	Number of Berths Required
Less than 5,000	0
5,000 to 30,000	1
30,001 and over	2 plus 1 for each additional 90,000 square feet or portion thereof

b. Office buildings, hotels, hospitals and institutions, schools and colleges, public buildings, recreational or entertainment facilities, and any similar use which has a gross floor area of 100,000 square feet or more shall provide off-street truck loading or unloading berths in accordance with the following:

Square Feet of Floor Area	Number of Berths Required
Less than 100,000	0
100,001 to 200,000	1
200,001 and over	2 plus 1 for each additional 150,000 square feet or portion thereof.

c. Restaurants that have a gross floor area greater than 30,000 square feet shall provide at least one off-street truck loading or unloading berth.

2. The minimum size of an off-street loading berth shall be 10 feet by 50 feet, with a height clearance of 14 feet, exclusive of driveways and maneuvering space. The loading berth shall be designed and located to preclude the need of a delivery vehicle to back onto a public right-of-way.

3. Loading and unloading spaces shall not constitute required off-street parking space; nor shall any off-street parking area be used for off-street loading purposes. No loading area may be located in the required yards.

4. The number and size of loading berths required by this Part may be reduced by up to fifty (50) percent or by one berth, whichever is greater, by the agency responsible for approval of off-street parking facilities upon demonstration by the applicant that the proposed building or use can be adequately served by fewer and/or smaller berths than is required by this Part.

B. The following requirements for loading areas shall be applicable within the Downtown, Traditional Neighborhood, Traditional Marketplace and Traditional Workplace Form Districts:

1. New buildings or uses shall provide truck loading or unloading berths adequate to serve the proposed use. The Director of Works, upon consultation with the agency responsible for approval of off-street parking facilities, shall determine the minimum number and size of off-street loading berths required.

2. The proposed building or use may fulfill minimum loading requirements by providing a combination of both off-street loading berths and on-street loading zones. The Director of Works, upon consultation with the agency responsible for approval of off-street parking facilities, shall make a determination of the minimum number and size of off-street loading berths based on a review of the development and circulation plans and other supporting documentation submitted by the applicant.

The intent of this Part is to provide an adequate quantity of bicycle parking facilities in proportion to the need created by each land use. These regulations are further intended to provide durable bicycle parking facilities that provide good support of the bicycle frame.

9.2.1 Relationship to the Comprehensive Plan

The bicycle parking standards prescribed by this Part are intended to implement the following Cornerstone 2020 Comprehensive Plan Goals and Plan Elements.

Mobility Strategy Goal I7	Guideline 9

9.2.2 Applicability

__NOTE:__ Temporary C.O. could be issued, to avoid costly delays for new developments in the process of installing bicycle facilities.

The requirements of this Part shall apply to all bicycle parking devices/facilities in all Form Districts, whether required by this Land Development Code or created for the convenience of property owners or users. No permanent certificate of occupancy shall be provided unless and until the appropriate bicycle parking facilities are provided in compliance with this Part.

9.2.3 Parking Device Type and Location Requirements

The type of bicycle parking facility, method of installation, and location of the device must be in accordance with the Bicycle Parking Facility Design Manual found in Appendix 9A. Any deviations from this Manual must be approved by the Director of Public Works. Whenever the device will be placed in the public right-of-way, the Public Works Department must approve the location.

9.2.4 Signage Requirements

Instructional signs are required unless the design of the parking device is so common or straightforward that its mode of use is self-evident. Directional signs are required if the parking locations are not easily visible when approaching the area. Directional signs that will be placed within the public right-of-way must conform to the Manual of Uniform Traffic Control Devices and be approved by the Public Works Department..

9.2.5 Parking Space Requirements

A. Calculating Space Requirements. The requirements listed in Table 9.2.1 pertain to the **number of spaces** for bicycle parking. One bicycle parking rack may have room for several parking spaces. Where an option is provided, whichever results in the greatest number of spaces is the minimum required. For land uses not specifically mentioned in the table, requirements will be determined based on the most similar use listed, except that single family and multi-family residential dwellings are exempt from bicycle parking requirements.

B. Parking Requirements for Additions to Existing Structures/ Uses. The standards in Table 9.2.1 shall apply when any existing use or structure is proposed for an addition or expansion that increases the unit(s) of measurement (such as number of dwelling units, gross floor area, seating capacity, or number of employees) used for computing the required parking facilities for that use. When a lawful building or use not meeting the requirements for bicycle parking is increased in gross floor area by fifty (50) percent or less, then only the addition shall be required to meet the standards of this Part. The existing building or use is not required to come into compliance with the standards of this Part. When a lawful building or use not meeting the requirements for bicycle parking is increased in gross floor area by more than fifty (50) percent, then both the existing building or use and the addition shall be required to meet the standards of this Part. This provision shall be cumulative and shall apply to any single or group of successive increases that occur after the effective date of this Part.

C. Reduction or Waiver Requirements. The Planning Director, upon consultation with the Director of Public Works and the Director of Building Permits, is authorized to reduce or waive the bicycle parking space requirements if there are extraordinary circumstances related to land use, adjacent road network and bicycle accessibility, availability of bicycle parking off the premises, or other mitigating circumstances.

D. Short-term and Long-term Parking**.** Public bicycle parking facilities within the same block face, or within 400 feet of the main entrance for a business within a shopping center, may satisfy short-term parking requirements. Secured storage facilities with ample room and accessibility for bicycles may satisfy long-term parking requirements. While Table 9.2.1 divides the parking space requirements into long-term and short-term requirements, any bicycle parking facility that is approved in the Bicycle Parking Design Manual or specifically approved by the Public Works Department can be used to satisfy either long-term or short-term requirements. However, for maximum utilization of the parking facilities, it is recommended that the long-term parking spaces be secure and suitable for all-day parking.

Refer to the Bicycle Parking Design Manual, in the Appendix, for illustrations of acceptable bike parking facilities.

Short-term Parking - *Short-term parking is mainly for visitors and customers. Some short-term bicycle racks have spaces for several bicycles.*
Long-term Parking - *Long-term parking is for all-day users. They can be bicycle lockers, "bike banks," bicycle racks in enclosed areas, or space within a building where workers may park a bicycle for the day . Many long-term parking facilities have space for only one bicycle.*

Table 9.2.1: Bicycle Parking Requirements by Land Use

[redacted]	[redacted]	[redacted]	[redacted]
Residential	Boarding houses	2, or 1 per ten sleeping rooms	None
	Hotels, motels	2, or 1 per 50 employees	None
Commercial / Industrial	Retail sales, service operations *	2, or 1 per 50,000 square feet of gross floor area	2, or 1 per 25,000 square feet of gross floor area
	Office buildings **	2, or 1 per 50,000 square feet of gross floor area	2, or 1 per 50,000 square feet of gross floor area
	Museums, libraries	2, or 1 per 50 employees	4, or 1 per 25,000 square feet of gross floor area
	Movie theaters	2, or 1 per 50 employees	4, or 1 per 50 seats
	Restaurants, ice cream shops, coffee shops	2, or 1 per 50 employees	4, or 1 per 50 seats
	Recreation centers	2, or 1 per 50 employees	4, or 1 per 25,000 square feet of gross floor area
	Major event entertainment (e.g., stadiums, arenas)	2, or 1 per 50 employees	8, or 1 per 500 seats
	Manufacturing	2, or 1 per 50 employees	None
	Warehousing	2, or 1 per 50 employees	None
Institutional	Medical centers	2, or 1 per 50 employees	2, or 1 per 25,000 square feet of gross floor area
	Transit park and ride lots	1 per 50 daily boardings	None

* Retail businesses below 3,000 square feet of gross floor area are exempt from bicycle parking requirements

** Office buildings below 10,000 square feet of gross floor area are exempt from bicycle parking requirements

Appendix 9A
Bicycle Parking Design Manual, 2002

Many people refrain from riding their bicycles for basic transportation because of a lack of secure bicycle parking spaces. The purpose of this Bicycle Parking Design Manual is to assist with the selection and installation of bicycle parking.

What are the required criteria for an acceptable bicycle parking device?

- A durable, securely-anchored device that supports the frame of the bicycle in at least one place
- The device must accommodate a high security U-shaped lock that can secure the frame and at least one wheel or a cable lock that can secure the frame and both wheels.
- Each parking space must have the following dimensions: 2 feet wide, 6 feet long and 7 feet high

Examples of acceptable short-term bicycle parking devices:

"Inverted U" Racks

This rack provides two bicycle parking spaces and supports each bicycle frame in two places. It is one of the most recommended types of bicycle parking devices. In fact, some cities have decided to exclusively require this type of rack. The height and width of this rack vary (width 18 to 30 inches; height 32 to36 inches). Some trade names are "rib" and "bike dock."

Connected Series of Angled "Inverted U" Spaces

The rack can contain a series of connected "inverted U" sections. In order to count each "inverted U" as space for two bicycles, they must be situated so that there is adequate space between them. Otherwise each "inverted U" would count as only one space. The racks with parallel sections, where two bicycles can be parked on each side of the sections are shown below.

Continuous Chain of "Inverted U" Spaces

These racks are often referred to as "waves." The "inverted U" spaces in this type of rack are continuous and the bicycle parking spaces are perpendicular to the "inverted U" rather than parallel as in the single "inverted U" devices or the connected angled "inverted U" spaces discussed above. Some cities have made this rack type unacceptable because some cyclists park their bicycle parallel to the rack, potentially decreasing the number of bicycle spaces available to subsequent cyclists parking at the device.

We have chosen to allow this device, but caution its use. Below on the left are two bicycles parked properly. Below on the right are two bicycles parked parallel to the rack. While one more bicycle can be parked on the right side of the rack (in perpendicular position) in both views below, the situation of parking parallel to the rack could make it difficult or impossible to park another bicycle at the rack.

In addition, the manufacturers of some "wave" type racks state that their rack can hold more bicycles than is possible given the need for each space to be 2 feet wide and 6 feet long. The manufacturer of the "wave" rack pictured above states it will accommodate five bicycles. For that to be true bicycles would need to be parked from both directions and there would still be bicycles not fitting unless the 2 by 6 feet space is available. Therefore, caution must be used. If this type of rack is desired, consultation from Planning and Development Services is available to determine how many spaces can be counted, given the dimension of the rack and the available space for its installation.

Custom Bicycle Racks

There are some individuals who have fabricated a special bicycle rack. As long as each parking space meets the criteria listed in this Manual, special bicycle racks can be approved for use. Some examples are pictured below.

Each of these custom racks consists of a durable, securely-anchored device that supports the bicycle frame in two places, the ability to accommodate a U-shaped lock or a cable lock, and two parking spaces of 2 feet by 6 feet with adequate height. There are now some firms that manufacture something similar to the rack above on the left.

Examples of acceptable long-term bicycle parking devices:

Bicycle Bank

This is a secure bicycle parking device for one bicycle that is designed for long-term parking. It is only available from Graber Products, Madison, Wisconsin. The device has mechanisms that hold each wheel and the frame in place (as well as a locker for gear) and all are securely locked with one U-shaped lock.

Bicycle Locker

This is a fully enclosed, secure locker that can hold a bicycle and gear. It protects the bicycle from the weather and is intended for long-term storage. There are various mechanisms for locking the door.

Other Long-Term Parking
A secured storage facility that has ample room and accessibility for employees to park their bicycles may be used to satisfy the parking requirements as long as it meets all the criteria for an acceptable parking facility in this Manual.

Examples of Unacceptable Bicycle Racks:

Bicycle racks and parking devices that only support one wheel of the bicycle are not acceptable for satisfying the LDC Bicycle Parking Standards. Some names commonly used for these racks are:

- wheel holder
- fence style
- grid style

Illustrations of Unacceptable Bicycle Racks:

What are the requirements for selecting a location for the bicycle parking device?

- If there is one building associated with the installation, locate short-term bicycle parking devices at least as close to the primary entrance as is the nearest non-handicapped automobile parking space.
- Parking spaces must be at least 6 feet (1.8 m) long and 2 feet (0.6 m) wide with an overhead clearance of 7 feet (2.1m).
- Device must be a minimum of 2 feet from a parallel wall and 2.5 feet from a perpendicular wall.
- Provide an aisle of at least 5 feet (1.5 m) between rows of bicycle parking.
- If located on or next to a sidewalk, a minimum of 5 feet of clear sidewalk must remain when bicycles are parked at the device
- If the device is installed at a transit stop, its location cannot impede transit boarding.
- The bicycle parking device cannot impede pedestrian travel.
- Where automobile parking is covered, bicycle parking shall also be covered.
- If the installation is near a curb on a street with motor vehicle parking, at least three feet of space must remain between a bicycle parked at the rack and the curb.
- Whenever the device will be placed in the public right-of-way, the Public Works Department must approve the location.

What are the signage requirements for bicycle parking facilities?

- Instructional signs are required unless the design of the bicycle parking facility is so common or straightforward that its mode of use is self-evident to a prospective user.
- Directional signs are required if the parking locations are not easily visible when approaching the area. Directional signs that will be placed within the public right-of-way must conform to the Manual of Uniform Traffic Control Devices and be approved by the Public Works Department.

For more information or assistance, please contact Jefferson County Planning and Development Services 574-6230.

Chapter 10	**Tree Canopy, Landscaping and Open Space**		
	Part 1	**Tree Canopy**	**10.1-1**
	Part 2	**Landscape Design**	**10.2-1**
	Part 3	**Parkway and Scenic Corridor Development Standards**	**10.3-1**
	Part 4	**Implementation Standards**	**10.4-1**
	Part 5	**Open Space Standards**	**10.5-1**
	Part 6	**Streetscape Master Plan**	**10.6-1**
	Appendix 10A	*Preferred Plant List*	*10A-1*
	Appendix 10B	*Prohibited Plant List*	*10B-1*
	Appendix 10C	*Parkways, Gene Snyder Freeway, Olmsted Parkway and Scenic Corridor Maps*	*10C-1*

The intent of this Part is to protect, conserve and replace trees in order to enhance community character, provide wildlife habitat, maintain air and water quality, prevent soil erosion, provide noise buffers, and enhance property values. This Part is also intended to provide several alternative means to the Planning Commission to further the goals and objectives of the Comprehensive Plan by providing for flexible tree canopy requirements subject, however, to specified standards and findings. Tree canopy standards shall be met on site to the maximum extent feasible and tree preservation is the preferred means of accomplishing canopy objectives. Where neither preservation nor replacement on site is practical due to the specifics of the development site and/or the general nature of the development, it is intended that tree canopy not provided on site be required to be placed on an appropriate alternative site within the city and/or county.

The following terms relating to Tree Canopy are included in the Definitions (Chapter 1 Part 2): Caliper, Dripline, Tree Canopy, Tree, Type A, Tree,Type B, Tree, Type C

10.1.1 Relationship to the Comprehensive Plan

The tree canopy regulations prescribed by this Part are intended to implement the following Cornerstone 2020 Comprehensive Plan Goals and Plan Elements.

Livability Strategy Goals F2; F3; F4; G4	Guidelines 3, 10, 13

10.1.2 Applicability and Basis of Calculation

A. The requirements of this Part shall apply to all new residential subdivisions creating more than five (5) buildable lots and to all new multi-family and nonresidential development. New single-family residential construction shall provide tree(s) in accordance with the residential design standards found within chapter 5.

B. Expansion or reconstruction of an existing nonresidential building or development shall be subject to the requirements of this Part as follows:

1. Any development site on which there is an increase in building area or impervious surface area by **more than fifty (50) percent** or where a structure has been demolished and a new structure has been built in its place shall fully comply with the tree canopy requirements set forth in this Part.

2. Any development site on which there is an increase in building area or impervious surface area by **more than twenty (20) percent and less than fifty (50) percent** shall provide one-half (1/2) the tree canopy required by this Part.

3. Any development site on which there is an increase in building area or impervious surface area by twenty (20) percent or less shall not be required to provide the tree canopy required by this Part.

C. The requirements of this Part shall apply to the entire area shown on a development plan and the required canopy may be equally distributed throughout that area or be concentrated in certain parts or portions of that area.

Note: *This provision (10.1.2, C) allows residential subdivisions and multi-lot commercial developments to group trees in clusters throughout the development rather than meeting the canopy requirements on a lot-by-lot basis.*

10.1.3 Alternatives for Compliance

The tree canopy requirements of this Part may be satisfied at the applicant's discretion by any combination of the following means.

A. Preservation of existing trees or tree stands on the development site.

B. Planting new trees on the development site or as street trees on adjacent rights-of-way.

C. Planting new trees on an alternative site approved by the Planning Commission, at the applicant's expense.

The Planning Commission may approve an alternative site for the planting of an equivalent number/amount of trees that meets any one of the following criteria: (1) a site within a public park approved by the Metropolitan Parks Department; (2) a site on a public road right-of-way, not adjacent to the development site, approved by the Director of Works or by the appropriate state or federal official in the event that the site is on a state or federal road; (3) a privately developed site upon which affordable housing has been constructed or is to be constructed; and (4) a site of existing development where the Planning Commission finds that additional tree canopy would be in the public interest. In any such case, the Planning Commission may condition its approval of an alternative site upon the agreement of the applicant to plant a tree or trees of a type that is deemed appropriate for the site. It should be noted that using an alternative site to meet the tree canopy requirements is an option available to developers that must be approved by the Planning Commission. In no case shall the Planning Commission require the off-site planting of trees to meet the requirements of this Part.

10.1.4 Tree Canopy Standards

A. The tree canopy on a development site shall meet the applicable standards according to the site's form district, proposed land use and the amount of tree preservation, as set forth in Tables 10.1.1 and 10.1.2, below. (Percentages refer to the relation of tree canopy to gross site area in square feet.)

Table 10.1.1 Tree Canopy Categories by Form District

Land Use	Form District			
	Downtown, Traditional Marketplace Corridor, Traditional Workplace	**Traditional Neighborhood**	**Regional Center, Town Center, Suburban Marketplace Corridor, Neighborhood, Suburban Workplace, Campus**	**Village**
Single-Family Residential	Class A	Class B	Class C*	Class D
Multi-Family and Office	Class A	Class B	Class C	Class D
Institutional	Class A	Class B	Class C	Class D
Commercial	Class A	Class A	Class C	Class C
Industrial	Class A	Class A	Class B	Class C

* Docket No. 9-26-03; see website for adoption status outside Louisville Metro

Table 10.1.2 Minimum Tree Canopy Coverage

Class Canopy Requirement per Table 10.1.1	Preserved Tree Canopy Coverage Area	New Tree Canopy Coverage Area	Total Tree Canopy Coverage Area Required
Class A	5%	0%	5%
	4%	2%	6%
	3%	4%	7%
	2%	6%	8%
	1%	8%	9%
	0%	10%	10%
Class B	10%	0%`	10%
	8%	3%	11%
	6%	6%	12%
	4%	9%	13%
	2%	12%	14%
	0%	15%	15%
Class C	15%	0%	15%
	12%	4%	16%
	9%	8%	17%
	6%	12%	18%
	3%	16%	19%
	0%	20%	20%
Class D	20%	0%	20%
	15%	6%	21%
	10%	12%	22%
	5%	18%	23%
	0%	24%	24%

B. Developments shall be entitled to a reduction in the tree canopy requirement prescribed in Tables 10.1.1 and 10.1.2 as follows:

1. Any residential subdivision receiving at least 3.5 points for the provision of diversity housing in accordance with Chapter 4 Part 5 (Alternative Development Incentives) of the Land Development Code shall receive a 33% reduction.

