DEVELOPMENT CODE

for City of

INDIAN HILLS, KENTUCKY

including

ZONING DISTRICT REGULATIONS

as in effect April, 2001

and

METROPOLITAN SUBDIVISION REGULATIONS

as in effect December 4, 2003

Also including Floodplain Management Ordinance
(Chapter 157 Jefferson County Code of Ordinances)
With the

Erosion Prevention and Sediment Control

Ordinance adopted September 25, 2001

DIVISION OF PLANNING AND DESIGN SERVICES
LOUISVILLE METRO PLANNING COMMISSION
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CITY OF INDIAN HILLS

ORDINANCE 10-02

AN ORDINANCE RELATING TO THE ADOPTION OF CERTAIN SECTIONS OF THE LAND DEVELOPMENT CODE FOR ALL OF JEFFERSON COUNTY KENTUCKY

WHEREAS, the City has received and reviewed the recommendations ol the Louisville Metro Planning Commission relative to the adoption of the Land Development Code (March 2006 edition); and

WHEREAS, the City wishes to adopt certain provisions of said Code without adopting the Code in its entirety; now, therefore,

BE IT ORDAINED BY THE CITY OF INDIAN HILLS,

Section 1. The City of Indian hills does hereby adopt the following provisions of the Land Development Code for all of Jefferson County, March, 2006 edition (copies attached);

Chapter 4 Generally Applicable Development Standards

Part 4.4.6 Inactive Cemeteries
Part 4.6.1 - 4.6.4 Development on Sites With Environmental Constraints
Part 4.7.1 - 4.7.7 Development on Steep Slopes
Part 4.8.1 - 4.8.7 Waterways and Wetlands Protections
Part 4.9.1 - 4.9.7 Karst
Appendix 4H Erosion Prevention and Sediment Control

Chapter 6 Mobility Standards

Part 6.3.4 Release or Modification of Private Access Easement (private road issue)

Chapter 7 Subdivision Regulations

Part 1 General Provisions
Part 2 Procedures for Major Subdivisions
Part 3 Standards For Design of Major Subdivisions
Part 4 Minimum Improvements for Major Subdivisions
Part 5 Preliminary Plan for Major Subdivisions
Part 6 Construction Plan for Major Subdivision
Part 7 Record Plat for Major Subdivisions
Part 8 Minor Subdivisions
Part 9 Standard Certificate Form
Part 10 Enforcement

Chapter 10 Tree Canopy, Landscaping

Part 1 Tree Canopy Regulations
Part 2 Landscape Design
Part 4 Implementation Standards
Appendix 10A Preferred Plant List
Appendix 10D PDS Tree Preservation Policy

Section 2. The provisions of this Ordinance and the provisions of the Land Development Code adopted therein shall apply to all new or pending Preliminary Development Plans, Development Plans (general and detailed) and Revised Development Plans (general and detailed) applicable to properties within the City of Indian Hills which have not had a hearing before the full Planning Commission as of the effective date hereof.

Section 3. This ordinance shall take effect upon its passage and publication.
First Reading held January 5.2010. Second Reading. Passed and approved January 6, 2010.

Thomas 0. Eifler, Sr.

ATTEST:

Betty Guelich, City Clerk

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

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;

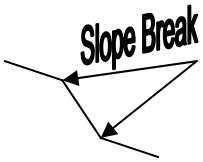
3. The installation of utilities, including but not limited to water, sewer, natural gas, electric, telephone and cable.

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. For land disturbing activity in conjunction with a plan review (preliminary subdivision plan, development plan, conditional use plan, etc.) required by this code, a geotechnical report shall be submitted with the application for the required review. 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 with the application for a plan review (preliminary subdivision plan, development plan, conditional use plan, etc.) required by this code 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		
	Buffer Area Type & Minimum Buffer Area Width (Feet) By Form District	
Type of Protected Waterway	**Type "A" Buffer Area Applies in the Following Form Districts:** • Downtown • Traditional Neighborhood • Traditional Marketplace Corridor • Traditional Workplace • Village FD Center	**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.

Definitions related to karst terrain to be included in Chapter 1 Part 2 of the Land Development Code (LDC):

CAVE DRIPLINE: The beginning of a cave defined as a line on the ground at a cave entrance formed by drips from the rock above at the outermost point of the entrance's overhang.

CLOSED DEPRESSION: A karst geologic feature, a distinct bowl-shaped depression in the land surface; size and amplitude are variable; drainage is internal. Natually occurring closed surface depressions found within karst landscapes are called sinkholes (see below).

GEOLOGIC FORMATION: the basic or fundamental rock stratigraphic unit in the local classification of rocks, consisting of a body of rock (usually a sedimentary stratum or strata but also igneous or metamorphic) generally characterized by some degree of internal lithologic homogeneity or distinctive lithologic features (such as chemical composition, structures, textures, gross aspect of fossils or time of deposition); typically used for mapping the geology of an area.

GEOLOGIC MEMBER: a rock stratigraphic unit which is subordinate (a subject) of a formation; this unit is not necessarily mappable and is usually a unified subdivision of local extent that may or may not be contained in more than one formation.

GROUNDWATER DRAINAGE BASIN: An area of the landscape that drains through the subsurface to a spring or other component of a karst drainage system such as a cave stream of karst window. This term is analogous to "catchment" for surface drainage systems, in which case it denotes an area of the landscape that drains to a river confluence or other point in a surface drainage system. In contrast to surface catchments, karst groundwater drainage basins generally cannot be determined by topographic maps, and thus must be delineated by other methods, primarily dye tracing.

EPHEMERAL LAKE: a body of standing water occurring in a sinkhole of a karst region that is usually visible after sufficient precipitation has occurred. They may form from slow permeability of soils, rises in the water table or the development of a natural liner of slow permeable clays or soils.

KARST: A terrain, generally underlain by limestone or dolomite, in which the topography is chiefly formed by the dissolving of rock and which may be characterized by sinkholes, sinking streams, subterranean drainage, and caves.

KARST FEATURE BUFFER: a buffer area around a sinkhole collapse feature, the extent of which is established in the field by a licensed geotechnical engineer. The purpose of the buffer is to minimize the exposure of impervious surfaces such as structures to sinkhole subsidence.

KARST GEOLOGIC FEATURES: Geologic features that develop on karst terrain. Examples of karst geologic features are sinkholes, caves, sinking streams, and karst springs.

KARST SPRING: The discharge points for underground streams.

KARST SURVEY: A survey of property located with karst prone areas of Jefferson County as depicted on the karst prone areas map. The survey of a property within this area is required prior to development review.

SINKHOLE: Any closed depression in soil or bedrock formed by the erosion and transport of earth material from below the land surface, which is circumscribed by a closed topographic contour and drains to the sub-surface. The sinkhole boundary is described as an area bounded by a projected line demarcating a change in slope from toward the center of the sinkhole to away from the sinkhole which represents a local drainage divide. Precipitation falling on the surface sloping toward the sinkhole is likely to run into the sinkhole throat, or infiltrate the soil and move through subsoil conduits to the throat. This includes areas which contribute surface water to a sinkhole via streams.

SINKHOLE COLLAPSE FEATURE: Sometimes called “cover collapse sinkhole”, a relatively steep-side, “throat-like” sinkhole typically within a larger sinkhole and typically with rock or soil walls, formed by the erosion and transport of earth materials into the subsurface in a manner such that the expression of this transport has propagated to the surface.

SINKHOLE WATERSHED: An area bounded by a projected line demarcating a change in slope from toward the center of the sinkhole to away from the sinkhole which represents a local drainage divide. Precipitation falling on the surface sloping toward the sinkhole is likely to run into the sinkhole throat, or infiltrate the soil and move through subsoil conduits to the throat. This includes areas which contribute surface water to a sinkhole via streams.

SINKING STREAM SINKPOINT: The location where a surface stream disappears into the subsurface karst aquifer, either at a discrete point such as a cave entrance, or gradually along the reach of a stream channel.

STRATIGRAPHIC UNIT: a stratum or body of strata recognized as a unit in the classification of the rocks of the earth's crust with respect to any specific rock character, property, attribute or for purposes such as description, mapping, and correlation.

4.9.1 Purpose & Intent

The purpose of this part is to guide development in karst terrain 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. The intent of this part is to regulate karst terrain development in order to protect the public health, safety and welfare by regulating the development and use of environmentally constrained lands to proceed in a manner that promotes safe and appropriate construction, storm water management and ground water quality. More specifically, these regulations are intended to:

A. Maintain property values and avoid property damage and/or safety concerns due to development in karst terrain areas;

B. Incorporate geotechnical engineering practices to promote the stability and environmental quality of karst terrain areas;

C. Preserve or enhance the beauty of the landscape by encouraging the retention of natural topographic features including sinkholes, springs, caves, and natural plant communities;

D. Protect ground water by minimizing pollution caused by development on karst terrain;

E. Protect downstream development from flooding caused or exacerbated by development activity in karst terrain areas, and

F. Promote building stability by limiting the location of buildings in karst terrain areas and by incorporating geotechnical engineering techniques into construction activity.

4.9.2 Applicability & Exemptions

A. Applicability

This part shall apply to all land disturbing activity, including new development and subdivision, proposed on karst terrain.

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. In addition to 4.6.1.B, major and minor subdivisions, category 2 and 3 reviews and plan certain development reviews approved prior to the effective date of this regulation shall be considered exempt from this part.

4.9.3 Identification of Karst Terrain Features

A. Where the proposed land disturbing activity is located within the Karst Prone area of Jefferson County as indicated on the Karst Prone Area Map located within Appendix 4, the applicant shall conduct a karst survey of the property and shall identify on plans all karst geologic features (see Section 4.9.4) The karst survey shall be conducted by a geologist or engineer licensed in the State of Kentucky with experience in the review

in the review and analysis of karst geologic features or by an individual Registered with PDS. Registration requirements include the completion of an approved training course in the identification of karst geologic features for the purpose of conducting a karst survey. The karst survey shall include at least one field site inspection as well as the use of other materials as needed such as:

1. Existing and historical aerial photographs
2. Soils report (available from the National Resource Conservation Service)
3. Geological maps and reports (available from the United States Geological Survey and the Kentucky Geological Survey)
4. Caves (based on existing data obtained from groups including the Kentucky Geological Survey, Kentucky Division of Water, the Kentucky Speleological Survey, and other local cave groups)
5. Related available data (e.g. previous development plans, neighborhood plans, LOJIC data, etc.).

B. A note shall be included on all required plans indicating the person(s) who conducted the mandatory site inspection for the karst survey of the property and when it was performed.

4.9.4 Karst Geologic Features

A. The following is the list of karst geologic features to be identified as part of the karst survey and identified on all required plans. * identifies those features requiring a karst feature buffer as required in Section 4.9.5):

1. Sinkhole Collapse Feature*
2. Sinkhole
3. Surface drainage that flows into ground
4. Ephemeral lakes after rainfall
5. Cave Entrance(s)*
6. Subsurface cave passages as determined by preexisting cave maps obtained from organizations including the Kentucky Geological Survey, local cave organizations, and the Kentucky Speleological Survey.
7. Springs - Evidence of standing water (rings of mud or organic debris in the low areas of closed surface depressions) following rains.
8. Sinking Stream Sink Point*

B. The following are a list of requirements specific to certain Karst Geologic Features that shall be identified on all required plans when one of these features have been identified:

1. Sinkholes – Location and limits of the area of the sinkhole depression, including topographic boundary of the entire closed depression, any significant breaks in slope, and vertical rock or soil surfaces.

2. Sinkholes shown on required plans shall also show the location and elevation of the lowpoint.
3. Caves – Diameter and description of cave opening, including description of whether water flows into the subsurface prior to development, either perennially or intermittently.
4. Springs - the first emergence of a spring and the surface stream downstream from this point.
5. Sinkhole Collapse Feature
6. Calculation of predevelopment and post-development surface drainage volumes directed toward the low point of the sinkhole, or the sinkhole collapse feature or cave entrance.

4.9.5 Karst Geologic Feature Performance Standards

A. The following standards apply to construction within sinkholes and over karst springs:

1. The Planning Director or designee may approve the construction of impervious surfaces (such as structures, parking areas and driveways) over sinkholes and springs in accordance with the following requirement:

a. The applicant shall obtain the services of a engineer (geotechnical engineer) licensed in the State of Kentucky with experience in the review and analysis of karst geologic features practicing in accordance with KRS 322 to conduct a geological assessment report to recommend treatment and construction method. The Planning Director or designee may confer with other appropriate agencies (USGS (United States Geological Survey), KGS (Kentucky Geological Survey), Hoffman Environmental Research Institute (Western Kentucky University), NRCS (National Resource Conservation Service), MSD (Metropolitan Sewer District)) in determining the significance of the feature(s) in question as well as the appropriateness of the proposed treatment. If the proposed treatment and construction method is approved then the licensed geotechnical engineer shall be on the construction site to observe and verify that the correct treatment was applied during construction. The licensed geotechnical engineer shall submit a letter to Planning and Design Services stating that the approved treatment method was applied.

B. The following standards apply to sinkhole collapse features (including sinking stream sink-point and cave entrances):

1. The Planning Director or designee may approve the construction of impervious surfaces (such as structures, parking areas and driveways) with the exception of principal residential structures over sinkhole collapse features in accordance with the following requirement:

a. The applicant shall obtain the services of a engineer (geotechnical engineer) licensed in the State of Kentucky with

experience in the review and analysis of karst geologic features practicing in accordance with KRS 322 to conduct a geological assessment report to recommend treatment and construction method. The Planning Director or designee may confer with other appropriate agencies (USGS (United States Geological Survey), KGS (Kentucky Geological Survey), Hoffman Environmental Research Institute (Western Kentucky University), NRCS (National Resource Conservation Service), MSD (Metropolitan Sewer District)) in determining the significance of the feature(s) in question as well as the appropriateness of the proposed treatment. If the proposed treatment and construction method is approved then the licensed geotechnical engineer shall be on the construction site to observe and verify that the correct treatment was applied during construction. The licensed geotechnical engineer shall submit a letter to Planning and Design Services stating that the approved treatment method was applied.

2. Karst Feature Buffer: Where sinkhole collapse features are retained the applicant's engineer (geotechnical engineer) licensed in the State of Kentucky with experience in the review and analysis of karst geologic features practicing in accordance with KRS 322 shall determine the appropriate karst feature buffer based on their analysis of the particular collapse feature. At a minimum this analysis shall take into account surrounding evidence of instability such as surrounding soil subsidence. The karst feature buffer shall be measured starting from the last closed contour line of the sinkhole collapse feature or from the downstream-most point of the sinking stream, or from the cave entrance dripline as determined in the field by the applicant's licensed engineer or geologist. The filling of sinkhole collapse features may be approved by the planning director or designee based on an approved filling method designed by the applicant's engineer (geotechnical engineer) licensed in the State of Kentucky with experience in the review and analysis of karst geologic features practicing in accordance with KRS 322. No activities are permitted within the karst feature buffer except for regular maintenance of landscaping. Buffers located downslope of construction areas shall be physically screened with soil erosion and sediment controls approved by MSD. The buffer shall include ground cover and tree plantings as follows;

   a. Trees listed on the preferred planting list may be planted within the buffer with approval from Planning Commission staff landscape architect.
   b. Native Ground cover in accordance with the preferred planting list (non-invasive) shall be planted within the buffer.

C. The following standards apply to Sinkholes (Sinkhole Watershed Areas):

1. Flow of surface water into a sinkhole low point or sinkhole collapse feature shall not be increased from predevelopment conditions as calculated within the geologic assessment report.

2. The applicant shall ensure to the satisfaction of the Metropolitan Sewer District that there will be no increase in soil erosion and sediment pollution directed toward any cave entrance, sinkpoint of a perennial or intermittent sinking stream, or sinkhole collapse feature.

3. Stormwater drainage from a land use that stores, manufacturers, processes or distributes hazardous or potentially hazardous materials shall not be directed toward a sinkhole.

4. Stormwater drainage from streets, parking lots, loading and unloading areas and fuel service stations shall not be directed toward a sinkhole unless the water is pretreated prior to entry into a sinkhole or the drainage is part of a Low Impact Development (LID) plan approved by MSD for the site.

D. If utilities are to be constructed within a sinkhole the utilities shall be so constructed so as not to permit the flow of water along the utility line trench, and shall be imperviously diked at thirty (30) foot intervals.

E. Cave entrances shall not be modified except for the placement of a bat accessible gate to prevent human access.

4.9.6 Waivers

All performance standards within this part may be waived in accordance with the LDC waivers provisions located within Chapter 11, Part 8.

4.9.7 Discovery of Karst Geologic Features During Site Disturbance and Construction

A. The discovery of karst geologic features such as sinkholes, springs, sinkhole collapse features and caves shall be reported to the Planning Director or designee. All work within the area shall discontinue until such time as the applicant's engineer (geotechnical engineer) licensed in the State of Kentucky with experience in the review and analysis of karst geologic features practicing in accordance with KRS 322 has reported to the Planning Director or designee and the Planning Director or designee has approved the continuation of site disturbance and construction. In no case shall the construction of residential principal structures over sinkhole collapse features be approved except through the LDC waiver process as outlined in Chapter 11, Part 8.

B. The Planning Director or designee may require revisions to all associated plans based on the location of the newly discovered geologic feature and its proximity to impervious surfaces, underground utilities, and stormwater drainage features (e.g. detention and retention basins). The plan revisions shall be made in accordance with the standards outlined within Section 4.9.5.

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 ORDINANCES AND ADOPTING A NEW CHAPTER **159** RELATING TO EROSION PREVENTION AND 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

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.

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

A. 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). The provisions of this paragraph shall not apply to roads that are Designated Roads under the System Development Charges for Roadways Ordinance [insert LMCO citation].

B. Continuation of existing streets. Subdivisions shall be designed to ensure that existing public and private streets which stub into the subject property can be extended through the subject property. For subdivisions creating any lot that abuts or has access to any proposed stub street extension, right-of-way shall be dedicated sufficient to accommodate the extension of the street, and the street shall be constructed in accordance with the requirements of this Land Development Code for constructing public or private roads.

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 or any other drainage easement.

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.)

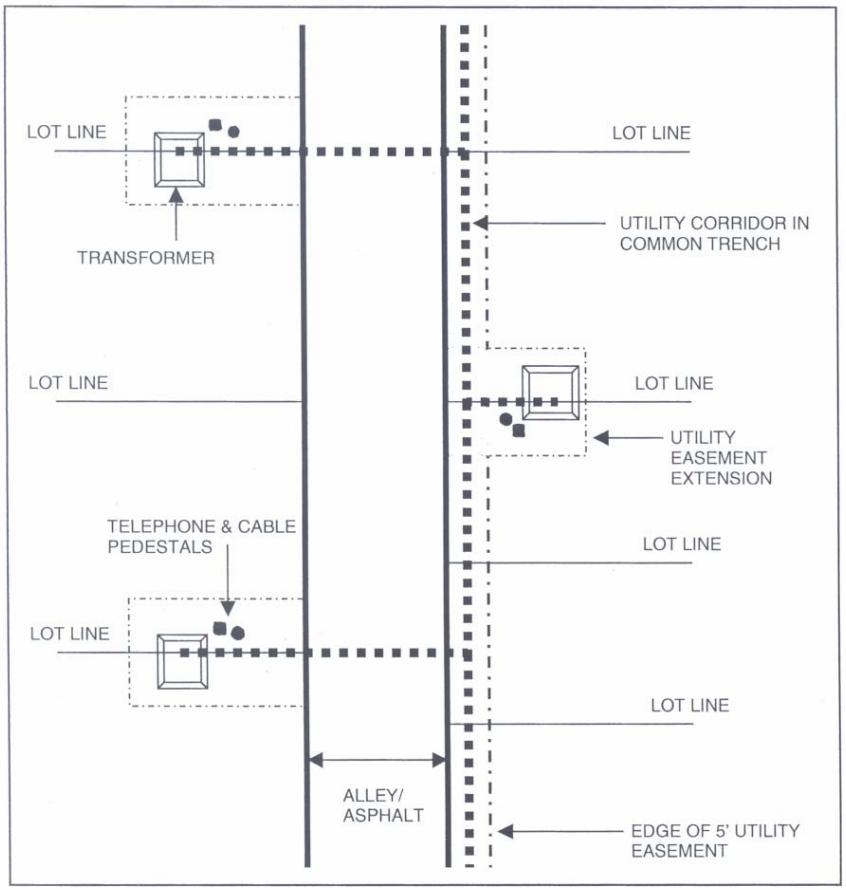
2. Slope Easements – Whenever a proposed subdivision affects an existing or proposed road in such a way that will necessitate cuts and fills in adjoining property, slope easements on such adjoining property shall be required.

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 must be based on survey monuments established and published by the National Ocean Service/National Geodetic Survey or LOJIC, and must be tied to the Kentucky Coordinate System(North Zone) North American Datum of 1983. 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; provided, however, that the provisions of this subparagraph shall not apply to roads that are Designated Road under the System Development Charges for Roadways Ordinance [insert LMCO citation];

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
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.

C. Continuation of existing street. Subdivisions shall be designed to ensure that existing public and private streets which stub into the subject property can be extended through the subject property. For subdivisions creating any lot that abuts or has access to any proposed stub street extension, right-of-way shall be dedicated sufficient to accommodate the extension of the street, and the street shall be constructed in accordance with the requirements of this Land Development Code for constructing public or private roads.

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 .

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:

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.

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.

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.

Goals	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.*

Table 10.1.3 Deciduous 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)

* See Chapter 10, Part 4 for criteria to plant trees less than 1 ¾ inch caliper.
** Trees are categorized as A, B and C—Large, Medium and Small; refer to Appendix 10A for species that fall within each category.

Note: *Table 10.1.3 gives credit for 50% of the mature canopy size when a 1 3/4" – 3" caliper tree is planted.*

"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.*

Table 10.1.4 Evergreen Tree Canopy Credit

Height	Tree Type*	Amount of Credit (per tree)
15 feet and 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 9 feet and less than 15 feet	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 6 feet and less than 9 feet	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)

* Trees 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

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. All tree preservation, tree canopy protection and woodland protection areas shall be in accordance with the Tree Preservation Policies of Louisville Metro Planning and Design Services. The content of such a plan is dependent upon the means by which the existing tree canopy is to be calculated as follows:

NOTE: *Refer to 10.4.8 for requirements relating to tree protection during construction.*

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.

Goals	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

STEP 1

Determine intensity class for the proposed use and adjacent sites.

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, PD (single family residential use)
2	R-5A, R-6, R-7, U-N, TNZD, Institutional Uses, PD (multi-family residential use)
3	R-8A, OR, OR-1, OR-2, OR-3, OTF, C-R, W-1 (residential use) , W-2 (residential use), PD (office use)
4	C-N, C-1, C-2, M-1, C-M, PTD, W-1(commercial use), W-2 (commercial use), PD (commercial use), PEC (commercial use)[1], PRO[1]
5	M-2, M-3, EZ-1, PD (industrial use), PEC (industrial uses), W-1 (industrial use), W-2 (industrial use), utility substations, landfills, treatment plants or similar uses

[1]-These Zoning Districts have additional landscape and buffering requirements.

Step 2

Based on intensity class of proposed and adjacent uses, determine applicable entries in Tables 10.2.3 and 10.2.4.

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.

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.

STEP 3

Select Buffer Yard width option and associated planting multiplier.

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

[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.

Retaining walls are not permitted within a required landscape buffer area

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.

Cellular towers are considered the same as utility substations for the purposes of screening in accordance with this part.

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

"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.

requirements if the adjacent property owner agrees in writing to preserve the planting materials.

6. Perimeter property landscape buffers are not required between a multi-family residential zone and a single-family residential zone when the multi-family residential property is developed as a single-family residential use.

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	1	2	3	4	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 feet 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 PD (industrial uses), 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 4, 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.

Note: the following requirement of Chapter 9, Part 1 may require additional interior landscape area:

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

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.

10.2.15 Form District Specific Landscape Requirements

The following form district specific landscape requirements apply regardless of the applicability of general chapter 10 requirements.

1. See Section 7.1.84 for new single family residential subdivisions within a Suburban Workplace Form District.

2. Per Chapter 5 Part 5 regardless of the applicability of Chapter 10 requirements the following shall apply. When a property is located in the Suburban Workplace Form District. 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 planting density 1.

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,*

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 and shrubs 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

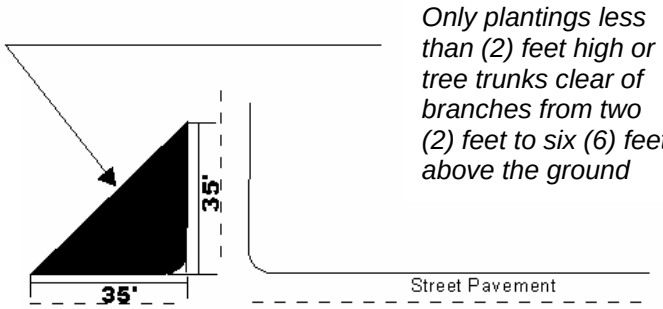
TREE SPACING GUIDE AGAINST BUILDINGS	
Tree Height	**Minimum Spacing from Building Edge**
Up to 25 feet (small tree)	10 feet
25 feet-50 feet (medium tree)	15 feet
50 feet+ (large tree)	15 feet

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.

