LDC RD 1
MC APPR
MAR-AUG 2013

ORDINANCE NO. 036, SERIES 2013

AN ORDINANCE AMENDING ~~VARIOUS~~ SECTIONS 1.1.2, 1.1.8, 1.1.9.A, 1.2.2, 2.8.5.A.4, CHAPTER 2 TABLE OF CONTENTS, 2.6.1, APPENDIX 2B (TABLE 2.3.1), APPENDIX 3A, AND APPENDIX 3B OF THE LAND DEVELOPMENT CODE AS PART OF A CONTINUING EFFORT TO UPDATE THE ZONING REGULATIONS FOR LOUISVILLE METRO (CASE NO. 17064)(AS AMENDED).

Sponsored by: Councilwoman Madonna Flood

WHEREAS, the Planning Commission held a public hearing on March 29, 2012, to consider a number of amendments to various sections of the Land Development Code ("LDC") for the purposes of updating the LDC, resolving potential conflicts in the application of various LDC provisions, and clarifying language that was determined to be potentially confusing on its face or in its application; and,

WHEREAS, the Metro Council concurs in and adopts the findings and recommendations of the Planning Commission in Case No. 17064 as reflected in the Planning Commission's minutes and records, and as more specifically set forth in the attached Proposed LDC Text Amendments;

NOW THEREFORE BE IT RESOLVED BY THE LOUISVILLE METRO COUNCIL

Section I: The Metro Council hereby adopts the amendments to the Land Development Code as contained in the minutes and records of the Planning Commission in Case No. 17064, and as specifically set forth in the attached Proposed LDC Text Amendments.

Section II: This ordinance shall take effect upon its passage and approval.

H. Stephen Ott
Metro Council Clerk

Jim King
President of the Council

Greg Fischer
Mayor

3/19/13
Approval Date

LOUISVILLE METRO COUNCIL
READ AND PASSED
March 14, 2013

APPROVED AS TO FORM AND LEGALITY:

Michael J. O'Connell
Jefferson County Attorney

BY: _____

PROPOSED LDC TEXT AMENDMENTS-ROUND ONE-PART ONE-CASE NO. 17064-UPDATED 2/11/13

ISSUE #	LDC SECTION	CURRENT LDC TEXT	PROPOSED LDC TEXT
1	1.1.2	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 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.	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 have zoning authority over the areas within their respective jurisdictions. [redacted] **Louisville Metro** shall have zoning authority over all other areas in Jefferson County, including cities of the fifth and sixth classes.
NOTES: The purpose of this change is to update outdated terminology.			

3	1.1.8	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 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. 2. 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. 3. 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. 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.	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 March 1, 2003 (LDC effective date)*. Plans filed with a complete application prior to March 1, 2003 (LDC effective date)* ~~shall be~~ **have been** reviewed for compliance with the Development Code as in effect at the time of filing. 2. Approved Development Plans that will expire**d** before September 1, 2003 (LDC effective date + six months)* ~~shall be~~ **have been** deemed to expire**d** one hundred eighty (180) days after the expiration date of the Development Plan. 3. 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. 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.
NOTES: The purpose of this change is to update outdated terminology.			

PROPOSED LDC TEXT AMENDMENTS-ROUND ONE-PART ONE-CASE NO. 17064-UPDATED 2/11/13

ISSUE #	LDC SECTION	CURRENT LDC TEXT	PROPOSED LDC TEXT
4	1.1.9.A	A. Applicability – The provisions of this section shall apply to: 1. Detailed District Development Plans 2. Conditional Use Permit Plans 3. Category Review Development Plans	A. Applicability – The provisions of this section shall apply to: 1. Detailed District Development Plans 2. Conditional Use Permit Plans 3. Category Review Development Plans ~~4. Preliminary Subdivision Plans~~
NOTES: In August 2009 the approval period for Detailed District Development Plans, Conditional Use Permit Plans and Category Review Development Plans was changed from one year to two years. PDS staff feels that Preliminary Subdivision Plans should have been included in this list of various types of plans back in 2009. The LDC Committee during their Round One meetings as well as the Planning Commission during their 3/29/12 public hearing agreed with this assessment.			

11	1.2.2	Lot, Dual Frontage or Through -An interior lot having frontage on two parallel or approximately parallel streets.	Lot, Dual Frontage, **Double Frontage** or Through -An interior lot having frontage on two parallel or approximately parallel streets.
NOTES: The terms "Dual Frontage Lot" and "Double Frontage Lot" are used interchangeably throughout the LDC, but currently only "Dual Frontage Lot" is defined. Adding "Double Frontage Lot" to the current "Dual Frontage Lot" definition in Chapter 1 on the LDC resolves this issue.			

16	1.2.2	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.	~~Church~~ **Religious** 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~~ **religious** 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. **Churches,** synagogues, temples and mosques are considered ~~church~~ **religious** buildings for purposes of this Land Development Code.
NOTES: PDS staff and the LDC Committee felt that "Religious Building" is a more inclusive term that would include not only churches, but also synagogues, temples, mosques and the like.			