2. Any development located in the Downtown, Traditional Marketplace Corridor, Traditional Workplace and Traditional Neighborhood Form Districts shall receive reductions as follows:

a. Tree Canopy Reduction for Nonresidential Development:

Development Floor Area Ratio (FAR)	Total Tree Canopy Reduction
FAR 0.29 or Less	No Reduction
FAR 0.30 to 0.49	33% Reduction
FAR 0.50 to 0.99	66% Reduction
FAR 1.0 and Greater	100% Reduction

b. Tree Canopy Reduction for Multi-Family Residential Development:

Development Density (Dwelling Units per Acre)	Total Tree Canopy Reduction
12.00 Du/Acre or Less	No Reduction
12.01 to 16.00 Du/Acre	33% Reduction
16.01 to 22.00 Du/Acre	66% Reduction
22.01 Du/Acre and Greater	100% Reduction

c. Tree Canopy Reductions for Single Family Residential Developments:

Development Density (Dwelling Units per Acre)	Total Tree Canopy Reduction
4.4 Du/Acre or Less	No Reduction
4.41 to 5.5 Du/Acre	33% Reduction
5.51 Du/Acre and Greater	66% Reduction

Note: *All reductions shall be based on the total square feet of tree canopy needed on a site to meet the requirements of Tables 10.1.1 and 10.1.2.*

NOTE: *These reductions in the tree canopy requirements have been created in an effort to support a more compact and efficient urban form and to support infill development opportunities.*

Note: *Any trees or tree stands that are being preserved to meet the minimum requirements of this Part shall also be subject to the requirements of Chapter 10 Part 4 (Implementation) of the Land Development Code.*

C. Preservation of existing tree canopy in excess of the cover specified in Tables 10.1.1 and 10.1.2 and retention of trees in sensitive natural areas are encouraged. However, removal of existing tree canopy that covers a greater percentage of the site than stipulated in the minimum standards set forth above is permissible unless restricted by an approved development or subdivision plan or by other applicable provisions of this Land Development Code.

D. Any tree preserved or planted to meet the minimum requirements of this Part shall be maintained in healthy condition and shall be replaced if it becomes diseased or dies.

E. The Planning Director may require that any trees and/or tree stands preserved to meet the requirements of this Part be inspected and found to be healthy and free of disease by a certified arborist or registered landscape architect if, upon inspection of the site, he/she or his/her designee sees evidence that indicates that some or all of said trees may be unhealthy and may not be appropriate for preservation.

F. All new trees proposed to meet the requirements of this Part shall be planted within six months of the completion of the development. When a development is to be completed in phases, trees shall be provided for each phase as determined appropriate by the Planning Director.

G. When trees are planted off-site or on private property to meet the requirements of this Part, the applicant shall provide the Planning Director with documentation that sufficient measures have been taken to ensure the preservation and, when necessary, the replacement of said trees. Examples of such measures would include, but not be limited to, including preservation and replacement provisions in a subdivision's deed of restrictions or within a development's binding elements or by placing all of the required trees within a conservation easement or a Woodland Protection Area (WPA).

10.1.5 Calculation

A. Any development site greater than two acres in size shall be permitted to determine the area of existing tree canopy coverage to be preserved by ground checking, aerial analysis, or any other method determined to be accurate by DPDS staff. If ground checking is utilized, then each individual tree (i.e. a tree not grouped with other trees or a part of a tree stand) intended to be retained and used to meet the tree canopy requirements herein shall be measured to determine its caliper and the credit given for that tree shall be in accordance with Table 10.1.3, below.

B. For any development site two acres or less in size the area of tree canopy coverage for any group of trees to be retained in order to meet the tree canopy requirements of this Part shall be determined by ground checking. Credit for existing trees intended to be retained may be calculated in either of two ways:

1. measurement of the trunk to determine its caliper and the credit given for that tree shall be in accordance with Table 10.1.3, below; or
2. the dripline may be plotted on the site plan and tree canopy credit given for the percentage of the site within the dripline.

C. New trees planted to meet the requirements of this Part shall be given credit in accordance with Table 10.1.3, below. Such trees must meet the standards of Chapter 10 Part 4 at the time of planting.

D. Street trees planted in accordance with Section 10.2.8 shall qualify for a 25% bonus in the amount of credit listed in Table 10.1.3. This credit shall apply to street trees that are mandated as well as those planted on a voluntary basis.

E. In calculating the required number of trees, fractions less than .5 shall be dropped and greater than or equal to .5 shall be rounded up.

NOTE: *Street tree bonus: for example, a development that provides three Type A trees two inches in caliper shall receive credit for 2,250 sq ft of tree canopy.*

Note: *Table 10.1.3 gives credit for 50% of the mature canopy size when a 1 3/4" – 3" caliper tree is planted.*

Table 10.1.3 Tree Canopy Credit

Chapter 1 Caliper	**Chapter 2 Tr ee Type****	**Chapter 3 Amount of Credit (per tree)**
10 inches or greater	Type A	1,200 sq. ft. (100% mature canopy size)
	Type B	720 sq. ft. (100% mature canopy size)
	Type C	177 sq. ft. (100% mature canopy size)
Greater than or equal to 3 inches and less than 10 inches	Type A	960 sq. ft. (80% mature canopy size)
	Type B	576 sq. ft. (80% mature canopy size)
	Type C	142 sq. ft. (80% mature canopy size)
Greater than or equal to 1 3/4 inches and less than 3 inches	Type A	720 sq. ft. (60% mature canopy size)
	Type B	432 sq. ft. (60% mature canopy size)
	Type C	106 sq. ft. (60% mature canopy size)
Greater than or equal to 1 inch and less than 1 ¾ inches*	Type A	600 sq. ft. (50% mature canopy size)
	Type B	360 sq. ft. (50% mature canopy size)
	Type C	89 sq. ft. (50% mature canopy size)

"Caliper" *-The diameter of a tree trunk, measured 6 inches above the ground for newly installed trees and at 4 feet-6 inches above the ground (breast height) for existing trees.*

* See Chapter 10, Part 4 for criteria to plant trees less than 1 ¾ inch caliper.
** Tree are categorized as A, B and C—Large, Medium and Small; refer to Appendix 10A for species that fall within each category.

10.1.6 Tree Preservation Plan Requirement

__NOTE:__ Refer to 10.4.8 for requirements relating to tree protection during construction.

All applicants for development proposals which seek credit for existing tree canopy to attain the minimum canopy coverage specified in this Part shall submit a Tree Canopy Preservation plan. The content of such a plan is dependent upon the means by which the existing tree canopy is to be calculated as follows:

A. If no ground checking is used to determine the existing tree canopy, then the plan shall depict the location of existing stands of trees on the site and adjacent public rights-of-way that are proposed to be retained and those that are proposed to be removed, if any.

B. If ground checking is used to determine the existing tree canopy, then the plan shall depict the location, species and size (caliper) of any individual existing tree that is proposed to be retained to meet the requirements of this Part. The location of existing stands of trees on the site that are proposed to be retained and those that are proposed to be removed shall also be provided.

C. Standards for Tree Canopy Preservation Areas

1. Tree Canopy Preservation Areas (TCPA) are those areas where tree preservation has been provided to meet the tree canopy requirements of this part.

2. The site shall be developed in accordance with the Tree Canopy Preservation Plan. The location of the TCPA boundary delineates the limit of disturbance associated with the TCPA. The limit of disturbance shall indicate the location of the tree protection fencing.

3. No clearing, grading, construction or other land disturbing activity shall take place within the TCPA beyond pruning to improve the general health of the tree or to remove dead or declining trees that may pose a public health and safety threat. As trees are lost through natural causes, new trees shall be planted in order to maintain minimum tree canopy as specified in this part. Exception: Single Family residential development may remove trees from the TCPA as long as they are replaced with trees of a similar type (e.g. A, B or C).

4. Location of Structures and Parking

a. no structure shall be closer than 15 feet to the Limit of Disturbance (Tree Protection Fence).

b. No vehicle use area (VUA) shall be closer than 10 feet to the Limit of Disturbance (Tree Protection Fence).

5. During all construction activity (includes clearing, grading, building construction and VUA construction) a copy of the approved Tree Canopy Preservation Plan shall be on-site.

10.1.7 Landscape / Buffer Credit

Any existing trees on a site or street trees planted on an adjacent right-of-way that are used to meet the requirements of this Part shall be credited towards fulfillment of any landscaping, screening, or buffering provisions of this Chapter.

10.1.8 Waivers

A. The Planning Commission shall have the authority to grant waivers or modifications of the tree canopy requirements contained in this Part in accordance with Chapter 11 Part 8 of the Land Development Code.

B. The Planning Commission's designee may waive the requirement for a public hearing and take action on requests for reduction of five (5) or fewer trees or a reduction constituting less than ten (10) percent of the total tree canopy requirement, whichever is greater. Notice shall be sent in accordance with Chapter 11 Part 8 stating that a waiver request has been filed and that the Planning Commission's designee may waive the public hearing requirements and take action on the request.

C. Required Findings; In granting a waiver the Planning Commission's designee must find that:

1. The waiver is in compliance with the Comprehensive Plan.

2. The applicant made a good faith effort to provide as many trees as possible on the site, on the adjacent right of way, or on an alternative site as specified in 10.1.3; and

3. There are other mitigating circumstances affecting this site which do not generally apply to sites developed for the same use and in the same form district.

A well designed landscape, when made an integral part of a development plan, provides aesthetic appeal and makes an important contribution to the health, safety, and general welfare of the community by:

A. Reducing noise pollution, air pollution, and visual pollution;

B. Lowering air temperatures and glare associated with heat islands, large impervious surfaces and reflected sunlight;

C. Improving the appearance of *vehicular use areas* (VUAs) and property abutting public rights-of way, and;

D. Preserving, protecting, and promoting the aesthetic appeal, character, and value of surrounding properties

Open space and Landscape Buffer Areas (LBA) are one of several options to provide needed relief from the effects of urbanization and make an important contribution to the health, safety, and general welfare of the community by:

A. Creating suitable transitions where varying forms of development adjoin;

B. Minimizing the negative impacts resulting from adjoining incompatible land uses;

C. Decreasing storm water run off volumes and velocities associated with impervious surfaces, and;

D. Filtering air borne and water borne pollutants.

10.2.1 Relationship to the Comprehensive Plan

The landscape design regulations proscribed by this Part are intended to implement the following Cornerstone 2020 Comprehensive Plan Goals and Plan Elements.

Community Form Goals C4; D4; E4; F4; G4; H4; J4 Livability Strategy Goal F2	Guidelines 1, 2, 3, 13

10.2.2 Applicability

NEW DEVELOPMENT - No site development, building or structure shall hereafter be constructed nor vehicular use area (VUA) created unless landscaping is provided as required by the provisions of this part. Any building, structure or VUA that in its entirety is removed and reconstructed, or relocated to a new on-site location, shall be considered new development for purposes of this part. Any VUA that in its entirety is changed from gravel, stone or similar material to asphalt or concrete pavement shall be considered new development for purposes of this part.

A. Existing Development is subject to this part as defined below:

1. Any increase/expansion of an existing building/structure's square footage by 20% or more

2. Any expansion of an existing VUA square footage by 20% or more or a change of 20% or more of VUA surface from gravel, stone, or similar material to asphalt or concrete pavement (semi-pervious pavers exempted)

3. Any increase in the combined square footage of building/structure and VUA (as described in #2) of 20% or more of the combined square footage.

B. When such improvements are made, the following landscape provisions shall be required:

1. Expansion by greater than 20% and less than 50% - only the area of new improvements shall be subject to the requirements of this part.

2. Expansion by 50% or greater - the entire site shall be subject to the requirements of this part.

C. Small Sites (development which in its entirety occupies a site measuring no more than 10,000 square feet):

1. Expansion by greater than 20% and less than 50% - no landscaping required.

2. Expansion by greater than 50% - only the area of new improvements shall be subject to the requirements of this part..

CHANGE OF USE - Change in the use of property, from a use not required to provide landscaping and buffering to a use that is regulated by this part, shall necessitate the provision of landscaping and buffering as required by this part.

NON-CONFORMANCE – No changes shall be made to sites that do not conform to this Part of Chapter 10 that would increase the non-conformance with this part. Existing Landscape Buffer Areas, screening, and plant material on non-conforming sites that partially meet the requirements of this part shall be retained.

Planting and Buffering required in this Part can count towards requirements in other parts of this regulation. However, compliance with Chapter 10 Part 2 does not substitute for compliance with other applicable Parts of this regulation.

10.2.3 Landscape Buffer Area Requirements

Landscape Buffer Areas minimize the potential for nuisances created when zoning districts or land uses of varying intensities abut, and shall be required for all new construction subject to these regulations. Landscape Buffer Area requirements shall be applied along property or right-of-way lines and at the perimeter of Vehicular Use Areas. Landscape Buffer Areas shall also be applied adjacent to designated Parkways and Scenic Corridors.

Landscape Buffer Areas shall be provided on the site of the more intense use or zoning district except when the more intense use was present prior to the effective date of this regulation. When more than one Landscape Buffer Area requirement applies, the more restrictive standards shall be used.

10.2.4 Property Perimeter Landscape Buffer Areas

A. General Requirements: Property Perimeter Landscape Buffer Areas shall be applied along all property boundaries of sites affected by this ordinance except for those boundaries adjacent to streets.

Zoning Districts and their associated land uses have been grouped into the following five intensity classes for the purpose of applying property perimeter Landscape Buffer Area requirements; refer to Table 10.2.1.

Table 10.2.1 Intensity Classes and Zoning Districts

INTENSITY CLASS	ZONING DISTRICTS
1	R-R, R-E, R-1, R-2, R-3, R-4, R-5, PRD, R-5B, PVD
2	R-5A, R-6, U-N, TNZD
3	R-7, R-8A, OR, OR-1, OR-2, OR-3, OTF, C-R
4	C-N, C-1, C-2, M-1, C-M, PTD, PEC[1], PRO[1]
5	M-2, M-3, EZ-1, utility substations, landfills, treatment plants or similar uses

STEP 1

Determine intensity class for the proposed use and adjacent sites.

[1]-These Zoning Districts have additional landscape and buffering requirements.

CUP sites located in a residential zoning district shall provide buffering as per the requirements for uses permitted in the C-1 Zoning District, or alternative buffering and landscaping as approved by the Board of Zoning Adjustment.

Exceptions to the buffering requirements can be found in Section 10.2.5

All development subject to this Part, as defined in Section 10.2.2, shall provide Landscape Buffer Areas and plantings as defined in Tables 10.2.2, 10.2.3 and 10.2.4. Associated with each Landscape Buffer Area requirement is a planting density requirement. The planting density requirement indicates the minimum amount of landscape material to be provided within each Landscape Buffer Area to ensure an appropriate screen.

Step 2

Based on intensity class of proposed and adjacent uses, determine applicable entries in Tables 10.2.3 and 10.2.4.

Table 10.2.2 LBA Size and Planting Requirements

Intensity Class of Adjacent Site	Proposed Use			
	2	**3**	**4**	**5**
1	B.2**	B.3	C.4	D.4
2		A.2	C.4	D.4
3			B.4	C.4
4				A.1

**- Letter entries in this table reference Table 10.2.3; numbers refer to requirements of Table 10.2.4.

Table 10.2.3 Property Perimeter Landscape Buffer Areas

Landscape Buffer Area Type	**Width Options (in feet)**	**Planting Density Multiplier[2]**
A	5[1]	2
	10	1.5
	15	1
B	10[1]	1.5
	15	1.5
	20	1
C	15[1]	1.5
	25	1.5
	35	1
D	25[1]	1.5
	35	1.5
	50	1

STEP 3

Select Buffer Yard width option and associated planting multiplier.

[1] This option is only available in the Traditional Neighborhood, Traditional Workplace and Traditional Marketplace Corridor Form Districts.
[2] The Planting Density Multiplier allows for a reduction in the size of Landscape Buffer Areas with a provision of an increased number of trees to offset the reduction in buffer width. (A "2" multiplier requires twice the number of trees to be planted as required in Table 10.2.4.)

Table 10.2.4 Planting Density and Screening

Planting Density Requirement Categories (per 100 linear feet)			
1	**2**	**3**	**4**
2 Large (Type A), Medium (Type B) or Small (Type C) tree + 3 foot screen	2 Large (Type A) or Medium (Type B) trees + 6 foot screen	3 Large (Type A) or Medium (Type B) (min. 50% Large (Type A)) trees + 6 foot screen	3 Large (Type A) or Medium (Type B) (min. 75% Large) (Type A)) trees + 8 foot screen

Step 4

Identify required plantings and screening

Example: In the Neighborhood Form District, construction of a C-1 retail establishment (Intensity Class 4) is proposed adjacent to the R-4 district (Intensity Class 1). A "C.4" buffer is required. A 35 foot buffer strip, 8 foot screening fence and 3 large trees per 100 feet of perimeter are required. The developer has the option of decreasing the buffer to 25 feet, and increasing the number of trees to 4.5 per 100 feet of common boundary with the R-4 property. If the site were in the Traditional Neighborhood Form, the developer would have the option of a 15 foot buffer, with 4.5 trees per 100 feet.

Appendix 10A classifies tree species as type A, B, or C

B. Explanatory Text and Exceptions: Property perimeter Landscape Buffer Areas may contain walks, trails, or other similar elements, provided that the required plant material (as defined in the part to follow) is not eliminated and the Landscape Buffer Area is at least 25 feet wide. Property perimeter Landscape Buffer Areas shall be free from all other development including buildings, parking, driveways or other structures except those attendant to public utility service within a dedicated *easement*. Outdoor storage or stockpiling of materials is not permitted within property perimeter Landscape Buffer Areas.

Utility easements (e.g., drainage, sewer, gas/electric) are allowed to encroach into as much as 50% of the required width of property perimeter Landscape Buffer Areas provided the required screening can still be achieved and the design of such facilities is compatible with the purpose of the Landscape Buffer Area. If work is required within the easements causing removal or damage of landscape materials (including any required fences, walls or berms), the property owner shall be responsible for replacement of materials according to the approved landscape plan. Type 'C' trees may be planted under overhead utility lines at a minimum spacing of 1 tree per 30 feet of lineal boundary with approval of utility company to meet perimeter tree planting requirement.

The landscape material and buffer area required generally shall be provided by the property owner of the higher intensity activity. If the higher intensity use is already developed and the landscape material and buffer area, required in Chapter 10 has not been provided, the lower intensity use shall provide the required landscaping. If the requirements of this chapter have been fully complied with on an adjoining property, the property owner is not required to duplicate them along the common boundary.

Property perimeter Landscape Buffer Area requirements for schools, fire stations, and other similar community facilities structures shall be determined, as part of a Community Facility Review, and will be based on the form district, size (square feet), height, and location relative to adjacent land uses.

Private schools and churches are to be considered the same as Intensity Class 3 for the purposes of screening in accordance with this part.

Sites with a Conditional Use Permit that are located in a residential zoning district shall be considered the same as a C-1 Commercial use for the purposes of application of Chapter 10, sites located in non-residential districts will follow the landscaping requirements for the zoning district that they are in, unless the Board of Zoning Adjustment deems a different classification is appropriate.

Screens specified in Table 10.2.4 shall consist of shrubs, fences, berms or walls, individually or in combination, that meet the requirements outlined in Part 4, Implementation Standards. Evergreen tree plantings can be substituted for landscape material specified in Table 10.2.4, placement and species to be approved by Planning Commission staff to ensure an effective screen. The planting density multiplier (Table 10.2.3) does not apply to the minimum screen height established in Table 10.2.4.

In the PEC and PRO Zoning Districts (except for C-1 uses in the City of Jeffersontown): Unless a larger Landscape Buffer Area is required, a 15-ft wide Landscape Buffer Area shall be maintained at all side and rear property lines. The landscape strip shall be planted with a number of Large (Type A) or Medium (Type B) trees equal to 1 tree/75 Lineal feet of boundary. Trees do not have to be evenly spaced. Instead, tree placement should be based on site characteristics and compatibility with other landscaping.

Property perimeter Landscape Buffer Areas, unless specifically prohibited, may also count toward other yard, or setback requirements found elsewhere in these regulations. Property perimeter Landscape Buffer Areas may count towards open space requirements in accordance with Chapter 10 Part 5.

Exceptions to Landscape Buffer Area requirements are as follows:

1. Property perimeter Landscape Buffer Areas are not required in the Downtown Form District.

2. Property perimeter Landscape Buffer Areas separating differing land uses within a Planned Development Zoning District shall not be required to meet the standards set forth in this Part but shall adhere to the Approved Master Plan for each development.

3. Landscape Buffer Area requirements are waived when a property boundary separates shared parking (as defined in Chapter 9) and may be reduced to Type A between parking when adjoining zoning districts are no more than 1 intensity category apart.

4. If property in intensity class 2 is developed as patio or town homes with a maximum of 6 units per building and no more than 2 stories, six foot high screening of adjacent single-family property is not required. (Landscaping for attached housing using the ADI regulations can be found in Chapter 4 Part 5.)