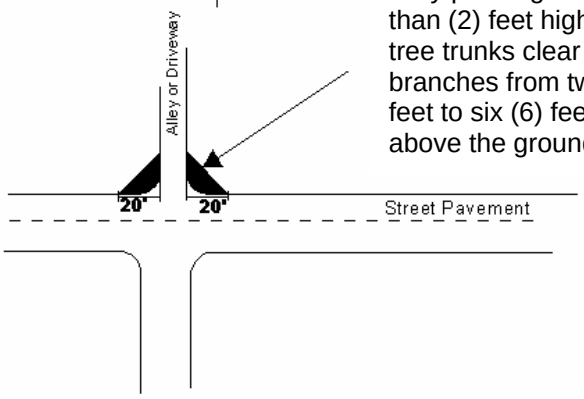
Figure 10.4.1

Chapter 1 Sight Triangle at Intersecting Streets



Only plantings less than (2) feet high or tree trunks clear of branches from two (2) feet to six (6) feet above the ground

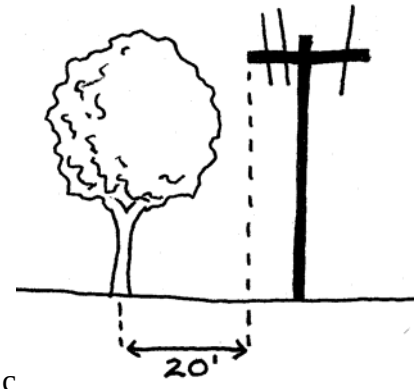
Sight Triangle at Intersection of Alley or Driveway with Street



Only plantings less than (2) feet high or tree trunks clear of branches from two (2) feet to six (6) feet above the ground

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

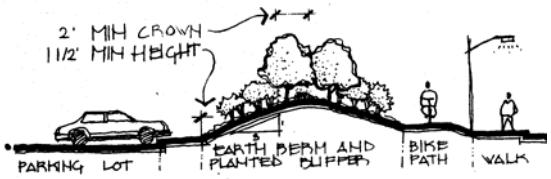
To assure that landscape materials do not constitute a driving hazard, a "sight triangle" will be observed at all street intersections including street intersections and intersections of alleys or driveways as illustrated below. The sight triangle shall be measured from edge of pavement to edge of pavement.

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.

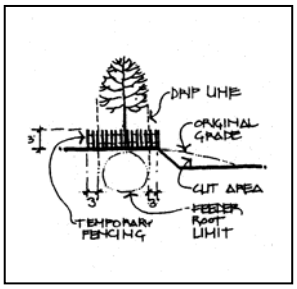


Berm graphic

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



All tree preservation, tree canopy protection and woodland protection areas shall be in accordance with Tree Preservation Policies of Louisville Metro Planning and Design Services.

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.

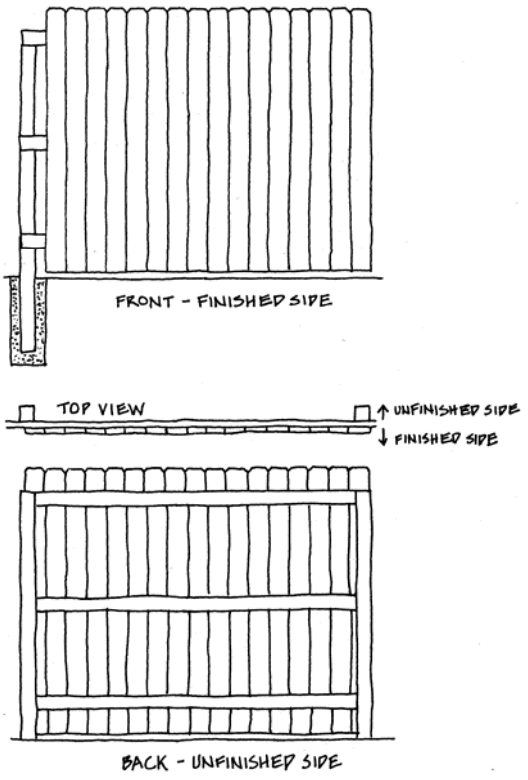
No clearing, grading or other land disturbing activities shall be allowed within the area enclosed by the tree protection barrier. No equipment, materials, or vehicles shall be stored or placed within the area enclosed by the tree protection fence.

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)*

PREFERRED TREES AND SHRUBS

(Suitable for the Louisville area and hardy in zones 5-7)

Contributed by: John A. Swintosky, ASLA, Metro Parks

TREES (* denotes a recommended street tree)

SCIENTIFIC NAME	COMMON NAME	TREE TYPE
*Acer rubrum (straight species)	Red Maple	A
Acer saccharum ssp. nigrum	Black Maple	A
*Acer saccharum (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
*Cercidiphyllum japonicum	Katsuratree	B
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
*Eucommia ulmoides	Hardy Rubber Tree	A
Fagus grandifolia	American beech	A
Franklinia alatamaha	Franklinia	C
*Fraxinus americana	White Ash	A
*Fraxinus pennsylvanica	Green Ash	A
Fraxinus quadrangulata	Blue Ash	A
*Ginkgo biloba (male only)	Ginkgo	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

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 (* denotes a recommended street tree)

SCIENTIFIC NAME	COMMON NAME	TREE TYPE
Juglans cinerea	Butternut	A
Juglans nigra	Walnut	A
Juniperus virginiana	Eastern Red Cedar	B
*Koelreuteria paniculata	Golden Rain Tree	B
Liquidambar styraciflua	Sweetgum *'Rotundiloba'	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

TREES (* denotes a recommended street tree)

SCIENTIFIC NAME	COMMON NAME	TREE TYPE
*Sophora japonica	Japanese Pagoda Tree	A
Stewartia monadelpha; ovata	Tall Stewartia; Mountain Stewartia	C
*Syringa reticulata	Tree Lilac	C
Taxodium ascendens	Pond Cypress	A
Taxodium distichum	Bald cypress	A
*Tilia americana	American Linden, Basswood	A
*Tilia cordata	Littleleaf Linden	A
*Tilia x euchlora	Crimean Linden	A
*Tilia tomentosa	Silver Linden	A
Tsuga canadensis	Eastern Hemlock	A
Ulmus alata	Winged Elm	B
Ulmus americana	American Elm	A
*Ulmus parviflora	Lacebark 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

SCIENTIFIC NAME	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

SHRUBS

SCIENTIFIC NAME	COMMON NAME
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
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

SCIENTIFIC NAME	COMMON NAME
Bignonia capreolata	Crossvine
Campsis radicans	Trumpet Vine
Celastrus scandens	Bittersweet
Clematis virginiana	Virgin's Bower
Lonicera sempervirens	Trumpet Honeysuckle

VINES

SCIENTIFIC NAME	COMMON NAME
Pachysandra procumbens	Allegheny Pachysandra
Parthenocissus quinquefolia	Virginia Creeper
Smilax glauca	Cat Greenbrier
Smilax rotundifolia	Common Greenbrier
Wisteria macrostachya (frutescens)	Kentucky Wisteria

TREE PRESERVATION POLICY AND PROCEDURES

August, 2004

The following language has been prepared by staff to clarify both the intent and application of Planning & Design Services' tree preservation policy.

Intent
Tree preservation measures should address three objectives: permanent protection for existing trees/tree masses that have been designated to meet the Tree Canopy requirements of Chapter 10 Part 1; permanent protection for existing trees/tree masses that are required to preserved by binding element; and temporary protection during development of infrastructure to allow individual property owners the opportunity to incorporate existing trees into their building sites. To differentiate between these three intents, the following three designations are in effect and are described in this policy:

Tree Canopy Protection Area (TCPA)
Woodland Protection Area (WPA)
Tree Preservation Area (TPA)

For the purposes of this policy, "development plans" refers to preliminary subdivisions, general or detailed plans, conditional uses, and rezonings.

TREE CANOPY PROTECTION AREA (TCPA)

Description:

Tree Canopy Protection Areas (TCPAs) are individual trees and/or groupings of trees (trees may be existing or proposed) designated to meet the Tree Canopy requirements of Chapter 10 Part 1of the Land Development Code (LDC), and to be **permanently protected***. TCPAs shall be clearly designated on approved development plans by location.

No structures shall be closer than 15 feet to the Limit of Disturbance (Tree Protection Fence) protecting a TCPA. No vehicle use area (VUA) shall be closer than 10 feet to the Limit of Disturbance (Tree Protection Fence) protecting a TCPA.

As trees within TCPAs are lost through natural causes, new trees shall be planted in order to maintain minimum tree canopy as specified on the approved development plan.

***Exception:** Individual trees that are designated as TCPAs on individually owned lots within single-family residential subdivision developments may be removed as long as each removed tree is replaced with another tree of a similar type (e.g. A, B or C) elsewhere on that lot.*

Requirements:

All development plans showing TCPAs to seek credit for preservation of existing trees to meet tree canopy requirements shall submit and receive approval of a tree preservation plan in accordance with section 10.1.6 of the LDC prior to issuance of any site disturbance permit, and shall contain the following information and notes:

Information:

1. Proposed site plan showing buildings, edges of pavement, property/lot lines, easements, existing topography, and other significant site features (LOJIC topographic information is acceptable).
2. Preliminary drainage considerations (retention/detention, ditches/large swales, etc.).
3. Location of all existing trees/tree masses existing on the site (aerial photos or LOJIC maps are acceptable data sources), and delineation of those to be preserved in TCPAs.
4. Location of tree protection fencing for each tree/tree mass designated to be protected. Dimension lines shall be provided to establish the general location of tree protection fencing.

Notes:

1. Tree Canopy Protection Areas (TCPAs) identified on this plan represent individual trees and/or portions of the site designated to meet the Tree Canopy requirements of Chapter 10 Part 1of the Land Development Code and are to be permanently protected. All clearing, grading and fill activity in these areas must be in keeping with restrictions established at the time of plan approval. As trees within TCPAs are lost through natural causes, new trees shall be planted in order to maintain minimum tree canopy as specified on the approved development or preliminary subdivision plan.

2. Dimension lines have been used on this plan to establish the general location of TCPAs and represent minimum distances. The final boundary for each TCPA shall be established in the field to include canopy area of all trees at or within the dimension line.
3. Tree protection fencing shall be erected adjacent to all TCPAs prior to Site Disturbance Approval to protect the existing tree stands and their root systems. The fencing shall be located at least three (3) feet from the outside edge of the tree canopy and shall remain in place until all construction is completed.
4. No parking, material storage or construction activities are permitted within the TCPAs.
5. During all construction activity (includes clearing, grading, building construction and VUA construction) a copy of the approved tree preservation plan shall be on site.

TREE PRESERVATION AREA (TPA)

Description:

Tree preservation areas (TPAs) represent those portions of the site to be left undisturbed during development of roadways, utilities and similar infrastructure. TPAs are not permanent preservation areas; clearing, grading and/or removal of trees in TPAs is allowed at the time of individual building or home construction.

Any modification of the tree preservation plan requested by the applicant may be approved by the designated DPDS staff **if** the changes are in keeping with the intent of the approved tree preservation plan.

Trees designated as TPAs only shall not be eligible to count towards Tree Canopy requirements for a development site.

Requirements:

All development plans showing TPAs shall submit and receive approval for a tree preservation plan in accordance with Chapter 10 Part 4 of the LDC prior to issuance of any site disturbance permit, and shall contain the following information and notes:

Information:

1. Proposed site plan showing buildings, edges of pavement, property/lot lines, easements, existing and proposed contours, and other significant site features (LOJIC topographic information is acceptable).
2. Preliminary drainage considerations (retention/detention, ditches/large swales, etc.).
3. Location of all existing trees/tree masses existing on the site (as shown by aerial photos or LOJIC maps are acceptable data sources).
4. Location of tree protection fencing for each tree/tree mass designated to be preserved. Dimension lines shall be provided to establish the general location of tree protection fencing.

Notes:

1. Tree preservation areas (TPAs) identified on this plan represent portions of the site the developer has designated to be left undisturbed during the development of roadways, utilities and similar infrastructure. These are not permanent preservation areas. Trees in these areas may be removed during construction of homes or buildings on this site.

2. Dimension lines have been used on this plan to establish the general location of TPAs and represent minimum distances. The final boundary for each TPA shall be established in the field to include canopy area of all trees at or within the dimension line.

3. Tree protection fencing shall be erected adjacent to all TPAs prior to Site Disturbance Approval (Clearing and Grading Permit) to protect the existing tree stands and their root systems. The fencing shall be located at least three (3) feet from the outside edge of the tree canopy and shall remain in place until all construction is completed. When trees must be removed in a TPA, the fence shall be relocated to protect all remaining trees within that TPA. When a tree mass contains both TCPAs/WPAs and TPAs fencing shall only be required at the outer most perimeter of that tree mass.

4. No parking, material storage or construction activities are permitted within the TPAs beyond that allowed for preliminary site investigation work.

5. Clearing necessary to provide access for survey work, rock soundings or other usual and customary site investigations shall be permitted prior to Site Disturbance Approval. Preliminary site investigations shall be carefully planned to minimize the amount of clearing required. Clearing should follow proposed roadway centerlines and should not result in a clear access way of more than twenty (20) feet in width. Cleared access ways beyond proposed roadways to assess individual lots shall not exceed

twelve (12) feet in width or encroach into any proposed open space lots. No trees exceeding eight (8) inches in diameter measured at breast height (DBH) shall be removed without prior approval by DPDS.

If TPAs are not shown on the development plan, the following condition of approval/binding element shall be attached to the plan:

6. The applicant shall identify and submit for approval by designated Division of Planning and Design Services (DPDS) staff, a plan showing the location of Tree Preservation Areas on site (exclusive of areas dedicated as public right-of-way) prior to beginning any construction procedure (i.e., clearing, grading, demolition). All construction shall be conducted in accordance with the approved Tree Preservation Plan. A partial plan may be submitted to delineate clearing necessary for preliminary site investigations. All Tree Preservation Plans must be prepared in accordance with the standards set forth by DPDS.

WOODLAND PROTECTION AREA (WPA)

Description:
Woodland Protection Areas (WPAs) are treed portions of the site designated as part of the development approval process to be permanently protected either in a natural state or following selective removal of understory brush and/or trees as determined at the time of approval. WPAs shall be designated on approved development plans by location and described in associated notes, binding elements, or conditions of approval by general character (left natural, only trees below 2” caliper may be removed, etc.).

WPAs may also be used to count toward Tree Canopy requirements for a development.

No clearing, grading or other land disturbing activity shall take place in WPAs 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. Additional activities within WPAs such as utility installation, fence construction, walks, or supplemental planting shall be determined at time of approval and/or described in notes, conditions or approval and/or binding elements on the plan.

No structure may be closer than 15 feet to the Limit of Disturbance (tree protection fence) protecting a WPA. No vehicle use area (VUA) may be closer than 10 feet to the Limit of Disturbance (tree protection fence) protecting a WPA.

WPAs will generally be protected by easement or other mechanism shown on the approved development plan or described in binding elements/conditions of approval for a development plan. Subdivision deeds of restriction are used as one tool to inform future property owners of clearing restrictions.

Modification of Woodland Protection Areas shown on approved development plans may not be approved without notification of adjoining property owners and LD&T action.

Requirements:

All development plans showing WPAs shall submit and receive approval for a tree preservation plan in accordance with section 10.1.6 of the LDC prior to issuance of any site disturbance permit, and shall contain the following information and notes:

Information:

1. Proposed site plan showing buildings, edges of pavement, property/lot lines, easements, existing topography, and other significant site features (LOJIC topographic information is acceptable).
2. Preliminary drainage considerations (retention/detention, ditches/large swales, etc.).
3. Location of all existing tree/tree masses existing on the site (aerial photos or LOJIC maps are acceptable data sources), and delineation of those to be preserved in WPAs.
   Location of tree protection fencing for each tree/tree mass designated to be protected. Dimension lines shall be provided to establish the general location of tree protection fencing.

4. The applicant shall provide deeds of restriction ensuring that WPAs will be permanently protected in a manner consistent with the binding elements/conditions of approval and/or the approved development plan. The form of such restrictions shall be approved by Planning Commission counsel.

Notes:

1. Woodland Protection Areas (WPAs) identified on this plan represent portions of the site on which all existing vegetation shall be permanently preserved. All clearing, grading and fill activity in these areas must be in keeping with restrictions established at the time of plan approval. No further clearing, grading, construction or other land disturbing activity shall take place 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.
2. Dimension lines have been used on this plan to establish the general location of WPAs and represent minimum distances. The final boundary for each WPA shall be established in the field to include canopy area of all trees at or within the dimension line.
3. Tree protection fencing shall be erected adjacent to all WPAs prior to Site Disturbance Approval (Clearing and Grading) to protect the existing tree stands and their root systems. The fencing shall be located at least three 93) feet from the outside edge of the tree canopy and shall remain in place until all construction is completed.
4. No parking, material storage or construction activities are permitted within the WPAs.
5. During all construction activity (includes clearing, grading, building construction and VUA construction) a copy of the approved tree preservation plan shall be on site.
6. The site shall be developed in accordance with the Woodland Protection Areas delineated on the site plan and related notes. Any modification of the Woodland Protection Areas requires notification of adjoining property owners and LD&T action.

DEVELOPMENT CODE FOR ALL OF JEFFERSON COUNTY, KENTUCKY
TABLE OF CONTENTS

ZONING DISTRICT REGULATIONS

				PAGE
ARTICLE 1	TITLE, AUTHORITY AND INTENT			
	Section 1.1:		Title	1-1
	Section 1.2:		Legislative Authority	1-1
	Section 1.3:		Legislative Purpose and Intent	1-1
ARTICLE 2	LANGUAGE AND DEFINITIONS			2-1
ARTICLE 3	ZONING DISTRICT REGULATIONS			3-1
ARTICLE 4	RESIDENTIAL ZONING DISTRICT REGULATIONS			
	Section 4.1:	R-R	Rural Residential District	4-1
	Section 4.2:	R-E	Residential Estate District.	4-6
	Section 4.3:	R-1	Residential Single Family District	4-10
	Section 4.4:	R-2	Residential Single Family District	4-14
	Section 4.5:	R-3	Residential Single Family District	4-16
	Section 4.6:	R-4	Residential Single Family District	4-18
	Section 4.7:	R-5	Residential Single Family District	4-21
	Section 4.8:	U-N	Urban Neighborhood District	4-23
	Section 4.9:	R-5A	Residential Multi-Family District	4-26
	Section 4.10:	R-5B	Residential Two-Family District	4-29
	Section 4.11:	R-6	Residential Multi-Family District	4-32
	Section 4.12:	R-7	Residential Multi-Family District	4-35
	Section 4.13:	R-8A	Residential Multi-Family District	4-38
ARTICLE 5	OFFICE ZONING DISTRICT REGULATIONS			
	Section 5.1	OR	Office/Residential District	5-1
	Section 5.2:	OR-1	Office/Residential District	5-3
	Section 5.3:	OR-2	Office/Residential District	5-9
	Section 5.4:	OR-3	Office/Residential District	5-16
	Section 5.5:	OTF	Office/Tourist Facility District	5-20
ARTICLE 6	COMMERCIAL AND INDUSTRIAL DISTRICT REGULATIONS			
	Section 6.1:	C-N	Neighborhood Commercial District	6-1
	Section 6.2:	C-R	Commercial Residential District	6-4
	Section 6.3:	C-1	Commercial District	6-7
	Section 6.4:	C-2	Commercial District	6-12
	Section 6.5:	C-3	Commercial District	6-17
	Section 6.6:	C-M	Commercial Manufacturing District	6-20
	Section 6.7:	EZ-1	Enterprise Zone District	6-22
	Section 6.8:	M-1	Industrial District	6-25
	Section 6.9:	M-2	Industrial District	6-29
	Section 6.10:	M-3	Industrial District	6-33

DEVELOPMENT CODE FOR ALL OF JEFFERSON COUNTY, KENTUCKY
TABLE OF CONTENTS

ARTICLE 7	SPECIAL DISTRICTS			PAGE
	Section 7.1:	PRO	Planned Research/Office District	7-1
	Section 7.2:	PEC	Planned Employment Center District	7-5
	Section 7.3:	DRO	Development Review Overlay District	7-9
	Section 7.4:	W-l	Waterfront District	7-14
	Section 7.5:	W-2	Waterfront District	7-16
	Section 7.6:	W-3	Waterfront District	7-18
	Section 7.7:	WRO	Waterfront Development Review Overlay District	7-21
	Section 7.8:	CRO	Corridor Review Overlay District (City only)	7-28
	Section 7.9:	PVD	Planned Village Development District	7-32
ARTICLE 8	GENERAL REGULATIONS			
	Section 8.1:		Plan Certain Review	8-1
	Section 8.2:		Community Facility Review	8-11
	Section 8.3:		Nonconformance	8-20
ARTICLE 9	SUPPLEMENTAL DISTRICT REGULATIONS			
	Section 9.1:		Signature Entrances, Fences and Walls	9-1
	Section 9.2:		Setback	9-8
	Section 9.3:		Height Exceptions	9-11
	Section 9.4:		Adult Entertainment Activities	9-12
	Section 9.5:		Innovative Residential Development	9-13
	Section 9.6:		Exceptions and Modifications	9-21
	Section 9.7:		Outdoor Sales, Displays and Storage	9-23
	Section 9.8:		Inactive, Private or Family Cemeteries	9-27
ARTICLE 10	OFF-STREET PARKING AND LOADING REQUIREMENTS			
	Section 10.1:		Off-Street Parking Regulations	10-1
	Section 10.2:		Off-Street Loading Regulations	10-15
ARTICLE 11	SIGN REGULATIONS			11-1
ARTICLE 12	LANDSCAPING AND LAND USE BUFFERS			12-1
ARTICLE 13	FLOODPLAIN REGULATIONS			13-1
ARTICLE 14	STREET NAME CHANGE AND CLOSING PROCEDURES			
	Section 14.1: Street Name Change			14-1
	Section 14.2: Street Closing			14-3
ARTICLE 15	CONDITIONAL USES			15-1
ARTICLE 16	FEE INFORMATION			16-1
ARTICLE 17	ENFORCEMENT			17-1
ARTICLE 18	SEVERABILITY			18-1

	Subdivision Regulations		
	Part 1	**General Provisions and Definitions**	**Page_1**
	Part 2	**Procedures for Major Subdivisions**	**Page_5**
	Part 3	**Standards of Designs for Major Subdivisions**	**Page_15**
	Part 4	**Minimum Improvements for Major Subdivisions**	**Page_17**
	Part 5	**Preliminary Plan for Major Subdivisions**	**Page_19**
	Part 6	**Construction Plan for Major Subdivisions**	**Page_22**
	Part 7	**Record Plat for Major Subdivisions**	**Page_25**
	Part 8	**Minor Subdivisions**	**Page_29**
	Part 9	**Standard Certificate Form**	**Page_40**
	Part 10	**Enforcement**	**Page_59**

ARTICLE I: TITLE, AUTHORITY AND INTENT

Section 1.1: Title

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

Section 1. 2: Legislative Authority

The legislative authority for the Development Code is Chapter 100, Kentucky Revised Statutes that provides the authority for counties with cities of the first class to establish, coordinate and enforce zoning.

Section 1. 3: Legislative Purpose and Intent

The purpose and intent of these regulations, to be enforced in the various zoning districts, is to avoid congestion in streets; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate adequate provision for traffic, transportation, water, sewerage, schools, parks and other public requirements; to encourage the most appropriate use of land throughout Jefferson County, Kentucky with reasonable consideration to be given to the character of any district and its peculiar suitability for particular uses, and with a view to preserving the natural environment, the value of land, buildings and other structures; to guide and accomplish a coordinated, adjusted and harmonious development of all of Jefferson County, Kentucky; to promote the public health, safety, morals and the general welfare; and to implement the approved Comprehensive Plan.

ARTICLE 2 LANGUAGE AND DEFINITIONS

Language and Definitions

For the purpose of these regulations certain terms and words are hereby defined. When not inconsistent with the context, the present tense includes the future, words in the singular number include the plural number and words in the plural number include the singular number, and "shall" is mandatory and not merely directory.

ACCESSORY BUILDING: A subordinate building, the use of which is purely incidental and subordinate to that of the main building, and which is located on the same lot.

ACCESSORY USE: A use customarily incidental to and subordinate to the principal use of the land or building, and located on the same lot with such building or principal land use. The use of solar energy systems for the purpose of providing energy for heating or cooling of the principal use of the land is a permitted accessory use. (For accessory uses allowed in industrial and commercial zones refer to individual zoning districts.)

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 who expose to 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 as hereinafter defined or an establishment with a substantial segment or section devoted to the sale, rental or display of such material.

ADULT ENTERTAINMENT PROVIDER:* A commercial establishment, such as a hotel or motel, which in addition to providing as the major part of its business, services unrelated to depictions of sexual activities as herein defined, makes entertainment (either live or on film or video tape) available to its customers, which 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

* City of Louisville only, July 1988, Docket No. 9-107-87

Language and Definitions

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 RENTAL CENTER:******* A commercial establishment which has as one of its principal uses the rental or sale of video cassettes which depict material distinguished or characterized by an emphasis on or depictions of sexual activities as hereinafter defined and which does not provide an on premises showing of such material.