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ISSUE #	LDC SECTION	CURRENT LDC TEXT	PROPOSED LDC TEXT
18	1.2.2	N/A	**Category 2A Review: A review that does not require approval from Planning & Design Services unless it is associated with some other type of review such as a waiver, variance, landscape plan etc. Refer to the Chapter 5 threshold tables to determine when this review is required and to determine which sections of Chapter 5 are applicable. Also, see Chapter 11 Part 6 for more requirements for this type of review.** **Category 2B Review: A review that requires approval from Planning & Design Services regarding compliance with the applicable form district design standards. Refer to the Chapter 5 threshold tables to determine when this review is required and to determine which sections of Chapter 5 are applicable. Also, see Chapter 11 Part 6 for more requirements for this type of review.** **Category 3 Review: A review required for non plan certain proposals that meet the size threshold for completing the Community Design Review Process, which is further outlined in Chapter 11 Part 6. Refer to the Chapter 5 threshold tables to determine when this review is required and to determine which sections of Chapter 5 are applicable.**
NOTES: Category 2A, 2B & 3 Development Plans were not defined in the LDC. These new definitions provide further clarification regarding these types of development plans.			
19	1.2.2	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.	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**, except when in connection with medical treatment of animals.**
NOTES: This additional text provides further clarification allowing veterinary clinics to keep animals overnight ONLY in connection with medical treatment, without requiring additional steps to be approved as a kennel.			

ISSUE #	LDC SECTION	CURRENT LDC TEXT	PROPOSED LDC TEXT
20A	1.2.2	Insert the following urban agriculture related definitions to Chapter 1.	**Community Garden**—An area of land less than 5 continuous acres in size managed and maintained by a group of individuals to grow and harvest food and/or non-food crops for personal or group use, consumption, donation or off-site sales. Plots for cultivation by one or more individuals and may include common areas maintained and used by group members. Community gardens may be principal or accessory uses and may include structures such as greenhouses, hoop houses, high tunnels, and storage sheds. **Market Garden**—An area of land less than 5 continuous acres in size managed and maintained by an individual or a group of individuals to grow and harvest food and/or non-food crops to be sold for profit, or an area of land of any size used for greenhouses, hoop houses, high tunnels, rooftop gardens, vertical gardens, hydroponic systems or aquaponic systems alone or in combination with other techniques for growing food or non-food crops. Market gardens may be principal or accessory uses, and may consist entirely of growing areas enclosed in structures. **Aquaponic System**—The symbiotic propagation of plants and fish in a constructed and recirculating environment. **Hydroponic System**—Propagation of plants using a mechanical system designed to circulate a solution of minerals in water with limited use of growth media.

NOTES: Economic Growth & Innovation is currently working on language to be added to the LDC regarding Urban Agriculture. These are the definitions of terms related to Urban Agriculture. Additional proposed LDC language will be discussed by the LDC Committee during Round Two discussions.

PROPOSED LDC TEXT AMENDMENTS-ROUND ONE-PART ONE-CASE NO. 17064-UPDATED 2/11/13

ISSUE #	LDC SECTION	CURRENT LDC TEXT	PROPOSED LDC TEXT
21	1.2.2	Move the following definitions from Chapter 4 to Chapter 1.	Direct Light, Fixture, Flood Light, Footcandle, Fully-Shielded Light Fixture (also known as Full Cutoff), Glare, Height of Luminaire, Indirect Light, Lamp, Landscaping Lighting, Light Trespass, Lumen, Lumenaire, Outdoor Lighting, Sag-lens or Drop-lens, Shielded (also known as cutoff) Fixture, Spotlight, Temporary Outdoor Lighting, Uniformity Ratio, Marina and Boat Rental Commercial, Temporary Activities, Signature Entrance, Garage Sale, Home Occupation, Inactive Cemetery, Outdoor Sales and Display, Outdoor Storage, Screened from View, Land Disturbing Activity
21	1.2.2	Move the following definitions from Chapter 5 to Chapter 1.	Vision Clearance, Public Realm, Principal Structure Area, Private Yard Area, Verge, Grid Street Pattern, Eyebrow, Loop Lane
21	1.2.2	Move the following definitions from Chapter 7 to Chapter 1.	Active Recreation Area, Average Lot Size, Conservation Area, Conservation Subdivision, Existing Resources and Site Analysis Plan, Lane, Maximum Density, Minimum Required Conservation Area, Neighborhood Green, Passive Recreation Area, Preliminary Conservation Area Ownership and Management Plan, Primary Conservation Areas (PCA), Secondary Conservation Areas (SCA), Sketch Plan Overlay, Terminal Vista, Vegetative Cover
21	1.2.2	Move the following definitions from Chapter 8 to Chapter 1.	Area of Sign, Attached Sign, Awning, Canopy Building, Canopy Free-Standing, Canopy Sign, Changeable Copy Sign/Reader Board, Changing Image Sign, Columnar Sign, Commercial Message, Construction Sign, Directory Sign, Elevation, Facade, Freestanding Sign, Grade, Illegal Sign, Illuminated Sign, Incidental Sign, Marquee, Marquee Sign, Master Plan Project Identification Sign, Monument Style Sign, Non-conforming Sign, Off-premises Sign, Off-premises Sign, Pole/Pylon Sign, Projecting Sign, Roof Sign, Shared On-premises Sign, Sign, Sign Plan, Significant Sign, Street Frontage, Structure, Subdivision Identification Sign, Temporary Sign, Video Display Method, Window
21	1.2.2	Move the following definition from Chapter 10 to Chapter 1.	Caliper

NOTES: Currently there are over 100 definitions scattered throughout the various chapters of the LDC. PDS staff and the LDC Committee felt it would be more appropriate for all of the definitions to be located in one place in the LDC, in Chapter 1.2.