5. When offsite buffering and plantings exist on adjoining property, they may be applied toward the sites landscape buffer planting requirements if the adjacent property owner agrees in writing to preserve the planting materials.

"Type A" in part 3 refers to landscape buffer area in Table 10.2.3

NOTE: *Paragraph 4 exemption applies only to screening; trees specified in Table 10.2.4 are required.*

10.2.5 Property Perimeter Planting

Planting within property perimeter Landscape Buffer Areas will serve a number of functions including screening, naturalizing, softening edges, and unifying architectural elements. Planting density requirements, as outlined in Table 10.2.4, have been established to allow for flexible design solutions while reinforcing the site design standards of each form district.

In situations where a property perimeter Landscape Buffer Area slopes, the required plantings shall be located where the staff of the Planning Commission determines they will most effectively screen the more intensive uses.

Existing landscape material which is proposed to be used to fulfill landscape requirements shall be shown on the required plan, and any plant material in satisfactory condition may be used to satisfy these requirements in whole or in part when, as determined by the staff of the Planning Commission or the agency to whom it delegates authority such materials meet the requirements and achieves the objectives of this article. Existing healthy trees may be substituted for trees required for property or Vehicular Use Area perimeter landscaping, or for interior landscaping by using the following criteria: a 6 inches to 12 inches caliper tree surrounded by a minimum of 150 square feet of landscape area may be substituted for two (2) new trees of the required minimum size; a 12 inches to 24 inches caliper tree surrounded by a minimum of 250 square feet of landscape area may be substituted for three (3) new trees of the required minimum size; a 24 inches or greater caliper tree surrounded by a minimum of 300 square feet of landscape area may be substituted for four (4) new trees of the required minimum size.

10.2.6 Other Uses And Structures Requiring Screening

Screening shall be provided around all service structures (e.g., propane tanks, dumpsters, heating/air conditioning units, electrical transformers, telecommunications boxes) that exceed 42 inches in height and 42 inches in width or are visible from adjoining property when located on roofs. Loading docks and outdoor storage or maintenance yards shall also be screened when adjacent to any right-of-way or residential use or zone.

No landscape material shall be planted closer than 5 feet from the sides of any electric transformer box and all landscape material shall be planted a minimum of 10 feet from the door of such boxes.

Screening shall consist of a continuous fence, wall, berm, evergreen planting, or combination thereof designed to blend in with the architecture (when roof mounted) or character of the area. (Evergreen plantings are not permitted for dumpster screening.) Planting beds, when provided for screening material, shall be at least 6 feet wide. The mature height of the screening material shall be one foot greater than the height of the enclosed service structure, but shall not be required to exceed eight feet in height.

10.2.7 Expressway/Railroad Landscape Buffer Areas and Perimeter Plantings

Buffers have been established to protect and enhance visual quality and to reduce the impacts from high traffic/high speed roadways and railroads. Right-of-way buffer areas shall be provided for each zoning intensity class as indicated in Table 10.2.5.

Table 10.2.5 Right-of-Way Landscape Buffer Area Requirements

(See Table 10.2.1 for Zoning Intensity Classes, Table 10.2.4 for Planting Density and Table 10.2.3 for Buffer Standards)

	Zoning Intensity Classes				
Roadway Class					5
Expressway	D.4	D.4	C.3	B.3	B.3
Railroads	C.4	C.4	B.2	na	na

10.2.8 Street Trees

A. Mandatory: Street trees are required for residentially zoned property along collector and arterial level roadways, as specified in the applicable form district. Street trees shall be provided in the public right-of-way, with permission of the agency having jurisdiction over the right-of-way. If the Public Works Department or Kentucky Transportation Cabinet refuses to allow plantings in the right-of way, street trees shall be provided adjacent to the right-of-way, in a minimum 6 foot wide planting area. All street trees shall conform to the minimum requirements of the Streetscape Master Plan Manual. If a streetscape master plan has been approved for a specific street, all street trees shall be planted in accordance with the approved master plan. Street trees shall be regularly spaced and planted at a ratio of no less than 1 Large (Type A) tree per 50 lineal feet of right-of-way, or 1 Medium (Type B) tree per 40 lineal feet, or 1 Small (Type C) tree per 30 lineal feet. Small trees are permitted only where utility lines or other site constraints will not allow installation of Large or Medium trees.

NOTE: *See Appendix 10A for listing of Type A, B and C trees.*

B. Voluntary: Street trees may be provided adjacent to non-residentially zoned property, as well as residential sites abutting local streets or private access easements providing the principal means of access.

C. Tree Canopy Bonus: Street tree plantings shall qualify for a 25% bonus in calculating compliance with tree canopy requirements refer to 10.1.5.D.

10.2.9 Vehicular Use Area Landscape Buffer Areas

Landscape Buffer Areas have been established to reduce the visual impact of Vehicular Use Areas including parking lots, loading docks and service areas. VUA Landscape Buffer Area requirements have been established for each form district based on intensity. These Landscape Buffer Areas shall be provided between any lot containing a VUA and a roadway; and between any lot containing a VUA and any lot zoned for residential use. A five foot LBA shall be provided (containing a 6 foot continuous screen and 1 type A tree per 50 fee of lineal distance) between any lot containing a VUA and a non-residentially zoned lot with a first floor residential use.

Table 10.2.6
VUA Landscape Buffer Area Requirements

Area of VUA (sf)	**Form District**	**Form District**
	Downtown, Village, Traditional Neighborhood, Traditional Marketplace Corridor, Traditional Workplace	Regional Center, Town Center, Suburban Marketplace Corridor, Neighborhood, Suburban Workplace, Campus
up to 10,000	5-FT	5-FT
10,001-30,000	5-FT	10-FT
>30,000	10-FT	15-FT

Loading areas/docks are not required to be screened from adjacent industrial uses.

Landscape Buffer Areas shall be placed at the edge of pavement (or back of curb if present) when the elevation of the VUA is equal to or higher than the adjacent property. When the VUA is constructed at a lower elevation than the adjacent property, the buffer shall be placed at the common property line.

10.2.10 Vehicular Use Area Perimeter Planting

The equivalent of 1 Large (Type A) tree per 50 linear feet of boundary (or fraction thereof) shall be provided in all VUA perimeter Landscape Buffer Areas. Tree requirements may be deferred, if an equivalent number of street trees are present in the right-of-way, until such time that the street trees are removed to allow for roadway widening or other improvements. Additional landscape requirements shall vary relative to adjacent land uses and proximity to common property lines as follows:

Table 10.2.7 VUA Perimeter Screening Requirements

	Distance From Property Line		
Land Use	**Less than or equal to 30 feet**	**Greater than 30 feet and less than 50 feet**	**Greater than or equal to 50 feet**
VUA (except loading area) adjacent to any residential use	6 foot continuous screen	3 foot continuous screen	3 foot screen for at least 50% of VUA
VUA is a loading area adjacent to any residential use	8 foot continuous screen	6 foot continuous screen	6 foot continuous screen if adjacent to residential
VUA adjacent to a ROW	3 foot continuous screen	3 foot continuous screen	NA

The 3-foot or 6-foot screen requirement can be met using shrubs, evergreen trees, berms, or fencing individually or in combination. Continuous screens may be broken and staggered for visual interest provided the result is a visually continuous screen. The 3-foot screen requirement may be reduced to 18 inches when adjacent to financial institutions, nursing homes, or other uses where security is determined to be a factor.

All screening material including plants, fencing, walls, and berms used to satisfy these requirements shall conform to the standards found in Chapter 10, Part 4, Implementation Standards.

Landscape material in buffer areas shall be protected by the use of curbs, wheel stops, fencing, or planted at least 4 feet from the edge of pavement when sufficient buffer area exists.

10.2.11 Vehicular Use Area Interior Landscape Areas

Landscape areas shall be provided within all Vehicular Use Areas to break up large impervious areas and allow for a greater distribution of tree canopy coverage. Dimensional requirements have been established to insure that interior landscape areas serve the intended goals and provide enough ground area to support required plant material. Interior landscape areas shall not be required for enclosed VUAs that are secured from access by a fence, wall or similar barrier at least 3.5 feet in height and used for storage, loading docks or their associated maneuvering areas, or for loading, unloading, and storage areas in an industrial zone C-M, M-1, M-2, M-3, PEC & EZ-1 or in loading dock & truck maneuvering areas in Commercial and Office zones.

ILA shall be provided that in total area equals or exceeds the applicable minimum percentage of the vehicular use area, as specified in the following table:

VUA Size	ILA Area
--under 6,000 sq. ft. or containing < 10 parking spaces	0%
--6,000 - 12,000 sq. ft. or up to 20 parking spaces	5%
--if in a Traditional or Downtown Form District	(2.5%)
--12,000 - 30,000 sq. ft. or up to 100 parking spaces	7.5%
-- if in a Traditional or Downtown Form District	(5%)
--over 30,000 sq. ft. or 100 parking spaces	7.5%

Any landscape area surrounded by or projecting into a Vehicular Use Area can be used to meet interior landscape area requirements provided they are no less than 133 sq. ft in area and no less than 8 feet in either dimension. Smaller interior landscape areas are not prohibited, but will not count toward interior landscape area requirements.

The maximum distance between interior landscape areas shall apply as follows:

A. VUAs under 12,000 sq. ft. or less than 20 parking spaces - no maximum

B. VUAs of 12,000 sq. ft. or over or 20 or more parking spaces - 120 feet

The maximum distance shall be determined by measuring both:

A. radially from the closest perimeter landscaping area curb edge, and

B. lineally in each row of parking spaces from the closest curb edge of each ILA.

10.2.12 VUA Interior Landscape Area Planting Requirements

When interior landscape areas are required, one Medium or Large deciduous tree shall be provided for every 4,000 square feet of vehicular use area. The ground plane of all interior landscape areas shall be planted using either shrubs, ground cover, or turf. All plant material used to satisfy these requirements shall conform to the standards found in Chapter 10, Part 5, Implementation Standards.

Light poles, sidewalks, benches or other landscape design elements are permitted in the interior landscape areas provided they do not occupy more than 25% of any one interior landscape area or reduce the width of any planted area to less than 4 feet. Provision of such facilities does not reduce the number of required trees.

10.2.13 Alternative Landscape Plans

It is not the intent of this article to discourage innovative, aesthetically pleasing landscaping design. Thus, the developer may, at his/her option, submit a landscape plan which conforms to the spirit and intent of this article while varying from its specific requirements. The plan presented must be deemed a substantial improvement over the minimum requirements of this article by the Planning Commission or the agency responsible for plan review.

10.2.14 Landscape Architect Seal Requirement

Landscape plans with vehicle use area (VUA) 30,000 square feet in area or larger shall be required to have a landscape architect seal on the landscape plan.

When choosing plant materials, refer to the **Louisville and Jefferson County Preferred Plant List (Appendix 10 A)** for species that are either native to Jefferson County or that perform particularly well in the area, and to the **Louisville and Jefferson County Prohibited Plant List (Appendix 10 B)** for species that will not be accepted to meet the requirements of this code.

The following terms relating to Landscape Design are included in the Definitions (Chapter 1 Part 2):
Vehicle Use Area (VUA) , *Landscape Buffer Area (LBA)*, *Interior Landscape Area Buffer Area* ILA), *Tree, Type A,* , *Tree, Type B,* , *Tree, Type C,*

The intent of this Part is to provide for the designation of *Parkways, Olmsted Parkways, Scenic Corridors* and the *Gene Snyder Freeway* and for the creation of development standards applicable to developments adjacent to those corridors in an effort to protect existing scenic and aesthetic qualities, to ensure a quality visual experience on developing corridors and to protect and improve the visual experience on established corridors.

10.3.1 Relationship to the Comprehensive Plan

The standards prescribed by this Part are intended to implement the following Cornerstone 2020 Comprehensive Plan Goals and Plan Elements.

Mobility Strategy Goals C1; D1 Livability Strategy Goals F2; F4; H3; J4	Guidelines 3, 8, 13

10.3.2 Applicability

The requirements of this Part shall apply to all new development, the demolition and reconstruction of an existing building, and the expansion of an existing building or vehicle use area by more than fifty (50) percent that is adjacent to the *Gene Snyder Freeway* or any corridor designated as a *Parkway, Olmsted Parkway* or *Scenic Corridor*.

10.3.3 Designation

A. **Parkways** and **Scenic Corridors** are established through nomination and legislative approval. A roadway may be nominated as a Parkway or Scenic Corridor by resolution of the legislative body(ies) or by resolution of the Planning Commission. The Planning Commission shall conduct a public hearing and recommend candidates for designation to the legislative body(ies) with jurisdictional control which, if approved, are placed on the official *Parkway, Olmsted Parkway, Scenic Corridor and Gene Snyder Freeway Maps* included in Appendix 10C, which is incorporated herein by reference.

B. **Olmsted Parkways** are part of the Louisville and Jefferson County Parks system and are listed as a historic district on the National Register of Historic Places. They are the original parkways that were established by Fredrick Law Olmsted to provide linkages between the community's parks and open spaces and are depicted on the official *Parkway, Olmsted Parkway, Scenic Corridor and Gene Snyder Freeway Maps* included in Appendix 10C, which is incorporated herein by reference. Any addition and/ or modification to the existing Olmsted Parkway network shall require the same nomination and legislative approval process as described in (A) of this Section, above.

C. The **Gene Snyder Freeway** is an expressway that was developed along the eastern and southern outskirts of the county and is depicted on the official *Parkway, Olmsted Parkway, Scenic Corridor and Gene Snyder Freeway Maps* included in Appendix 10C _, which is incorporated herein by reference. Any extension or modification to the Gene Snyder Freeway designation shall require the same nomination and legislative approval process as described in (A) of this Section, above.

10.3.4 Landscape Plan Requirement

Any development that requires any vegetation to be planted and maintained to meet the requirements of this Part shall have a landscape plan approved prior to receiving a building permit..

10.3.5 Parkway Development Standards

All new development and expansion of existing developments as prescribed in Section 10.3.2, above, shall meet the following requirements.

A. **Parkway Setbacks, Buffering and Landscaping Requirements**

1. Parkway setbacks, buffering and landscaping shall be required in accordance with Table 10.3.1, below.

Table 10.3.1

[redacted]	[redacted]	[redacted]	[redacted]
Single Family Residential	75 feet	50 feet	1 Type A tree for each 40 feet of road frontage.
Multi-family Residential	75 feet	50 feet	1 Type A tree for each 40 feet of road frontage and a visually continuous berm as needed to screen the vehicle use area with an average height of at least 3 feet and shrub massings on or fronting the berm with at least 1/3 of the frontage length planted.
Nonresidential	30 feet	30 feet	1 Type A tree for each 40 feet of road frontage and a visually continuous berm as needed to screen the vehicle use area with an average height of at least 3 feet and shrub massings on or fronting the berm with at least 1/3 of the frontage length planted.

Note: The Required Buffer Area is located within and is part of the Required Setback.

2. When the requirements of this Part specify the use of Type A trees in areas where existing overhead utility lines make the use of Type A trees impractical, Type B trees may be substituted at a rate of one tree for each thirty (30) linear feet of road frontage and Type C trees at a rate of one tree for each fifteen (15) feet of road frontage.

3. A fifteen (15) foot parkway buffer area and its corresponding required landscaping shall be required for the first one hundred (100) linear feet of any street intersecting a Parkway unless that street is a designated Olmsted Parkway, Scenic Corridor or the Gene Snyder Freeway, in which case the specific buffering and landscaping requirements for those corridors shall be applicable.

4. The average height of the required berm may be increased by up to three additional feet (up to six feet in total height) upon a finding by the Planning Director that a taller berm is necessary to effectively screen the vehicle use area due to the site's topography in relation to the roadway. The required berm may be replaced by a continuous fence, wall or hedge when the Planning Director finds that the proposed modification is in character with nearby developments or allows for tree preservation that would not be possible if a berm was provided.

5. All parkway setbacks and buffer areas shall be measured from the property line adjacent to the right-of-way of the Parkway.

6. Required plantings shall consist of a mix of deciduous and evergreen trees so as to provide for the corridor's visual interests on a year round basis. A minimum 10% of the required trees shall be evergreen.

7. No tree clearing, construction, or re-grading shall take place within one hundred (100) feet of the right-of-way prior to landscape plan approval, except that utility maintenance and landscape maintenance required for public health and activities ordinarily associated with surveying and similar preliminary site analysis shall be permitted.

8. Parkway buffer areas shall be set aside to accommodate the required landscape and buffering materials. No vehicle use areas, except for necessary driveway crossings, or buildings or structures, except for fences, walls and structures attendant to public utility services, shall be permitted within a required parkway buffer area. Freestanding signs shall be permitted within a required parkway buffer area. Retention or detention basins may occupy no more than 50% of the required width of any parkway buffer area.

9. Required parkway setbacks shall apply to buildings, excluding accessory structures less than one hundred (100) square feet in area. They shall not apply to vehicle use areas.

B. Signage

All signage shall be in accordance with Chapter 8 "Sign Regulations" and with all other applicable provisions of the Land Development Code.

10.3.6 Scenic Corridor Development Standards

All new development and expansion of existing developments as prescribed in Section 10.3.2, above, shall meet the following requirements.

A. **Scenic Corridor Setbacks, Buffering and Landscaping Requirements**

1. Scenic corridor setbacks, buffering and landscaping shall be required in accordance with Table 10.3.2, below, except that any scenic corridor located within a Special District that has scenic corridor development standards created specifically for that Special District shall adhere to the standards applicable to that Special District.

Table 10.3.2

[redacted]		[redacted]	[redacted]	[redacted]
Residential	Major Subdivisions and Multi-Family *(a developer shall have the option of choosing between the 50 or 200 foot buffer areas and their corresponding planting areas and landscaping.)*	50 feet	30 feet*	Any combination of preserved vegetation, newly installed trees and shrubs and berms that will create a continuous visual barrier to a height of 6 feet upon maturity. At least one Type A tree must be provided for every 40 feet of buffer length. *The 30 foot required buffer area may be reduced to 20 feet if a privacy fence, at least 6 feet in height, is provided at the rear of the buffer area (the side not adjacent to the right-of-way) and some combination of preserved vegetation and newly installed trees and shrubs is provided so that at least 75% of the surface area of the fence is screened upon maturity as seen from the scenic corridor. At least one Type A tree must be provided for every 40 feet of buffer length.
		200 feet	None	1 Type B or C tree for each 25 feet of building façade visible from the scenic corridor (to be located between the scenic corridor and the structure) and 1 Type A tree for each 50 feet of scenic corridor road frontage (street trees) to be located within 15 feet of the right-of-way
	Single Family Residences on Preexisting or Minor Platted Lots	50 feet	None	1 Type B or C tree for each 25 feet of building façade visible from the scenic corridor (to be located between the scenic corridor and the structure) and 1 Type A tree for each 50 feet of scenic corridor road frontage (street trees) to be located within 15 feet of the right-of-way
Nonresidential	[redacted]	40 feet	25 feet	1 Type A tree for each 40 feet of scenic corridor road frontage and a visually continuous berm as needed to screen the vehicle use area with an average height of at least 3 feet and shrub massings on or fronting the berm with at least 1/3 of the frontage length planted.

2. When the requirements of this Part specify the use of Type A trees in areas where existing overhead utility lines make the use of Type A trees impractical, Type B trees may be substituted at a rate of one tree for each thirty (30) linear feet of road frontage and Type C trees at a rate of one tree for each fifteen (15) feet of road frontage.

3. All scenic corridor setbacks and buffer areas shall be measured from the property line adjacent to the right-of-way of the scenic corridor.

4. All scenic corridor buffer areas and landscaping requirements shall be applicable to the first fifty (50) linear feet of any intersecting street unless that street is a designated Parkway, Olmsted Parkway or the Gene Snyder Freeway, in which case the specific buffering and landscaping requirements for those corridors shall be applicable.

5. All required landscaping shall be located within the required buffer area except where explicitly stated otherwise.

6. The berm required to screen the vehicle use area of non-residential developments may be replaced by a continuous fence, wall or hedge when the Planning Director finds that the proposed modification is in character with nearby developments or allows for tree preservation that would not be possible if a berm was provided.