AGRICULTURAL LAND: A tract 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.

AGRICULTURE: Farming, dairying, stock raising or similar purposes.

ALLEY:****** A public or private way which affords only a secondary means of access to property abutting thereon.

ALTERNATIVE CELLULAR ANTENNA TOWER STRUCTURE:******** 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**.**

***Editor's Note**:* Contact Planning and Development Services staff for text of this entry currently in effect in unincorporated Jefferson County.

APARTMENT: A part of a building consisting of a room or suite of rooms, intended, designed, or used as a dwelling unit by any individual or single family.

***** City of Louisville only, July 1988, Docket No. 9-107-87
****** December 12, 1988, Docket No. 9-69-88
*** March 1992, Docket No. 9-67-91.
******** Docket Number 9-20-97, October 1997

Language and Definitions

APARTMENT HOTEL: A building designed for or containing both apartments and hotel accommodations.

APARTMENT HOUSE: A multi- family dwelling.

ARCADE: An arcade shall mean a continuous roofed area with access to a plaza or open space, not used for vehicular circulation or parking, which is open and unobstructed to a height of not less than ten feet and accessible to the public. 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. Retail sales shall not be permitted within an arcade.

ARTIST STUDIO: ** Facilities used by individual practitioners for creation of fine art products such as painting and sculpture, but not including mass production facilities, industrial-scale equipment, or uses listed in the industrial zoning classifications. Sale of art work produced at the site, and instruction are permissible as accessory uses provided that instruction use does not include dancing, music or vocal instruction or constitute a trade school.

ASSISTED LIVING RESIDENCE: ** A building or structure that contains three or more apartments with private bath and facilities for individual meal preparation (which may include a refrigerator, stove, microwave oven or other appliances) and providing supportive services such as assistance with household chores, cleaning, shopping, meals, laundry, transportation, 24 hour supervision and organized social activities, and not constituting a boarding and lodging house or nursing home.

AUTOMOBILE:* See "Passenger Vehicle"

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.

BASEMENT: An area below the first floor, having part but no more than one-half of its height above grade, 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.

* March 1992, Docket No. 9-67-91.
** Docket No. 9-26-00.

Language and Definitions

BILLBOARD: Offsite sign, notice, poster, display or other device intended to attract the attention of passengers of motor vehicles on the highways, and shall include a structure erected or used in connection with the display of any device and all lighting or other attachments used in connection therewith. However, it does not include directional or other official signs or signals erected by the state or other public agency having jurisdiction.

BOARD OF ADJUSTMENT: The Louisville or Jefferson County Board of Zoning Adjustment.

BOARDING, LODGING HOUSE: A building where, for compensation and by pre-arrangement for definite periods, meals or lodging or both are provided for three or more persons, not including members of the keeper's immediate family.

Editor's note: *Bed and breakfast uses that do not provide meals, meeting facilities or other services for persons not registered at the bed and breakfast are permitted under this entry.*

BUFFERING: Use of vegetation, fencing or a combination of both to mitigate off-site impacts emanating from a particular use.

BUILDABLE AREA: The area of a lot not included within the open space required by these regulations.

BUILDABLE WIDTH: The width of that part of a lot between the required side yard lines.

BUILDING: Any structure designed or built for the support, enclosure, shelter, or protection of persons, animals, chattels, or property of any kind.

BUILDING, ATTACHED: A building with two or more party walls, or one party wall in the case of a building at the end of a group of attached buildings.

BUILDING, DETACHED: A building separate from other buildings and having no party walls.

BUILDING, SEMIDETACHED: One or two buildings with a single party wall common to both.

BUILDING HEIGHT:***** The vertical distance from the grade to the highest point of a fence or wall, or the highest point of the coping of a flat roof, or to the mean height level between eaves and ridges for gable, hip, and gambrel roofs.

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.

***** March 1992, Docket No. 9-67-91.

Language and Definitions

CABARET:* An establishment which features as a principal use of its business, entertainers and/or waiters and/or bartenders, male or female impersonators and/or persons, either male or female, who expose to public view of the patrons of said establishment at any time 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.

CARPORT: A permanent roofed structure with not more than two enclosed sides used or intended to be used for automobile shelter and storage.

CELLULAR ANTENNA:** Any structure or device used to collect or radiate electromagnetic waves, including both directional antennas, such as panels, microwave dishes and satellite dishes, and omni-directional antennas, such as whips, at frequencies on the electromagnetic spectrum as the FCC from time to time may designate, used for cellular telecommunications services and/or personal communications services, but not including such structures or devices when used for the broadcast of television or AM or FM radio stations or for citizens' band or amateur radio use. Examples of cellular telecommunications services include, but are not limited to; cellular telephone, paging, public safety, data transmission, Specialized Mobile Radio, Enhanced Specialized Mobile Radio, and other commercial private radio services.

CELLULAR ANTENNA TOWER:** Any structure that is designed and constructed primarily for the purpose of supporting one or more cellular antennas. This includes guyed towers, lattice towers, monopoles, alternative cellular antenna tower structures, and towers taller than 15 feet constructed on the top of another building, along with any separate building on the lot used to house supporting electronic equipment.

CENTRAL BUSINESS DISTRICT (CBD):*** Starting at the Ohio River and proceeding South along a projection of existing Clay Street and then along Clay Street to the North side of Jefferson Street; then West along Jefferson Street to its intersection with Hancock Street; then South along Hancock Street to its intersection with Finzer Street; then West along Finzer Street to its intersection with Preston Street; then South along Preston Street to its intersection with Jacob Street; then West along Jacob Street to its intersection with Second Street; then South along Second Street to its intersection with York Street; then West along York Street to its intersection with Eight Street; then South along Eighth Street to its intersection with Cawthon Street; then West along Cawthon Street to its intersection with Roy Wilkins Boulevard/Ninth Street; then North along Roy Wilkins Boulevard/Ninth Street to its eventual intersection with the Ohio River; then East along the Ohio River to the point of beginning.

CHURCH: A building used principally for religious worship, but the word "church" shall not include or mean an undertaker's chapel or funeral building.

CLINIC: A facility for human ailments operated by a group of physicians, dentists, chiropractors, or other licensed practitioners for the treatment and examination of out-patients.

* City of Louisville only, July 1988, Docket No. 9-107-87.
** Docket Number 9-20-97, October 1997
***Docket No. 9-44-01.

Language and Definitions

CLUBS: See Private Non-Profit Club and Private Proprietary Club.

CO-LOCATION: Locating one or more cellular antennas for more than one provider on a single cellular antenna tower or alternative cellular antenna tower structure on a single lot.

COMMERCIAL COMPOSTING OPERATION: ** Any site or facility that receives organic solid waste from off site as a commercial enterprise for the purpose of processing such waste, through biological decomposition, to create an end product to be used for a soil amendment and subsequently sold or otherwise used either on site or at a location separate from the composting facility. Commercial composting does not include minor composting operations clearly incidental and subordinate to commercial operations such as landscaping or nursery businesses.

COMMERCIAL LAKE: A lake or pond located on private property where a fee is charged for fishing, boating, or swimming, and where fishing supplies, equipment, bait and food or drink may be sold.

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.

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.

COMPOSTING: **The process by which biological decomposition of organic solid waste is carried out under controlled aerobic conditions, and which stabilizes the organic fraction into a material which can easily be stored, handled, and used in an environmentally acceptable manner. Composting may include a process which creates an anaerobic zone within the composting material, but does not include simple exposure of solid waste under uncontrolled conditions resulting in natural decay.

CONDITIONAL USE: A use which is essential to or would promote the public health, safety, or welfare in one or more zones, but which would impair the integrity and character of the zone in which it is located, or in adjoining zones, unless restrictions on location, size, extent, and character of performance are imposed in addition to those imposed in the zoning regulations. (Refer to Article 15.)

* City of Louisville only, July 1988, Docket No. 9-107-87.

** Docket No. 9-26-00.

Language and Definitions

CONDITIONAL USE PERMIT: Legal authorization to undertake a conditional use, issued by the administrative official pursuant to authorization by the appropriate Board of Zoning Adjustments, consisting of two (2) parts: (a) A statement of the factual determination by the appropriate Board of Adjustments which justifies the issuance of the permit. (b) A statement of the specific conditions which must be met in order for the use to be permitted (Refer to Article 15.)

CONVENIENCE GROCERY: A grocery selling food, beverages, health and beauty aids, household articles, and miscellaneous items with the maximum floor area being 3,200-square feet.

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.

DAY CARE CENTER:* Any place or institution which provides care of thirteen or more persons away from their own home which is designed to supplement, but not substitute for, the parent, guardian or spouse's responsibility for each person's protection, development and supervision, when it is necessary for the parent, guardian or spouse to be out of the home or when the parent, guardian or spouse is unable to provide for the protection, development or supervision of a person, for all or part of the day. A place or institution which provides care for at least eight but fewer than thirteen persons away from their own home and which is not the residence of the operator shall also constitute a day care center. The term "day care center" shall include day nurseries, nursery schools, kindergartens and related facilities, but shall not include facilities providing overnight care or facilities operated by religious organizations in a church building.

DAY NURSERY: A place or institution which provides care for children, away from their own homes.

DEVELOPMENT: Any construction, reconstruction, modification, extension or expansion of buildings or structures, parking areas, placement of fill, dumping, storage of materials, land excavation, land clearing or any combination thereof.

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.

* March, 1992, Docket No. 9-67-91.

Language and Definitions

DIMENSIONAL VARIANCE: A departure from the terms of the zoning regulation pertaining to height or width of structures and size of yards and open spaces, where such departure will not be contrary to the public interest, and where, owning to conditions peculiar to the property because of its size, shape or topography, and not as a result of the actions of the applicant, the literal enforcement of the zoning regulations would result in unnecessary and undue hardship. (Refer to Article 3.)

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 Family and Neighborhood Services if it is located elsewhere in Jefferson County.

DIRECTOR OF WORKS: The Director of Works of the City of Louisville, if the proposed development is located in the City of Louisville, or the Jefferson County Engineer, if it is located elsewhere in Jefferson County.

DWELLING: Any building, or portion thereof, which is designed and used for residential purposes.

DWELLING, ATTACHED: A dwelling with two or more party walls, or one party wall in the case of a dwelling at the end of a group of attached dwellings.

DWELLING, MULTIPLE-FAMILY: A building, or portion thereof, designed for, or occupied by three or more families living independently of each other, and doing their own cooking in separate kitchens. This includes apartment houses and apartment hotels.

DWELLING, SEMI-DETACHED: One of two dwellings with a single party wall common to both.

DWELLING, SINGLE-FAMILY: A detached building designed for or occupied exclusively by one family.

DWELLING, TWO-FAMILY: A detached or semi-detached building designed for, or occupied by, two families living independently of each other, and doing their own cooking in separate kitchens.

DWELLING UNIT:** One or more rooms in a dwelling or apartment house designed for independent living facilities for one or more persons and having a kitchen or other facilities for cooking or preparing meals.

EASEMENT FOR ACCESS: A private way, which is permanently reserved as the principal means of vehicular access to abutting property, and the terms of use of which are of public record.

EDUCATIONAL INSTITUTION: A college or university giving general academic instruction equivalent to the standards prescribed by the laws of the Commonwealth of Kentucky.

* December 1988, Docket No. 9-69-88.
** March 1992, Docket No. 9-67-91.

Language and Definitions

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

EXPRESSWAY:* A highway for through traffic, with full control of access and grade separations at intersections.

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.

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

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 license 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.

FAMILY DAY CARE HOME:* Any dwelling unit within which, as an accessory use and under a state license issued to a resident of the dwelling unit, care is provided for eight but not more than twelve persons away from their own home which is designed to supplement, but not substitute for, the parent, guardian or spouse's responsibility for each person's protection, development and supervision, when it is necessary for the parent, guardian or spouse to be out of the home or when the parent, guardian or spouse is unable to provide for the protection, development or supervision of a person, for all or part of the day.

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: Any material which is used to alter the contours of the original land surface.

FISCAL COURT: The Fiscal Court of Jefferson County, Kentucky.

FLEA MARKET: An occasional or periodic market where groups of individual sellers offer goods for sale to the public. Flea markets may be held in an open area or structure, and exceed 1,800 square feet in area.

FLOOD PLAIN DISTRICT: An area of land adjoining a stream, river, or other water course which has been or may hereafter be covered by flood waters of the one hundred year flood or subject to erosion caused by a one hundred year flood.

* March 1992, Docket No. 9-67-91.
** Docket No. 9-26-00.

Language and Definitions

FLOOD-PROOFING: Any combination of structural and non-structural additions, changes, or adjustments to structures which eliminate flood damage to structures and their contents, water and sanitary facilities, and all other facility and utility systems.

FLOODWAY: The minimum cross-sectional area of the flood plain district established to convey waters of the one hundred flood without which the flood profile would be increased.

FLOODWAY FRINGE: Those portions of land within the Flood Plain District subject to inundation by the One Hundred Year Flood, but lying beyond the Floodway.

FLOOR AREA: The sum of the gross horizontal areas of the several floors of a building measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings, but not including:

1. Attic space providing headroom of less than seven feet
2. Basement space
3. Uncovered steps or fire escapes
4. Private garages, carports or porches
5. Accessory water towers or cooling towers
6. Accessory off-street parking spaces
7. Accessory off-street loading berths
8. Accessory solar collectors

FLOOR AREA RATIO: The floor area ratio shall mean the maximum square foot amount of total floor area (all stories) permitted for each square foot of land area. FAR x LA = FA

FRONT PROPERTY LINE: That boundary line of a lot or tract which abuts upon the boundary line of a street or highway, differentiated from the center line of the street or highway.

FRONTAGE: All the property on one side of a street between two street intersections, crossing or terminating, measured along the line of the street, or if the street is dead ended then all of the property abutting on one side between a street intersection and the dead end of the street.

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, PUBLIC: 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.

GARAGE OR YARD SALE: Display and sale of miscellaneous items as an ancillary use of property. 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. A garage or yard sale may not exceed 1,800 square feet of sales area.

* March 1992, Docket No. 9-67-91.

Language and Definitions

GRADE:* Grade (ground level) is the average elevation of the finished ground surface at the outside of a fence or wall, or at the outside walls of a building. In case walls or fences are parallel to and within five (5) feet of a sidewalk, said ground level shall be measured from the elevation of the sidewalk. If there is no sidewalk and a wall or fence is parallel to and within five (5) feet of the roadway pavement, ground level shall be measured from the elevation of the roadway pavement. [Refer to illustration "Figure 4", in Article 9].

GROUP BUILDING: Residential dwellings or apartments which are grouped or clustered either on a single parcel of land or as a townhouse, row house or condominium development. (See Row House Development definition).

HEIGHT, 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, even if the highest point is the top of an antenna.

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: 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 than 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.

HOSPITAL: Any building or portion thereof, including sanitariums, used for the accommodations and medical care of sick, injured or infirm persons.

HOTEL: A building occupied as the more or less temporary abiding place of more than ten (10) persons, for compensation, without provision for cooking in any individual room or suite of rooms, and having a lobby and registration desk.

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.

* March 1992, Docket No. 9-67-91.
** Docket No. 9-59-92.
*** Docket Number 9-20-97, October 1997

Language and Definitions

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 them 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.

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.

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.

LOADING SPACE: An off-street space, at least 10 feet by 50 feet with a minimum height clearance of 14 feet, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts on a street or other appropriate means of access.

LOT: A parcel of land occupied or intended for occupancy by a use permitted in these regulations, including one or more main buildings together with the accessory buildings, yard areas, and parking spaces required by these regulations, and having its principal frontage upon a street or easement of access. A parcel of land created by subdivision of an existing parcel of land is also a lot.

LOT AREA: The total land area within the lot lines of a lot.

LOT, CORNER: A lot abutting upon two or more streets at their intersection.

LOT COVERAGE: The area covered by impervious or semi-impervious surfaces including areas covered by parking lots or other vehicular use areas, pavement, gravel, buildings or other structures. The percentage of lot coverage is calculated by dividing the area covered by the total lot area. Sidewalks, plazas, public wharves, other areas specifically set aside for public usage and landscaped areas are not classified as areas covered for purposes of this calculation.

LOT, DOUBLE-FRONTAGE OR THROUGH: An interior lot having frontage on two streets and where access to both streets is unrestricted.

LOT, INTERIOR: A lot other than a corner lot.

LOT LINES: The lines bounding a lot as defined herein.

LOT LINE, FRONT: The property line dividing a lot from a street; on a corner lot only one (1) street line shall be considered as a front line, and the shorter street frontage shall be considered as the front lot line.

Editor's note: *Frontage on an access easement may constitute the front lot line if the lot has rights to use the access easement.*

Language and Definitions

LOT LINE, REAR: The line opposite the front lot line.

LOT LINE, SIDE: Any lot line other than a front lot line or a rear lot line.

LOT OF RECORD: A lot which is part of a subdivision, the plat of which has been recorded in the office of the clerk of the Jefferson County Court, or a parcel of land, not exceeding 40,000 square feet in area, the deed of which was recorded in the office of the clerk of Jefferson County Court.

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.

MASSAGE PARLOR:***** An establishment for treating the human body by rubbing, stroking, kneading, tapping or similar treatment with the hand and promotes its services in a manner designed to appeal to the patron's sexual interest.

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.

MINI-HOME: (See definition for Family Care Home).

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 the definition herein of a SINGLE FAMILY DWELLING.

*City of Louisville only, July 1988, Docket No. 9-107-87

******Docket No. 9-88-94, May 1995

Language and Definitions

MOBILE HOME PARK: Any tract upon which one or mobile homes are harbored for residential purposes only, and including any building, structure, tent vehicle, or enclosure used or intended for use as part of the equipment of such a park.

MOBILE HOME SPACE OR MOBILE HOME SITE: A plot of ground designed for the accommodation of one mobile home and towing unit only.

MOTEL: A building or group of buildings whether detached or in connected units, used as individual sleeping units for ten or more persons, designed primarily for transient automobile travelers, and providing for accessory off-street parking facilities 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, hotels, and similar terms.

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.

NON-CONFORMING BUILDING: A building or structure lawfully constructed at the time of adoption of these regulations or amendment thereto, which does not conform to the permitted uses in the zoning district in which it is located.

NON-CONFORMING USE:* Any established lawful activity conducted on a land parcel located within Louisville and Jefferson County at the time of enactment of any zoning regulation or the time of enactment of any other ordinance or regulations which proscribes such activity on that land parcel but leaves the owner thereof with the constitutionally vested right to continue to engage in such activity on that land parcel. (Refer to Section 8.3.)

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.

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.

OCCUPANCY, CHANGE OF: A discontinuance of an existing use and substitution of a use of a different kind.

OFFICE BUILDING: A building designed or used only for office purposes.

ONE HUNDRED YEAR FLOOD: A flood resulting from a 100-year storm.

* City of Louisville only, July 1988, Docket No. 9-107-87.

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 once every one hundred years.

OPEN SPACE: Outdoor area of a lot or tract which is designed and used for outdoor living, recreation, pedestrian access, or landscaping. Such areas may be ground or roof space 75% open to the sky, balconies a minimum of 5 feet wide, an unenclosed deck, porch, or ground floor portions of a building constructed on columns. Off-street parking and loading space, driveways, or unenclosed fire escapes do not qualify as usable open space.

PARKING AREA: A parking area shall mean an area of land reserved for the purpose of vehicular storage. Such areas shall include parking spaces and vehicular maneuvering areas.

PARKING SPACE:***** An enclosed or unenclosed surfaced area permanently reserved for the temporary storage of one automobile, and connected with a street or alley by a surfaced driveway which affords ingress and egress for automobiles. Refer to Section 10.1 D of these regulations for the minimum dimensions required for parking spaces.

PASSENGER VEHICLE (AUTOMOBILE):****** A-self propelled vehicle (including but not limited to passenger cars, pick-up trucks, vans, and recreational vehicles) having no more than two axles. For the purposes of this definition, semi-tractor trailers (either separate or combined) are not considered passenger vehicles. Additionally, farm equipment, bulldozers, backhoes, or other self propelled heavy equipment are not considered passenger vehicles. ***

PERSON: "Person" means 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.

PLACE: An unoccupied open space, other than street or alley, permanently reserved as the principal means of access to abutting property.

PLAN CERTAIN: Zoning district map amendment procedures and development plan requirements under these Zoning District Regulations. (Refer to Section 8.1.)

***** City of Louisville only, July 1988, Docket No. 9-107-87.
****** March 1992, Docket No. 9-67-91.
*** Docket No. 9-26-00.

Language and Definitions

PLAZA: A plaza shall mean an open space located adjacent to or surrounded by a principal structure and which is unobstructed from ground level to the sky and accessible to and usable by the public. A minimum of 33% of a plaza shall include facilities such as fountains, artwork and/or landscaping. In addition, not less than 33% of a plaza shall include facilities suitable for walking, sitting and/or passive recreation. A plaza shall have a minimum horizontal dimension of 10 feet and a minimum area of 500 square feet. A plaza shall not include any area for vehicular use nor be used for retail sales.

PRINCIPAL USE:***** A substantial or significant use. Evidence that an establishment (i) maintains more than ten percent (10%) of its stock in trade in material distinguished or characterized by an emphasis in sexual activities; or (ii) that it devotes more than fifteen percent (15%) of its floor space which is open to either the public generally or to members of the public other than minors or more than a total of 160 square feet to the display of material distinguished or characterized by an emphasis on sexual activities or (iii) that it provides entertainment, either live or on film or video tape, and that said entertainment more than ten percent (10%) of the time is distinguished or characterized by an emphasis on sexual activities; or (iv) that it advertises in a manner visible from the outside of the business premises the availability of material or entertainment distinguished or characterized by an emphasis on sexual activities shall establish that the establishment is engaging in an adult entertainment activity as a principal use.

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 the 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

RESTAURANTS, CAFETERIAS AND LUNCH ROOMS: Commercial establishments, the main business of which is serving food, which may include the sale of alcoholic beverages.

SCHOOL, ELEMENTARY OR HIGH: An institution which offers instruction in the several branches of learning and study required to be taught in the public schools by the Kentucky Common School Laws. (High School includes junior and senior.)

SCREENING Using of solid fencing or dense plantings to block a particular use visually from surrounding uses.

***** City of Louisville only, July 1988, Docket No. 9-107-87

SEXUAL ACTIVITIES: Depiction of human genitals in a state of arousal; acts of human masturbation, sexual intercourse or sodomy; holding or other erotic touching of human genitals, pubic region, buttocks or breasts.

SEXUAL ENTERTAINMENT CENTER: See Commercial Sexual Entertainment Center.

SIGN: Any display to public view of letters, words, numerals, figures, statues, devices, emblems, pictures, or any parts or combinations thereof designed to inform or advertise or draw attention to or promote merchandise, services, or activities except for the following:

1. Non-illuminated names of buildings, dates of erection, monument citations, commemorative tablets and the like when carved into stone, concrete, metal, or any other permanent type of construction and made an integral part of a permitted structure or made flush to the ground.

2. Signs required by law or signs of a duly constituted governmental body.

3. 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.

4. 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.

5. Temporary holiday decorations.

6. Numerals displayed on and denoting the address of a building or property which are not part of an otherwise existing attached or freestanding sign.

7. Signs placed within the interior of a building which are attached to and/or visible through windows or doors provided the sign occupies no more than one-fourth the total square footage of the window or door.

A back-to-back sign or V-shaped sign constitutes one sign if it has a common set of supports. A composite group of signs integrated into one framed unit or compact structure constitutes one sign.

SIGN, ADVERTISING: A sign which directs attention to a business, product, activity, or service which is not necessarily conducted, sold, or offered upon the premises where such sign is located.

SIGN, BUSINESS: A sign which directs attention to a business, profession, service, product, activity, or entertainment sold or offered upon the premises where such sign is located.

Language and Definitions

SINGLE FAMILY DWELLING* shall mean: (1) a building or structure designed and intended for occupancy by a single family constructed on site on a permanent foundation in compliance with all standards contained in the Kentucky Building Codes; or (2) a building or structure designed and intended for occupancy by a single family and fabricated in an off-site 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, and which meets the following additional standards:

1. A PERMANENT FOUNDATION SYSTEM shall be anchored in accordance with the state standards set forth in KRS 227.570.
2. EXTERIOR MATERIAL shall be material customarily used on site-built dwellings, such as board siding, plywood or presswood siding, vinyl, stucco, brick, non reflective aluminum etc.
3. ROOFING MATERIAL shall be of wood, tile, composition shingles, or other materials compatible with the conventionally built residential structures in the neighborhood which shall be installed on a surface pitched at a minimum slope of 3:12.
4. EXTERIOR COVERING MATERIAL extending from the roof line to the ground or to the top of the foundation shall be used. Masonry type skirting materials commonly found on conventionally built residential structures shall be used.
5. STRUCTURAL ADDITIONS OR ALTERATIONS shall be subject to the same regulations and requirements that must be complied with to obtain a building permit for additions or alterations to a conventionally built house.
6. AN ADEQUATE GUTTERING AND ROOF DRAINAGE system shall be installed.