ISSUE #	LDC SECTION	CURRENT LDC TEXT	PROPOSED LDC TEXT
31	2.8.5.A.4	Requests to amend an approved PD-Development Plan may be made by the Planning Commission, the legislative body with zoning authority, or the owner(s) of property within the Planned Development District. Major Amendments to an approved PD-Development Plan with regard to permitted, conditional and limited uses, density and intensity of use and/or any design change that may negatively impact adjacent property owners may be approved only by the legislative body with zoning authority, following the same procedure as the initial approval of the Planned Development District and PD-Development Plan. Minor amendments to the PD-Development Plan with regard to changes to the PD Design Guidelines may be approved by the Planning Commission or designee. EXCEPTION: A public charrette shall not be required for a minor amendment to the PD-Development Plan.	Requests to amend an approved PD-Development Plan may be made by the Planning Commission, the legislative body with zoning authority, or the owner(s) of property within the Planned Development District. Major Amendments to an approved PD-Development Plan **may be approved only by the legislative body with zoning authority, following the same procedure as the initial approval of the Planned Development District and PD-Development Plan.** Major amendments ~~with regard to~~ **are defined as any expansion or enlargement of** permitted, conditional and limited uses, **any increase in** density and intensity of use, ~~and/or~~ any design change that may negatively impact adjacent property owners, **and/or any other changes deemed major by the Planning Director.** ~~may be approved only by the legislative body with zoning authority, following the same procedure as the initial approval of the Planned Development District and PD-Development Plan.~~ Minor amendments to the PD-Development Plan ~~with regard to changes to the PD Design Guidelines~~ may be approved by the Planning Commission or designee. **Minor amendments include decreases in density or intensity of use, consolidation and shifting of lot lines, changes in the site layout and the layout of a transportation network if the Planning Director determines the basic layout remains the same and the revised layout functions as well as the previous layout, and/or changes to the PD Design Guidelines.** ~~EXCEPTION:~~ A public charrette shall not be required for a minor amendment to the PD-Development Plan.
NOTES: This text amendment provides further clarification as what the difference is between a Minor Amendment and a Major Amendment in a Planned Development (PD) District-Development Plan. This only applies to Planned Development District.			

32	Chapter 2, TOC	N/A	In Chapter 2's table of contents add the following note in bold and underlined font, **"The Zoning District Land Uses Table found in Appendix 2A is a useful reference tool for researching specific permitted uses and conditional uses within each zoning classification. In case of any conflicts, the text of Chapter 2 shall supercede the information found within Appendix 2A."**
NOTES: This note added to the table of contents in Chapter 2, which is the Zoning Districts Chapter, will make the reader aware that there is a land use chart in Appendix 2A that is a helpful tool. People often are not aware this document exists.			

32A	2.6.1	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.	~~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.~~
NOTES: The EZ-1 zoning district exists today, but the designated enterprise zone areas do not function as they did when this zoning district was created some 25 years ago. Therefore, the elimination of this portion of the EZ-1 intent statement from the LDC is appropriate.			

PROPOSED LDC TEXT AMENDMENTS-ROUND ONE-PART ONE-CASE NO. 17064-UPDATED 2/11/13

ISSUE #	LDC SECTION	CURRENT LDC TEXT	PROPOSED LDC TEXT
33	Appendix 2B, Table 2.3.1	Offices - Professional or business offices	Offices - Professional ~~or business~~ offices
NOTES: Elimination of the term "business" will improve consistency of terminology throughout this section of the LDC. Appendix 2B is the Old Louisville/Limerick TNZD Plan Report.			
33A	Appendices 3A & 3B	Bardstown Road Overlay District and Downtown Overlay District are outdated. Replace with reference to website location for current documents.	**Appendix 3A: The current Bardstown Road/Baxter Avenue Corridor Review Overlay District regulations can be found at http://www.louisvilleky.gov/PlanningDesign/Bardstown+Road+Overlay+District.htm.** **Appendix 3B: The current Downtown Overlay District regulations can be found at http://www.louisvilleky.gov/PlanningDesign/Downtown+Development+Review+Overlay.htm**
NOTES: Current versions of Bardstown Road Overlay District and Downtown Overlay Districts requirements in LDC were discovered to be outdated. LDC Committee felt it would be appropriate to have a website link to the current versions of these documents rather than the entire documents in the LDC.			