7. Plantings shall consist of a mix of deciduous and evergreen trees so as to provide for the corridor's visual interests, whether it be screening or creating a filtered view from the roadway, on a year round basis.

8. No tree clearing, construction, or re-grading shall take place within forty (40) feet of the right-of-way prior to landscape plan approval, except that utility maintenance and landscape maintenance required for public health and activities ordinarily associated with surveying and similar preliminary site analysis shall be permitted.

9. Scenic corridor buffer areas shall be set aside to accommodate the required landscape and buffering materials. No vehicle use areas, except for necessary driveway crossings, or buildings or structures, except for fences permitted by this Section and structures attendant to public utility services, shall be permitted within a required scenic corridor buffer area. Freestanding signs shall be permitted within a required scenic corridor buffer area. . Retention or detention basins may occupy no more than 50% of the required width of any scenic corridor buffer area.

10. Required scenic corridor setbacks shall apply to buildings, excluding accessory structures less than one hundred (100) square feet in area. They shall not apply to vehicle use areas.

B. **Signage**

All signage shall be in accordance with Chapter 8 "Sign Regulations" and with all other applicable provisions of the Land Development Code.

C. **Fences**

1. Chain-link fences shall not be permitted within the scenic corridor buffer area.

2. Privacy fences shall only be permitted within the scenic corridor buffer area as explicitly permitted in Table 10.3.2.

3. Three and four board wood fences, sometimes called "horse fences", wire fences traditionally used to secure livestock, and stone or masonry fences less than four feet in height shall be permitted within the scenic corridor buffer area.

Note: *For the purposes of this Part "privacy fence" shall mean any fence made of wood or other material whose primary purpose is to block or substantially reduce or obstruct visibility. This definition includes stone and masonry walls, except as provided in C.3. of this Section.*

D. **Road Improvements**

As development occurs adjacent to the community's scenic corridors, road improvements may be required to provide for the safety of those facilities. As these improvements occur, special consideration shall be given to preserving / maintaining the existing character of the corridor. The following aspects shall be considered when making such improvements.

1. Limiting land disturbance to only those areas necessary for road improvements to occur. This may require the use of construction fencing to protect existing trees located in the right-of-way and on private property.

2. Maintaining the existing streetscape of the corridor. This may require applying for an encroachment permit to establish vegetation in the right-of-way and locating pedestrian facilities so as to maximize tree preservation. Meandering sidewalks are specifically permitted and encouraged.

10.3.7 Gene Snyder Freeway Development Standards

All new development and expansion of existing developments as prescribed in Section 10.3.2, above, shall meet the following requirements.

A. **Gene Snyder Freeway Setbacks, Buffering and Landscaping Requirements**

1. Gene Snyder Freeway setbacks, buffering and landscaping shall be required in accordance with Table 10.3.3, below.

Table 10.3.3

All Development	See Chapter 5 Part 1 (Form District Regulations) for residential Setback requirements.	50 feet	1 Type A or B tree for each 30 feet of road frontage and 1 large shrub for each 20 feet of road frontage

1. All Gene Snyder Freeway setbacks and buffer areas shall be measured from the property line adjacent to the right-of-way of the Freeway.

2. At least seventy-five (75) percent of the trees and shrubs being planted to meet the requirements of this Part shall be native to this area. DPDS staff shall provide applicants/developers with guidance as to which vegetative species are appropriate to be used to meet this requirement.

4. Plantings may be grouped together so as to be natural in style and are intended to partially screen the buildings from the Freeway in an effort to provide for the visual interest of the corridor.

5. At least twenty-five (25) percent of the trees required by this Part shall be evergreen trees so as to partially screen development from the Freeway on a year round basis.

6. No tree clearing, construction, or re-grading shall take place within fifty (50) feet of the right-of-way prior to landscape plan approval, except that utility maintenance and landscape maintenance required for public health and activities ordinarily associated with surveying and similar preliminary site analysis shall be permitted.

7. Preservation of existing vegetation is the preferred means of meeting the screening objective. When preservation occurs, the applicant shall provide as part of the tree preservation plan an existing tree survey that depicts the general location, species mix, and typical size of existing stands of trees that are proposed to be retained. Photographs showing the general quality of the buffer area's existing vegetation shall also be provided.

8. In those instances that because of a site's topography in relation to the freeway vegetation alone will not provide for effective screening between a development and the Freeway, the Planning Commission or its designee may require a berm or other screening measures in addition to the plantings required by this Section.

9. All required setbacks, buffer areas and vegetation applicable to the Gene Snyder Freeway shall also be applicable to all Gene Snyder Freeway access ramps.

10. Gene Snyder Freeway buffer areas shall be set aside to accommodate the required landscape and buffering materials. No vehicle use areas, buildings or structures, except for fences or walls permitted by this Section and structures attendant to public utility services, shall be permitted within a required Gene Snyder Freeway buffer area. . Retention or detention basins may occupy no more than 50% of the required width of the Freeway buffer area.

B. **Signage**

All signage shall be in accordance with Chapter 8 "Sign Regulations" and with all other applicable provisions of the Land Development Code.

C. **Fences**

1. All privacy fences shall be setback at least thirty (30) feet from the right-of-way line of the Freeway and all of the required plantings shall be located between the Freeway and the fence.

2. Where conditions permit, any fences or walls constructed to mitigate noise levels on adjacent or nearby properties shall provide the required trees and shrubs between the Freeway right-of-way and the fence or wall.

10.3.8 Olmsted Parkway Development Standards (RESERVED)

10.3.9 Alternative Landscape Designs

It is not the intent of this Part to discourage innovative, aesthetically pleasing landscape buffer area designs. Thus, the developer may choose to submit a landscape plan depicting buffering materials/plantings that conform to the spirit and intent of this Part, while varying from the specific planting requirements. The alternative buffering materials/plantings may be permitted if the Planning Director finds that said deviations are a substantial improvement over the minimum requirements of this Part.

10.3.10 Modifications

The Planning Commission may modify or waive the buffering and planting requirements of this Part upon making the findings specified in Chapter 11 Part 8 of the Land Development Code.

10.4.1 Plant Species

Any proposed new plant material used to satisfy the requirements of this development code shall be of a species other than those listed in the current version of the Louisville and Jefferson County Prohibited Plant List adopted by the Planning Commission. To the greatest extent possible, new plant material should be selected from species included in the current version of the Louisville and Jefferson County Preferred Plant List adopted by the Planning Commission. This list consists of species that are either native to Jefferson County or that perform particularly well in the area, or both.

Over-dependence on a single genus may result in extensive loss due to disease, insects or other pests. To ensure a diversity of species within Louisville and Jefferson County's forests the mix of required trees for all development proposals shall conform to the following diversification formula:

50% maximum of any single species (e.g., Quercus rubrum)

Exceptions to the diversification formula shall be allowed for:

A. Sites of less than two acres, if required plantings are chosen from the Preferred Plant List

B. Sites located within a Neighborhood Study or Corridor Study approved by the Planning Commission with street tree or landscape guidelines or sites containing a streetscape master plan approved by the Planning Commission;

C. A Planned Development or General Development Plan containing a planting plan approved prior to the effective date of this code

10.4.2 Plant Quality

All plant materials shall be living plants (artificial plants are prohibited.) Plant materials shall conform to the standards of the American Association of Nurserymen and shall have passed any inspections required under state regulations. Bare root plants, with the exception of vines and groundcovers shall be prohibited.

10.4.3 Plant Sizes

All required plant material shall meet the following size criteria at time of installation:

Evergreen Trees	6 feet high
Shrubs (when required for 6-8 feet screening)	36 inches high
Shrubs (when required for 3 feet screening)	18 inches high
Grasses or Ground Cover	N/A

Size criteria for deciduous tree species shall be determined based on its Size Type as described in Chapter 1 Part 2 (Definitions) of the Land Development Code. Installation criteria for each Size Type is as follows:

Small Tree (under 25 feet in height at maturity)	6 feet high
Medium Tree (25 feet-50 feet in height at maturity)	1 ¾ inch caliper
Large Tree (over 50 feet in height at maturity)	1 ¾ inch caliper

When planting Medium or Large Trees, Small Sites (as defined in 10.2.2(C) and Single Family Residential sites shall be required to install such trees at a minimum size of 1 inch caliper.

All minimum size requirements shall conform to the characteristics set forth in the American Standard for Nursery Stock, latest addition.

Any existing trees on a site or street trees planted on an adjacent right-of-way that are used to meet the Tree Canopy Regulations (Chapter 10 Part 1) may be credited towards fulfillment of any landscaping, screening, or buffering provisions of this Chapter. The following criteria shall be used where existing healthy trees are being preserved and substituted for newly planted trees:

A. An existing 6 inch-12 inch caliper tree, surrounded by a minimum of 133 square feet of landscape area, may be substituted for two (2) new trees of the required minimum size

B. An existing 12 inch-24 inch caliper tree, surrounded by a minimum of 250 square feet of landscape area, may be substituted for three (3) new trees of the required minimum size

C. An existing tree greater than 24 inch caliper, surrounded by a minimum of 300 square feet of landscape area, may be substituted for four (4) new trees of the required minimum size

10.4.4 Spacing

No newly planted trees may be planted closer together than 10 feet for small trees, 25 feet for medium trees, and 30 feet for large trees. When planting new trees near existing mature trees, leave a minimum distance of half of the new tree's mature spread between the new tree and the existing trees. Planning Commission staff can authorize a closer spacing of trees in special circumstances.

Table 10.4.1

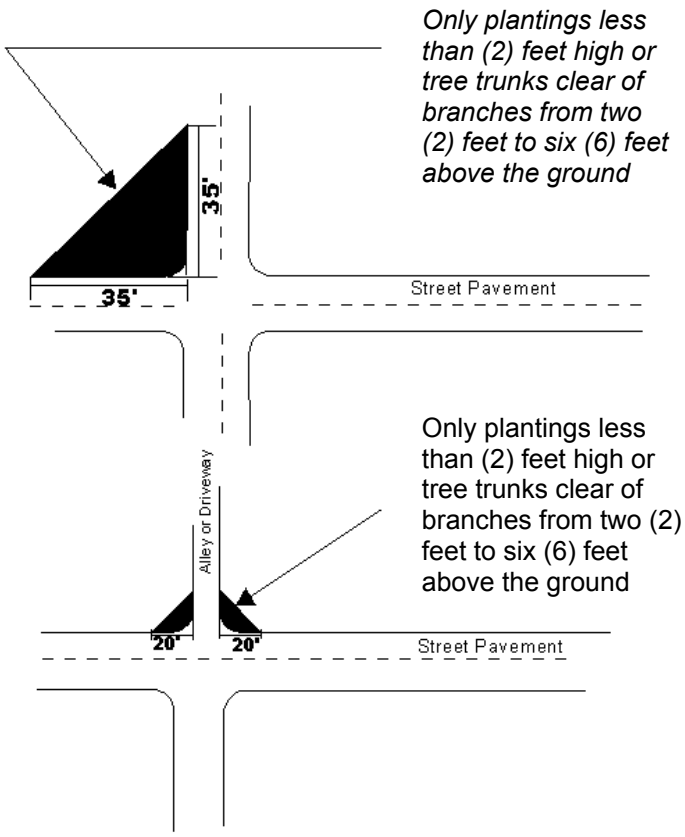
TREE SPACING GUIDE AGAINST BUILDINGS	
Tree Height	**Minimum Spacing from Building Edge**
Up to 25 feet (small tree)	10 feet
25 feet-50 feet (medium tree)	15 feet
50 feet+ (large tree)	15 feet

No tree shall be planted in a space less than 3 feet in width. Only small trees shall be planted in spaces less than 4 feet in width.

Trees shall be located to provide shade over impervious surfaces to the maximum extent possible.

Figure 10.4.1

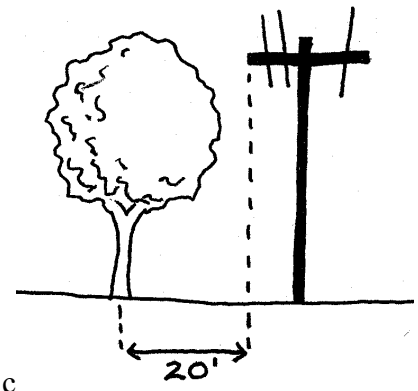
Chapter 2 Sight Triangle at Intersecting Streets



Sight Triangle at Intersection of Alley or Driveway with Street

No tree shall be planted closer than 5 feet to any fireplug, utility pole, or similar utility structure. Large or medium trees shall not be located beneath overhead wires, and shall be planted at least 20 feet from any easement or right-of-way in which overhead wires are located. With approval from the appropriate utility company Type C trees planted 30 feet on center may be planted beneath overhead utility lines to meet perimeter tree planting requirement.

No landscape material shall be planted closer than 5 feet from the sides of any electric transformer box and all landscape material shall be planted a minimum of 10 feet from the door of such boxes.



Overhead wire graphic

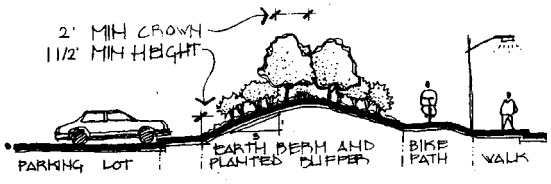
To assure that landscape materials do not constitute a driving hazard, a “sight triangle” will be observed at all street intersections including street intersections and intersections of alleys or driveways as illustrated below. The sight triangle shall be measured from edge of pavement to edge of pavement.

10.4.5 Planting Details

Any plant material introduced to meet the requirements of this Development Code shall be installed in accordance with sound planting guidelines adequate to sustain vigorous and healthy growth.

10.4.6 Berms

Any *berm* built to satisfy the requirements contained in this regulation shall be constructed as follows: a minimum height of 1 1/2 feet, and a minimum crown of 2 feet measured on a horizontal plane. Berms with side slopes greater than 3:1 shall be planted with ground cover that does not require mowing. Berms over 3 feet in height planted with woody plant material shall be permitted if the applicant demonstrates to satisfaction of Planning Commission staff that adequate measures will be taken to allow the proposed plants to thrive. Landscape plans shall indicate, by a detail drawing, or by specification in a note on the plan, the type and location of irrigation system to be used. Plans should be specific enough to show that adequate irrigation will be provided to all required plant materials.

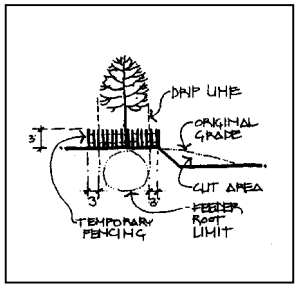


Berm graphic

10.4.7 Transplanting

Any tree that is not nursery stock and is to be moved in order to meet requirements of this regulation shall be transplanted in accordance with sound planting guidelines adequate to sustain vigorous and healthy growth.

10.4.8 Protection During Construction



A durable and visible barrier at least 3 feet in height and approved by the Planning Director or designee shall be erected around all Tree Canopy Protection Areas prior to any clearing or land disturbing activities requiring a Land Disturbance Permit. All barriers shall be located at the edge of the area to be preserved, which is at least 3 feet beyond the drip line of the protected tree, and shall remain in place until all construction is completed.

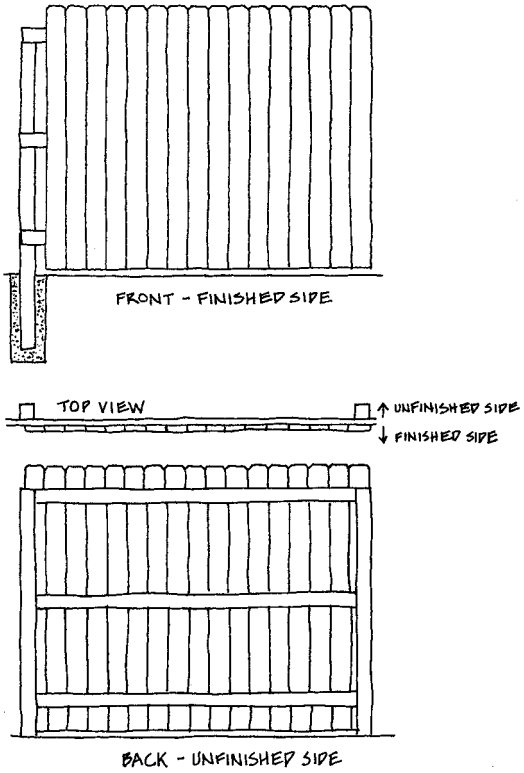
No clearing, grading or other land disturbing activities shall be allowed within the area enclosed by the tree protection barrier. No equipment, materials, or vehicles shall be stored or placed within the area enclosed by the tree protection fence.

To prevent compaction of the soil or root system, no parking, material storage, or construction activities are permitted within the boundaries of the constructed barrier or vegetative buffers, beyond that allowed for preliminary site investigation work,

10.4.9 Walls And Fences

Walls and fences built to satisfy the requirements of the Land Development Code shall meet the following standards. Walls shall be constructed of natural stone, brick, or other weatherproof materials approved by the Commission Director or designee. Fences shall be constructed of wood or other weatherproof, durable materials intended for exterior use and approved by the Commission Director or designee. Walls or fences used to satisfy screening requirements shall be at least 80% opaque. Fences shall provide a finished side facing the lower intensity use. Chain link fencing may not, under any circumstances be used to meet any screening requirements of this regulation, nor shall slats installed as part of a chain link fence be allowed to satisfy screening requirements. However, chain link fencing may be installed for other purposes within the required buffer area if it is used in addition to plants, berms or other allowable screening material and is not otherwise restricted by the form district regulation or other applicable parts of this Code. Walls and fences allowed to meet the requirements of this regulation shall not be used to display or support any sign or other advertising device.

Finished side fence graphic



10.4.10 Lighting

Any lights used to illuminate landscaping must be shown on the landscape plan.

10.4.11 Land Clearing

Selective Clearing - Selective clearing of trees, shrubs and underbrush may be necessary or desirable in certain instances. Trees along the edge of a preservation area may be susceptible to off site impact and non-construction impacts (such as when a newly created woodland edge is formed increasing exposure to higher winds and temperatures). Selective clearing may be an appropriate management technique within Woodland Preservation Areas after development to encourage new growth or longevity. Selective clearing may also be necessary for individual trees that may be in danger of falling on structures, roadways or other vehicular use areas, or into open sections of yard where outdoor activities are likely to take place.

Selective clearing will be limited to areas identified to allow such clearing on an approved Development Plan, Tree Canopy Plan or Landscape Plan and may only take place after the development is complete.

10.4.12 Maintenance

A. For any tree located on public or private property as a requirement of an approved Landscape or Tree Preservation Plan, the following activities are prohibited:

1. Attachment of rope, wire, nails, advertising posters, or other contrivances.

2. Deposition, placement, or storage of stone, brick, sand, concrete, or other materials which may impede the free passage of water, air, fertilizer to the root system.

B. It will be the responsibility of the property owner to perpetually maintain all landscape areas and associated plant material required under these regulations. The property owner shall also be responsible for maintaining the verge and associated trees within the verge unless the agency having jurisdiction over that verge assumes that responsibility.

C. All unhealthy or dead plant material shall be replaced within one year, or by the next planting period, whichever comes first, while other defective plant material shall be replaced or repaired within three (3) months.

D. An authorized inspector shall have the right to enter onto any property to inspect the health and general condition of plant material that is:

1. Located within the ROW

2. Part of an approved development/landscape plan or

3. Reported as a public hazard

10.4.13 Protection of Public Property

No person shall plant or intentionally damage, transplant, or remove any tree within any street right-of-way or on any municipal-owned property without approval by the agency having jurisdiction for that right-of-way. Any person or property owner acting without prior approval can be subject to the cost associated with any remedial measures necessary to correct an improper action.

10.4.14 Tree Service Contractors *(Reserved)*

The intent of this Part is to provide for the appropriate location, use, design and composition of open space areas provided to meet a requirement or incentive of the Land Development Code. As such, the standards prescribed by this Part shall be applicable to any open space intended to satisfy an open space requirement of the Campus Form District, Village Form District and the Planned Residential Development District or as an incentive in accordance with Alternative Development Incentives.