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.

* Docket No. 9-88-94, May 1995

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 materials, 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 as found in Article 15, D., 32.

STABLE, PRIVATE: A detached accessory building for the keeping of not more than two horses, owned by the occupant of the main building, provided, however, the capacity of the building may be increased if the lot whereon such building is located contains an area of not less than twenty-five hundred (2500) square feet for each horse stabled, exclusive of the lot area per family requirement for the district in which it is located.

STABLE, PUBLIC: A stable other than a private stable.

STORY: That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, the space between such floor and the ceiling next above it.

STORY, HALF: A partial story under a gable, hip, or gambrel roof, the wall plates of which, on at least two opposite exterior walls, are not more than three (3) feet above the floor of such story, except that any partial story used for residential purposes, other than a janitor or caretaker or his family, or by a family occupying the floor immediately below it, shall be deemed a full story.

STREET:* Any public way or legally created private way for vehicular traffic used as a means of access to abutting property and including the following:

(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 used primarily for access to abutting property and for carrying traffic from other collector and local streets to a major system of arterial
(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 and having a maximum length of 1,500 feet and serving no more than 30 units.

STUB STREET: A street usually ending at a property line which is designed to be extended in the future.

STREET LINE: A dividing line between a lot or tract and a contiguous street.

* March 1992, Docket No. 9-67-91.

Language and Definitions

****** Docket No. 9-59-92.

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 but not limited to buildings, signs, walls, fences, freestanding HVAC compressor units, light poles serving non-residential uses and flagpoles. In these regulations reference to buildings includes structures and vice versa.**

SUBDIVIDER: Any person, individual, firm, partnership, association, corporation, trust or any other group or combination acting as a unit, submitting any subdivision of land to the Commission for approval.

SUBDIVISION: ** Any land, vacant or improved, which is divided or proposed to be divided into two (2) or more lots, parcels, tracts, or interests including resubdivision. Subdivision includes the division or development of residentially or nonresidentially zoned land. When no new streets are created the following shall not be considered subdivisions within the meaning of this regulation: (1) division into lots of five (5) acres or larger of lands zoned R-R, R-E, R-1, R-2, R-3 or R-4 if used for agricultural purposes only; (2) consolidation of existing lots, parcels or tracts by deed or other recorded instrument; (3) creation of a non-street easement.

(a) Major Subdivision - Any subdivision not classified as a minor subdivision.

(b) Minor Subdivision - A subdivision of land into no more than five tracts or lots, provided that such subdivision does not involve any new public street. Further division of an approved minor subdivision (exceeding the total of five lots in any 12 month period) may require the subdivider to proceed under the provisions governing major subdivisions.

SUBSTANTIAL IMPROVEMENT: Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure either,

(a) before the improvement is started, or
(b) if the structure has been damaged, and is being restored, before the damage occurred. 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:
    (1) any alteration to comply with existing state or local health, sanitary, building or safety codes or regulations or
    (2) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

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.

***** City of Louisville only, July 1988, Docket No. 9-107-87.
**Docket No. 9-26-00.

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.

TOURIST HOME: A residence a portion of which is occupied as a temporary abiding place for three (3) or more persons for compensation.

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.

TRAILER, AUTOMOBILE: A vehicle without motor power, designed to be drawn by a Motor vehicle.

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.

USABLE OPEN SPACE: Outdoor area of a lot or tract which is designed and used for outdoor living, recreation, pedestrian access, or landscaping. Such areas may be ground or roof space 75% open to the sky, balconies a minimum of 5 feet wide, an unenclosed deck, porch, or ground floor portions of a building constructed on columns. Off-street parking and loading space, driveways, or unenclosed fire escapes do not qualify as usable open space.

USE OF BUILDING: Any and every permitted use conducted within a building or accessory buildings thereof.

WIDTH, MINIMUM LOT: The minimum width at the required building line.

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 full width of a lot and measured perpendicularly between the street right-of-way line or street widening line in cases where a widening is shown in the Comprehensive Plan, and the front line of the building or structure.
Editor's note: *For lots served by access easements, the yard is measured from the edge of the easement.*

YARD, LINE: The boundary of a required yard opposite the governing lot line.

YARD, REAR: A yard extending across the full width of the lot between the rear lot line and the nearest line or point of the main building.

***** Adopted January 1988, Docket No. 9-96-87.

Language and Definitions

****** Docket Number 9-20-97, October 1997

YARD, REQUIRED: The minimum open space as specified in these regulations for front, side, street side, and rear yards, as distinguished from any yard area in excess of the minimum required.

YARD, SIDE: A yard extending from the front lot line to the rear lot line between the side lot line and the nearest line or point of the main building. *

YARD, STREET SIDE: A yard, between the main building and the side line of a corner lot, abutting the side street extending from the front lot line to the rear lot line, and being the minimum horizontal distance between the side lot line and side of the main building, or any projection thereto. This definition shall not apply when a lot abuts a limited-access road. *

ZONING DISTRICT: Any area within Jefferson County delineated on the Zoning District Map to which a set of uniform zoning regulations applies.

ZONING DISTRICT MAP: The map setting forth the boundaries of the zoning districts of all of Jefferson County, Kentucky.

Language and Definitions

* Docket No. 9-26-00.

ARTICLE 3 Zoning District Regulations

A. DISTRICTS:

1. 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
RRD	Residential Redevelopment 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 ***

2. The boundaries of the various districts are as shown on the Zoning District Map for all of Jefferson County, Kentucky, a certified copy of which is filed in the office of the Commission and filed and recorded in the office of the clerk of the County Court of Jefferson County.

***** In effect in the City of Louisville only
****** In effect in Anchorage, St. Matthews and unincorporated Jefferson County
*** In effect in unincorporated Jefferson County

3. 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.

B. BOUNDARIES OF DISTRICTS:

1. 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.

2. Where uncertainty exists with respect to the boundaries of the various districts on the Zoning District Map, the following rules shall apply:

   a. 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;

   b. In cases where a boundary line is shown a specific distance from a street or property line or other physical features, this distance shall control;

   c. 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;

   d. 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;

   e. 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; and

   f. 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.

C. THE USE OF LAND AND BUILDINGS:

1. Land Use and Agricultural Purposes:

   No land may be used except for a purpose permitted in the district in which it is located; however, land which is used solely for agricultural, farming, dairying, stock-raising, or similar purposes is not subject to regulations imposed by this ordinance relating to building permits, certificates of occupancy, height, yard or location requirements for agricultural buildings, including and limited to one mobile home used as a dwelling except that:

a. Setback lines may be required for the operation of existing and proposed streets and highways, and

b. All buildings or structures in a designated floodway or flood plain or which tend to increase flood heights or obstruct the flow of floodwaters are subject to the Flood Plain Regulations of this ordinance.

2. Building Uses and Location:

a. No building shall be erected, converted, enlarged, reconstructed, moved or structurally altered, nor shall any building be used or designed to be used for any purpose except a use permitted in the district in which the building is located;

b. No building shall be erected, converted, enlarged, reconstructed, or structurally altered to exceed the height limit herein established for the district in which the building is located;

c. 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;

d. 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 buildings and industrial buildings; *

e. 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, and not more than one automobile trailer or mobile home shall be sold, displayed or stored on any property unless approved as a conditional use under Article 15. No other building or structure shall be attached to a mobile home. *

f. 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. *

* Docket No. 9-26-00

3. Vision Clearance:

   On corner lots (where a street intersects with another street) in all districts where yards are required on the street sides, no fence, wall, 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 twenty-five (25) 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.

4. Front Property Line:

   In determining the depth of a front yard, 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.

5. 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:

   a. The maximum floor area allowed for a building at that location will be determined by multiplying the area of the lot by the floor area ratio for the district;

   b. Determine the floor area proposed for non-residential use and subtract this quantity from the figure obtained in step (a);

   c. Determine the percentage this latter figure is of the maximum allowable floor area; and

   d. This percentage applied to the area of the lot shall establish the maximum area on which residential requirements can be based.

6. 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.

7. Avoiding Duplicative Public Hearing:
   The Planning Commission may hear and finally decide applications for variances or conditional use permits when a proposed development requires a map amendment and one or more variances or conditional use permits, if the applicant has made the election provided for in Plan Certain, Section 8.1, A. In considering applications for variances or conditional use permits at the same hearing with an application for a map amendment, the Planning Commission shall assume all powers and duties otherwise exercised by the appropriate Board of Zoning Adjustment pursuant to KRS 100.231, 100.233, 100.237, 100.241, 100.243, 100.247, and 100.251. (See Section 8.1, A.5)

8. Dimensional Variances:
Portions of these regulations that govern building height or width and size of yards may be modified by the appropriate 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 request simultaneous with a zoning change request for a given property may be granted by the Planning Commission. Variances may not be granted for area requirements including but not limited to floor area, lot area, sign area. **Editor's note**: *Minimum usable open space, required in some office and multi-family districts, cannot be reduced through the variance process.*

The following are the criteria the Board must consider in deciding whether granting a variance is justified:

a. The requested variance arises from special circumstances which do not generally apply to land in the general vicinity or in the same zone.

b. The strict application of the provisions of the regulation would deprive the applicant of reasonable use of the land or would create an unnecessary hardship on the applicant.

c. Such special circumstances are not the result of actions of the applicant taken subsequent to the adoption of the zoning regulations.

d. Reasons that the variance will not adversely affect the public health, safety and welfare, and will not alter the essential character of the general vicinity and will not cause a hazard or a nuisance to the public.

9. Density Calculation

a. 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 Zoning District classification. When this calculation yields a fraction of a dwelling unit, the fractional part may not be considered. (For example, a 5 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.)

b. 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 multi-family 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.

10. ***** Non-Commercial Kennels

The maintenance and operation of a non-commercial kennel upon any lot by the occupant of a dwelling unit on the same lot shall be considered an accessory use to that dwelling unit.

***** Docket No. 9-59-92; not in effect in the City of Louisville.

Section 4.1 R-R Rural Residential District

Scope and Purpose. 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, including provision for dwellings for persons and their families who are engaged in the above agricultural use on the tract.
   Home occupations
   Nature preserve
   Plant nurseries, including sale of materials grown on the premises
   Riding or boarding stables
   Single family dwellings
   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 and parish halls, temples, convents and monasteries
   Colleges, schools, and institutions of learning (except trade, business, or industrial schools), not for profit
   Commercial fishing lakes
   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)
   Towers (radio/tv receiving or transmitting) for non-commercial use in accordance with FCC and/or FAA requirements

***** Docket No. 9-59-92.

Section 4.1 R-R Rural Residential District

B. CONDITIONAL USES:

When the conditions and provisions of Section 4 of the Zoning District Regulations have been met, review of the use and its location completed and authorization granted through action of the appropriate Board of Zoning Adjustment, uses that are allowed in any zoning district with a conditional use permit may be permitted providing that they meet the setback requirements of section 4.1 A. 2 above.

Airports, heliports
Amusement parks
Aviaries and zoos
Camping areas, public and private
Cemeteries, mausoleums and crematories
Circus and carnival grounds
Clubs, private non profit and private proprietary
Commercial greenhouses ********
Commercial hog feeding yards
Commercial kennels **********
Day care center
Drive-in theatres
Excavations, filling and refuse disposal operations
Excavations, minor
Family day care home *********
Golf driving ranges, miniature golf courses and privately owned golf courses operated for a commercial purpose
Hospitals, institutions, nursing homes and homes for the infirmed and aged *****
Hospitals and institutions ******
Lakes, commercial
Marinas and boat rental
Off-Street parking
Oil, gas and hydrocarbon extraction
Race tracks
Riding academies and stables
Ranges for shotgun, rifle, pistol, air rifle, air pistol or other firearms
Sewage plants
Sports arenas
Towers, commercial

***** Not in Effect in the City of Louisville.
****** In effect in the City of Louisville only.
******** Docket No. 9-69-88.
********* March 1992, Docket No. 9-67-91.
********** Docket No. 9-59-92.

Section 4.1 R-R Rural Residential District

C. PROPERTY DEVELOPMENT REGULATIONS: ***

1. MINIMUM LOT AND DIMENSIONS:

   a. Area ..... 5 acres
   provided, however, that when a lot has less area than herein required and was recorded or a subdivision application was submitted prior to the date of advertisement of proposed rezoning to this classification, said lot may be occupied by one dwelling unit. New lots less than five acres in size may be created, provided that under an approved Innovative Residential Development Plan allowing smaller lots, the maximum theoretical density shall be increased by one dwelling unit for each 21/2 acres placed in open space owned in common, not to exceed a density of one dwelling unit per 2 1/2 acres.
   b. Width ..... 150 feet
   c. Depth ..... 300 feet

2. MINIMUM YARD REQUIREMENTS:

   a. Front Yard: ..... 30 feet
   b. Side Yards:
   Total for both: ..... 30 feet
   Minimum: ..... 10 feet
   c. Side Yard: ..... 30 feet
   d. Rear Yard: ..... 25 feet

3. MAXIMUM BUILDING HEIGHT:
   Two and one-half stories and not to exceed thirty-five feet.

4. MAXIMUM LOT COVERAGE:

   a. Maximum lot coverage for all structures - five (5%) percent of lot area.
   b. Maximum impervious surface including structures - ten (10%) percent of lot area.

5. SLOPE REQUIREMENT:
   Structure(s) are prohibited on slopes of 33% or above unless the proposal is certified to be stable by a registered engineer. **

6. ACTIONS FINAL:
   The actions of the Planning Commission relative to modification of the district requirements granted under Section A, 3. are final, unless 50 plus one of the property owners within two tiers of lots of the perimeter of the property in question appeal the Commission's decision.

** Docket No. 9-59-92.
*** Entire Section 4.1, C. is amended for unincorporated Jefferson County and City of Shively; See next page.

Section 4.1 R-R Rural Residential District

C. PROPERTY DEVELOPMENT REGULATIONS:
(For unincorporated Jefferson County and City of Shively) *****

1. MINIMUM LOT AND DIMENSIONS:

   a. Area ..... 5 acres
   except for: (1) a lot that was recorded prior to the adoption of these regulations; or (2) lots designated on preliminary subdivision plans that have received Planning Commission approval, provided such lots are recorded within one year of the adoption of this regulation; or (3) lots created in accordance with section 6, below.
   b. Width ..... 150 feet
   c. Depth ..... 300 feet

2. MINIMUM YARD REQUIREMENTS:

   a. Front Yard ..... 30 feet
   b. Side Yards:
   Total for both: ..... 30 feet
   Minimum: ..... 10 feet
   c. Side Yard: ..... 30 feet
   d. Rear Yard: ..... 25 feet

3. MAXIMUM BUILDING HEIGHT:
Two and one-half stories and not to exceed thirty-five feet.

4. MAXIMUM LOT COVERAGE

   a. Maximum lot coverage for all structures - five (5%) percent of lot area.
   b. Maximum impervious surface including structures - ten (10%) percent of lot area.

5. SLOPE REQUIREMENT:
Structure(s) are prohibited on slopes of 33% or above unless the proposal is certified to be stable by a registered engineer. ******

6. INNOVATIVE DEVELOPMENT OPTIONS

   a. Criteria to be met to reduce average lot size by 25%:

      (1) A development plan in compliance with the Plan Certain Review regulation (Section 8.1 of the Development Code) shall be submitted; a public hearing as required in Section 9.5A of the Development Code shall be held; and

      (2) The proposed development shall create a total of 4 lots or more and have an average lot size of 163,350 feet; and

* Docket No. 9-44-88
** Docket No. 9-59-92

(3) A minimum lot size of 80,000 square feet is required and one or more of the following is provided:

(a) buffer area measuring 200 feet in depth in areas with frontage on all road created prior to the effective date of this ordinance that will either screen the development from the roadway or match the natural vegetation of adjacent areas; or

(b) a buffer area measuring 200 feet in depth along banks of blue line streams to be planted in trees and native plants; or,

(c) dedication of 30% of the site for nature preserve or historic preservation purposes.

A landscaping plan showing existing and proposed vegetation shall be submitted to the Planning Commission to demonstrate compliance with provisions (a) and (b), above. The buffer and nature preserve areas are to be maintained free of structures and historic areas are to be preserved from future development by deed restriction or other enforceable instrument acceptable to the Planning Commission.

b. Criteria to allow flexibility in lot sizes while maintaining five (5) acre average lot size:

(1) the proposed development shall have an overall density of one unit per five (5) acres of developable area (floodways and pre-existing rights-of-way excluded); and

(2) the development is located within a Development Review Overlay District, is designed in accordance with the applicable design guidelines and has received approval from the Planning Commission; and,

(3) the minimum lot size is 80,000 square feet.

***** Docket No. 9-59-92.

Section 4.2 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
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
Single family dwellings
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
Towers (radio/tv receiving or transmitting) for non-commercial use, in accordance with Federal Communications Commission and/or Federal Aviation Agency requirements

B. 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 Article 15 for further information and requirements that apply to specific uses.

Airports, heliports
Aviaries and zoos
Boarding and lodging houses, nursing homes and homes for the infirmed and aged **
Camping areas, public and private
Cemeteries, mausoleums and crematories
Clubs, private non-profit and private proprietary
Commercial kennels ***
Day care center
Excavations, minor
Family day care home ****
Hospitals and institutions **
Hospitals, institutions, nursing homes and homes for the infirmed and aged *
Lakes, commercial
Marinas and boat rental
Off-Street parking
Oil, gas and hydrocarbon extraction
Sewage plants
Towers, commercial

* Not in effect in the City of Louisville.
** In effect in the City of Louisville only
*** Docket No. 9-59-92.
**** March 1992, Docket No. 9-67-91.

C. PROPERTY DEVELOPMENT REGULATIONS:
(For Louisville and unincorporated Jefferson County) ***

1. MINIMUM LOT AND DIMENSIONS:

   a. Area: ..... 40,000 sq. ft.
   b. Width: ..... 150 feet
   c. Street Frontage: ..... 60 feet

   The minimum lot area shall not be less than 40,000 square feet per dwelling unit, provided, however, that when a lot has less area than herein required and was of record prior to the adoption of these regulations, said lot may be occupied by one residential dwelling unit.

2. MINIMUM YARD REQUIREMENTS:

   a. Front Yard: ..... 90 feet
   however, where more than 75% of the frontage on one side of a street between two intersecting streets is developed, and all existing homes have a front yard greater than that required in the R-E zone, any additional homes may be no closer to the street than the closest existing home on that section of street.
   b. Side Yards:
      Total for both ..... 50 feet
      Minimum: ..... 20 feet
   c. Street Side Yard: ..... 60 feet
   d. Rear Yard: ..... 50 feet

3. MAXIMUM BUILDING HEIGHT:

   Two and one-half stories and not to exceed thirty-five feet.

4. MAXIMUM DENSITY OR FAR:

   a. Maximum Floor Area Ratio: ..... .20
   b. Maximum Density ..... 1.08 dwellings per acre

5. MINIMUM OFF-STREET PARKING:
   Refer to Article 10.

6. SIGNAGE:
   Refer to Article 11.

7. FENCES and WALLS:
   Refer to Section 9.1.

8. OTHER REQUIREMENTS:

   Minimum Usable Open Space: ..... 5,000 sq. feet

*** Section 4.2, C. is amended for Anchorage, Douglass Hills and Shively; refer to pages Article 4-8 through 4-10.

C. PROPERTY DEVELOPMENT REGULATIONS:
Section 4.2, C. for Anchorage, Douglass Hills and Shively (Docket No. 9-44-88).

1. MINIMUM LOT AND DIMENSIONS.

a. Lot Size ..... 105,000 sq. feet
The average lot size may be reduced to 78,750 square feet, provided that criteria in Section 8 below are met. These new lots may be created providing that under an approved Development Plan, a minimum of four lots are created, and the maximum theoretical density shall not exceed one (1) dwelling unit per 78,750 square feet.

b. Width: ..... 150 feet
c. Street Frontage: ..... 60 feet

Minimum lot size shall be 105,000 square feet per dwelling unit except for: (1) a lot that was recorded prior to the adoption of these regulations, said lot may be occupied by one dwelling unit, or (2) lots designated on preliminary subdivision plans that have received Planning Commission approval, provided such lots are recorded within one year of the adoption of this regulation, or (3) lots created in accordance with Section 8 below.

2. MINIMUM YARD REQUIREMENTS:

a. Front Yard: ..... 90 feet
However, where more than 75% of the frontage on one side of a street between two intersecting streets is developed, and all existing homes have a front yard greater than that required in the R-E zone, any additional homes may be no closer to the street than the closest existing home on that section of street.
b. Side Yards:
Total for both ..... 50 feet
Minimum ..... 20 feet
Anchorage Only: *25 feet**
c. Street Side Yard: ..... 60 feet
d. Rear Yard: ..... 50 feet

3. MAXIMUM BUILDING HEIGHT:
Two and one-half stories and not to exceed thirty-five feet.

4. MAXIMUM DENSITY:

a. Maximum Floor Area Ratio: 0.2
Anchorage Only: *0.1**
b. Maximum Density - - - - 1 dwelling unit per 105,000 sq. ft.
c. Maximum Average Density (if created under section 8 below)
1 dwelling unit per 78,750 sq. ft.

5. MINIMUM OFF-STREET PARKING:
Refer to Article 10.

6. SIGNAGE:
Refer to Article 11.

* December 1998, Docket No. 9-66-98

7. FENCES and WALLS:
   Refer to Section 9.1.

8. DEVELOPMENT OPTIONS
   Criteria to be met to waive 105,000 square foot minimum lot size:

   a. A development plan in compliance with the Plan Certain Review regulation (Section 8.1 of the Development Code) shall be submitted; a public hearing as required in Section 9.5A of the Development Code shall be held; and

   b. The proposed development shall create a total of four lots or more, have an average lot size of 78,750 square feet, and a floor area ratio not to exceed .10*; [city of Anchorage only: not to exceed .08]* *and

   c. Lot sizes should be substantially varied rather than similar throughout, and the ratio of the width of the widest lot to the narrowest, measured at the building setback line, (minimum lot size allowable in ratio situation is 30,000 square feet) must be no less than 2 to 1 (meaning that the widest lot must be at least two times the width of the narrowest lot). No more than three contiguous lots of similar width are allowed without an intervening lot having a substantial (50% or more) variation in width. The proposed development should include open space visible from streets, and dedicated open space (if provided) may be calculated in the width ratio. Open space visible from streets is to be maintained free of structures and preserved from future development by deed restriction or other enforceable instrument acceptable to the Planning Commission; or

   d. A minimum lot size of 40,000 square feet is required and a buffer area measuring at least 125 feet in depth is provided in areas with frontage on or highly visible from all roads with the functional classification of local recorded by September 1, 1988 and of collector, and a minimum of 150 feet from roads with the functional classification of arterial. The buffer area is to be maintained free of structures and in vegetation of a type and density that will either screen the development from the roadway or will match the natural vegetation of adjacent areas. A landscaping plan showing type and density of plantings shall be submitted to the Planning Commission or the party to whom the Commission delegates authority for approval prior to issuance of any permits relating to development of the site. The buffer area is to be preserved from future development by deed restriction or other enforceable instrument acceptable to the Planning Commission.

9. OTHER REQUIREMENTS:
   Minimum Usable Open Space: .....5,000 sq. ft.

* Docket No. 9-66-98

Section 4.3 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
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
Single family dwellings
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
Towers (radio/tv receiving or transmitting) for non-commercial use, in accordance with Federal Communications Commission and/or Federal Aviation Agency requirements

B. CONDITIONAL USES:

The following uses may be permitted in this district, upon the granting of a Conditional Use Permit by the appropriate Board of Zoning Adjustment. Refer to Article 15 for further information and requirements that apply to specific uses.

Airports, heliports
Amusement parks
Aviaries and zoos
Boarding and lodging houses, nsg. homes, & homes for the infirm and aged *********
Camping areas, public and private
Cemeteries, mausoleums and crematories
Circus and carnival grounds
Clubs, private non-profit and private proprietary
Commercial greenhouses ******
Commercial kennels *******
Day care center
Drive-in theaters
Excavations, minor
Excavation, filling and refuse disposal
Family day care home ********

***** Not in effect in the City of Louisville.
****** Docket No. 9-69-88.
******* Docket No. 9-59-92.
******** March 1992. Docket No. 9-67-91.
********* In effect in City of Louisville only

Golf driving ranges, miniature golf courses, privately owned golf courses operated for a commercial purpose
Hog feeding yards, commercial
Hospitals and institutions *****
Hospitals, institutions, nursing homes and homes for the infirm and aged ******
Lakes, commercial
Marinas and boat rental
Off-Street parking
Oil, gas and hydrocarbon extraction
Race tracks, animal
Riding academy, commercial stables
Rifle range
Sewage plants
Social rehabilitation residences
Sports arenas
Towers, commercial

C. PROPERTY DEVELOPMENT REGULATIONS:
(For City of Louisville, Douglass Hills, Hurstbourne, Middletown and St. Matthews)

1. MINIMUM LOT AND DIMENSIONS:

a. Area: ..... 40,000 sq. feet

The minimum lot area shall be not less than 40,000 square feet per dwelling unit, provided, however, that when a lot has less area than herein required and was recorded prior to the adoption of these regulations, said lot may be occupied by one dwelling unit.

b. Width: ..... 150 feet

2. MINIMUM YARD REQUIREMENTS:

a. Front Yard: ..... 75 feet
b. Side Yards:
Total for both: ..... 45 feet
Minimum: ..... 15 feet
c. Street Side Yard: ..... 25 feet
d. Rear Yard: ..... 25 feet

3. MAXIMUM BUILDING HEIGHT:
Two and one-half stories and not to exceed thirty-five feet.

4. MAXIMUM DENSITY OR FAR:

a. Maximum Floor Area Ratio: 0.3
b. Maximum Density: ..... 1.08 dwellings per acre

5. MINIMUM OFF-STREET PARKING:
Refer to Article 10.

6. SIGNAGE:
Refer to Article 11.

7. FENCES AND WALLS:
Refer to Section 9.1.

***** In effect in the City of Louisville only.
****** Not in effect in the City of Louisville.

C. PROPERTY DEVELOPMENT REGULATIONS:
(For unincorporated Jefferson County, Anchorage and City of Shively, Docket No. 9-44-88.)