The following terms relating to Open Space are included in the Definitions (Chapter 1 Part 2) Conservation Easement, Green, Greenway, Holder, Meadow, Open Space, Open Space, Common, Open Space, Private, Open Space, Public, Park, Pedestrian and Bicycle Corridor, Playground, Plaza, Sports Fields, Square

10.5.1 Relationship to the Comprehensive Plan

The open space standards prescribed by this Part are intended to implement the following Cornerstone 2020 Comprehensive Plan Goals and Plan Elements.

Mobility Strategy Goals C1; H2 Marketplace Strategy Goal D2 Livability Strategy Goals A1; B1; B2; B3; B4; E1; E2; E3; E4; F1; F2; F3; F4; G1; G2; G3; G4; H1; H2; H3; H4; H5; I2; J4	Guidelines 3, 4, 5, 10, 11, 12, 13

10.5.2 Types of Open Space

There can be a wide variety of purposes and applications of open space within a specific development site, neighborhood or community. As such, the following general types of open space have been identified with examples of each provided. These categories shall not be considered mutually exclusive as an open space can serve more than one purpose.

A. Open Space for Outdoor Recreation

The following are examples of open space consistent with this type.

1. Parks, greens, squares, plazas
2. Playgrounds, sports fields, outdoor pools and horse riding facilities
3. Pedestrian and bicycle corridors and facilities
4. Golf courses

B. Open Space for Natural Resource Protection / Public Health and Safety

The following are examples of open space consistent with this type.

1. Woodland conservation/protection areas
2. Areas managed for the protection of habitat, native vegetation, and/or threatened or endangered species (e.g. nature preserves)
3. Jurisdictional and non-jurisdictional wetlands
4. Designated greenways
5. Stormwater detention and retention basins
6. Regulatory floodplains and conveyance zones
7. Required stream buffers located outside the regulatory floodplain and conveyance zone
8. Lands with slopes over 20%
9. Areas with karst (sinkhole) geology
10. Lands with unstable soils

C. Open Space for Aesthetic, Design Compatibility, Cultural and Educational Purposes

The following are examples of open space consistent with this type.

1. Visual resources such as providing substantial landscape buffer areas or providing a setback in excess of that required so as to maintain the integrity of a scenic corridor
2. Designated or recognized cultural, historic or archaeological sites
3. Landscaped roadway medians at least 30 feet in width that add to the community's improved visual appearance
4. Meadows

D. Open Space for the Managed Production of Resources

The following are examples of open space consistent with this type.

1. Agricultural lands and activities
2. Woodlands managed for forestry production
3. Community gardens

10.5.3 Amount of Open Space Credit

The amount of credit provided towards the fulfillment of an open space requirement or incentive for the various forms of open space depends upon its level of accessibility to the public and the development potential of the land itself. When calculating the amount of credit a particular open space area should be given the following shall apply.

Note: *Partial credit for open space as specified in 10.5.3.D is not applicable to any required open space (e.g., Campus, Village form districts.)*

A. Credit equal to 125% of the open space area shall be given for any open space area that is permanently preserved as Public Open Space, except as prescribed in (D) of this Section.

B. Credit equal to 100% of the open space area shall be given for any open space area that is permanently preserved as Common Open Space, except as prescribed in (D) of this Section.

C. Credit equal to 75% of the open space area shall be given for any open space area that is permanently preserved as Private Open Space, except as prescribed in (D) of this Section and except that no credit shall be given for private open space areas where easements or development rights have been purchased or acquired through the use of public funds.

D. Requirements of this paragraph D. shall only apply to sites that are developed in accordance with Section 2.7.3 (Planned Residential Development District) or Chapter 4 Part 5 (Alternative Development Incentives). Open space that is located in an area in which development is prohibited or is significantly restricted due to environmental constraints or other conditions shall be given partial open space credit in an effort to ensure their permanent preservation. These areas and the open space credit they shall receive are prescribed below.

1. Conveyance zones (50% credit)

2. Jurisdictional wetlands (50% credit)

In order for any of the areas mentioned above to qualify as open space and receive the open space credit prescribed herein, they must meet the open space standards set forth in Section 10.5.4. When an open space credit is prescribed by (D) of this Section, the amount of credit provided shall be calculated by multiplying the open space area by the credit (%) provided in (D) and then by multiplying that total by the credit (%) provided for the various types of preservation (e.g. public, common or private).

10.5.4 Open Space Standards

Because of the variety in the types and functions of open space demonstrated in Section 10.5.2, specific requirements are needed that permit the location, design and use of open space to be consistent with its intended purpose. As such the following standards have been developed for specific open space types and uses. Any area designated as open space shall be categorized and labeled on the face of the applicable plan (e.g. preliminary subdivision, development plan, final site plan, or landscape plan) according to the type of open space and the standards for that type of open space shall be applicable.

A. Standards for All Types of Open Space

1. Any area covered by or contained within any of the following shall not be considered as open space unless specifically permitted: buildings, streets, public or private rights-of-way, parking areas, utility rights-of-way (except where all utilities are required to be underground).

2. Parking lots may not be used to meet an open space requirement or incentive unless they are designed as part of the open space and are intended primarily for users of the open space (e.g., parking for sports field, greenway or park users). Semi-pervious paving systems shall be required when any parking lot proposed to be used as open space contains more than 20 parking spaces.

3. All parklands or other open space intended for dedication to public use must be approved as to location and design by the public entity proposed to be responsible for managing the open space prior to plan approval by the Planning Commission or DPDS.

4. All open space areas other than those provided for developments in the Downtown Form District shall have a minimum dimension of 30 feet and contain at least 6,000 square feet of contiguous area. A minimum dimension of no less than 15 feet may be permitted for pedestrian facilities that connect other open space areas within a site. When a site's open space requirement is less than 6,000 square feet the minimum area may be reduced to equal that requirement.

5. When an area is preserved as **private open space**, prior to the recording of a plat or the issuance of a building permit, whichever occurs first, the developer and recipient entity shall submit a copy of the recorded conservation easement assuring the permanent protection, preservation and maintenance of the proposed open space. If such documents are not provided, the open space area shall not be considered for the purposes of meeting required open space nor shall it be used to calculate any potential open space credit provided by the Land Development Code.

6. When an area is preserved as **common open space**, prior to the recording of a plat or the issuance of a building permit, whichever occurs first, the developer and, where applicable, recipient entity shall submit a copy of the recorded documents assuring the permanent protection, preservation and maintenance of the proposed open space. If such documents are not provided, the open space area shall not be considered for the purposes of meeting required open space nor shall it be used to calculate any potential open space credit provided by the Land Development Code. (See Chapter 1 for specific maintenance requirements for common open space and common facilities.)

7. When an area is preserved as **public open space**, the Planning Director shall review the proposed open space and determine, upon consultation with the Parks Director, if it is accessible by and a benefit to the general public. Prior to the recording of a plat or the issuance of a building permit, whichever occurs first, the developer shall permanently dedicate the open space to public use in a manner acceptable to the Planning Commission and the recipient entity.

B. Standards for Outdoor Recreation

1. All open space for outdoor recreation shall be preserved as either common or public open space.

2. All open space located within a site shall be integrated and connected with any part of an adjacent and designated park, open space or greenway.

3. Squares and greens shall not be located behind dwellings. The Planning Director may allow exceptions to this standard upon determining that topography, existing street layout, or other features make this restriction impractical.

4. All pedestrian and bicycle corridors used to meet an open space requirement or incentive may not be located in a public right-of-way, shall be at least 30 feet in width, and the paths and trails located within them must be designed to the standards contained or incorporated by reference in the *KIPDA Regional Pedestrian and Bicycle Plan*.

Note: *Open space should be integrated and connected within the site to the greatest extent practical.*

C. Standards for Natural Resource Protection / Public Health and Safety Purposes

1. Greenways designated within and meeting the design standards of *a* legislatively adopted greenways plan or subsequent watershed master plan may be utilized to meet an open space requirement or incentive.

2. Jurisdictional and non-jurisdictional wetlands and their buffers may be used to satisfy an open space requirement or incentive if the hydrologic and vegetative character of the wetland is maintained in a pre-development condition. This shall not preclude increasing the volume of water or rate in which it passes through the wetland when the wetland is being used as a water quality filter and said modifications would not degrade the quality of the existing wetland. It shall also not preclude increasing the size of the wetland or enhancing its existing vegetation.

3. Detention and retention basins may be counted towards an open space requirement or incentive as follows.

   a. Retention basins designed to hold water at least five feet in depth on a continuous basis throughout the year may be used to meet an open space requirement or incentive if its banks are vegetated and landscaping is provided around the basin's perimeter in an effort to make it a visual amenity for the development and the basin is accessible by the provision of walking paths or other pedestrian facilities.

   b. Detention basins may be used to meet an open space requirement or incentive if some form of outdoor recreation is incorporated into its design (e.g., walking paths, tennis courts, basketball courts and similar facilities within the basin). The frequency and duration of standing water in these basins shall not be such that proposed outdoor recreation use is practically restricted on a regular basis. The applicant shall address provision of maintenance necessary to allow the use of these areas. Landscaping should be provided around the basin's perimeter in an effort to make it a visual amenity for the development and its banks should be vegetated. The basins should also be accessible by the provision of walking paths or other pedestrian facilities. When access is provided within a basin the maximum grade of the pedestrian facilities shall be 12.5%.

4. Areas with significant karst geology may be used to satisfy an open space requirement or incentive if sufficient area, inclusive of buffers, is preserved as open space in order to protect the geologic, hydrologic or vegetative character of the area.

5. Unstable soils as depicted by *Core Graphic 5: "Environmental Constraints"* may be utilized to meet an open space requirement or incentive.

D. Standards for Aesthetic, Design Compatibility, Cultural, Educational Purposes

1. Any roadway median that is intended to be used to satisfy an open space requirement or incentive shall be at least 30 feet in width and provide a landscape treatment including at least one large Type A tree per 50 linear feet of road frontage and some combination of shrubs and ground cover. Where pedestrian facilities/crossings are provided, they shall be designed and installed in accordance with current Public Works standards.

Note: If a 30' buffer area is required, it must be supplemented by 10 additional feet in order to receive credit as open space.

2. Cultural, historic or archaeological sites proposed to satisfy an open space requirement or incentive must be either locally designated as a Historic Landmarks Preservation District, must be located within the National Register Historic District, or be listed on or eligible for the National Register of Historic Places. The sites must be permanently preserved through easement or other form of dedication, and provisions agreed upon to secure the permanent maintenance and preservation of the sites. Open space credit provided in accordance with this provision shall not include any building or structure.

3. When a structure or group of structures are proposed adjacent to a designated scenic corridor, open space shall be credited for providing a structure setback from the scenic corridor at least 50% greater than that required. Upon providing the additional setback the entire setback, including that which is required, may be credited as open space as long as that area is permanently preserved as open space.

4. Landscape Buffer Areas (LBA's) required by this Land Development Code that exceed 40 feet in depth and that are permanently protected as open space may be used in their entirety to meet an open space requirement or qualify for an open space incentive.

E. Standards for the Managed Production of Resources

1. A maximum of 75% of any open space requirement or incentive may be satisfied by lands that are permanently preserved for Managed Production of Resources.

10.5.5 Transfer of Open Space Provisions

Where a portion of this Land Development Code requires open space or allows an incentive for the provision of open space and specifically allows for the transfer of that open space, then the owner/developer may choose to transfer a portion of an open space requirement or incentive to an off-site location subject to final approval by the Planning Commission or its designee. Any transfer will be subject to the following conditions and limitations.

A. The following limitations shall apply to the amount of an open space requirement or incentive that may be transferred.

1. Residential Development Sites Greater than or Equal to Five Acres and Less than 50 Acres……..…40%

2. Residential Development Sites Greater than or Equal to 50 Acres and Less than 150 Acres……...…25%

3. Residential Development Sites Greater than or Equal to 150 Acres……..…..10%

4. Non-Residential Development Sites Greater than or Equal to 25 Acres……..……..……40%

B. The minimum increment of open space to be transferred shall be one acre.

C. The transfer of open space must be made to an off-site location that is within two miles of the site from which it is being transferred unless said open space is public open space, in which case the off-site location must be within either (1) two miles of the site from which it is being transferred or (2) the same *Recreation Planning Service Area* (as defined by the *Parks and Open Space Master Plan*). In any case the transfer of open space shall be subject to final approval by the Planning Commission or its designee.

D. The transfer of open space must be provided in the form of a conservation easement owned or managed by a qualified holder or by dedication to the Parks Department or other governmental entity.

E. A preliminary letter of interest on behalf of a qualified holder, the Parks Department, or other governmental entity must be completed and submitted concurrently with any application for plan review that would trigger the open space requirement or incentive. A legally created transfer agreement must be finalized and executed, and a copy provided to DPDS, within 90 days of any final approval of a plan submittal. The Planning Commission or its designee may grant up to two thirty-day extensions for the execution of said transfer agreement. Failure to execute the agreement or provide the copy may render the final approval of a subdivision plan or district development plan null and void.

10.6.1 Intent and Applicability

This document presents the review process and design guidelines for streetscape master plans. A streetscape master plan designation provides for the implementation of streetscape design standards to enhance the visual quality and the livability of street corridors for pedestrians.

10.6.2 Relationship to the Comprehensive Plan

The streetscape master plan review process and design manual implement the following objectives and policies of the comprehensive plan: Objectives C2.5, D2.4, E2.4, F2.4, G2.4, and H2.5, and Policies 8.4 and 8.12.

10.6.3 Designation Process

Any legislative body with zoning authority or the Louisville Metro Planning Commission may designate and create a streetscape master plan subject to review and recommendation by the Planning Commission and final approval subject to legislative body action. The proposed Streetscape Master Plan design standards shall be created in accordance with the layout and general requirements as listed in the Streetscape Master Plan Manual (Appendix 10D). The Planning Commission review process shall include reviews by appropriate public agencies and utilities. A public hearing with notice to property owners adjacent to the proposed master plan corridor and to registered neighborhood groups shall take place. Notice shall be given at least 30 calendar days prior to the public hearing.

10.6.4 Landscape Plan Requirement

Any development within the area of an approved streetscape master plan shall have a landscape plan approved prior to requesting a building permit. The landscape plan shall conform to the standards of the streetscape master plan.

10.6.5 Streetscape Maintenance Requirement

Property owners shall be responsible for maintenance of streetscape elements as required by an approved streetscape master plan. Dead or diseased planting materials shall be replaced, and the requirements of Section 10.4.12 shall be met. Other streetscape elements shall be kept in good repair and clear of all obnoxious substances and rubbish.

PREFERRED TREES AND SHRUBS

(Suitable for the Louisville area and hardy in zones 5-7)

Contributed by: John A. Swintosky, ASLA, Metro Parks

TREES

	COMMON NAME	TREE TYPE
Acer rubrum (straight species)	Red Maple	A
Acer saccharum ssp. nigrum	Black Maple	A
Acer sacharum (straight species)	Sugar Maple	A
Aesculus flava (octandra)	Yellow Buckeye	A
Aesculus glabra	Ohio Buckeye	B
Aesculus pavia	Red Buckeye	C
Alnus serrulata	Alder	C
Amelanchier laevis	Serviceberry	C
Asimina triloba	Pawpaw	C
Betula lenta	Sweet Birch	A
Betula nigra	River Birch	A
Carpinus caroliniana	American Hornbeam	B
Carya (species)	Hickory	A
Catalpa bignoniaceae	Catalpa	A
Celtis (species)	Hackberry	A
Cercis canadensis	Redbud	C
Chionanthus virginicus	Fringe Tree	C
Cladrastis kentukea	Yellowwood	B
Cornus alternifolia	Pagoda Dogwood	C
Cornus amomum	Silky Dogwood	C
Cornus florida	Flowering Dogwood	C
Cornus racemosa	Gray Dogwood	C
Crataegus species	Hawthorn	C
Diospyros virginiana	Persimmon	B
Fagus grandifolia	American beech	A
Franklinia alatamaha	Franklinia	C
Fraxinus americana	White Ash	A
Fraxinus pennsylvanica	Green Ash	A
Fraxinus quadrangulata	Blue Ash	A
Gymnocladus dioicus (male only)	Kentucky Coffee Tree	A
Halesia carolina	Carolina Silverbell	B
Halesia diptera	Two-wing Silverbell	C
Ilex opaca	American Holly	A
Juglans cinerea	Butternut	A
Juglans nigra	Walnut	A
Juniperus virginiana	Eastern Red Cedar	B

Note: "Tree Type A" designates large trees, B type trees are medium and C trees are small for the purposes of applying the Land Development Code. See Table 10.1.3 and Tree Types A,B,C for further information for using this appendix

TREES

		TREE TYPE
Liquidambar styraciflua	Sweetgum	A
Liriodendron tulipifera	Tulip Tree	A
Magnolia acuminata	Cucumbertree Magnolia	A
Magnolia macrophylla	Bigleaf Magnolia	B
Magnolia tripetala	Umbrella Magnolia	B
Magnolia virginiana	Sweetbay Magnolia	C
Nyssa sylvatica	Blackgum	B
Osmanthus americanus	Devilwood	C
Ostrya virginiana	Hophornbeam	B
Oxydendrum arboreum	Sourwood	B
Pinus echinata	Shortleaf Pine	A
Pinus flexilis	Limber Pine	B
Pinus strobus	White Pine	A
Pinus virginiana	Virginia Pine	B
Platanus occidentalis	Sycamore	A
Prunus serotina	Black Cherry	A
Ptelea trifoliata	Hop Tree, Wafer Ash	C
Quercus alba	White Oak	A
Quercus bicolor	Swamp white Oak	A
Quercus coccinea	Scarlet Oak	A
Quercus falcata var. pagodifolia	Cherrybark Oak	A
Quercus imbricaria	Shingle Oak	A
Quercus lyrata	Overcup Oak	B
Quercus macrocarpa	Bur Oak	A
Quercus marilandica	Blackjack Oak	B
Quercus michauxii	Swamp chestnut Oak	B
Quercus muehlenbergii	Chinkapin Oak	B
Quercus palustris	Pin Oak	A
Quercus phellos	Willow Oak	A
Quercus rubra (borealis)	Red Oak	A
Quercus shumardii	Shumard Oak	A
Quercus stellata	Post Oak	B
Quercus velutina	Black Oak	A
Robinia pseudoacacia	Black Locust	B
Salix nigra	Black Willow	B
Sassafras albidum	Sassafras	B
Stewartia monadelpha; ovata	Tall Stewartia; Mountain Stewartia	C
Taxodium ascendens	Pond Cypress	A
Taxodium distichum	Bald cypress	A
Tilia americana	American Linden, Basswood	A

TREES

		TREE TYPE
Tsuga canadensis	Eastern Hemlock	A
Ulmus alata	Winged Elm	B
Ulmus americana	American Elm	A
Ulmus rubra	Slippery Elm	A
Viburnum lentago	Nannyberry Viburnum	C
Viburnum prunifolium	Blackhaw Viburnum	C
Viburnum rufidulum	Rusty Blackhaw Viburnum	C
Zelkova serratta	Zelkova	A

SHRUBS

	COMMON NAME
Aesculus parviflora	Bottlebrush Buckeye
Amorpha fruticosa	Indigo Bush
Aralia spinosa	Devil's Walking Stick
Aronia arbutifolia	Red Chokeberry
Aronia melanocarpa	Black Chokeberry
Arundinaria gigantea	Cane
Callicarpa americana	Beautyberry
Calycanthus floridus	Sweet Shrub, Carolina Allspice
Ceanothus americanus	New Jersey Tea
Cephalanthus occidentalis	Buttonbush
Clethra acuminata	Cinnamon Clethra
Clethra alnifolia	Summersweet
Corylus americana	American Hazel
Dirca palustris	Leatherwood
Euonymus americanus	Strawberry Bush
Euonymus atropurpureus	Eastern Wahoo
Fothergilla gardenii	Dwarf Fothergilla
Hamamelis vernalis	Vernal Witchhazel
Hamamelis virginiana	Common Witchhazel
Hydrangea arborescens	Smooth Hydrangea
Hydrangea quercifolia	Oakleaf Hydrangea
Hypericum (species)	Saint John's Wort
Ilex decidua	Possumhaw
Ilex verticillata	Winterberry
Itea virginica	Virginia Sweetspire
Lindera benzoin	Spicebush
Myrica pensylvanica	Bayberry