1. MINIMUM LOT AND DIMENSIONS:

   a. Area: ..... 40,000 sq. feet
   The average lot size may be reduced to 30,000 square feet, provided that criteria in Section 8, below, are met.

   The minimum lot area shall be not less than 40,000 square feet per dwelling unit, except for (1) a lot that was recorded prior to the adoption of these regulations said lot may be occupied by one dwelling unit, (2) lots designated on preliminary subdivision plans that have received Planning Commission approval, provided such lots are recorded within one year of the adoption of this regulation, or (3) lots created in accordance with Section 8 below.

   b. Width: ..... 150 feet

2. MINIMUM YARD REQUIREMENTS:

   a. Front Yard: ..... 75 feet
   b. Side Yards:
      Total for both: ..... 45 feet
      Minimum: ..... 15 feet
   c. Street Side Yard ..... 25 feet
   d. Rear Yard: ..... 25 feet

3. MAXIMUM BUILDING HEIGHT:
   Two and one-half stories and not to exceed thirty-five feet.

4. MAXIMUM DENSITY OR FAR:

   a. Maximum Floor Area Ratio: 0.2
      Anchorage Only: *0.12*[*]

   b. Maximum Density: ..... one dwelling unit per 40,000 square feet
   c. Maximum Average Density: ..... (if created under section 8, below) 1 dwelling unit per 30,000 square feet

5. MINIMUM OFF-STREET PARKING:
   Refer to Article 10.

6. SIGNAGE:
   Refer to Article 11.

7. FENCES AND WALLS:
   Refer to Section 9.1.

[*] December 1998, Docket No. 9-66-98

8. DEVELOPMENT OPTIONS

Criteria to be met to waive 40,000 square foot minimum lot size:

a. A development plan in compliance with the Plan Certain Review Regulation (Section 8.1 of the Development Code) shall be submitted; a public hearing as required in Section 9.5A of the Development Code shall be held; and

b. The proposed development shall create a total of four lots or more, have an average lot size of 30,000 square feet, and a floor area ratio not to exceed .15; *; [city of Anchorage only: not to exceed .10]* *and

c. Lot sizes should be substantially varied rather than similar throughout, and the ratio of the width of the widest lot to the narrowest, measured at the building setback line, (minimum lot size allowable in ratio situation is 20,000 square feet) must be no less than 2 to 1 meaning that the widest lot must be at least two times the width of the narrowest lot). No more than three contiguous lots of similar width are allowed without an intervening lot having substantial (50% or more) variation in width. The proposed development should include open space visible from streets, and dedicated open space (if provided) may be calculated in the width ratio. Open space visible from streets is to be maintained free of structures and preserved from future development by deed restriction or other enforceable instrument acceptable to the Planning Commission; or

d. A minimum lot size of 20,000 square feet is required and a buffer area measuring at least 75 feet in depth is provided in areas with frontage on or highly visible from all roads with the functional classification of local recorded by September 1, 1988 and of collector and arterial. The buffer area is to be maintained free of structures and in vegetation of a type and density that will either screen the development from the roadway or will match the natural vegetation of adjacent areas. A landscaping plan showing type and density of planting shall be submitted to the Planning Commission or the party to whom the Commission delegates authority for approval prior to issuance of any permits relating to development of the site. The buffer area is to be preserved from future development by deed restriction or other enforceable instrument acceptable to the Planning Commission.

9. OTHER REQUIREMENTS:
None.

* Docket No. 9-66-98

Section 4.4 R-2 Residential Single Family District

The following provisions shall apply in the R-2 Single Family Residential 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
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
Single family dwellings
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
Towers (radio/tv receiving or transmitting) for non-commercial use, in accordance with Federal Communications Commission and/or Federal Aviation Agency requirements

B. CONDITIONAL USES:

The following uses may be permitted in this district, upon the granting of a Conditional Use Permit by the appropriate Board of Zoning Adjustment. Refer to Article 15 for further information and requirements that apply to specific uses.
Airports, heliports
Aviaries and zoos
Boarding and lodging houses, nursing homes and homes for the infirm and aged *********
Camping areas, public and private
Cemeteries, mausoleums and crematories
Clubs, private non-profit and private proprietary
Commercial greenhouses ******
Commercial kennels *******
Day care center
Excavations, minor
Family day care home ********
Hospitals and institutions *********
Hospitals, institutions, nursing homes and homes for the infirm and aged *****
Lakes, commercial Marinas and boat rental
Off-Street parking
Oil, gas and hydrocarbon extraction
Sewage plants
Towers. Commercial

***** Not in effect in the City of Louisville.
****** Docket No. 9-69-88.
******* Docket No. 9-59-92.
******** March 1992, Docket No. 9-67-91.
********* In effect in the City of Louisville only.

C. PROPERTY DEVELOPMENT REGULATIONS:

1. MINIMUM LOT AND DIMENSIONS:

a. Area: ..... 20,000 sq. feet

The minimum lot area shall be not less than 20,000 square feet per dwelling unit, provided, however, that when a lot has less area than herein required and was recorded prior to the adoption of these regulations, said lot may be occupied by one dwelling unit.

b. Width ..... 100 feet

2. MINIMUM YARD REQUIREMENTS:

a. Front Yard: ..... 30 feet
b. Side Yard
Total for both: ..... 30 feet
Minimum: ..... 10 feet
c. Street Side Yard: ..... 30 feet
d. Rear Yard ..... 25 feet

3. MAXIMUM BUILDING HEIGHT:
Two and one-half stories and not to exceed thirty-five feet.

4. MAXIMUM DENSITY OR FAR:

a. Maximum Floor Area Ratio: 0.5
Anchorage Only: *0.14*[*]
b. Maximum Density: ..... 2.17 dwellings per acre

5. MINIMUM OFF-STREET PARKING:
Refer to Article 10.

6 SIGNAGE:
Refer to Article 11.

7. FENCES and WALLS:
Refer to Section 9.1.

8. OTHER REQUIREMENTS:
None

[*] December 1998, Docket No. 9-66-98.

Section 4.5 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:

Accessory buildings or uses
Agricultural uses
Churches parish halls and temples
Colleges, schools and institutions of learning (except trade, business, or industrial)
Community residences
Convents and monasteries *****
Country clubs
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
Single family dwellings
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
Towers (radio/tv receiving or transmitting) for non-commercial use, in accordance with Federal Communications Commission and/or Federal Aviation Agency requirements

B. CONDITIONAL USES:

The following uses may be permitted in this district, upon the granting of a Conditional Use Permit by the appropriate Board of Zoning Adjustment. Refer to Article 15 for further information and requirements that apply to specific uses

Airports, heliports
Aviaries and zoos
Boarding and lodging houses, nursing homes, & homes for the infirm and aged********
Camping areas, public and private
Cemeteries, mausoleums and crematories
Clubs, private non-profit and private proprietary
Commercial greenhouses ******
Commercial kennels *******
Day care center
Excavations, minor

***** Not in effect in the City of Louisville.
****** Docket No. 9-69-88.
******* Docket No. 9-59-92.
********* In effect in the City of Louisville only.

Family day care home ***
Hospitals and institutions *
Hospitals, institutions, nursing homes and homes for the infirm and aged **
Lakes, commercial Marinas and boat rental
Off-street parking
Oil, gas and hydrocarbon extraction
Sewage plants
Towers, commercial

C. PROPERTY DEVELOPMENT REGULATIONS:

1. MINIMUM LOT AND DIMENSIONS:

a. Area: ..... 12,000 sq. feet
b. Width: ..... 75 feet

The minimum lot area shall be not less than 12,000 square feet per dwelling unit, provided, however, that when a lot has less area than herein required and was recorded prior to the adoption of these regulations, said lot may be occupied by one dwelling unit.

2. MINIMUM YARD REQUIREMENTS:

a. Front Yard: ..... 30 feet
b. Side Yards:
Total for both: ..... 22.5 feet
Minimum: ..... 7.5 feet
c. Street Side Yard: ..... 30 feet
d. Rear Yard: ..... 25 feet

3. MAXIMUM BUILDING HEIGHT:
Two and one-half stories and not to exceed thirty-five feet.

4. MAXIMUM DENSITY OR FAR:

a. Maximum Floor Area Ratio: 0.5
b. Maximum Density: ..... 3.63 dwellings per acre

5. MINIMUM OFF-STREET PARKING:
Refer to Article 10.

6. SIGNAGE:
Refer to Article 11.

7. FENCES and WALLS:
Refer to Section 9.1.

8. OTHER REQUIREMENTS:
None

***** In effect in the City of Louisville only.
****** Not in effect in the City of Louisville.
******* March 1992, Docket No. 9-67-91.

Section 4.6 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:

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
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
Home occupations
Libraries, museums, historical buildings and grounds, arboretums, aquariums, and art galleries, not for profit
Parks, playgrounds, and community centers, not for profit
Single family dwellings
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.
Towers (radio/tv receiving or transmitting) for non-commercial use, in accordance with Federal Communications Commission and/or Federal Aviation Agency requirements

B. 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 Article 15 for further information and requirements that apply to specific uses.
Airports, heliports
Aviaries and zoos
Boarding and lodging houses, nursing homes and homes for the infirm and aged ********
Camping areas, public and private
Cemeteries, mausoleums and crematories
Clubs, private non-profit and private proprietary
Commercial greenhouses ******
Commercial kennels ******
Day care center
Doctor, dentist or chiropractor office
Excavations, minor

***** Not in effect in the City of Louisville.
****** Docket No. 9-69-88.
******* Docket No. 9-59-92.
******** In effect in the City of Louisville only.

Family day care home ***
Hospitals, institutions, nursing homes and homes for the infirm and aged **
Hospitals and institutions *
Lakes, commercial
Marinas and boat rental
Off-Street parking
Oil, gas and hydrocarbon extraction
Sewage plants
Towers. commercial

C. PROPERTY DEVELOPMENT REGULATIONS:

1. MINIMUM LOT AND DIMENSIONS:

a. Area: ..... 9,000 sq. feet
b. Width: ..... 60 feet

The minimum lot area shall not be less than 9,000 square feet per dwelling unit, provided, however, that when a lot has less area than herein required and was recorded prior to the adoption of these regulations, said lot may be occupied by one dwelling unit.

2. MINIMUM YARD REQUIREMENTS:

a. Front Yard ..... 30 feet
b.**** Side Yards: (see Editor's Note below)
For lots shown on preliminary plans approved after the date of legislative adoption provided that said lots were not created by plats recorded prior to the date of legislative adoption:
Total for both: ..... 10 feet
Minimum: ..... 5 feet
For lots shown on preliminary plans approved prior to the date of legislative adoption and lots created by plats recorded prior to the date of legislative adoption:
Total for both: ..... 18 feet
Minimum: ..... 6 feet

****Editor's Note:** *As of the publication date (4/1/01) the following legislative bodies had adopted the text changes associated with Docket No. 9-26-00:*

Unincorporated Jefferson County (8/22/00)
City of Douglass Hills (11/28/00)
City of St. Matthews (11/28/00)
City of Louisville (2/16/01)

New development proposed in areas whose legislative bodies have not adopted these changes shall meet the 18 feet total for both/ 6 feet minimum side yard requirements. Contact Planning and Development Services for an updated list of legislative bodies that have adopted the modified side yard requirements.

c. Street Side Yard: ..... 30 feet
d. Rear Yard: ..... 25 feet

***** In effect in City of Louisville only.
****** Not effect in the City of Louisville.
******* March 1992, Docket No. 9-67-91.
****Docket No. 9-26-00.

3. MAXIMUM BUILDING HEIGHT:
   Two and one-half stories and not to exceed thirty-five feet.

4. MAXIMUM DENSITY OR FAR:

   a. Maximum Floor Area Ratio: 0.5
   b. Maximum Density: ..... 4.84 dwellings per acre

5. MINIMUM OFF-STREET PARKING:
   Refer to Article 10.

6. SIGNAGE:
   Refer to Article 11.

7. FENCES AND WALLS:
   Refer to Section 9.1.

8. OTHER REQUIREMENTS:
   None

Section 4.7 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:

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, 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
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
Home occupations
Libraries, museums, historical buildings and grounds, arboretums, aquariums, and art galleries, not for profit
Parks, playgrounds, and community centers, not for profit
Single family dwellings
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
Towers (radio/tv receiving or transmitting) for non-commercial use, in accordance with Federal Communications Commission and/or Federal Aviation Agency requirements

B. 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 Article 15 for further information and requirements that apply to specific uses.

Airports, heliports
Aviaries and zoos
Boarding and lodging houses, nursing homes & homes for the infirm and aged ********
Camping areas, public and private
Cemeteries, mausoleums and crematories
Clubs, private non-profit and private proprietary
Commercial greenhouses ******
Day care center
Doctor, dentist or chiropractor office
Excavations, minor
Family day care home *******
Hospitals, institutions, nursing homes and homes for the infirm and aged *****
Hospitals and institutions ********
Lakes, commercial
Marinas and boat rental
Off-Street parking
Oil, gas and hydrocarbon extraction
Sewage plants
Towers, commercial

***** Not in effect in the City of Louisville.
****** Docket No. 9-69-88.
******* March 1992, Docket No. 9-67-91.
******** In effect in City of Louisville only

C PROPERTY DEVELOPMENT REGULATIONS:

1. MINIMUM LOT AND DIMENSIONS:

   a. Area: ..... 6,000 sq. feet
   b. Width: ..... 50 feet

   The minimum lot area shall not be less than 6,000 square feet per dwelling unit, provided, however, that when a lot has less area than herein required and was recorded prior to the adoption of these regulations, said lot may be occupied by one dwelling unit.

2. MINIMUM YARD REQUIREMENTS:

   a. Front Yard ..... 25 feet
   b. Side Yards:
      Total for both: ..... 10 feet
      Minimum: ..... 5 feet
      For semi-detached dwellings, (only one side yard)
      Minimum: ..... 25 feet
   c. Street Side Yard: ..... 25 feet
   d. Rear Yard: ..... 25 feet

3. MAXIMUM BUILDING HEIGHT:

   Two and one-half stories and not to exceed thirty-five feet.

4. MAXIMUM DENSITY OR FAR:

   a. Maximum Floor Area Ratio 0.5
   b. Maximum Density: ..... 7.26 dwellings per acre

5. MINIMUM OFF-STREET PARKING:
   Refer to Article 10.

6. SIGNAGE:
   Refer to Article 11.

7. FENCES AND WALLS:
   Refer to Section 9.1.

8. OTHER REQUIREMENTS:
   None

Section 4.8 Urban Neighborhood (U-N) 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.
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
Planned Development Option, 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 submitted by the applicant and approved by the Louisville and Jefferson County 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.
Parks, playgrounds, and community centers, not for profit
Single family dwellings
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

***Editor's Note**:* In effect in City of Louisville only; amended March 2000, Docket No. 9-5-00.

Section 4.8 Urban Neighborhood (U-N) District

B. 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 Article 15 for further information and requirements that apply to specific uses.

Airports, heliports
Aviaries and zoos
Boarding and lodging houses
Cemeteries, mausoleums and crematories
Clubs, private non-profit and private proprietary
Day care center
Doctor, dentist or chiropractor office
Family day care home
Hospitals, institutions, nursing homes and homes for the infirm and aged
Commercial Kennels
Lakes, commercial
Marinas and boat rental
Towers, commercial

C. PROPERTY DEVELOPMENT REGULATIONS:

1. MINIMUM LOT AND DIMENSIONS:

a. Area.....2,500 square feet
b. Width.....25 feet

The minimum lot shall not be less than 2,500 square feet in area and 25 feet in width, except when used for single-family attached dwellings where the minimum area may be reduced to 1,500 square feet in area and minimum width to 18 feet. When a lot has less area or width than herein required and was recorded prior to the adoption of these regulations, said lot may be occupied by one dwelling unit.

2. MINIMUM YARD REQUIREMENTS

a. Front Yard.....15 feet
b. Side Yard..... 3 feet
c. Street Side Yard..... 5 feet
d. Rear Yard.....6 feet

EXCEPTION ALLOWED:

e. Side Yard Containing Common Wall……0 feet
f. Zero lot line dwelling, single family
Side Yard Total for both……6 feet
Side Yard Minimum……0 feet

3. MAXIMUM BUILDING HEIGHT:
Two and one-half stories and not to exceed thirty-five feet.

4. MAXIMUM DENSITY OR FAR

   a. Maximum Floor Area Ratio.....1.0
   b. Maximum Dwelling Units.....17.42 dwelling units per acre
   c. Maximum Dwelling Units for Planned Development Option……29.04 dwelling units per acre

5. MINIMUM OFF-STREET PARKING:
   Refer to Article 10.

   Affordable housing exception: If the Director of Housing certifies to the Planning Commission that the proposed residential development is intended for occupancy by persons whose household income is less than 100% of the median household income within the Louisville Metropolitan Statistical Area, the off-street parking requirement may be reduced to .75 space for each unit.

6. SIGNAGE:
   Refer to Article 11.

7. FENCES AND WALLS:
   Refer to Section 9.1.

8. OTHER REQUIREMENTS: None

Section 4.9 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:

Accessory buildings or uses
Agricultural uses
Assisted living residence**
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, two 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
Home occupations
Libraries, museums, historical buildings and grounds, arboretums, aquariums, and art galleries, not for profit
Multiple family dwellings
Parks, playgrounds, and community centers, not for profit
Single family dwellings
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
Towers (radio/tv receiving or transmitting) for non-commercial use, in accordance with Federal Communications Commission and/or Federal Aviation Agency requirements

***** Not in effect in the City of Louisville.
** Docket No. 9-26-00.

B. CONDITIONAL USES:

The following uses may be permitted in this district, upon the granting of a Conditional Use Permit by the appropriate Board of Zoning Adjustment. Refer to Article 15 for further information and requirements that apply to specific uses.

Airports, heliports
Aviaries and zoos
Boarding and lodging houses, nursing homes and homes for the infirm and aged **
Camping areas, public and private
Cemeteries, mausoleums and crematories
Clubs, private non-profit and private proprietary
Commercial greenhouses *
Day care center
Doctor, dentist or chiropractor office
Excavations, minor
Family day care home ****
Hospitals and institutions **
Hospitals, institutions, nursing homes and homes for the infirm and aged ***
Lakes, commercial
Marinas and boat rental
Off-Street parking
Oil, gas and hydrocarbon extraction
Sewage plants
Towers, commercial

C. PROPERTY DEVELOPMENT REGULATIONS:

1. MINIMUM LOT AND DIMENSIONS:

a. Area: ..... 6,000 sq. feet
except that a lot having less area than herein required and having been recorded prior to the adoption of these regulations may be occupied by one dwelling unit.

b. Width: ..... 50 feet

The minimum lot area shall not be less than 3,625 square feet per dwelling unit.

2. MINIMUM YARD REQUIREMENTS:

a. Front Yard: ..... 25 feet
b. Side Yards:
Total for both: ..... 10 feet
Minimum: ..... 5 feet
c. Street Side Yard: ..... 25 feet
d. Rear Yard: ..... 25 feet

* Docket No. 9-69-88.
** In effect in the City of Louisville only.
*** Not in effect in the City of Louisville.
**** March 1992, Docket No. 9-67-91.

3. MAXIMUM BUILDING HEIGHT:
   Two and one-half stories and not to exceed thirty-five feet.

4. MAXIMUM DENSITY OR FAR:

   a. Maximum Floor Area Ratio: 0.5
   b. Maximum Density: .....12.01 dwellings per acre

5. MINIMUM OFF-STREET PARKING:
   Refer to Article 10.

6. SIGNAGE:
   Refer to Article 11.

7. FENCES AND WALLS:
   Refer to Section 9.1.

8. OTHER REQUIREMENTS:

   Distance Between Buildings on Same Lot:
   a. There shall be a minimum distance of twenty-five feet between buildings when a wall having a principal entrance or exit to a building faces the wall of another building.
   b. There shall be a minimum distance of twenty feet between buildings when a wall having a secondary entrance or exit to a building faces the wall of another building.
   c. There shall be a minimum distance of ten feet between buildings when the facing walls of each do not have entrances or exits.

Section 4.10 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, two-family
Dwellings, semi-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
Single family dwellings
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
Towers (radio/tv receiving or transmitting) for non-commercial use, in accordance with Federal Communications Commission and/or Federal Aviation Agency requirements

B. CONDITIONAL USES:

The following uses may be permitted in this district, upon the granting of a Conditional Use Permit by the appropriate Board of Zoning Adjustment. Refer to Article 15 for further information and requirements that apply to specific uses.

Airports, heliports
Aviaries and zoos
Boarding and lodging houses, nursing homes & homes for the infirm and aged ***
Camping areas, public and private
Cemeteries, mausoleums and crematories
Clubs, private non-profit and private proprietary
Commercial greenhouses **
Day care center
Doctor, dentist or chiropractor office

* Approved May, 1989, Docket Number 9-84-88
** Docket Number 9-69-88
*** In effect City of Louisville only

Excavations, minor
Family day care home ***
Hospitals, institutions, nursing homes and homes for the infirm and aged **
Hospitals and institutions *
Lakes, commercial
Marinas and boat rental
Off-Street parking
Oil, gas and hydrocarbon extraction
Sewage plants
Towers, commercial

C. PROPERTY DEVELOPMENT REGULATIONS:

1. MINIMUM LOT AND DIMENSIONS:

a. Area: ..... 6,000 sq. feet
except that a lot having less area than herein required and having been recorded prior to the adoption of these regulations may be occupied by two dwelling units.
b. Width: ..... 50 feet

The maximum number of dwelling units per lot shall not exceed two units regardless of lot size.

2. MINIMUM YARD REQUIREMENTS:

a. Front Yard: ..... 25 feet
b. Side Yards:
Total for both: ..... 10 feet
Minimum: ..... 5 feet
c. Street Side Yard: ..... 25 feet
d. Rear Yard: ..... 25 feet
See 8. b., below, for exception to yard requirements.

3. MAXIMUM BUILDING HEIGHT:
Two and one-half stories and not to exceed thirty-five feet.

4. MAXIMUM DENSITY OR FAR:

a. Maximum Floor Area Ratio: 0.5
b. Maximum Dwelling Units: ..... Two dwellings per lot

***** In effect in the City of Louisville only.
****** Not in effect in the City of Louisville.
******* March 1992, Docket No. 9-67-91.

5. MINIMUM OFF-STREET PARKING:
   Refer to Article 10.

6. SIGNAGE:
   Refer to Article 11.

7. FENCES AND WALLS:
   Refer to Section 9.1.

8. OTHER REQUIREMENTS:

   a. Distance Between Buildings on Same Lot:
      (1) There shall be a minimum distance of twenty-five feet between buildings when a wall having a principal entrance or exit to a building faces the wall of another building.
      (2) There shall be a minimum distance of twenty feet between buildings when a wall having a secondary entrance or exit to a building faces the wall of another building.
      (3) There shall be a minimum distance of ten feet between buildings when the facing walls of each do not have entrances or exits.

   b. Re-use of Accessory Buildings:
      An existing accessory building constructed prior to 1954 may be converted to residential use even though the building does not observe applicable yard requirements, provided that the resulting number of dwelling units on the lot does not exceed the number allowed in the R-5B zone and provided that the size of the structure and encroachment into required yards are not increased.

Section 4.11 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:

Accessory buildings or uses
Agricultural uses
Assisted living residence****
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, two family
Family care home (mini-home)
Garage or yard sale
Golf courses, except miniature courses, driving ranges, or privately owned golf courses operated or a commercial purpose
Home occupations
Libraries, museums, historical buildings and grounds, arboretums, aquariums, and art galleries, not for profit
Multiple family dwellings
Parks, playgrounds, and community centers, not for profit
Single family dwellings
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
Towers (radio/tv receiving or transmitting) for non-commercial use, in accordance with Federal Communications Commission and/or Federal Aviation Agency requirements

B. 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 Article 15 for further information and requirements that apply to specific uses.