SHRUBS

	COMMON NAME
Philadelphus (species)	Mockorange
Physocarpus opulifolius	Eastern Ninebark
Prunus americana	Wild Plum
Rhamnus caroliniana	Carolina Buckthorn
Rhus aromatica	Fragrant Sumac
Rhus copallina	Shining Sumac
Rhus glabra	Smooth Sumac
Rhus typhina	Staghorn Sumac
Rosa carolina	Carolina Rose
Rosa setigera	Prairie Rose
Salix discolor	Pussy Willow
Sambucus canadensis	Elderberry
Spiraea alba	Meadowsweet Spirea
Spiraea tomentosa	Steeplebush
Staphylea trifolia	Bladdernut
Symphoricarpos orbiculatus	Coralberry, Indian Currant, Buckberry
Vaccineum stamineum	Deerberry
Viburnum acerifolium	Mapleleaf Viburnum
Viburnum cassinoides	Witherod Viburnum
Viburnum dentatum	Arrowwood Viburnum
Viburnum nudum	Smooth Witherod
Xanthorhiza simplicissima	Yellowroot

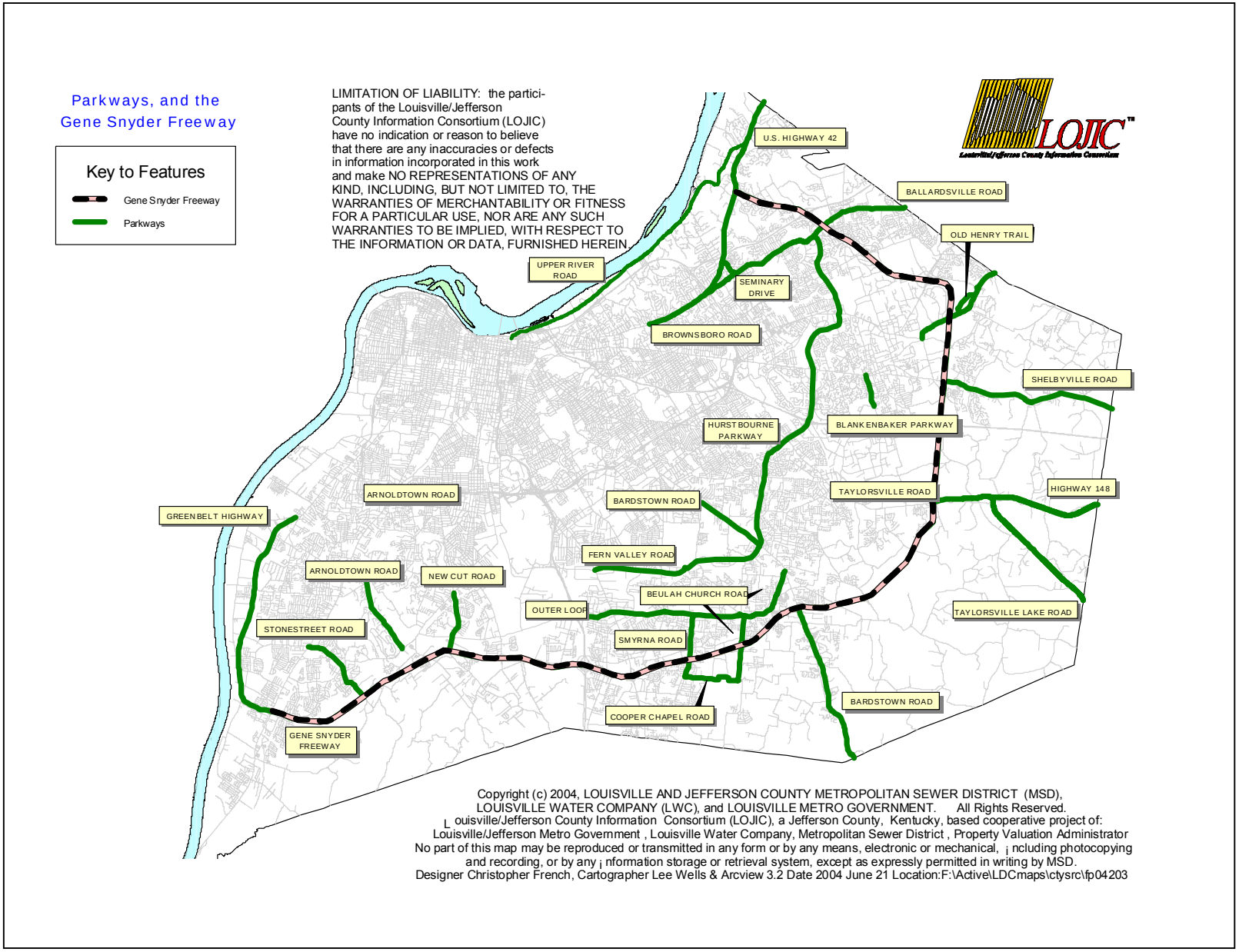
VINES

	COMMON NAME
Bignonia capreolata	Crossvine
Campsis radicans	Trumpet Vine
Celastrus scandens	Bittersweet
Clematis virginiana	Virgin's Bower
Lonicera sempervirens	Trumpet Honeysuckle
Pachysandra procumbens	Allegheny Pachysandra
Parthenocissus quinquefolia	Virginia Creeper
Smilax glauca	Cat Greenbrier
Smilax rotundifolia	Common Greenbrier
Wisteria macrostachya (frutescens)	Kentucky Wisteria

PLANT TYPE		COMMON NAME 'CULTIVAR'	COMMENTS
A	Ailanthus altissima	Tree of Heaven	This tree is a highly invasive exotic, is weak wooded and of poor quality.
A	Betula papyrifera	Paper Birch	Susceptible to Bronze Birch Borer. Life expectancy in a site with some stress (I.e. street tree) is short in an urban area.
A	Betula pendula	European White Birch	This tree is highly susceptible to leaf miner and Bronze Birch Borer. This tree is also intolerant of urban stress and short lived.
A	Diospyros virginiana (female)	Persimmon (females only)	The fleshy fruit makes this a messy tree for pedestrian and parking environments.
A	Ginkgo biloba (female)	Ginkgo (females only)	The female of this species is unacceptable because of its fruit. The fleshy seed is extremely messy and malodorous.
A	Gleditsia triacanthos	Common Honey Locust	This tree is too thorny for use in the urban environment and especially for meeting ordinance requirements.
A	Gymnocladus dioicus (female)	KY Coffee Tree (females only)	This tree produces six inch long leathery pods with sticky pulp which produce a messy condition unacceptable for urban situations.
A	Morus alba	Asian White Mulberry	This tree is a highly invasive exotic, made even more unacceptable because of the messy fruit.
A A	Populus (all) Populus deltoides	Poplars (all) 'White Poplars' 'Lombardy Poplar' 'Quaking Aspen' Eastern Cottonwood	All the listed poplars are unacceptable because they are disease prone, weak wooded and their roots will clog drain tiles, and storm and sanitary sewer lines.
A A A	Ulmus carpiniflora Ulmus fulva Ulmus pumila	Smoothleaf Elm Red Elm Siberian Elm	These trees are of poor quality and weak wooded with frequent wind damage. The plants also have disease and insect problems.
B	Acer negundo	Box Elder	This tree is of poor quality and weak wooded with frequent wind damage. The plant is disease and insect susceptible.
B	Albizia julibrissin	Mimosa Tree	The mimosa is an invasive exotic noxious species. This tree is weak wooded, and the seed pods are messy, with seed pods littering the ground. It is not very disease and insect tolerant.

PLANT TYPE		COMMON NAME 'CULTIVAR'	COMMENTS
B	Maclura promifera (female)	Osage Orange (females only)	The large fruit, 3-4" diameter, makes this plant unacceptable to meet code.
B	Malus pumila	Common Apple	This tree is weedy and its fruit is too large to warrant the use of this tree to meet ordinance requirements. Some varieties are susceptible to disease.
B	Paulownia tomentosa	Princess Tree	This tree has a long leaf drop period, messy seed pods, and huge leaves, which make it unsuitable to meet ordinance requirements.
B	Pyrus calleryana	Callery Pear 'Bradford'	This tree exhibits severe structural problems with main trunks splitting apart and has some serious disease problems.
B	Pyrus communis	Common Pear	This tree is extremely susceptible to fireblight and its large fruit makes this tree unsuitable for urban use.
B	Salix babylonica	Weeping Willow	Messy (always dropping small branches), weak wooded, susceptible to canker (disease), taps sewer and water lines.
B	Sorbus (species)	Mountain Ash (species)	These trees are susceptible to a host of diseases and pests. This tree is not recommended as a street tree because it is not urban tolerant and it has 1/2" fleshy seed pods. Best used in open lawn areas for private use.
C	Elaeagnus umbellata	Autumn Olive	This plant is a highly invasive exotic, and is short lived.
C	Elaeagnus angustifolia	Russian Olive	This plant is a highly invasive exotic, and is short lived.
C	Euonymus alatus	Winged Euonymus	This plant is an invasive exotic in natural areas.
C	Euonymus kiautschovicus	Spreading Euonymus	Susceptible to severe, annual winter damage or death.
C	Hibiscus syriacus	Rose of Sharon	This exotic species seeds itself aggressively; therefore, it is unacceptable to meet long term landscaping needs.
C	Laburnum x watereri	Golden Chain Tree	This plant is not reliably hardy in this zone. Seeds are poisonous.
C	Ligustrum (all)	Privets (all)	These trees are of poor quality and weak wooded with frequent wind damage. The plants also have disease and insect problems.
C	Lonicera maackii	Honeysuckle	This species is a highly invasive exotic.
C	Lonicera morrowii	Honeysuckle	This species is a highly invasive exotic.

PLANT TYPE		COMMON NAME 'CULTIVAR'	COMMENTS
C	Lonicera tatarica	Tatarian Honeysuckle	These species are highly invasive exotics.
C	Malus (selected)	Crabapples (as shown) Almey', 'Corovaria' Dorothea', 'Eley','Hopa' Ioensis', 'Red Silver' Radiant', 'Sylvestris'	Many of the old varieties of crabapples are susceptible to disease and insects. There are many new clones which are highly resistant to the four major crabapple diseases
C C	Prunus cerasifera (Straight Species) Prunus persica	Cherry Plum (Straight Species) Peach	Both of these trees have serious disease problems and are pollution sensitive.
C	Rhamnus cathartica	Common Buckthorn	This species is a highly invasive exotic.
C	Rhamnus frangula	Glossy Buckthorn	This shrub experiences serious disease problems and can be a highly invasive exotic. It also has problems surviving in areas with heavy traffic, because of soil compaction.
D	Ilex cornuta	Chinese Holly	The plant is susceptible to severe winter damage or death, and is not hardy in this zone.
D	Philadelphus coronarius	Sweet Mockorange	The open habit of this plant does not meet code.
D	Photinia x fraseri	Fraser Photinia or Red Tip	This plant is not completely hardy in this region.
D	Photinia villosa	Oriental Photinia	The plant has problems with disease, which limits its use to meet landscaping requirements.
D	Prunus glandulosa	Dwarf Flowering Almond	The open habit of this plant does not meet code.
D	Pyracantha coccinea	Scarlet Firethorn	This species fruit is very susceptible to scab (disease). Superior clones of Pyracantha are available and should be used instead of the species.
E	Rosa multiflora	Japanese Rose	This species is a highly invasive exotic.
F	Euonymus fortunei	Wintercreeper Euonymus	This groundcover is an aggressive invasive exotic species.
F	Polygonum cuspidatum	Japanese Knotweed	This groundcover is an aggressive invasive exotic species.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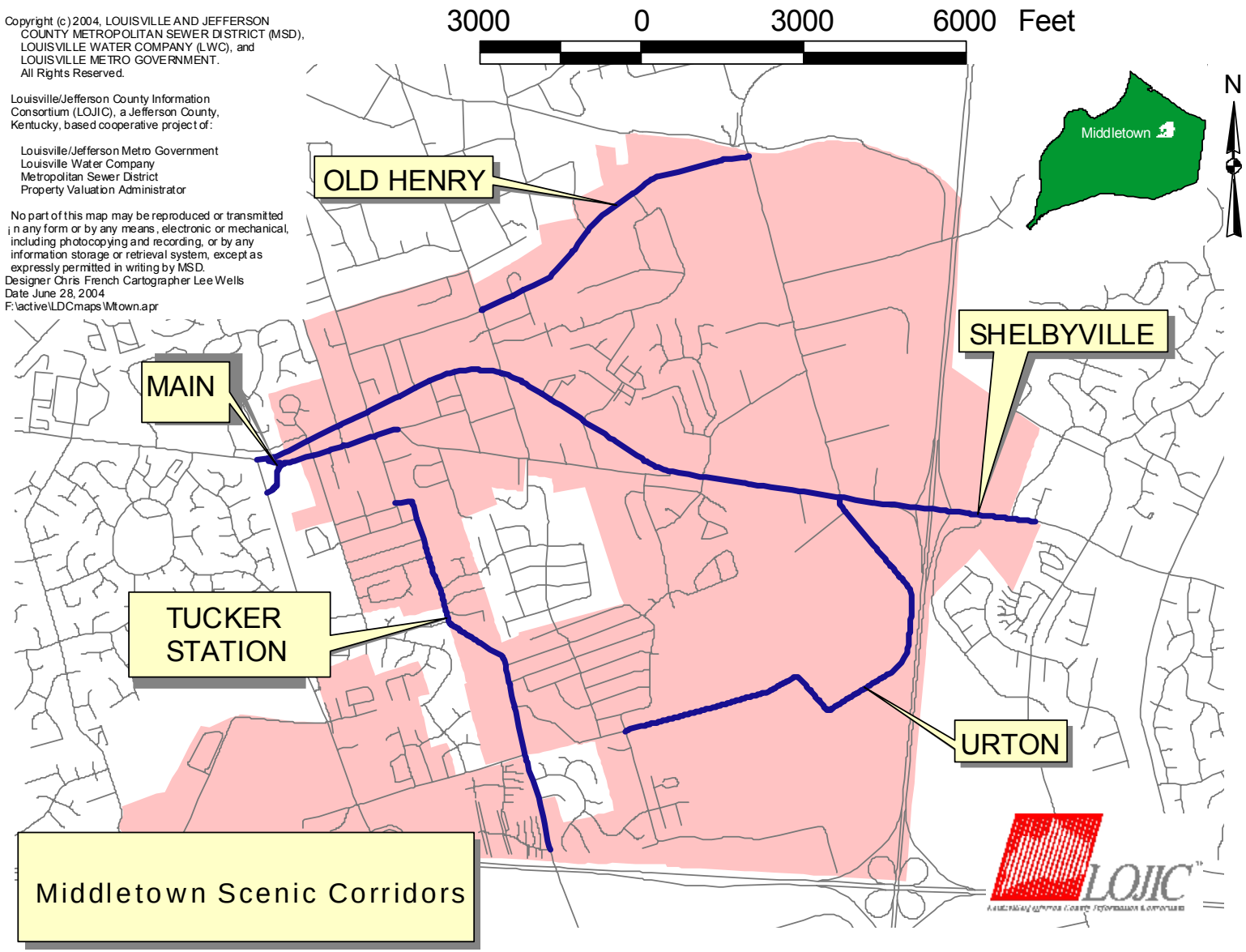
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Property Valuation Administrator
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Designer Chris French Cartographer Lee Wells
Date June 28, 2004
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Chapter 11	Development Review Procedures		
	Part 1	Administrative Officials	11.1-1
	Part 2	Subdivisions	11.2-1
	Part 3	Planned Developments	11.3-1
	Part 4	Zoning and Form District Map Amendments	11.4-1
	Part 5A	Conditional Use Permits	11.5-1
	Part 5B	Variances	11.5-3
	Part 6	Development Plans	11.6-1
	Part 7	Appeals	11.7-1
	Part 8	Waivers	11.8-1
	Part 9	Fees	11.9-1
	Part 10	Enforcement	11.10-1

11.1.1 Planning Director

A. Designation of Planning Director as Administrative Official

Pursuant to KRS 100.271, the Director of Jefferson County Planning and Design Services (or successor agency) is designated as the principal administrative official for the implementation and enforcement of regulations contained in this Code. Unless specifically stated to the contrary, the term "Director" or "Planning Director" shall include his or her designees.

B. General Functions, Powers and Duties

1. Written Records – For purposes of KRS 61.870 et seq., the Planning Director shall serve as the custodian of official records.

2. Files and Applications - The Planning Director shall be responsible for the receipt, review for completeness and substantial compliance, official acceptance, and maintenance of current and permanent files, applications and records for all permits and approvals required by this Code and including but not limited to Zoning and Form District Map Amendments, Conditional Uses, Subdivision Plats, and Development Plans. For purposes of beginning the notice and review process, the Planning Director shall determine when all necessary applications and supporting documents are complete and in sufficient detail.

3. Other - The Planning Director shall perform such other duties and functions as are required by the provisions of this Chapter.

11.1.2 Technical Review Committee

A. Establishment of Technical Review Committee

There is hereby established a Technical Review Committee. The word "Committee" when used in this Part shall be construed to mean the Technical Review Committee. The structure, membership, and duties may be modified by the Planning Commission.

B. Committee Membership and Officers

The Committee shall be composed of members representing departments and agencies (and their successor agencies) responsible for reviewing land development proposals. The Planning Commission, at the request of the Planning Director, may modify the makeup of the Committee. Membership includes but is not limited to the following:

1. Core Members

a. Louisville Metro Planning and Design Services

b. Louisville and Jefferson County Metropolitan Sewer District

c. Louisville Metro Departments of Public Works

d. Louisville Metro Department of Inspections, Permits and Licenses

2. Full Members

   a. Kentucky Department of Transportation

   b. Louisville Metro Historic Landmarks and Preservation District

   c. Metropolitan Development Authority

   d. Jefferson County Environmental Health and Protection

   e. Louisville Metro Air Pollution Control District

   f. Fire Department having jurisdiction

3. Advisory Members

   a. Louisville Gas and Electric

   b. Louisville Water Company

   c. Cable Utilities

   d. Kentucky Division of Water

   e. Bell South

   f. Natural Resources Conservation Service (NRCS)

   g. Transit Authority of River City (TARC)

C. Officers and Committees

The Chairman of the Committee shall be the Planning Director. Other offices and subcommittees to carry out the purposes of this Chapter, may be appointed by the Planning Director as needed.

D. General Functions, Powers and Duties

1. Application Review

   The Committee may review applications and make recommendations to appropriate approval authorities regarding approval, denial and, where applicable, conditions and safeguards to be placed upon the approval of applications required by this Chapter including, but not limited to the following:

   a. Subdivisions

   b. Conditional Uses

   c. Zoning Map and Form District Map Amendments

   d. Development Plans

   e. Street Closings and Street Name Changes

   f. Other Applications referred by the Planning Commission, Board of Zoning Adjustment or their Committees for review and resolution of technical issues

g. Other Applications referred to the Committee by the Planning Director

2. Other Duties

The Committee shall carry out such other duties as may be assigned to it from time to time.

11.2.1 Major Subdivisions

A. Subdivisions submitted in conjunction with a proposal for a Zoning or Form District Map Amendment

A preliminary subdivision plan submitted in conjunction with a proposed Zoning District Map Amendment which would establish an R-R, R-E, R-1, R-2, R-3, R-4, or R-5 Zoning District which would create a single-family residential subdivision, shall be accepted in lieu of a general district development plan. Preliminary subdivision plans submitted in conjunction with a proposed Zoning or Form District Map Amendment shall follow the review procedure for a Zoning or Form District Map Amendment.

B. Subdivision proposals not requiring a Zoning or Form District Map Amendment

Subdivision proposals which do not require a Zoning or Form District Map Amendment shall follow the review process established in Chapter 7, Subdivision Regulations. The Technical Review Committee process defined in Chapter 7 shall satisfy the Category 3 Review Process required for subdivisions that meet the threshold established in the form district regulations.

11.2.2 Minor Subdivisions

Minor subdivision proposals shall follow the review process established in Chapter 7, Subdivision Regulations. Minor subdivision proposals requiring a Zoning or Form District Map Amendment shall follow the review procedure for a Zoning or Form District Map Amendment.