Airports, heliports
Aviaries and zoos
Boarding and lodging houses, nursing homes & homes for the infirm and aged ***
Camping areas, public and private
Cemeteries, mausoleums and crematories
Clubs, private non-profit and private proprietary
Commercial greenhouses **
Day care center
Doctor, dentist or chiropractor office

* Not in effect in the City of Louisville.
** Docket No. 9-69-88
*** In effect City of Louisville only
**** Docket No. 9-26-00.

Excavations, minor
Family day care home ***
Hospitals and institutions
Hospitals, institutions, nursing homes and homes for the infirm and aged **
Lakes, commercial
Marinas and boat rental
Mobile home park
Off-Street parking
Oil, gas and hydrocarbon extraction
Sewage plants
Towers, commercial

C. PROPERTY DEVELOPMENT REGULATIONS:

1. MINIMUM LOT AND DIMENSIONS:

a. Area: ..... 6,000 sq. feet
except that a lot having less area which was recorded prior to the adoption of these regulations may be improved, provided such improvements conform in all other respects to the requirements of this section.

b. Width: ..... 50 feet

The minimum lot area shall not be less than 2,500 square feet per dwelling unit.

2. MINIMUM YARD REQUIREMENTS:

a. Front Yard ..... 25 feet
b. Side Yards:
Total for both: ..... 10 feet
Minimum: ..... 5 feet
c. Street Side Yard: ..... 25 feet
d. Rear Yard: ..... 25 feet

3. MAXIMUM BUILDING HEIGHT:
Two and one-half stories and not to exceed thirty-five feet.

4. MAXIMUM DENSITY OR FAR:

a. Maximum Floor Area Ratio 0.75
b. Maximum Density ..... 17.42 dwellings per acre

***** In effect in the City of Louisville only.
****** Not in effect in the City of Louisville.
******* March 1992, Docket No. 9-67-91.

5 MINIMUM OFF-STREET PARKING:
Refer to Article 10.

6. SIGNAGE:
Refer to Article 11.

7. FENCES AND WALLS:
Refer to Section 9.1.

8. OTHER REQUIREMENTS:
Distance Between Buildings on Same Lot:

a. There shall be a minimum distance of twenty-five feet between buildings when a wall having a principal entrance or exit to a building faces the wall of another building.
b. There shall be a minimum distance of twenty feet between buildings when a wall having a secondary entrance or exit to a building faces the wall of another building.
c. There shall be a minimum distance of ten feet between buildings when the facing walls of each do not have entrances or exits.

Section 4.12 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:

Accessory buildings or uses
Agricultural uses
Assisted living residence***
Boarding and lodging houses *****
Boarding and lodging houses accommodating eight or fewer persons ******
EDITOR'S NOTE*:* *Bed and breakfast uses that do not provide meals, meeting facilities or other services for persons not registered at the bed and breakfast are permitted under this entry.*
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 *****
Convents and monasteries which accommodate eight or fewer persons ******
Country clubs
Dwellings, two family
Family care home (mini-home)
Garage or yard sale
Golf courses, except miniature courses, driving ranges, or privately owned golf courses operated for a commercial purpose
Home occupations
Homes for the infirm or aged accommodating eight or fewer persons ******
Libraries, museums, historical buildings and grounds, arboretums, aquariums, and art galleries, not for profit
Multiple family dwellings
Nursing homes accommodating eight or fewer persons ******
Parks, playgrounds, and community centers, not for profit
Single family dwellings
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.
Towers (radio/tv receiving or transmitting) for non-commercial use, in accordance with Federal Communications Commission and/or Federal Aviation Agency requirements

***** Not in effect in the City of Louisville.
****** In effect in the City of Louisville only.
*** Docket No. 9-26-00.

B. 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 Article 15 for further information and requirements that apply to specific uses.

Airports, heliports
Aviaries and zoos
Boarding and lodging houses, nursing homes and homes for the infirm and aged accommodating more than eight persons
Camping areas, public and private
Cemeteries, mausoleums and crematories
Clubs, private non-profit and private proprietary
Commercial greenhouses ***
Convents and monasteries which accommodate more than eight persons *
Day Care Center
Doctor, dentist or chiropractor office
Excavations, minor
Family day care home ****
Funeral homes
Hospitals and institutions accommodating more than eight persons *
Hospitals, institutions, nursing homes and homes for the infirm and aged **
Lakes, commercial
Marinas and boat rental
Mobile home park
Off-Street parking
Oil, gas and hydrocarbon extraction
Sewage plants
Towers, commercial

C. PROPERTY DEVELOPMENT REGULATIONS:

1. MINIMUM LOT AND DIMENSIONS:

a. Area: ..... 6,000 sq. feet except that a lot having less area which was recorded prior to the adoption of these regulations may be improved, provided such improvements conform in all other respects to the requirements of this section.

b. Width: ..... 50 feet

The minimum lot area shall not be less than 1,250 square feet per dwelling unit.

* In effect in the City of Louisville only.
** Not in effect in the City of Louisville.
*** Docket No. 9-69-88.
**** March 1992, Docket No. 9-67-91.

2. MINIMUM YARD REQUIREMENTS:

   a. Front Yard ..... 25 feet
   b. Side Yards:
      Total for both: ..... 10 feet
      Minimum: ..... 5 feet
   c. Street Side Yard ..... 25 feet
   d. Rear Yard: ..... 25 feet

3. MAXIMUM BUILDING HEIGHT:

   There shall be no maximum height, provided all minimum yards are increased five feet for each story over three stories or forty-five feet.

4. MAXIMUM DENSITY OR FAR:

   a. Maximum Floor Area Ratio: 1.0
   b. Maximum Density: ..... 34.8 dwelling per acre

5. MINIMUM OFF-STREET PARKING:
   Refer to Article 10.

6. SIGNAGE:
   Refer to Article 11.

7. FENCES AND WALLS:
   Refer to Section 9.1.

8. OTHER REQUIREMENTS:

   a. Minimum Usable Open Space per dwelling unit ..... 600 sq. feet
   b. Distance Between Buildings on Same Lot:

      (1) There shall be a minimum distance of twenty-five feet between buildings.
      (2) If any main building is higher than thirty-five feet or two and one-half stories, the distance between main buildings shall be determined by application of the formula:

$$D = 10 (S_1 + S_2 - 6) + 20$$

D = distance between buildings
S_1 = height in stories of first building
S_2 = height in stories of second building

Section 4.13 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:

Accessory buildings or uses
Agricultural uses
Assisted living residence****
Boarding houses, nursing homes and homes for the infirm and aged accommodating eight or fewer persons
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 *****
Convents and monasteries which accommodate eight or fewer persons ******
Country clubs
Day care centers, day nurseries, nursery schools and kindergartens
Dwellings, two family
Family care home (mini-home)
Family day care home *******
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
Multiple family dwellings
Parks, playgrounds, and community centers, not for profit
Single family dwellings
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.
Towers (radio/tv receiving or transmitting) for non-commercial use, in accordance with Federal Communications Commission and/or Federal Aviation Agency requirements

***** Not in effect in the City of Louisville.
****** In effect in the City of Louisville only.
******* March 1992. Docket No. 9-67-91.
**** Docket No. 9-26-00.

B. CONDITIONAL USES:

The following uses may be permitted in this district, upon the granting of a Conditional Use Permit by the appropriate Board of Zoning Adjustment. Refer to Article 15 for further information and requirements that apply to specific uses.

Airports, heliports
Aviaries And Zoos
Boarding and lodging houses, nursing homes and homes for the infirm and aged accommodating more than eight persons
Camping areas, public and private
Cemeteries, mausoleums and crematories
Clubs, private non-profit
Commercial greenhouses ***
Convents and monasteries accommodating more than eight persons *
Excavations, minor
Hospitals and institutions accommodating more than eight persons *
Hospitals, institutions, nursing homes and homes for the infirm and aged **
Lakes, commercial
Marinas and boat rental
Mobile home park
Off-Street parking
Oil, gas and hydrocarbon extraction
Sewage plants
Towers, commercial

C. PROPERTY DEVELOPMENT REGULATIONS:

1. MINIMUM LOT AND DIMENSIONS:

a. Area: ..... 6,000 sq.feet
except that a lot having less area which was recorded prior to the adoption of these regulations may be improved, provided such improvements conform in all other respects to the requirements of this section.

b. Width: ..... 50 feet

The minimum lot area shall not be less than 750 square feet per dwelling unit.

2. MINIMUM YARD REQUIREMENTS:

a. Front Yard: ..... 25 feet
b. Side Yards:
Total for both: ..... 10 feet
Minimum: ..... 5 feet
c. Street Side Yard: ..... 25 feet
d. Rear Yard: ..... 25 feet

* In effect in the City of Louisville only.
** Not in effect in the City of Louisville.
*** Docket No. 9-69-88.

3. MAXIMUM BUILDING HEIGHT:
There shall be no maximum height, provided all minimum yards are increased five feet for each story over three stories or forty-five feet.

If any main building is higher than thirty-five feet or two and one-half stories, the distance between main buildings shall be determined by application of the formula:

$$D = 5 (S_1 + S_2 - 6) + 20$$

D = distance between buildings
S_1 = height in stories of first building
S_2 = height in stories of second building

4. MAXIMUM DENSITY OR FAR:

a. Maximum Floor Area Ratio: :- - - - - - - - - - - - - - - -3.0
b. Maximum Density: - - - - - - - - - - 58.08 dwellings per acre

5. MINIMUM OFF-STREET PARKING:
Refer to Article 10.

6. SIGNAGE:
Refer to Article 11.

7. FENCES AND WALLS:
Refer to Section 9.1.

8. OTHER REQUIREMENTS:

a. Minimum Usable Open Space per dwelling unit - - - --300 sq. feet
b. Distance Between Buildings on Same Lot:

1. There shall be a minimum distance of twenty feet between main buildings.

ARTICLE 5 OFFICE ZONING DISTRICT REGULATIONS

Section 5.1	OR	Office/Residential District
Section 5.2	OR-1	Office/Residential District
Section 5.3	OR-2	Office/Residential District
Section 5.4	OR-3	Office/Residential District
Section 5.5	OTF	Office/Tourist Facility District

Section 5.1 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
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
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
Single family dwellings
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 appropriate Board of Zoning Adjustment. Refer to Article 15 for further information and requirements that apply to specific uses.

Assisted Living Residence **
Aviaries and zoos
Cemeteries, mausoleums and crematories
Clubs, private non-profit and proprietary
Convents and monasteries accommodating more than eight persons
Excavations, minor
Lakes, commercial
Marinas and boat rental
Multiple family dwellings ***(Not in effect in City of Anchorage)***
Off-Street parking
Sewage plants
Towers, commercial
Towers, (radio/tv receiving or transmitting) for non-commercial use, in accordance with Federal Communications Commission and/or Federal Aviation Agency requirements

* Docket No. 9-80-96 (This district in effect in Anchorage, St. Matthews and unincorporated Jefferson County only.)
** Docket No. 9-26-00

C. PROPERTY DEVELOPMENT REGULATIONS:

1. MINIMUM LOT AND DIMENSIONS:

   a. Area: - - - - - - - - -- - - - - - - - - -- - - - 6,000 sq. feet
   b. Width: - - - - - - - - -- - - - - - - - - -- - - - - - - 50 feet
   c. Depth: - - - - - - - - -- - - - - - - - - -- - - - - - - 100 feet

2. MINIMUM YARD REQUIREMENTS:

   a. Front Yard ..... 25 feet
   b. Side Yards ..... 5 feet
   c. Street Side Yard ..... 25 feet
   d. Rear Yard ..... 25 feet

3. MAXIMUM BUILDING HEIGHT:

   Two stories, not to exceed thirty-five feet, or, on lots where the existing structures exceed thirty-five feet, the lower of: (a) the maximum height of the existing structures; or (b) forty-five feet.

4. MAXIMUM DENSITY OR FAR:

   a. Maximum Floor Area Ratio 0.35
   b. Maximum Density ..... 12 dwellings per acre

5. MINIMUM OFF-STREET PARKING:

   Requirements are the same as for the OR-2 District, or other applicable off-street parking regulation in effect for the jurisdiction in which the property is located.

6. SIGNAGE:

   Requirements are the same as for the OR-1 District, or other applicable signage regulation in effect for the jurisdiction in which the property is located.

7. FENCES AND WALLS:

   Requirements are the same as for the OR-2 District, or other applicable fence and wall regulation in effect for the jurisdiction in which the property is located.

8. OTHER REQUIREMENTS:

   a. Minimum Usable Open Space: - - - - - - - - - - - -- - - - - -None except residential uses shall provide the minimum requirements for the R-7 District.
   b. Distance Between Buildings on Same Lot:- - - - - - - - None except residential uses shall provide the minimum requirements for the R-7 District.

* Docket No. 9-80-96 (This district in effect in Anchorage, St. Matthews and unincorporated Jefferson County only.)

Section 5.2 OR-1 Office/Residential District

As in effect in Louisville and jurisdictions other than St. Matthews and unincorporated Jefferson County.

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
Artist studios ****
Assisted Living Residence ****
Barbers/Cosmetologists/Hairdressers/Manicurists ****
Boarding, lodging houses *****
Boarding, lodging houses accommodating eight or fewer persons ******
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 ****
Convents and monasteries *****
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, two-family
Family care home (mini-home)
Family day care home *******
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
Multi-family dwellings
Offices and places of business for the following professions licensed by the State of Kentucky:
- Accountants
- Architects
- Artists
- Attorneys-at-law
- Barbers *******
- Cosmetologists/Hairdressers *******
- Chiropodists
- Chiropractors
- Dentists
- Insurance agents
- Landscape architects
- Land surveyors
- Opticians
- Optometrists
- Osteopaths
- Physicians

***** Not in effect in City of Louisville.
****** In effect in City of Louisville only.
******* March 1992, Docket No. 9-67-91.
**** Docket No. 9-26-00.

(As in effect in Louisville and jurisdictions other than St. Matthews and unincorporated Jefferson County)

Podiatrists ****
Psychologists (Masters or Doctorate) ****
Professional engineers
Real estate brokers
Social Workers (Certified or Independent Practice) ****
Surgeons
Parks, playgrounds, and community centers, not for profit
Single family dwellings
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
Towers (radio/tv receiving or transmitting) for non-commercial use, in accordance with Federal Communications Commission and/or Federal Aviation Agency requirements

B. 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 Article 15 for further information and requirements that apply to specific uses.

Airports, heliports
Aviaries and zoos
Boarding and lodging houses, nursing homes and homes for the infirm and aged accommodating more than eight persons *
Camping areas, public and private
Cemeteries, mausoleums and crematories
Clubs, private non-profit and proprietary
Commercial greenhouses ***
Convents and monasteries accommodating more than eight persons *
Excavations, minor
Funeral homes
Hospitals and institutions accommodating more than eight persons *
Hospitals, institutions, nursing homes and homes for the infirm and aged **
Lakes, commercial
Marinas and boat rental
Off-Street parking
Oil, gas and hydrocarbon extraction
Sewage plants
Towers, commercial

* In effect in the City of Louisville only.
** Not in effect in the City of Louisville.
*** Docket No. 9-69-88.
**** March 1992, Docket No. 9-67-91.

(As in effect in Louisville and jurisdictions other than St. Matthews and unincorporated Jefferson County)

C. PROPERTY DEVELOPMENT REGULATIONS:

1. MINIMUM LOT AND DIMENSIONS:

   a. Area: ..... 6,000 sq.feet
   b. Width: ..... 50 feet
   c. Depth: ..... 100 feet

2. MINIMUM YARD REQUIREMENTS:

   a. Front Yard: ..... 25 feet
   b. Side Yards: ..... 5 feet
   c. Street Side Yard: ..... 25 feet
   d. Rear Yard: ..... 25 feet

3. MAXIMUM BUILDING HEIGHT:

   There shall be no maximum height, provided all minimum yards are increased five feet for each story over three stories or 45 feet.

4. MAXIMUM DENSITY OR FAR:

   a. Maximum Floor Area Ratio: 1.0
   b. Maximum Density: ..... 34.84 dwellings per acre

5. MINIMUM OFF-STREET PARKING:

   Refer to Article 10 or other applicable off-street parking regulation in effect for the jurisdiction in which the property is located.

6. SIGNAGE:

   Refer to Article 11 or other applicable signage regulations in effect for the jurisdiction in which the property is located.

7. FENCES AND WALLS:

   Refer to Section 9.1. or other applicable fence and wall regulations in effect for the jurisdiction in which the property is located.

8. OTHER REQUIREMENTS:

   a. Minimum Usable Open Space: ..... None except residential uses shall provide the minimum requirements for the R-7 District.
   b. Distance Between Buildings on Same Lot: ..... None except residential uses shall provide the minimum requirements for the R-7 District.

Section 5.2 OR-1 Office/Residential District

As in effect in St. Matthews and unincorporated Jefferson County only; Docket Number 9-80-96, February 1997.

The following provisions shall apply in the OR-1 Office/Residential District unless otherwise provided in these regulations:

A. PERMITTED USES:

Accessory buildings or uses
Agricultural uses
Artist studios *
Assisted Living Residence *
Barbers/Cosmetologists/Hairdressers/Manicurists *
Boarding, lodging houses
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 *
Convents and monasteries
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, two-family
Family care home (mini-home)
Family day care home
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
Multi-family dwellings
Offices, professional and business
Parks, playgrounds, and community centers, not for profit
Single family dwellings
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
Towers (radio/tv receiving or transmitting) for non-commercial use, in accordance with Federal Communications Commission and/or Federal Aviation Agency requirements

* Docket No. 9-26-00.

As in effect in St. Matthews and unincorporated Jefferson County only; Docket Number 9-80-96, February 1997.

B. 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 Article 15 for further information and requirements that apply to specific uses.

Airports, heliports
Aviaries and zoos
Camping areas, public and private
Cemeteries, mausoleums and crematories
Clubs, private non-profit and proprietary
Commercial greenhouses
Convents and monasteries accommodating more than eight persons
Excavations, minor
Funeral homes
Hospitals, institutions, nursing homes and homes for the infirm and aged
Lakes, commercial
Marinas and boat rental
Off-Street parking
Oil, gas and hydrocarbon extraction
Sewage plants
Towers, commercial

As in effect in St. Matthews and unincorporated Jefferson County only; Docket Number 9-80-96, February 1997.

C. PROPERTY DEVELOPMENT REGULATIONS:

1. MINIMUM LOT AND DIMENSIONS:

   a. Area: - - - - - - - - -- - - - - - - - -- - - - - - 6,000 sq.feet
   b. Width: - - - - - - - - -- - - - - - - - -- - - - - - - - 50 feet
   c. Depth: - - - - - - - - -- - - - - - - - -- - - - - - -100 feet

2. MINIMUM YARD REQUIREMENTS:

   a. Front Yard- - - - - - - - -- - - - - - - - -- - - - - - - 25 feet
   b. Side Yards: - - - - - - - - -- - - - - - - - -- - - - - - - 5 feet
   c. Street Side Yard: - - - - - - - - -- - - - - - - - -- - 25 feet
   d. Rear Yard: - - - - - - - - -- - - - - - - - -- - - - - - - 25 feet

3. MAXIMUM BUILDING HEIGHT:

   There shall be no maximum height, provided all minimum yards are increased five feet for each story over three stories or 45 feet.

4. MAXIMUM DENSITY OR FAR:

   a. Maximum Floor Area Ratio: - - - - - - - - -- - - - - - - - 1.0
   b. Maximum Density: - - - - - - - - -- - 34.84 dwellings per acre

5. MINIMUM OFF-STREET PARKING:

   Refer to Article 10 or other applicable off-street parking regulation in effect for the jurisdiction in which the property is located.

6. SIGNAGE:

   Refer to Article 11 or other applicable signage regulations in effect for the jurisdiction in which the property is located.

7. FENCES AND WALLS:

   Refer to Section 9.1. or other applicable fence and wall regulations in effect for the jurisdiction in which the property is located.

8. OTHER REQUIREMENTS:

   a. Minimum Usable Open Space: - - - - - - - - - - - -- - - - - -None except residential uses shall provide the minimum requirements for the R-7 District.
   b. Distance Between Buildings on Same Lot:- - - - - - - - None except residential uses shall provide the minimum requirements for the R-7 District.

Section 5.3 OR-2 Office/Residential District

As in effect in St. Matthews and unincorporated Jefferson County only; Docket Number 9-80-96, February 1997.

The following provisions shall apply in the OR-2 Office/Residential District unless otherwise provided in these regulations:

A. PERMITTED USES:

Accessory buildings or uses
Agricultural uses
Artist studios *
Assisted Living Residence *
Barbers/Cosmetologists/Hairdressers/Manicurists *
Boarding, lodging houses
Boarding, lodging houses accommodating eight or fewer persons
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 *
Convents, and monasteries
Country clubs
Day care centers, day nursery, nursery schools and kindergartens
Dwellings, two-family
Family care home (mini-home)
Family day care home
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
Multiple family dwellings
Offices, professional and business
Parks, playgrounds, and community centers, not for profit
Single family dwellings
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
Towers (radio/tv receiving or transmitting) for non-commercial use in accordance with Federal Communication Commission and/or Federal Aviation Agency requirements

* Docket No. 9-26-00.

As in effect in St. Matthews and unincorporated Jefferson County only;
Docket Number 9-80-96, February 1997.

B. 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 Article 15 for further information and requirements that apply to specific uses.

Airports, heliports
Aviaries and zoos
Camping areas, public and private
Cemeteries, mausoleums and crematories
Clubs, private non-profit and proprietary
Commercial greenhouses
Convents and monasteries accommodating more than eight persons
Excavations, minor
Funeral homes
Hospitals, institutions, nursing homes and homes for the infirm and aged
Lakes, commercial
Marinas and boat rental
Mobile home park
Off-Street parking
Oil, gas and hydrocarbon extraction
Sewage plants
Towers, commercial

C. PROPERTY DEVELOPMENT REGULATIONS:

1. MINIMUM LOT AND DIMENSIONS:

a. Area: ..... 6,000 sq. feet
except that a lot having less area which was recorded prior to the adoption of these regulations may be improved, provided such improvements conform in all other respects to the requirements of this section.

b. Width: ..... 50 feet
The minimum lot area shall be not less than 750 square feet per dwelling unit.

2. MINIMUM YARD REQUIREMENTS:

a. Front Yard: ..... 25 feet
b. Side Yards:
Total for both: ..... 10 feet
Minimum: ..... 5 feet
c. Street Side Yard: ..... 25 feet
d. Rear Yard: ..... 25 feet

3. MAXIMUM BUILDING HEIGHT:

There shall be no maximum height, provided all minimum yards are increased five feet for each story over three stories or forty-five feet.

4. MAXIMUM DENSITY OR FAR:

   a. Maximum Floor Area Ratio: 3.0
   b. Maximum Density: ..... 58.08 dwellings per acre

5. MINIMUM OFF-STREET PARKING:
   Refer to Article 10.

6. SIGNAGE:
   Refer to Article 11.

7. FENCES AND WALLS:
   Refer to Section 9.1.

8. OTHER REQUIREMENTS:

   a. Minimum Usable Open Space per dwelling unit: ..... 300 sq. feet
   b. Distance Between Buildings on Same Lot:
      There shall be a minimum distance of twenty feet between main buildings.
   c. If any main building is higher than thirty-five feet or two and one-half stories, the distance between main buildings shall be determined by application of the formula:

$$D = 5 (S_1 + S_2 - 6) + 20$$

D = distance between buildings
S_1 = height in stories of first building
S_2 = height in stories of second building

As in effect in Louisville and jurisdictions other than St. Matthews and unincorporated Jefferson County.

The following provisions shall apply in the OR-2 Office/Residential District unless otherwise provided in these regulations:

A. PERMITTED USES:

Accessory buildings or uses
Agricultural uses
Artist studios ****
Assisted Living Residence ****
Barbers/Cosmetologists/Hairdressers/Manicurists ****
Boarding, lodging houses *****
Boarding, lodging houses accommodating eight or fewer persons ******
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 ****
Convents, and monasteries *****
Convents and monasteries which accommodate eight or fewer persons ******
Country clubs
Day care centers, day nursery, nursery schools and kindergartens
Dwellings, two-family
Family care home (mini-home)
Family day care home *******
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
Multiple family dwellings
Offices and places of business for the following professions licensed by the State of Kentucky:
- Accountants
- Architects
- Artists
- Attorneys-at-law
- Barbers *******
- Cosmetologists/Hairdressers *******
- Chiropodists
- Chiropractors
- Dentists
- Insurance agents
- Landscape architects
- Land surveyors
- Opticians
- Optometrists
- Osteopaths
- Physicians
- Podiatrists *******
- Psychologists (Masters or Doctorate) *******
- Professional engineers
- Real estate brokers

***** Not in effect in the City of Louisville.
****** In effect in the City of Louisville only.
******* March 1992. Docket No. 9-67-91.
******** Docket No. 9-26-00.

As in effect in Louisville and jurisdictions other than St. Matthews and unincorporated Jefferson County.

Social workers (Certified or Independent Practice) ****
Surgeons
Parks, playgrounds, and community centers, not for profit
Single family dwellings
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
Towers (radio/tv receiving or transmitting) for non-commercial use in accordance with Federal Communication Commission and/or Federal Aviation Agency requirements

B. 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 Article 15 for further information and requirements that apply to specific uses.

Airports, heliports
Aviaries and zoos
Boarding and lodging houses, nursing homes and homes for infirm and aged accommodating more that eight persons
Camping areas, public and private
Cemeteries, mausoleums and crematories
Clubs, private non-profit and proprietary
Commercial greenhouses ***
Convents and monasteries accommodating more than eight persons *
Excavations, minor
Funeral homes
Hospitals and institutions accommodating more than eight persons *
Hospitals, institutions, nursing homes and homes for the infirm and aged **
Lakes, commercial
Marinas and boat rental
Mobile home park
Off-Street parking
Oil, gas and hydrocarbon extraction
Sewage plants
Towers, commercial

* In effect in the City of Louisville only.
** Not in effect in the City of Louisville.
*** Docket No. 9-69-88.
**** March 1992, Docket No. 9-67-91.

As in effect in Louisville and jurisdictions other than St. Matthews and unincorporated Jefferson County.

C. PROPERTY DEVELOPMENT REGULATIONS:

1. MINIMUM LOT AND DIMENSIONS:

   a. Area: ..... 6,000 sq. feet
   except that a lot having less area which was recorded prior to the adoption of these regulations may be improved, provided such improvements conform in all other respects to the requirements of this section.
   b. Width: ..... 50 feet
   The minimum lot area shall be not less than 750 square feet per dwelling unit.

2. MINIMUM YARD REQUIREMENTS:

   a. Front Yard: ..... 25 feet
   b. Side Yards:
      Total for both: ..... 10 feet
      Minimum: ..... 5 feet
   c. Street Side Yard: ..... 25 feet
   d. Rear Yard: ..... 25 feet

3. MAXIMUM BUILDING HEIGHT:

   There shall be no maximum height, provided all minimum yards are increased five feet for each story over three stories or forty-five feet.

4. MAXIMUM DENSITY OR FAR:

   a. Maximum Floor Area Ratio: 3.0
   b. Maximum Density: ..... 58.08 dwellings per acre

5. MINIMUM OFF-STREET PARKING:
   Refer to Article 10.

6. SIGNAGE:
   Refer to Article 11.

7. FENCES AND WALLS:
   Refer to Section 9.1.

8. OTHER REQUIREMENTS:

   a. Minimum Usable Open Space per dwelling unit: ..... 300 sq. feet
   b. Distance Between Buildings on Same Lot:
   There shall be a minimum distance of twenty feet between main buildings.

c. If any main building is higher than thirty-five feet or two and one-half stories, the distance between main buildings shall be determined by application of the formula:

$$D = 5 (S_1 + S_2 - 6) + 20$$

D = distance between buildings
S_1 = height in stories of first building
S_2 = height in stories of second building

Section 5.4 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:

Accessory buildings or uses
Agricultural uses
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
Churches, and parish halls, temples, convents, and monasteries
Colleges, schools and institutions of learning (except trade, business, or industrial schools), not for profit
Community residences
Computer programming services ***
Country clubs
Day care centers, day nurseries, nursery schools and kindergartens
Dwellings, two-family
Family care home (mini-home)
Family day care home **
Fraternities, sororities, clubs and lodges excluding those the chief activity of which is a service customarily carried on as a business
Garage or yard sale
Golf courses, except miniature courses, driving ranges, or privately owned golf courses operated for commercial purposes
Home occupations
Homes for the infirm or aged *
Libraries, museums, historical buildings and grounds, arboretums, aquariums, and art galleries, not for profit
Medical laboratories, excluding for-profit blood collection centers
Multiple family dwellings
Nursing homes *
Offices, professional and business
Parks, playgrounds, and community centers, not for profit
Single family dwellings

* In effect in the City of Louisville only.
** March 1992, Docket No. 9-67-91.
*** Docket No. 9-26-00.

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

Towers (radio/tv receiving or transmitting) for non-commercial use, in accordance with Federal Communications Commission and/or Federal Aviation Agency requirements

B. 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 Article 15 for further information and requirements that apply to specific uses.

Airports, heliports
Aviaries and zoos
Camping areas, public and private
Cemeteries, mausoleums and crematories
Clubs, private non-profit and proprietary
Commercial greenhouses ***
Excavations, minor
Funeral homes
Hospitals and institutions *
Hospitals, institutions, nursing homes and homes for the infirm and aged **
Kennels
Lakes, commercial
Marinas and boat rental
Mobile home parks
Off-Street parking
Oil, gas and hydrocarbon extraction
Sewage plants
Towers, commercial

C. PROPERTY DEVELOPMENT REGULATIONS:

1. MINIMUM LOT AND DIMENSIONS:

a. Area:.....5,000 sq. feet except that a lot having less area which was recorded prior to the adoption of these regulations may be improved, provided such improvements conform in all other respects to the requirements of this section.

The minimum lot area shall be as follows:
100 square feet per 0 bedroom Dwelling Unit
200 square feet per 1 bedroom Dwelling Unit
300 square feet per 2 or more bedroom Dwelling Units

* In effect in the City of Louisville only.
** Not in effect in the City of Louisville.
*** Docket No. 9-69-88.

b. Width: ..... 50 feet

2. MINIMUM YARD REQUIREMENTS:

a. Front Yard: ..... 15 feet
b. Side Yard:
Total for both: ..... 10 feet
Minimum: ..... 5 feet
c. Street Side Yard: ..... 15 feet
d. Rear Yard: ..... 25 feet

3. MAXIMUM BUILDING HEIGHT:

There shall be no maximum height, provided all minimum yards are increased five feet for each story over three stories or forty-five feet.

4. MAXIMUM DENSITY OR FAR:

a. Maximum Floor Area Ratio: 4.0
b. Maximum Density: ..... 435 dwellings per acre
(for 0 bedroom dwelling units only)

5. MINIMUM OFF-STREET PARKING:
Refer to Article 10.

6. SIGNAGE:

a. There shall be allowed in the OR-3 District one apartment house or office building identification sign facing each bordering street. Such sign shall not exceed fifty square feet in area, if single-faced and attached flat on the face of a building, or shall not exceed 30 square feet in area, if free-standing. It may be illuminated but non-flashing. It shall not extend into any required yard but a single face sign attached flat on the face of a building may extend no more than three feet above the ceiling of the first floor of the building. A free-standing building identification sign shall not exceed a height of ten feet above the ground. Up to 50% of the area of each sign may be used for tenant identification with at least 50% dedicated to building identification or name.
b. Refer to Article 11.

7. FENCES AND WALLS:
Refer to Section 9.1.

8. OTHER REQUIREMENTS:

a. Minimum Usable Open Space per dwelling unit: ..... 150 sq. feet

b. Distance Between Buildings on Same Lot:
There shall be a minimum distance of twenty feet between main buildings.

c. If any main building is higher than thirty-five feet or two and one-half stories, the distance between main buildings shall be determined by application of the formula:

D	=	S1 + S2 + 14
D	=	distance between buildings
S1	=	height in stories of first building
S2	=	height in stories of second building

Section 5.5 OTF Office/Tourist Facility

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:

Accessory buildings or uses
Agricultural uses
Artist studios **
Assisted Living Residence **
Barbers/Cosmetologists/Hairdressers/Manicurists **
Boarding, lodging houses
Business schools
Churches, and parish halls, temples, convents, and monasteries
Clubs, private nonprofit
Colleges, schools and institutions of learning (except trade, business, or industrial schools), not for profit
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 **
Country clubs
Day care centers, day nurseries, nursery schools and kindergartens
Dwellings, two-family
Extended stay lodging**
Fraternities, sororities, clubs and lodges excluding those the chief activity of which is a service customarily carried on as a business
Family care home (mini-home)
Family day care home
Garage or yard sale
Golf courses, except miniature courses, driving ranges, or privately owned golf courses operated for commercial purposes
Homes for the infirm and aged regardless of the number accommodated *****
Home occupations
Hotels
Libraries, museums, historical buildings and grounds, arboretums, aquariums and art galleries, not for profit
Medical laboratories, excluding for-profit blood collection centers
Motels
Multiple family dwellings
Nursing homes regardless of the number accommodated *****
Offices, professional or business
Parks, playgrounds, and community centers, not for profit
Single family dwellings
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

***** In effect in the City of Louisville only.
** Docket No. 9-26-00.

Tourist homes
Towers (radio/tv receiving or transmitting) for non-commercial use, in accordance with Federal Communications Commission and/or Federal Aviation Agency requirements

B. 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 Article 15 for further information and requirements that apply to specific uses.

Airports, heliports
Aviaries and zoos
Camping areas, public and private
Cemeteries, mausoleums and crematories
Clubs, private proprietary
Commercial greenhouses
Excavations, minor
Funeral homes
Hospitals and institutions *****
Hospitals, institutions, nursing homes and homes for the infirm and aged ******
Lakes, commercial
Marinas and boat rental
Off-Street parking
Oil, gas and hydrocarbon extraction
Sewage plants
Towers, commercial

C. PROPERTY DEVELOPMENT REGULATIONS:

1. MINIMUM LOT AND DIMENSIONS:

a. Area: ..... 5,000 sq. feet
except that a lot having less area which was recorded prior to the adoption of these regulations may be improved, provided such improvements conform in all other respects to the requirements of this section.

The minimum lot area per dwelling unit shall be as follows:
100 square feet per 0 bedroom Dwelling Unit
200 square feet per 1 bedroom Dwelling Unit
300 square feet per 2 or more bedroom Dwelling Units

b. Width: ..... 50 feet

***** In effect in the City of Louisville only.
****** Not in effect in the City of Louisville.

2. MINIMUM YARD REQUIREMENTS:

   a. Front Yard: ..... 15 feet
   b. Side Yards:
      Total for both: ..... 10 feet
      Minimum: ..... 5 feet
   c. Street Side Yard: ..... 15 feet
   d. Rear Yard: ..... 25 feet

3. MAXIMUM BUILDING HEIGHT:

   There shall be no maximum height, provided all minimum yards are increased one foot for each story over three stories or forty-five feet.

4. MAXIMUM DENSITY OR FAR:

   a. Maximum Floor Area Ratio: 4.0
   b. Maximum Density: ..... 435 dwelling units per acre (for 0 bedroom dwelling units only)

5. MINIMUM OFF-STREET PARKING:

   Refer to Article 10.

6. SIGNAGE:

   a. There shall be allowed in the OTF District one on-premises business sign for each business located on the ground floor of the premises and one apartment house or office building identification sign. Where such business or office building borders on more than one street, it may have an additional sign for each street. Such sign shall be single-faced, attached flat on the face of a building, shall not exceed a maximum of fifty square feet in area, shall not exceed a height of more than fifteen feet above the ground, and may be illuminated, but non-flashing. It shall not extend into any required yard, but a single face sign attached flat on the face of a building may extend no more than twelve inches from the surface of such building. Free-standing ground signs are prohibited except for one building identification sign for each apartment house, office building, motel or hotel, which sign shall not exceed a height of ten feet above aground and shall not be more than thirty square feet in area. Up to 50% of the area of the sign may be used for tenant identification with at least 50% dedicated to building identification or name.
   b. Refer to Article 11.

7. FENCES AND WALLS:
   Refer to Section 9.1.

8. OTHER REQUIREMENTS:

Section 5.5 OTF Office/Tourist Facility

a. Minimum Usable Open Space: ..... 150 sq. feet

b. Distance Between Buildings on Same Lot:
There shall be a minimum distance of twenty feet between main buildings.

c. If any main building is higher than thirty-five feet or two and one-half stories, the distance between main buildings shall be determined by application of the formula:

$$D = S_1 + S_2 + 14$$

D = distance between buildings

S_1 = height in stories of first building

S_2 = height in stories of second building

ARTICLE 6 COMMERCIAL AND INDUSTRIAL DISTRICT REGULATIONS

Section 6.1	C-N	Neighborhood Commercial District
Section 6.2	C-R	Commercial Residential District *
Section 6.3	C-1	Commercial District
Section 6.4	C-2	Commercial District
Section 6.5	C-3	Central Business District
Section 6.6	C-M	Commercial Manufacturing District
Section 6.7	EZ-1	Enterprise Zone **

***** In effect only in the City of Louisville and in unincorporated Jefferson County

****** Not in effect in the City of St. Matthews

Section 6.1 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
Boarding, lodging houses
Book stores 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, two family
Family care home (mini-home)
Family day care 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
Multiple family dwellings
Offices, professional or business
Parks, playgrounds, and community centers
Picture framing

***** Not in effect in the City of Louisville.
****** March 1992, Docket No. 9-67-91.
*** Docket No. 9-26-00.

Restaurants and pubs (without drive-in facilities) if a minor, integral part of an organized shopping center
Saddle and harness shops
Shoe repair shops
Single family dwellings
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
Towers (radio/tv receiving or transmitting) for non-commercial use, in accordance with Federal Communications Commission and/or Federal Aviation Agency requirements

B. 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 Article 15 for further information and requirements that apply to specific uses.

Airports, heliports
Aviaries and zoos
Camping areas, public and private
Cemeteries, mausoleums and crematories
Excavations, minor
Hospitals and institutions *****
Hospitals, institutions, nursing homes and homes for the infirm and aged ******
Lakes, commercial
Marinas and boat rental
Off-Street parking
Oil, gas and hydrocarbon extraction
Sewage plants
Towers, Commercial

C. PROPERTY DEVELOPMENT REGULATIONS:

1. MINIMUM LOT AND DIMENSIONS:

a. None, except residential uses shall provide the minimum requirements for the R-6 District. A development plan shall be submitted for Planning Commission approval for all lots over 1 acre in size before a building permit can be issued.
b. Area Requirements:

(1) No C-N zone shall have an area in excess of five acres.
(2) Residential uses shall provide the minimum requirements for the R-6 District.

***** In effect in the City of Louisville only.
****** Not in effect in the City of Louisville.

2. MINIMUM YARD REQUIREMENTS:

   a. Front Yard: ..... 15 feet
   b. Side Yards: ..... None
   c. Street Side Yard: ..... 15 feet
   d. Rear Yard: ..... 30 feet
   e. When a C-N Neighborhood Commercial District is adjacent to a residential or office district, the yard requirements for the residential district shall apply to all abutting yards (i.e. residential front yard requirements shall apply to the commercial front yard, residential rear yard requirements shall apply to the commercial rear yard, etc.). Front and street side yards shall be continued into the Commercial District to a minimum of 200 feet or to the first street intersection.

Editor's note: *An intervening alley does not cancel the residential yard requirements. Refer to section 10.1.A.2.c for required setback for parking spaces adjacent to residential or office districts.*

   f. Residential uses in this district shall observe the yard requirements for the R-6 District.

3. MAXIMUM BUILDING HEIGHT:

   Two and one-half stories, not to exceed thirty-five feet.

4. MAXIMUM DENSITY OR FAR:

   a. Maximum Floor Area Ratio: 5
   b. Maximum Density: ..... 17.42 dwellings per acre

5. MINIMUM OFF-STREET PARKING:
   Refer to Article 10., including 10.1.N. (waivers)

6. SIGNAGE:
   Refer to Article 11.

7. FENCES AND WALLS:
   Refer to Section 9.1.

8. OTHER REQUIREMENTS:

   a. Minimum Usable Open Space: - - - - - - - - - - - - - - - None
      except residential uses shall provide the minimum requirements for the R-6 District.
   b. Distance Between Buildings on Same Lot:- - - - - - - - None
      except residential uses shall provide the minimum requirements for the R-6 District.

Section 6.2 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
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
Family day care centers
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
Restaurants and delicatessens as allowed in the C-l 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 appropriate Board of Zoning Adjustment. Refer to Article 15 for further information and requirements that apply to specific uses.

Boarding and lodging houses accommodating more than eight persons
Clubs, private non-profit and private proprietary
Convents and monasteries which accommodate more than eight persons
Excavations, minor
Funeral homes

* Docket No. 9-59-92, in effect only in the City of Louisville and unincorporated Jefferson County.

Hospitals and institutions accommodating more than eight persons *****
Hospitals, institutions, nursing homes and homes for the infirm and aged ******
Off-Street parking
Oil, gas and hydrocarbon extraction
Towers, commercial

D. PROPERTY DEVELOPMENT REGULATIONS:

1. BUSINESS USE REQUIREMENTS:

   a. Uses permitted by Paragraph B above shall only occupy the first floor of any structure having more than one story and shall not exceed 50% of the floor area of the entire structure. The remaining floor area shall be used only for dwelling unit(s).
   b. All uses shall be conducted within an enclosed structure. No outdoor storage of supplies, materials or products shall be permitted.

2. MINIMUM LOT AND DIMENSIONS:

   a. Area:..... 6,000 sq. feet
   except that a lot having less area which was recorded prior to the adoption of these regulations may be improved, provided such improvements conform in all other respects to the requirements of this section.
   b. Width:.....50 feet

   The minimum lot area shall not be less than 1,250 square feet per dwelling unit.

3. MINIMUM YARD REQUIREMENTS:

   a. Front Yard:.....15 feet
   b. Side Yards:
      Total for both:.....10 feet
      Minimum:.....5 feet
   c. Street Side Yard:.....15 feet
   d. Rear Yard: .....20 feet
   except that a structure having smaller setbacks which was legally constructed prior to the application of this zoning classification may be used as allowed in Paragraphs A and B above.

4. MAXIMUM BUILDING HEIGHT:
   Three stories, not to exceed forty-five feet.

5. MAXIMUM DENSITY OR FAR:

   a. Maximum Floor Area Ratio.....3.0
   b. Maximum Density.....34.8 dwellings per acre

***** In effect in the City of Louisville only.
****** Not in effect in the City of Louisville.

6. MINIMUM OFF-STREET PARKING:

Residential uses shall provide off-street parking in accordance with Section 10.1 of the regulations. Business uses listed in paragraph B. above and occupying 1,000 square feet of floor area or more shall provide off-street parking in accordance with Section 10.1 of these regulations*. Any new construction, addition or expansions of structures after the application of the C-R classification shall provide off-street parking spaces as required in Section 10.1. Business uses that occupy less than 1,000 square feet of floor area shall demonstrate, to the satisfaction of the Director of the agency responsible for zoning enforcement, as many of the off-street parking spaces required by Section 10.1 as practicable, with a potential minimum of zero parking spaces.

7. SIGNAGE:

One illuminated or non-illuminated sign attached flat on the face of the building and extending no more than 12 inches from the surface of such building is allowed to face each street bordering the site on which a structure in the C-R zone is located. Said sign may not exceed 12 square feet in area. In no event shall an attached sign be located more than three feet above the ceiling of the first floor of the building.

8. FENCES AND WALLS:
Refer to Section 9.1.

9. OTHER REQUIREMENTS:

a. Minimum Usable Open Space per dwelling unit ..... 150 sq. feet

b. Distance Between Buildings on Same Lot:

(1) There shall be a minimum distance of twenty-five feet between buildings.

***[Note: Section 10.1, N. 1. b. exempts certain commercial uses of up to 2,500 square feet located in corner commercial structures from any parking requirement.]**

Section 6.3 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

Assisted Living Residence **

Audio and video recording studios, provided 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 **

Athletic facilities (except in City of Louisville)

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

Beer depots where alcoholic beverages are not consumed on the premises

Bicycle sales and service

Boarding and lodging houses

Book stores

Bowling alleys, provided the building is sound proof

Business schools

Catering kitchen/bakery preparing food and meals for sale or consumption elsewhere **

Car washes having prior approval by the agency responsible for traffic engineering

Churches, parish halls, temples, convents and monasteries

Clubs, private, non-profit or proprietary

Colleges, schools and institutions of learning, not for profit

Community buildings

Community residences

Computer sales (hardware and software) and programming services **

Confectionery or candy stores, retail (all products produced to be sold on the premises only)

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

* Docket No. 9-59-92.

** Docket No. 9-26-00.

Dry goods and notion stores
Dwelling, two family
Electric appliance stores
Extended stay lodging ***
Family care home (mini-home)
Family day care 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 (except in City of Louisville)
Home occupations
Homes for the infirm or aged *
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 9.4) may be provided.
Ice storage houses of not more than five (5) ton capacity
Interior decorating shops
Jewelry stores
Laundries or launderettes, self-service
Libraries, museums, historical buildings and grounds, arboretums, aquariums, and art galleries
Medical laboratories
Music stores
Multiple family dwellings
Nurseries, retail
Nursing homes *
Office, business, professional and governmental
Package liquor stores and beer depots, where alcoholic beverages are not consumed on the premises***
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
Picture framing ***
Radio and television stores
Rental businesses offering items whose sale is a permitted use in this district ***

***** In effect in the City of Louisville only.
****** March 1992, Docket No. 9-67-91.
*** Docket No. 9-26-00.

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
Single family dwellings
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. *
Towers (radio/tv Receiving or Transmitting) for commercial use, in accordance with Federal Communications Commission and/or Federal Aviation Agency requirements
Toy and hobby stores
Variety stores
Veterinary hospital, provided the operation is conducted within a soundproofed building, no animals are boarded, and there are no runs or pens outside of the building
Videocassette and similar products, rental and sales but not constituting an adult video cassette rental center ****
Wearing apparel shops

Those uses which are more similar in appearance and intensity to the above list of uses than to uses listed elsewhere in these regulations.

***** In effect in the cities of Lyndon and St. Matthews only.
****** Not in effect in the City of Louisville.
******* Adopted October 1988, Docket No. 9-49-88.
******** Docket 9-26-00.

B. CONDITIONAL USES:

The following uses may be permitted in this district, upon the granting of a Conditional Use Permit by the appropriate Board of Zoning Adjustment. Refer to Article 15 for further information and requirements that apply to specific uses.

Airports, heliports
Aviaries and zoos
Camping areas, public and private
Cemeteries, mausoleums and crematories
Commercial kennels ***
Excavations, minor
Hospitals, institutions, nursing homes and homes for the infirm and aged *
Hospitals and institutions ***
Lakes, commercial
Marinas and boat rental
Mobile home park
Oil, gas and hydrocarbon extraction
Sewage plants

C. PROPERTY DEVELOPMENT REGULATIONS:

1. MINIMUM LOT AND DIMENSIONS:
None, except residential uses shall provide the minimum requirements for the R-7 District.

2. MINIMUM YARD REQUIREMENTS:

a. Front Yard: ..... None
b. Side Yard ..... None
c. Street SideYard ..... None
d. Rear Yard ..... 20 feet
e. When a (C-N, C-1, C-2, C-M) Commercial District is adjacent to a residential or office district the yard requirements in the residential district shall apply to all abutting yards (i.e. residential front yard requirements shall apply to the commercial front yard, residential rear yard requirements shall apply to the commercial rear yard, etc.). Front and street side yards shall be continued into the Commercial District to a minimum of 200 feet or to the first street intersection.

Editor's note: *An intervening alley does not cancel the residential yard requirements. Refer to section 10.1.A.2.c for required setback for parking spaces adjacent to residential or office districts.*

f. Residential uses in this district shall observe the yard requirements for the R-7 District.

***** Not in effect in the City of Louisville.
****** In effect in the City of Louisville only.
******* Docket No. 9-59-92.

3. MAXIMUM BUILDING HEIGHT:
   Two and one-half stories, not to exceed thirty-five feet.

4. MAXIMUM DENSITY OR FAR:

   a. Maximum Floor Area Ratio-- - - - - - - - - -- - - - - - - - 1.0
   b. Maximum Density - - - - - - - - - 34.84 dwellings per acre

5. MINIMUM OFF-STREET PARKING:
   Refer to Section 10.

6. SIGNAGE:
   Refer to Section 11.

7. FENCES AND WALLS:
   Refer to Section 9.1.

8. OTHER REQUIREMENTS:

   a. Minimum Usable Open Space - - - - - - - - - - - - - - - None
      except residential uses shall provide the minimum requirements for the R-7 District
   b. Distance between Buildings on Same Lot: - - - - - - - None
      except residential uses shall provide the minimum requirements for the R-7 District.

Section 6.4 C-2 Commercial District

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

A. PERMITTED USES:

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
Adult entertainment, subject to the requirements of Section 9.4
Agricultural uses
Assisted Living Residence ***
Athletic facilities
Auction sales, except animals and tobacco
Automobile parking areas, public and private
Automobile rental agencies **
Automobile repair garages
Automobile sales agencies
Automobile service stations
Bakeries, retail (all products produced to be sold on the premises only)
Banks, credit unions, savings and loans and similar financial institutions
Barber shops and beauty shops
Beer depots where alcoholic beverages are not consumed on the premises
Bicycle sales and service
Billiard parlors; game rooms and similar entertainment uses ***
Bingo halls and parlors *
Boarding and lodging houses
Bookbinding
Book stores
Bowling alleys, provided the building is sound proof
Building materials, storage and sales provided all operations are totally enclosed in a building
Business schools
Car washes having prior approval by the agency responsible for traffic engineering
Churches, parish halls, temples, convents, and monasteries
Cleaning, pressing, and dyeing establishments using non-flammable and non-explosive cleaning fluid
Clubs, private, non-profit or proprietary
Colleges, schools and institutions of learning
Community buildings
Community residences
Confectionery or candy stores, retail (all products produced to be sold on the premises only)
Country clubs
Dance halls
Dancing instruction
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
Dry goods and notion stores
Dwellings, two family
Electric appliance stores

* June 1990.
** March 1992, Docket No. 9-67-91.
*** Docket No. 9-26-00.