11.3.1 General

Review of Planned Developments (e.g. PVD, TNZD and PTD) shall follow the review procedures outlined in the regulation establishing the planned development district.

11.3.2 Concurrent Review of Form District Map Amendment

In the event that a Zoning District Map Amendment to a Planned Development District also requires a Form District Map Amendment, the applicant shall so indicate at the time of Zoning District Map Amendment application and the Zoning District Map Amendment application materials shall be deemed sufficient for initial review of the Form District Map Amendment.

11.3.3 Relationship to Form District Design Standards

In addition to the standards established in the Planned Development District, development must also comply with the standards established in the applicable Form District. In the event of a conflict of standards, the standards of the Planned Development District shall apply.

11.4.1 Origination of Application

A. Zoning and/or Form District Map Amendments

Property owners, legislative bodies with jurisdiction and the Planning Commission may initiate zoning and/ or form district map amendments. All proposals for zoning and/or form district map amendments shall be referred to the Planning Commission for review and recommendation prior to legislative action on the proposed amendment.

B. Zoning and/or Form District Map Amendments not Associated with Specific Development Proposals

Legislative bodies with jurisdiction and the Planning Commission may initiate zoning and/ or form district map amendments not associated with a specific development proposal. Such amendments shall, in cases where the applicant has no ownership interest in the subject property, be exempt from the development plan and binding element requirements of this Part. Notice for hearings to consider zoning or form district map amendments not associated with specific development proposals shall be given in accordance with KRS100.

NOTE: *Section B addresses what is commonly known as the area-wide rezoning process. Other parties who want to change zoning or form districts under the provisions of section B should work through Division staff and/or their legislative body representative.*

11.4.2 Pre-Application

Prior to formal application for Zoning District Map Amendments or Form District Map Amendments the applicant or applicant's agent shall file a plan and supporting materials with the Planning Director. The materials to be submitted shall be determined by the Planning Director. The Planning Director shall review the materials submitted and provide the applicant with a report addressing, as appropriate, the following issues:

A. Comprehensive Plan Compliance

B. Zoning and Form District and Subdivision Regulation impacts

C. Site characteristics that may have a significant impact on the proposed development

No formal pre-application conference is required unless specifically requested by the applicant or Planning Director.

NOTE: *Pre-application required but conference is optional.*

11.4.3 Neighborhood Meeting Requirement

Prior to filing a change in zoning request and after the pre-application conference (if one was conducted) a letter shall be sent from the developer/owner stating that a pre-application has been filed with PDS and announcing a public meeting held by developer/owner to discuss the proposed project. The letter shall be mailed no less than 10 days prior to the neighborhood meeting. The letter shall be sent to:

- 1st and 2nd tier property owners,
- neighborhood groups who have registered with PDS to receive notice of development actions,
- 2nd through 6th class city if the development is located within such a municipality,
- Metro Council district representative; and
- PDS staff.

On receipt of said letter at the PDS office the pre-application file shall no longer be confidential. The neighborhood meeting shall be held no less than seven (7) days and no more than 90 days prior to the filing of an application. At time of filing a change in zoning request, the applicant shall provide a summary of a public meeting between the applicant and theparties listed above. The summary shall include a list of those invited, those in attendance and a summary of the issues discussed.

11.4.4 Application

Submission Requirements

Applications for Zoning or Form District Map Amendments shall be signed by the property owner or his/her agent and filed with the Planning Director in accordance with these regulations and the Planning Commission By-Laws and Rules of Procedure. Applications shall be accompanied by supporting material determined appropriate by the Planning Director and by the appropriate fee. The list of required supporting materials shall be available from the offices of the Commission. Failure to submit all required material may result in delay of the application review. At a minimum, the following materials shall be submitted with all applications for Zoning or Form District Map Amendments:

A. A "Demonstration of Appropriateness" document which addresses as applicable:

1. One of the following;

a. How the proposed amendment conforms to the Comprehensive Plan; or,

b. Why the existing zoning or form district classification is not appropriate and the proposed zoning or form district is appropriate; or,

c. What major changes of an economic, physical, or social nature, not anticipated by the Comprehensive Plan, have occurred in the vicinity of the proposed change substantially altering the basic character of the area; and,

2. How utilities and essential public services will be provided to the property in question; and,

3. The anticipated time period in which implementation of the proposed uses will be initiated provided the amendment is approved

B. A development plan of sufficient detail to demonstrate to the Planning Commission the character and objectives of the proposed development and the potential impacts of the development on the community and its environs. In instances where a general development plan is submitted, the Planning Commission may require submission of a detailed development plan prior to issuance of site disturbance and building permits. In certain instances, a preliminary subdivision plan will satisfy the requirements for a general or detailed development plan. These circumstances are identified in Part 2 of this Chapter. In addition, staff shall endeavor to assure that notice is given to all neighborhood groups who have registered to receive notice of development applications.

C. Technical studies or reports required by this Land Development Code including but not limited to air quality, traffic, historic and cultural resource, geologic, hydrologic, and hydro-geologic.

D. Upon receipt of a complete application, as determined by the Planning Director, staff of Planning and Design Services shall cause notice of the application to be given. Not less than ten (10) calendar days prior to initial consideration of an application by either the Commission or a Committee thereof, notice of the application shall be given to first and second tier adjoining property owners. In addition, staff shall endeavor to assure that notice is given to all neighborhood groups who have registered to receive notice of development applications.

11.4.5 Public Hearing[1]

A. Hearing Required – The Planning Commission shall hold at least one public hearing on each application for a Zoning or Form District Map Amendment. Notice of the hearing shall be given as specified in KRS100. In addition, staff shall endeavor to assure that notice is given to all neighborhood groups who have registered to receive notice of development applications.

[1] See appendix 1C for changes to this section in effect within the City of Middletown.

B. Submission of Materials – No less than fourteen (14) calendar days prior to an original or continued hearing date set by the Commission, the applicant shall submit original or revised development plans, traffic and air quality, market studies, proposed binding elements, noise studies, lighting studies, geotechnical or other environmental studies, and any other studies or reports prepared by an expert and the findings of which the applicant intends to present at the which have been prepared in response to comments received during the review process. Failure to submit these items within the required time frame shall be considered grounds for postponing the hearing or deferring action on the proposal. The applicant shall be responsible for the cost of additional notice resulting from failure to submit items within the required time frame. This section does not preclude the applicant from presenting, at the hearing, changes to the plan in response to concerns of the neighbors or Commission. Other interested parties (including but not limited to neighborhood organizations, adjoining property owners, etc.) submitting studies or reports prepared by an expert and proposed binding elements for review by the applicant and Planning Commission shall submit these materials no less than fourteen (14) calendar days prior to an original or continued hearing date set by the Commission.

C. Hearings shall follow the procedures established in the Planning Commission By-Laws and Procedures.

D. Following the public hearing, the Planning Commission shall make a recommendation regarding the appropriateness of the Zoning District or Form District Map Amendment to the legislative body with zoning authority over the property in question. In addition, the Planning Commission shall by separate vote, approve, reject or defer action on the development plan submitted and considered in conjunction with the proposed Zoning or Form District Map Amendment..[2]

11.4.6 Legislative Action

A. The legislative body having zoning authority over the property in question shall make a determination regarding the proposed Zoning or Form District Map amendment.

B. Additional Requirements by Legislative Body – The legislative body, at its discretion, may include additional binding elements on the development plan that the legislative body deems appropriate for the welfare of the public. If the legislative body requires development plan or binding element changes, the applicant shall submit to the Planning Director a development plan showing the changes required by the legislative body within 14 days of final action by the legislative body. No permits shall be requested for any land disturbing activity until such plan is submitted .

C. The legislative body shall notify the Planning Commission of its action relative to the Zoning or Form District Map amendment; associated binding elements; and, the accompanying development plan.

[2] See Appendix 1B for specific changes to this paragraph in effect within the City of Jeffersontown.

11.4.7 Plan Certain Development[3]

A. Designation of Binding Elements

The Planning Commission or Legislative Body with zoning authority shall designate, at the time of approval or amendment of any development plan, those elements, provisions and restrictions of the approved plan, including a time period for development plan expiration, that shall be an integral and permanent part of the development plan and thereby binding on the use and development of the subject property. Binding elements approved as part of any development plan shall be applicable to all development plans subsequently prepared for a subject property, and shall be binding upon the future use and development of said property unless specifically waived by the Planning Commission.[4]

B. Agreement to Binding Elements

The filing of an application for any Zoning or Form District Map amendment, except those filed under the provisions of Section 11.4.1B, shall constitute an agreement by the owner and applicant, their heirs, successors and assigns that if the Zoning or Form District Map amendment is enacted by the legislative body having zoning authority over the property in question, development and building permits for improvement of any such property shall be issued only when in conformance with the binding elements and a development plan conforming to those regulations adopted by the Planning Commission or legislative body for said property. A subsequent Zoning or Form District Map amendment enacted pursuant to an application which is exempt from the requirement of this section shall not invalidate any such agreement.

C. Binding Elements Run with the Land

The binding elements of a general or detailed development plan granted approval by the Planning Commission shall run with the land and be binding on the owner and applicant, their successors, heirs, or assigns, unless other wise amended or released by the Planning Commission in accordance with its By-laws, Policies and Procedures.

D. Enforcement of Binding Elements

Building permits for improvement of any property subject to binding elements shall be issued only in conformance with the binding elements of a district development plan conforming to these regulations and approved by the Planning Commission. Binding elements shall be strictly complied with and shall be enforceable in accordance with KRS100, local ordinances and Planning Commission Policy.

[3] See Appendix 1C for changes to this section in effect within the City of Middletown.
[4] See Appendix 1B for specific changes to this paragraph in effect within the City of Jeffersontown.

E. Amendments to Binding Elements and Revised District Development Plans

1. Review Procedure

Amendment to any binding element of an approved development plan, including any development plan expiration date, shall require Planning Commission approval. Review of amendments to binding elements shall follow Category 3 Review Procedures (Section 11.6.6), except notice also shall be given to those who spoke at a Planning Commission public hearing.

2. Scope of Planning Commission Review

The Planning Commission shall consider, but not be limited to, the following factors in review of a request to amend a binding element:

a. The conservation of natural resources on the property proposed for development, including: trees and other living vegetation, steep slopes, water courses, flood plains, soils, air quality, scenic views, and historic sites;

b. The provisions for safe and efficient vehicular and pedestrian transportation both within the development and the community;

c. The provision of sufficient open space (scenic and recreational) to meet the needs of the proposed development;

d. The provision of adequate drainage facilities on the subject site in order to prevent drainage problems from occurring on the subject site or within the community;

e. The compatibility of the overall site design (location of buildings, parking lots, screening, landscaping) and land use or uses with the existing and projected future development of the area;

f. Conformance of the development plan with the Comprehensive Plan and Land Development Code. Revised plan certain development plans shall be evaluated for conformance with the non-residential and mixed-use intent of the form districts and comprehensive plan.

3. Delegation to Planning Director

Unless otherwise specified in these regulations or at the time of binding element adoption, the Planning Director may approve modifications to binding elements relating to changes in building design and layout and site design and layout so long as such changes are in conformance with the design requirements of this code. In addition, the Planning Director may approved changes in binding elements related to increase or reduction of square footage of the development so long as the increase does not exceed 25% or meet or exceed the threshold established in the applicable Form District regulation for completing the Community Design Review process.

In cases in which the Planning Director has reason to question whether the request to amend the binding element complies with any of the items in Section 11.4.6E2 above or any other provision of the Land Development Code, the Planning Director may forward the request to the Planning Commission, or committee thereof, for review and action.

F. Detailed District Development Plans

1. Review Procedure

Detailed district development plan review shall require Planning Commission approval. Review of detailed district development plans shall require notice to adjoining property owners, notice to those registered on Neighborhood Notice List and notice to those who spoke at Planning Commission public hearing. Notice shall be given at least 10 calendar days prior to review of the development plan by the Planning Commission or committee thereof.

2. Scope of Planning Commission Review

The Planning Commission shall consider, but not be limited to, the following factors in review of a detailed district development plan:

a. The conservation of natural resources on the property proposed for development, including: trees and other living vegetation, steep slopes, water courses, flood plains, soils, air quality, scenic views, and historic site;

b. The provisions for safe and efficient vehicular and pedestrian transportation both within the development and the community;

c. The provisions of sufficient open space (scenic and recreational) to meet the needs of the proposed development

d. The provision of adequate drainage facilities on the subject site in order to prevent drainage problems from occurring on the subject site or within the community;

e. The compatibility of the overall side deign (location of buildings, parking lots, screening, landscaping) and land use or uses with the existing and projected future development of the area;

f. Conformance of the development plan with the Comprehensive Plan and Land Development Code.

11.5A.1 General Provisions

A. Conditional Use Permits Requested in Conjunction with Zoning or Form District Map Amendments

Applicants for Zoning or Form District map amendments may elect, at the time of application, to have the Conditional Use Permit(s) for the same development heard and decided by the Planning Commission. In such cases, the Planning Commission shall assume all powers and duties otherwise exercised by the Board of Adjustments pursuant to KRS 100.231, 100.233, 100.237, 100.241, 100.243, 100.247, and 100.251. For purposes of this section only, the time of application for the map amendment shall correspond to the time of legal notice for the hearing on map amendment.
Hereafter, references to the Board of Zoning Adjustment shall also include the Planning Commission when the Commission is considering Condition Use Permit(s) or Variances. Determinations on the issuance of Conditional Use Permits shall be made in accordance with the provisions of KRS 100.237

B. Considerations for Review of Conditional Use Permits

In its review of Conditional Use Permit applications, the Board shall include, at a minimum, consideration of the following factors:

1. The purpose and intent and all other requirements of this code.
2. Whether the proposal is consistent with the applicable policies of the Comprehensive Plan.
3. The compatibility of the proposal with surrounding land uses and the general character of the area including such factors as height, bulk, scale, intensity, traffic, noise, odor, drainage, dust, lighting, appearance, etc.
4. Whether necessary public facilities (both on-site and off-site), such as transportation, sanitation, water, sewer, drainage, emergency services, education, recreation, etc. will be adequate to serve the proposed use.
5. Any other matter that the Board may deem appropriate and relevant to the specific proposal.

C. Term of Permit Approval

The Permit must be exercised within one year of the date of issuance, or other time frame as may be specified by the Board. However, upon written application, filed at least thirty calendar days prior to said expiration date, the Board may, for cause shown, renew such Conditional Use Permit for one period of up to one year. No less than fourteen (14) calendar days prior to Board consideration of an application for extension, staff of Planning and Design Services shall cause notice of the application to be given to those persons who appeared at the hearing at which the current expiration date was set. If the Permit expires, no new or renewal permit shall be issued except through a new original application in compliance with all requirements for such applications.

D. Requirement to Follow Approved Development Plan

A Conditional Use Permit shall be approved only on the basis of conditions established by the Board to ensure that the proposed conditional use will not adversely affect the use of surrounding properties, and the development plan approved by the Board. The permit shall be valid only for the location and area shown on the approved development plan which shall include a floor plan, if applicable. All construction and operations must be conducted in accordance with the approved development plan and conditions attached to the Conditional Use Permit. The Planning Director is authorized to approve minor development plan modifications consistent with the intent of the approved Conditional Use Permit.

E. Request for Modification

At the initiation of the Planning Director or owner of the property subject to the Conditional Use Permit, any Conditional Use may be reconsidered in accordance with this Part. The Board shall determine the need for a new public hearing. Upon consideration of the request to modify the Conditional Use Permit, the Board may apply additional conditions.

11.5A.2 Pre-Application

Prior to formal application for a Conditional Use Permit, the applicant or applicant's agent shall file a plan and supporting materials with the Planning Director. The materials to be submitted shall be determined by the Planning Director. The Planning Director shall review the materials submitted and provide the applicant with a report addressing, as appropriate, the following issues:

A. Comprehensive Plan Compliance

B. Zoning and Form District and Subdivision Regulation impacts

C. Site characteristics that may have a significant impact on the proposed development

NOTE: *Pre-application required but conference is optional.*

No formal pre-application conference is required unless specifically requested by the applicant or Planning Director.

11.5A.3 Neighborhood Meeting Requirement

Prior to filing a conditional use permit request and after the pre-application conference (if one was conducted) a letter shall be sent from the developer/owner stating that a pre-application has been filed with PDS and announcing a public meeting held by developer/owner to discuss the proposed project. The letter shall be mailed no less than 10 days prior to the neighborhood meeting. The letter shall be sent to:

- 1st and 2nd tier property owners,
- neighborhood groups who have registered with PDS to receive notice of development actions,
- 2nd through 6th class city if the development is located within such a municipality,
- Metro Council district representative; and
- PDS staff.

On receipt of said letter at the PDS office the pre-application file shall no longer be confidential. The neighborhood meeting shall be held no less than seven (7) days and no more than 90 days prior to the filing of an application. At time of filing a conditional use permit request, the applicant shall provide a summary of a public meeting between the applicant and the parties listed above. The summary shall include a list of those invited, those in attendance and a summary of the issues discussed.

11.5A.4 Application

A. Applications for Conditional Use Permit shall be submitted on forms supplied by the department. Applications shall be signed by the property owner or his/her agent and filed with Planning and Design Services in accordance with these regulations and the Board of Zoning Adjustment By-Laws and Rules of Procedure. Applications shall be accompanied by supporting material determined appropriate by the Planning Director and by the appropriate fee. The list of required supporting materials shall be available from the offices of Planning and Design Services. Failure to submit all required material may result in delay of the application review. At a minimum, the following materials shall be submitted with all applications for Conditional Use Permit:

1. A “Demonstration of Appropriateness” document which addresses as applicable the items listed in Section 11.5A.1.B above.
2. A development plan of sufficient detail to demonstrate to the Board the character and objectives of the proposed development and the potential impacts of the development on the community and its environs.

11.5A.5 Public Hearing

A. Hearing Required – The Board shall hold at least one public hearing on each application for a Conditional Use Permit as required by KRS 100. Notice of the hearing shall be given as specified in KRS 100. In addition, staff shall endeavor to assure that notice is given to all neighborhood groups who have registered to receive notice of development applications.

B. Submission of Materials – In addition to those materials required at the time of application submission, no less than fourteen (14) calendar days prior to an original or continued hearing date before the Board, the applicant shall submit original or revised development plans, studies, reports, etc. which have been prepared in response to comments received during the review process. Failure to submit these items within the required time frame shall be considered grounds for postponing the hearing or deferring action on the proposal. This section does not preclude the applicant from presenting, at the hearing, changes to the plan in response to concerns of the neighbors or Board.

C. Hearings shall follow the procedures established in the Board's By-Laws and Procedures.

D. Based on the application, the requirements of this Chapter and the recommendations of the staff and testimony at the hearing, the Board shall prepare findings of fact and issue a denial or an authorization, with or without conditions as it deems necessary to assure that the proposed conditional use will not adversely affect the use of surrounding properties or unreasonably interfere with the use and enjoyment of such properties.

11.5A.6 Revocation of Conditional Use Permit

The Board shall have the power to revoke Conditional Use Permits for noncompliance with listed requirements or attached conditions. Furthermore, the Board shall have a right of action to compel the removal of offending structures or uses at the cost of the violator and may have judgment in personam for such cost.

11.5B.1 General Provisions

A. Variances requested in Conjunction with Zoning or Form District Map Amendments

Applicants for Subdivisions and Zoning or Form District map amendments may elect, at the time of application, to have the Variance(s) for the same development heard and decided by the Planning Commission. In such cases, the Planning Commission shall assume all powers and duties otherwise exercised by the Board of Adjustments pursuant to KRS 100.231, 100.233, 100.237, 100.241, 100.243, 100.247, and 100.251. For purposes of this section only, the time of application for the map amendment shall correspond to the time of legal notice for the hearing on map amendment.
Hereafter, references to the Board of Zoning Adjustment shall also include the Planning Commission when the Commission is considering Variance(s)

B. Considerations for Variances

Determinations on the granting of Variances(s) shall be made in accordance with KRS 100.241 through 100.251. In its review of Variance applications, the Board shall consider the following factors:

1. The purpose and intent and all other requirements of this code;

2. Whether the requested variance will adversely affect the public health, safety or welfare, will alter the essential character of the general vicinity, will cause a hazard or a nuisance to the public, or will allow an unreasonable circumvention of the requirements of the zoning regulations.

3. Whether the requested variance arises from special circumstances which do not generally apply to land in the general vicinity, or in the same zone;

4. Whether the strict application of the provision of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant; and,

5. Whether the circumstances are the result of action of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.

The Board shall deny any request for a variance arising from circumstances that are the result of willful violations of the zoning regulation by the applicant subsequent to the adoption of the zoning regulation from which relief is sought.

B. Requirement to follow approved Development Plan

A variance shall be approved only on the basis of the development plan approved by the Board and shall be valid only for the location and area shown on the approved development plan which shall include a floor plan if applicable. All construction and operations must be conducted in accordance with the approved development plan and conditions attached to the Variance. The Director shall specific the contents and format of the development plan. Such specifications shall be available through Planning and Design Services.

11.5B.2 Application

A. Applications for Variance shall be submitted on forms supplied by the department. Applications shall be signed by the property owner or his/her agent and filed Planning and Design Services in accordance with these regulations and the Board of Zoning Adjustment By-Laws and Rules of Procedure. Applications shall be accompanied by supporting material determined appropriate by the Planning Director and by the appropriate fee. The list of required supporting materials shall be available from the offices of Planning and Design Services. Failure to submit all required material may result in delay of the application review. At a minimum, the following materials shall be submitted with all applications for Variance;

1. A “Demonstration of Appropriateness” document which addresses as applicable the items listed in Section 11.5B.1B above. To the extent that the items in 11.5B.1 are adequately addressed on the application, they do not have to be addressed in a separate document.

2. A development plan of sufficient detail to demonstrate to the Board the character and objectives of the proposed development and the potential impacts of the development on the community and its environs.

11.5B.3 Public Hearing

A. Hearing Determination – The Board shall determine those circumstance under which a public hearing shall be required. Notice of the hearing, if required, shall be given as specified in the By-Laws and Policies of the Board or by State Statute. In addition, staff shall endeavor to assure that notice is given to all neighborhood groups who have registered to receive notice of development applications.

B. Submission of Materials – In addition to those materials required at the time of application submission, no less than fourteen (14) calendar days prior to an original or continued hearing date before the Board, the applicant shall submit original or revised development plans, studies, reports, etc. which have been prepared in response to comments received during the review process. Failure to submit these items within the required time frame shall be considered grounds for postponing the hearing or deferring action on the proposal. The cost for additional notice shall be borne by the applicant. This section does not preclude the applicant from presenting, at the hearing, changes to the plan in response to concerns of the neighbors or Board.

C. Hearings shall follow the procedures established in the Board's By-Laws and Procedures.

D. Based on the application, the requirements of this Chapter; the requirements of KRS 100.241 through 100.251; and the recommendations of the staff and testimony at the hearing, the Board shall prepare findings of fact and issue a denial or an approval, either in whole or in part, with or without conditions.

11.6.1 Development Plan Categories

For purposes of review procedure, developments are divided into three distinct categories based upon the size thresholds established in the Form District regulations applicable to the location of the proposed development. The categories are:

A. Category 1 - Development proposals which do not meet the size threshold for applicability of Form District design standards.

B. Category 2 - Development proposals which meet the minimum size threshold for applicability of Form District design standards but do not meet the size threshold for completing the Community Design Review process.

C. Category 3 - Development proposals which meet the size threshold for completing the Community Design Review Process.

The review process for each category of development is outlined in the sections below. Initial or revised submissions shall follow the procedure determined by the size of the new or additional development proposed unless a higher level of review is required by another section of this code.

NOTE: *Plans filed before the effective date of the LDC shall be reviewed for compliance with the regulations in effect at the time of filing. See Section 1.1.8*

11.6.2 Category 1 Review Procedure[1]

Prior to issuance of building permits, the local building official shall assure the plan is in compliance with the applicable provisions of this code and all binding elements and conditions of approval[2]. These provisions include but are not limited to: allowable uses; yard and setback requirements; height; landscaping; environmental assessment; and parking. In cases in which the building official has reason to question the development plan's compliance with any provision of the Land Development Code, applicable binding elements and conditions of approval, the building official may forward the development plan to the Planning Director for a review and action on the plan.

[1] See Appendix 1C for changes to this section in effect within the City of Middletown.

[2] See Appendix 1B for specific changes to this sentence in effect within the City of Jeffersontown.

11.6.3 Category 2 Review Procedure[3]

Note: Category 2 procedure outlined within PDS information handout

A. Application for Planning Director Approval

Applications for Category 2 development approval shall be submitted on forms supplied by the department. Applications shall be signed by the property owner or his/her agent and filed with Planning and Design Services. Applications shall be accompanied by supporting material determined appropriate by the Planning Director and by the appropriate fee. The list of required supporting materials shall be available from the offices of Planning and Design Services. Failure to submit all required material may result in delay of the application review. At a minimum, the application shall be accompanied by a development plan of sufficient detail to demonstrate to the Planning Director that the proposed development is in compliance with the applicable requirements of these regulations and any applicable binding elements or conditions of approval. The Planning Director shall approve the proposed development if it complies with the requirements of this code; associated binding elements, if any; and other applicable law. In cases in which the Planning Director has reason to question the development plan's compliance with any provision of the Land Development Code, applicable binding elements and conditions of approval, the Director may forward the development plan to the Planning Commission, or designated committee thereof, for review and action on the plan.[4]

B. Issuance of Building Permits

In addition to those materials required by the appropriate building code, applications for permit for construction activity meeting the Category 2 thresholds shall be accompanied by a development plan which has been approved by the Planning Director. Building permits for Category 2 development shall be issued only in conformance with the development plan approved by the Planning Director and any applicable binding elements or conditions of approval of a district development plan.[5]

[3] See Appendix 1C for changes to this section if effect within the City of Middletown.
[4] See Appendix 1B for specific changes to this paragraph in effect within the City of Jeffersontown.
[5] See Appendix 1B for specific changes to this paragraph in effect within the City of Jeffersontown.

11.6.4 Category 3 Review Procedure[6]

A. Commission Approval Required

In addition to those materials required by the appropriate building code, applications for permit for construction activity meeting the Category 3 thresholds shall be accompanied by a development plan, which has been approved by the Planning Commission under the Community Design Review Procedure outlined below. The Planning Commission may delegate this review process to a Committee of the Commission. The Technical Review Committee process defined in Chapter 7 shall satisfy the Community Design Review Process required for subdivisions that meet the threshold established in the form district regulations. In conjunction with its review of development proposals that require Conditional Use Permits or Variances, the Board of Zoning Adjustment is authorized to review and approved Category 3 reviews in accordance with this part. [7]

B. Community Design Review Process

1. Application Required - Applications for development plan approval shall be submitted on forms supplied by the department. Applications shall be signed by the property owner or his/her agent and filed with Planning and Design Services in accordance with these regulations and the Planning Commission By-Laws and Rules of Procedure. Applications shall be accompanied by supporting material determined appropriate by the Planning Director and by the appropriate fee. The list of required supporting materials shall be available from the offices of the Commission. Failure to submit all required material may result in delay of the application review.

2. Notice – Not less than 10 calendar days prior to the proposed review session, notice of the proposed development and its scheduled review shall be given to adjoining property owners. In addition, staff shall endeavor to assure that notice is given to all neighborhood groups who have registered to receive notice of development applications.

[6] See Appendix 1C for changes to this section in effect within the City of Middletown.
[7] See Appendix 1B for specific changes to this paragraph in effect within the City of Jeffersontown.

3. Review Session – Review of and action on the proposal shall take place in a public meeting before the Planning Commission or Committee thereof. No less than ten (10) calendar days prior to an original or continued review session date, the applicant shall submit original or revised development plans, studies, reports, etc. which have been prepared in response to comments received during the review process. This section does not preclude the applicant from presenting, at the review session, changes to the plan in response to concerns of the neighbors, agency review staff or the Planning Commission. The Planning Commission or designated Committee shall approve the proposed development if it complies with the requirements of this code; associated binding elements, if any; and other applicable law.[8]

C. Issuance of Building Permits

In addition to those materials required by the appropriate building code, applications for permit for construction activity meeting the Category 3 thresholds shall be accompanied by a development plan which has been approved by the Planning Director. Building permits for Category 3 development shall be issued only in conformance with the development plan approved by the Planning Director and any applicable binding elements or conditions of approval of a district development plan.[9]

For example, if a site plan for a 300 unit apartment complex is approved under the Category 3 process, building permits for each 10 unit building may be issued without additional Category 3 review.

D. Multiple Phase Projects

Developments that are constructed in multiple phases shall not be required to undergo the Category 3 review procedure more than once. If a plan has been approved in accordance with this section, building permits for construction of portions of the approved development may be issued without additional Category 3 review.

11.6.5 Plan Certain Development Plans

Note: See section 11.4.6 Plan Certain Development

[8] See Appendix 1B for specific changes to this paragraph in effect within the City of Jeffersontown.
[9] See Appendix 1B for specific changes to this paragraph in effect within the City of Jeffersontown.

11.7.1 Planning Commission Review of Staff Determinations[1]

A. Applicability – When the Planning Director, Director of Works or Local Building Official is authorized by this Land Development Code to take action on a proposal on behalf of the Planning Commission, such action may be appealed to the Planning Commission by filing an appeal no later than fourteen (14) calendar days after the date of the action. All actions which have not been appealed to the Planning Commission within fourteen (14) calendar days shall not be subject to further administrative review or appeal.

B. Notice – Notice of the appeal shall be given to the applicant (if not the appellant) and all first tier property owners at least seven (7) calendar days prior to the meeting at which the Planning Commission will consider the appeal.

C. Delegation to Committee – The Planning Commission may delegate the authority to consider and take final actions on appeals to its Land Development and Transportation Committee or other such Committee of the Commission duly created under the By-Laws of the Commission.

11.7.2 Planning Commission Review of Committee Determinations

A. Applicability – When a committee of the Planning Commission takes action on a proposal on behalf of the Planning Commission, such action may be appealed to the Planning Commission by filing an appeal with the Department of Planning and Design Services no later than fourteen (14) calendar days after the date of the action. All committee actions which have not been appealed to the Planning Commission within fourteen (14) calendar days shall not be subject to further administrative review or appeal.

B. Notice – Notice of the appeal shall be given to the applicant (if not the appellant) and all first tier adjoining property owners at least ten (10) calendar days prior to the meeting at which the Planning Commission will consider the appeal.

11.7.3 Board of Zoning Adjustment Review of Staff Determinations

A. Applicability – Pursuant to KRS 100.257 and 100.261, the Board of Zoning Adjustment, shall hear appeals of determinations in the following areas:

1. Written interpretations of the provisions of this code;

2. An official action, order, requirement, interpretation, grant, refusal or decision of an administrative official, zoning enforcement officer or code enforcement officer.

B. Procedure for Appeal

[1] See Appendices 1B and 1C for specific changes to this section in effect within the City of Jeffersontown and the City of Middletown respectively.

1. Application Required – Appeals shall be taken within thirty (30) days after the appellant or his agent receives notice of the action of the official by filing an Application for appeal in accordance with this Part. Applications for appeal shall be submitted on forms supplied by Planning and Design Services. Applications shall be signed by the person(s) seeking review of the staff determination or by their designated agent(s). Applications shall be accompanied by supporting materials determined appropriate by the Planning Director and by the appropriate fee.

2. Notice - Notice of the public hearing on the appeal shall be given in accordance with KRS Chapter 100.

11.7.4 Technical Review Committee Determinations

Actions of the Technical Review Committee regarding subdivision applications and other determinations may be appealed to the Land Development and Transportation Committee of the Planning Commission in accordance with the procedures established in Chapter 7 (Subdivision Regulations) of this code.

11.7.5 Legislative Body Review of Commission Action on Development Plans (Not in effect within the City of Jeffersontown and the City of Middletown, see Appendices 1B and 1C respectively for details)

A. Applicability – Planning Commission approval or denial of any development plan for developments except Category 1 developments (as defined in Section 11.6.1) may be reviewed by the legislative body having zoning authority over the property in question, if the legislative body determines that such a review is warranted. Any such review shall be conducted as a public hearing. Initial review of Planning Director actions on plans for Category 2 development shall be by the Planning Commission in accordance with Section 11.7.1.

B. Initiation of Review - The owner(s) of the subject property or any aggrieved party may request a hearing before the legislative body by submitting a written letter to the appropriate legislative body stating the reason(s) why such a review is warranted. The legislative body with zoning authority over the subject site may initiate the review on its own by resolution. Such letter shall be filed with the appropriate legislative body or resolution adopted within fifteen (15) calendar days after the date the minutes of the Planning Commission are approved reflecting its action regarding said development plan. The legislative body shall forward a copy of said letter or resolution to the owner of the subject property, if the owner is not the applicant for the review. A copy of said letter or resolution shall also be forwarded by the legislative body to the Planning Commission.

C. Notice – If the legislative body determines that a review regarding the development plan is warranted, it shall, by letter, notify the following of the date, time, place and subject of the public hearing, and of the right of the public to inspect the subject plans in the office of Planning and Design Services, and the right of the public to comment at the public hearing on the proposed development:

1. The Planning Commission

2. All parties of record to any Planning Commission hearing previously held regarding the subject plan; and

3. All owners of property adjoining the subject property or directly across the street from the subject property.

D. Public Hearing – The public hearing shall include a presentation by a staff member of the Planning Commission stating the reason(s) for action. In addition, any applicant for review of the Planning Commission's action pertaining to the plan shall state why he/she believes the Planning Commission's action was not justified. The legislative body may hear any other such witnesses and review any other evidence at the hearing it deems appropriate.

E. Legislative Action – If the legislative body, subsequent to the public hearing agrees with the Planning Commission's action, it shall so indicate by resolution. If the legislative body disagrees with the Planning Commission's action, it may adopt a resolution directing the Planning Commission to alter its action in accordance with whatever directions and conditions the legislative body so indicates. A copy of all such resolutions shall be forwarded, by the legislative body to the Planning Commission.

F. Planning Commission Action – If the legislative body directs the Planning Commission by resolution to alter its action in a specified manner, the Planning Commission shall do so in accordance with said resolutions at its next regularly scheduled meeting. If the Planning Commission fails to comply, the alterations regarding the development plan specified by said resolutions shall become effective upon the adjournment of said meeting.

11.7.6 Judicial Review

Judicial review shall be taken in accordance with the provisions of KRS Chapter 100.

11.8.1 General

The Planning Commission may modify, reduce or waive those standards and minimum requirements established by this Land Development Code which cannot be modified through a dimensional variance. Use, conditional use, density and FAR standards established in Chapter 2 shall not be modified by this process. Specific Chapter, Part or Section waiver procedures shall take precedence over the procedures established in this Part (e.g. – Parking Waiver procedure in Chapter 9). In conjunction with its review of development proposals that require Conditional Use Permits or Variances, the Board of Zoning Adjustment is authorized to modify, reduce or waive standards and minimum requirements of this Land Development Code in accordance with this part; however the Board is not authorized to grant parking waivers as defined in Section 9.1.16.

Note: *Only site, building and structure design elements are subject to the waiver provisions of the LDC. Regulations that prohibit certain structures or activities (e.g. freestanding signs prohibited in certain form districts), and other non-design related standards (e.g. limit on hours of operation) may not be waived. (see note below for continuation of this text.*

11.8.2 Application

A. Submission Requirements

Applications for waiver shall be signed by the property owner or his/her agent and filed with the Planning Director in accordance with these regulations and the Planning Commission By-Laws and Rules of Procedure. Applications shall be accompanied by supporting material determined appropriate by the Planning Director and by the appropriate fee. The list of required supporting materials shall be available from the offices of the Commission. Failure to submit all required material may result in delay of the application review. At a minimum, the following materials shall be submitted with all applications for waiver:

1. A justification document which addresses as applicable the following items:

   a. How the proposed waiver conforms to the Comprehensive Plan and the intent of this Land Development Code;

   b. Why compliance with the regulation is not appropriate and granting of the waiver will result in a development more in keeping with the Comprehensive Plan and this overall intent of this Land Development Code;

   c. What impacts granting of the waiver may have on adjacent property owners;

   d. Why strict application of the provision of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant..

2. Unless determined by the Planning Director to be unnecessary, a general or detailed development plan of sufficient detail to demonstrate to the Planning Commission the character and objectives of the proposed waiver and the potential impacts of the waiver on the community and its environs.

For example, pursuant to LDC Section 4.4.5.H, a home occupation that accommodates customers, clients, or pupils on the site is not permitted to operate between the hours of 9 P.M. and 7 A.M. This standard is not related to design and, therefore, is not subject to a waiver. *Planning and Design Services may provide a list of items that are eligible or ineligible for a waiver, said list may be modified by staff as interpretations are made*

11.8.3 Notice

Following receipt of a completed application, staff of the Commission shall provide notice of the request for modification or waiver to first tier adjacent property owners and parties of record to any previous Planning Commission hearing on the proposal now under consideration for waiver or modification. Such notice shall be given no less than ten (10) calendar days prior to the meeting at which the request is to be considered.

11.8.4 Public Hearing

The Planning Commission may conduct a public hearing, if it determines that a proposed modification or waiver merits that level pf public review. Notice of any such hearing shall be given in accordance with Section 11.8.3.

11.8.5 Findings Necessary for Granting of Waiver or Modification[1]

The Planning Commission may approve waivers or modifications of standards upon a finding that::[2]

A. The waiver will not adversely affect adjacent property owners; and,

B. The waiver will not violate the Comprehensive Plan; and,

C. The extent of waiver of the regulation is the minimum necessary to afford relief to the applicant; and,

D. Either:

1. The applicant has incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived (net beneficial effect); or

2. The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant.

11.8.6 Additional Conditions

The Commission may impose additional conditions or restrictions intended to mitigate the impact of the modification or waiver. These conditions or restrictions shall be considered as binding elements.

11.8.7 Delegation to Committee[3]

The Planning Commission may delegate the authority to consider and take final actions on modifications or waivers to its Land Development and Transportation Committee or other such Committee of the Commission duly created under the By-Laws of the Commission. Committee decisions may be appealed to the Commission in accordance with Section 11.7.2.

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[1] See Appendix 1C for changes to this section in effect within the City of Middletown.
[2] See Appendix 1B for specific changes to this sentence in effect within the City of Jeffersontown.
[3] See Appendix 1B and 1C for specific changes to this section in effect within the City of Jeffersontown and the City of Middletown respectively.

11.9.1 Authority to Set Fees

The fee schedule shall be set by ordinance of the legislative body providing principal funding to Planning and Design Services.

11.9.2 Authority to Establish Interim Fees

In the circumstance where no fee exists on the official fee schedule, the Planning Director is authorized to establish a review fee until such time as the legislative body adopts a revised fee schedule.

11.9.3 Fee Exemption

Applications from legislative bodies, state agencies and local government agencies shall be considered fee exempt.

11.10.1 Right of Entry

Upon representation of official credentials, any zoning enforcement officer may enter during reasonable hours any premises covered by these regulations for the purposes of determining compliance with the provisions of this ordinance or conditions established at the time of development approval.

11.10.2 Notice of Violation and Stop Use Order

Upon determining that use of property is being maintained contrary to the provisions of these regulations, the zoning enforcement officer may issue a notice of violation and order requiring such use to stop immediately. Upon receipt of a notice of violation and stop use order, the property owner or his agent, or the person so using the property shall immediately stop the use. The notice of violation and stop use order shall be given to the owner of the property or his agent, or to the person using the property. The notice shall state specifically the regulation or ordinance being violated. Notice may be given by hand delivery or by registered mail to the owner, his agent or the person using the property.

Citations

Zoning enforcement officers may issue citations in accordance with KRS 100.991 to any person or entity who fails to stop use or otherwise remedy the violation immediately as required by Part 11.10.2.

Penalties

Any person or entity who violates any provision of this Code shall be fined not less than $10.00 nor more than $500.00 for each violation. Each day of violation constitutes a separate offense.

11.10.3 Enforcement of Binding Elements

Enforcement of binding elements and conditions of approval shall occur in accordance with KRS 100.401 through KRS 100.419; applicable local ordinances; and applicable Planning Commission Policies and Procedures.