Engraving, watchmaking, and jewelry manufacturing, where products are sold on premises
Equipment rental, where all activities are within a building
Extended stay lodging ***
Family care home (mini-home)
Family day care home **
Flea market
Florist shops
Fraternities, sororities, clubs and lodges excluding those where the chief activity of which is a service customarily carried on as a business.
Funeral homes
Furniture, storage
Furniture stores
Garage or yard sale
Golf courses, except miniature courses, driving ranges, or privately owned golf courses operated for commercial purposes
Governmental buildings, including armories, storage, maintenance and repair facilities
Grocery stores, including fruit, meat, fish, and vegetable
Hardware and paint stores
Health spas
Home occupations
Homes for the infirm and aged *
Hotels and motels
Ice storage houses of not more than five (5) ton capacity
Interior decorating shops
Jewelry stores
Laundries or launderettes, self-service
Libraries, museums, historical buildings and grounds, arboretums, aquariums, and art galleries
Medical laboratories
Monument sales
Multiple family dwellings
Music and vocal instructions
Music stores
Nurseries, retail
Nursing homes *
Office, business, professional and governmental
Package liquor stores, where alcoholic beverages are not consumed on the premises
Parks, playgrounds, and community centers, not for profit
Pet shops
Photographic shops
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
Radio and television stores
Refrigerated lockers
Restaurants with drive-through windows having prior approval by the agency responsible for traffic engineering.

***** In effect in the City of Louisville only.
****** March 1992. Docket No. 9-67-91.
*** Docket No. 9-26-00.

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

Shoe repair shops

Shoe stores

Sign painting

Single family dwellings

Skating rinks (ice or roller)

Stationery stores

Tailor

Tanning salons

Tattoo parlors **

Taverns, bars and saloons and lounges, and restaurants identified by signs as a "tavern", "bar", "saloon", "lounge" or similar designation

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 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. *****

Theaters, enclosed within a building

Tourist homes

Towers (radio/tv receiving or transmitting) for commercial or non-commercial use, in accordance with Federal Communications Commission and/or Federal Aviation Agency requirements

Toy and hobby stores

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

Variety stores

Veterinary hospital, provided the operation is conducted within a soundproofed building, no animals are boarded, and there are no runs or pens outside of the 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.

***** In effect in the cities of Lyndon & St. Matthews only.

** Docket No. 9-26-00.

B. CONDITIONAL USES:

The following uses may be permitted in this district, upon the granting of a Conditional Use Permit by the appropriate Board of Zoning Adjustment. Refer to Article 15 for further information and requirements that apply to specific uses.

Airports, heliports
Amusement parks
Aviaries and zoos
Camping areas, public and private
Cemeteries, mausoleums and crematories
Circus and carnival grounds
Commercial kennels ********
Drive-in theaters
Excavations, minor
Golf driving ranges; miniature golf courses; privately owned golf courses operated for a commercial purpose
Hospitals, institutions, nursing homes and homes for the infirm and aged *****
Hospitals and institutions ******
Lakes, commercial
Marinas and boat rentals
Mini-warehouse
Mobile home park
Mobile home sales, display or storage
Oil, gas and hydrocarbon extraction
Race tracks, animal
Riding academy, commercial stables
Rifle range
Sewage plants
Sports arenas
Underground space *******

C. PROPERTY DEVELOPMENT REGULATIONS:

1. MINIMUM LOT AND DIMENSIONS:

None, except residential uses shall provide the minimum requirements for the OR-3 District.

2. MINIMUM YARD REQUIREMENTS:

a. Front Yard ..... None
b. Side Yard ..... None
c. Street Side Yards ..... None
d. Rear Yard ..... 20 feet
e. When a C-2 Commercial District is adjacent to a residential or office district the yard requirements in the residential district shall apply to all abutting yards (i.e. residential front yard requirements shall apply to the commercial front yard, residential rear yard requirements shall apply to the commercial rear yard, etc.). Front and street side yards shall be continued into the Commercial District to a minimum of 200 feet or to the first street intersection.

Editor's note: *An intervening alley does not cancel the residential yard requirements. Refer to section 10.1.A.2.c for required setback for parking spaces adjacent to residential or office districts.*

***** Not in effect in the City of Louisville.
****** In effect in the City of Louisville only.
******* Docket No. 9-96-87.
******** Docket No. 9-59-92.

f. Residential uses in this district shall observe the yard requirements for the OR-3 District.

g. When residential uses are combined with other uses in the C-2 Commercial District, yard requirements other than those established in this district shall apply only to the portions of a building used for residential purposes. In this instance the definition of a yard may be modified to mean an area open to the sky at the first floor of the residential portion of a building. However, in computing a required yard, the measurement of the number of stories in a building shall start at the ground.

3. MAXIMUM BUILDING HEIGHT:

Two times the width of the street at the front property line. Additional height may be obtained by stepping the building back one foot on all sides for each four feet of added height.

Editor's note*: Width of right-of-way, not street pavement, is the basis for calculating permissible height.*

4. MAXIMUM DENSITY OR FAR:

Maximum Floor Area Ratio.....5.0
Maximum Density:
- for 0 bedroom apartments..... 435 units per acre
- for 1 bedroom apartments..... 217.8 units per acre *
- for 2 bedroom apartments..... 145.2 units per acre *

5. MINIMUM OFF-STREET PARKING:
Refer to Article 10.

6. SIGNAGE:
Refer to Article 11.

7. FENCES AND WALLS:
Refer to Section 9.3.

8. OTHER REQUIREMENTS:

a. Minimum Usable Open Space- - - - - - - - - -- - - - - - -None
except residential uses shall provide the minimum requirements for the OR-3 District

b. Distance between Buildings on Same Lot: - - - - - - - None
except residential uses shall provide the minimum requirements for the OR-3 District.

* Docket No. 9-26-00.

Section 6.5 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.

B. CONDITIONAL USES:

The following uses may be permitted in this district, upon the granting of a Conditional Use Permit by the appropriate Board of Zoning Adjustment. Refer to Article 15 for further information and requirements that apply to specific uses.

Airports, heliports
Aviaries and zoos
Camping areas, public and private
Cemeteries, mausoleums and crematories
Excavations, minor
Hospitals and institutions *****
Hospitals, institutions, nursing homes and homes for the infirm and aged ******
Lakes, commercial
Marinas and boat rentals
Mobile home sales, display or storage
Oil, gas and hydrocarbon extraction
Sewage plants
Sports arenas

C. PROPERTY DEVELOPMENT REGULATIONS:

1. MINIMUM LOT AND DIMENSIONS:

None.

***** In effect in the City of Louisville only.
****** Not in effect in the City of Louisville.
*** Docket No. 9-44-01.

***Editor's Note**:* This section amended January, 2000, Docket No. 9-72-99.

Section 6.5 C-3 Commercial District

2. MINIMUM YARD REQUIREMENTS:

   a. Front Yard: ..... None
   b. Side Yard: ..... None
   c. Street Side Yard: ..... None
   d. Rear Yard: ..... 20 feet
   except that a building on a lot backing to an alley may be constructed to the property line provided that the Director of Works finds, based on site characteristics, building design, proposed use and accepted trafic engineering principles, that adequate off-street loading facilities are furnished.

3. MAXIMUM BUILDING HEIGHT:

   None, however structures taller than 20 stories or 200 feet are allowed after receiving Planning Commission review to ascertain that such structures promote the guidelines of the Comprehensive Plan through:

   a. More efficient use of land with provisions for adequate amounts of open space.
   b. Provision of adequate vehicular and pedestrian circulation.
   c. Promotion of revitalization and redevelopment of the CBD.
   d. Grouping of professional and commercial services near complementary land uses.
   e. Implementation of the Comprehensive Plan and other future development plans adopted for the CBD. Projects will be brought for review by the Planning Commission at the earliest feasible point in the development process.

4. MAXIMUM DENSITY OR FAR:

   Maximum Floor Area Ratio: ..... None
   Maximum Density: ..... 435 units per acre

5. MINIMUM OFF STREET PARKING:
   Refer to Article 10.

6. SIGNAGE:
   Refer to Article 11.

7. FENCES AND WALLS:
   Refer to Section 9.1.

8. OTHER REQUIREMENTS:

   a. Minimum Usable Open Space:.....None
   b. Distance Between Buildings on Same Lot:……..None

Section 6.6 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:

The following uses may be permitted in this district, upon the granting of a Conditional Use Permit by the appropriate Board of Zoning Adjustment. Refer to Article 15 for further information and requirements that apply to specific uses.

Airports, heliports
Amusement parks
Aviaries and zoos
Camping areas, public and private
Cemeteries, mausoleums and crematories
Circus and carnival grounds
Commercial kennels ********
Drive-in theaters
Excavations, minor
Golf driving ranges, miniature golf courses and privately owned golf courses operated for a commercial purpose
Hospitals, institutions, nursing homes and homes for the infirm and aged *****
Hospitals and institutions ******
Lakes, commercial
Marinas and boat rental
Mobile home park
Mobile home sales, display or storage
Oil, gas and hydrocarbon extraction
Race tracks, animal
Riding academies and stables
Sewage plants
Sports arenas
Underground space *******

C. PROPERTY DEVELOPMENT REGULATIONS:

1. MINIMUM LOT AND DIMENSIONS:

None, except residential uses shall provide the minimum requirements for the OR-3 District.

***** Not in effect in the City of Louisville.
****** In effect in the City of Louisville only.
******* Docket No. 9-96-87.
******** Docket No. 9-59-92.

2. MINIMUM REQUIREMENTS:

   a. Front Yard: ..... None
   b. Side Yard: ..... None
   c. Street Side Yard: ..... None
   d. Rear Yard: ..... 20 feet
   e. When a C-M Commercial District is adjacent to a residential or office district the yard requirements in the residential district shall apply to all abutting yards (i.e. residential front yard requirements shall apply to the commercial front yard, residential rear yard requirements shall apply to the commercial rear yard, etc.). Front and street side yards shall be continued into the Commercial District to a minimum of 200 feet or to the first street intersection.

Editor's note*: An intervening alley does not cancel the residential yard requirements. Refer to section 10.1.A.2.c for required setback for parking spaces adjacent to residential or office districts.*

   f. Residential uses in this district shall observe the yard requirements for the OR-3 District.
   g. When residential uses are combined with other uses in the C-2 Commercial District, yard requirements other than those established in this district shall apply only to the portions of a building used for residential purposes. In this instance the definition of a yard may be modified to mean an area open to the sky at the first floor of the residential portion of a building. However, in computing a required yard, the measurement of the number of stories in a building shall start at the ground.

3. MAXIMUM BUILDING HEIGHT:

   Two times the width of the street at the front property line. Additional height may be obtained by stepping the building back one foot on all sides for each four feet of added height.

Editor's note*: Width of right-of-way, not street pavement, is the basis for calculating permissible height.*

4. MAXIMUM DENSITY OR FAR:
   Maximum Floor Area Ratio - - - - - - - - - - - - - - - - - - - 5.0

5. MINIMUM OFF-STREET PARKING:
   Refer to Article 10.

6. SIGNAGE:
   Refer to Article 11.

7. FENCES AND WALLS:
   Refer to Section 9.1.

8. OTHER REQUIREMENTS:

   a. Minimum Usable Open Space - - - - - - - - - - - - - - - None
      except residential uses shall provide the minimum requirements for the OR-3 District
   b. Distance between Buildings on Same Lot: - - - - - - -None
      except residential uses shall provide the minimum requirements for the OR-3 District

Section 6.7 EZ-1 Enterprise Zone District *

The following provisions shall apply in the EZ-1 District 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.

A. PERMITTED USES:

All uses permitted in the C-2 Commercial and M-3 Industrial Districts except as follows:

a. Uses permitted in the C-2 or M-1 district may locate anywhere within the EZ-1 District as long as minimum Property Development Regulations (see Section 6.7C) are met. All other uses must observe a 200 foot setback from any residential use not zoned EZ-1 or to the first street intersection, whichever is less, unless the Planning Commission 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 guidelines of the Comprehensive Plan.
b. 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.
c. Adult entertainment uses.

When the EZ-1 Enterprise District is applied in 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:

The following uses may be permitted in this district, upon the granting of a Conditional Use Permit by the appropriate Board of Zoning Adjustment. Refer to Article 15 for further information and requirements that apply to specific uses. Refer to Article 15, part 36 for specific requirements relating to hazardous uses in the EZ-1 District.

Airports, heliports
Aviaries and zoos
Camping areas, public and private
Cemeteries, mausoleums and crematories
Excavations, minor
Hazardous or objectionable uses:
- Aluminum powder and paint manufacture processing or treatment (but not storage)
- Brick, fireback, tile, clay products, including refractories
- Cement, gypsum, lime, and plaster of paris
- Charcoal, lampblack, carbon black, bone black, and fuel briquettes, including pulverizing

***** Not in effect in the City of St. Matthews.

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, 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, cupolos, and blooming mills
Minerals and earths (including sand-lime products), grinding, crushing, processing, or storage
Petroleum or petroleum products, refining, storage, including gasoline or other petroleum products
Plastic, manufacturing, processing, treatment or bulk storage
Radio-active materials
Waste paper and rag operations
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
Wood pulp or fiber, reduction or processing (including paper mill operations)

Hospitals and institutions *****
Hospitals, institutions, nursing homes and homes for the infirm and aged ******
Indoor recycling
Lakes, commercial
Marinas and boat rental
Oil, gas and hydrocarbon extraction
Sewage plants
Underground space *******

C. PROPERTY DEVELOPMENT REGULATIONS:

1. MINIMUM LOT AND DIMENSIONS:
None

2. MINIMUM YARD REQUIREMENTS:

a. Front Yard ..... None
b. Side Yards ..... None
c. Street Side Yard ..... None
d. Rear Yard: ..... 20 feet
e. When an EZ-1 Enterprise District is adjacent to a residential use, the front, side and street side yard requirements for the R-5 Residential District shall be observed for a distance of 200 feet from the residential use or to the first street intersection, whichever is less.

Editor's note: *An intervening alley does not cancel the residential yard requirements. Refer to section 10.1.A.2.c for required setback for parking spaces adjacent to residential or office districts.*

***** In effect in the City of Louisville only.
****** Not in effect in the City of Louisville.
******* Docket No. 9-96-87.

3. MAXIMUM BUILDING HEIGHT:

   Two times the width of the street at the front property line. Additional height may be obtained by stepping the building back one foot on all sides for each four feet of added height.

Editor's note*: Width of right-of-way, not street pavement, is the basis for calculating permissible height.*

4. MAXIMUM DENSITY OR FAR:
   Maximum Floor Area Ratio:.....5.0

5. MINIMUM OFF-STREET PARKING:
   Refer to Article 10.

6. SIGNAGE:
   Refer to Article 11.

7. FENCES AND WALLS:
   Refer to Section 9 .1.

8. OTHER REQUIREMENTS:
   None

ARTICLE 6 COMMERCIAL AND INDUSTRIAL DISTRICT REGULATIONS

Section 6.8	M-1	Industrial District
Section 6.9	M-2	Industrial District
Section 6.10	M-3	Industrial District

Section 6.8 M-1 Industrial District

The following provisions shall apply in the M-l 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

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-l District
Vehicle service stations or repair

Automobile parking areas, public and private

Churches, parish halls and temples

Contractor's shop, including but not limited to building, electrical, HVAC, landscape, and plumbing contractors, provided all operations are confined within a building **

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

Medical laboratories

Office buildings, as accessory uses only

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

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
Agricultural uses
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
Carting and light local deliveries

***** June, 1990
** Docket No. 9-26-00.

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
Greenhouses, wholesale
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
Laboratories, research, experimental or testing, but not including combustion type motor-testing
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
Radio and television towers and antennas

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
Warehouse, storage
Wholesale houses and distributors, provided the operation is enclosed in a building
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:

The following uses may be permitted in this district, upon granting of a Conditional Use Permit by the appropriate Board of Zoning Adjustment. Refer to Article 15 for further information and requirements that apply to specific uses.

Airports, heliports
Aviaries and zoos
Camping areas, public and private
Cemeteries, mausoleums and crematories
Commercial kennels ********
Excavations, minor
Hospitals and institutions *****
Hospitals, institutions, nursing homes and homes for the infirm and aged ******
Lakes, commercial
Marinas and boat rentals
Oil, gas and Hydrocarbon extraction
Sewage Plants
Underground space *******

***** In effect in the city of Louisville only.
****** Not in effect in the city of Louisville.
******* Docket No. 9-96-87.
******** Docket No. 9-59-92.

C. PROPERTY DEVELOPMENT REGULATIONS:

1. MINIMUM LOT AND DIMENSIONS:
   None

2. MINIMUM YARD REQUIREMENTS:

   a. Front Yard: ..... None
   except when an M-l Industrial District abuts a residential or office district the front yard requirements of the residential district shall be continued into the M-l Industrial District a minimum of 200 feet or to the first street intersection.

   b. Side Yard: ..... None
   except when an M-l Industrial District abuts a residential or office district there shall be a side yard of 20 feet on that side

   c. Street Side Yard: ..... None
   except when an M-l Industrial District abuts a residential or office district the street side yard requirements of the residential district shall be continued into the M-l Industrial District a minimum of 200 feet or to the first street intersection.

   d. Rear Yard: ..... None
   except when an M-l Industrial District abuts a residential or office district there shall be a rear yard of 20 feet.

Editor's note: *An intervening alley does not cancel the residential yard requirements. Refer to section 10.1.A.2.c for required setback for parking spaces adjacent to residential or office districts.*

3. MAXIMUM BUILDING HEIGHT:
   Three stories, not to exceed forty-five feet.

4. MAXIMUM DENSITY OR FAR:
   Maximum Floor Area Ratio 2.0

5. MINIMUM OFF-STREET PARKING:
   Refer to Article 10.

6. SIGNAGE:
   Refer to Article 11.

7. FENCES AND WALLS:
   Refer to Section 9 .1.

8. OTHER REQUIREMENTS:
   None

Section 6.9 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-l District

Flea market

River terminals

Uses, manufacture, processing, treatment, or storage of the following:

- Air conditioning, commercial
- Aircraft and aircraft parts
- Aluminum extrusion, rolling, fabrication, and forming
- Animal and poultry raising, commercial
- 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
- Building materials (cement, lime, sand, gravel, lumber, and the like), storage and sales
- Bus garage and repair shop
- Carpet, rug, mat
- Clay, stone, glass products
- Coal and coke, storage and sales
- Concrete products (except central mixing and proportioning plant)
- Culvert
- Distilleries, breweries, and non-industrial alcoholic spirits
- Exposition building or center
- Fairgrounds
- 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
- Garage, public
- 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
Lumber yards
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
Pottery and porcelain products
Pencils
Perfumes or perfumed soaps, commercial
Plating, electrolytic process
Plumbing supplies
Pulp goods, pressed or molded (including paper-mache products)
Railroad freight terminals and yards
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
Solid waste transfer station *****
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 **
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
Training schools (industrial and vocational) including combustion engine schools
Truck or transfer terminal, freight and motor freight and motor freight stations
Warehouses, produce and storage
Waterfront shipping
Wholesale houses and distributors
Wholesale markets (goods not contained in totally enclosed buildings)

***** Docket No. 9-59-92.
** Docket No. 9-26-00.

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 granting of a Conditional Use Permit by the appropriate Board of Zoning Adjustment. Refer to Article 15 for further information and requirements that apply to specific uses .

Airports, heliports
Aviaries and zoos
Camping areas, public and private
Cemeteries, mausoleums and crematories
Commercial kennels ********
Excavation, filling and refuse disposal operations
Excavation, minor
Hospitals and institutions *****
Hospitals, institutions, nursing homes and homes for the infirm and aged ******
Hog feeding yards, commercial
Indoor recycling
Lakes, commercial
Marinas, commercial
Oil, gas and hydrocarbon extraction
Sewage plants
Underground space *******

C. PROPERTY DEVELOPMENT REGULATIONS:

1. MINIMUM LOT AND DIMENSIONS: ..... None

2. MINIMUM YARD REQUIREMENTS:

a. Front Yard: ..... None
except when an M-2 Industrial District abuts a residential or office district the front yard requirements of the residential district shall be continued into the M-2 Industrial District a minimum of 200 feet or to the first street intersection

b. Side Yard: ..... None
except when an M-2 Industrial District abuts a residential or office district there shall be a side yard of 30 feet on that side

c. Street Side Yard: ..... None
except when an M-2 Industrial District abuts a residential or office district the street side yard requirements of the residential district shall be continued into the M-2 Industrial District a minimum of 200 feet or to the first street intersection

d. Rear Yard: ..... None
except when an M-2 Industrial District abuts a residential or office district there shall be a rear yard of 30 feet

Editor's note: *An intervening alley does not cancel the residential yard requirements. Refer to section 10.1.A.2.c for required setback for parking spaces adjacent to residential or office districts.*

***** In effect in the city of Louisville only.
****** Not in effect in the city of Louisville.
******* Docket No. 9-96-87.
******** Docket No. 9-59-92.

3. MAXIMUM BUILDING HEIGHT:

   Two times the width of the street on which the property fronts at the property line. 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. When adjacent to residential districts applicable yard requirements shall be increased one foot for each story over 3, or 45 feet.

Editor's note*: Width of right-of-way, not street pavement, is the basis for calculating permissible height.*

4. MAXIMUM DENSITY OR FAR:
   Maximum Floor Area Ratio: - - - - - - - - - - - - - - -3.0

5. MINIMUM OFF-STREET PARKING:
   Refer to Article 10.

6. SIGNAGE:
   Refer to Article 11.

7. FENCES AND WALLS:
   Refer to Section 9.1.

8. OTHER REQUIREMENTS:
   None

Section 6.10 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

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
- Electric power and steam generating plants
- Film, photographic
- Flour, feed, grain except grain elevators
- Foundries, ferrous or non-ferrous, brass, bronze
- Forge plants, drop hammer or pneumatic
- 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)
- Race tracks for motor-powered vehicles
- Railroad yard, roundhouse, repair and overhaul shops, railroad equipment including locomotive and railroad car building and repair
- Rice cleaning and polishing

Refrigerating plants
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
Salt-tanning materials and allied products
Sauerkraut
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
Storage of coal and gas, yards and pockets
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:

The following uses may be permitted in this district, upon granting of a Conditional Use Permit by the appropriate Board of Zoning Adjustment. Refer to Article 15 for further information and requirements that apply to specific uses

Airports, heliports
Aviaries and zoos
Camping areas, public and private
Cemeteries, mausoleums and crematories
Commercial kennels *****
Excavation, minor
Excavations, filling and refuse disposal
Hazardous uses
Hog feeding yards, commercial
Hospitals and institutions ******
Hospitals, institutions, nursing homes and homes for the infirm and aged *******
Lakes, commercial
Marinas and boat rentals
Oil, gas and hydrocarbon extraction
Sewage plants
Underground space ********

***** Docket No 9-59-92
****** In effect in the city of Louisville only.
******* Not in effect in city of Louisville.
******** Docket No. 9-96-87.

C. PROPERTY DEVELOPMENT REGULATIONS:

1. MINIMUM LOT AND DIMENSIONS:
   None

2 . MINIMUM YARD REQUIREMENTS:
   a. Front Yard:.....None
   except when an M-3 industrial district abuts a residential or office district the front yard requirements of the residential district shall be continued into the M-3 Industrial District a minimum of 200 feet or to the first street intersection
   b. Side Yard:.....None
   except when an M-3 Industrial District abuts a residential or office district there shall be a side yard of 40 feet on that side
   c. Street Side Yard:.....None
   except when an M-3 Industrial District abuts a residential or office district the street side yard requirements of the residential district shall be continued into the M-3 Industrial District a minimum of 200 feet or to the first street intersection
   d. Rear Yard:.....None
   except when an M-3 Industrial District abuts a residential or office district there shall be a rear yard of 40 feet.

Editor's note: *An intervening alley does not cancel the residential yard requirements. Refer to section 10.1.A.2.c for required setback for parking spaces adjacent to residential or office districts.*

3. MAXIMUM BUILDING HEIGHT:

   Two times the width of the street on which the property fronts at the property line. 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. When adjacent to residential districts applicable yard requirements shall be increased one foot for each story over 3, or 45 feet.
   Editor's note: Width of right-of-way, not street pavement, is the basis for calculating permissible height.

4. MAXIMUM DENSITY OR FAR:
   Maximum Floor Area Ratio:..... 4.0

5. MINIMUM OFF-STREET PARKING:
   Refer to Article 10.

6. SIGNAGE:
   Refer to Article 11.

7. FENCES AND WALLS:
   Refer to Section 9.1.

8. OTHER REQUIREMENTS:
   None

ARTICLE 7 SPECIAL DISTRICTS

Section 7.1	PRO	Planned Research/Office District *
Section 7.2	PEC	Planned Employment Center *
Section 7.3	DRO	Development Review Overlay
Section 7.4	W-1	Waterfront District
Section 7.5	W-2	Waterfront District
Section 7.6	W-3	Waterfront District
Section 7.7	WRO	Waterfront Development Review Overlay District
Section 7.8	CRO	Corridor Review Overlay (Louisville Only)
Section 7.9	PVD	Planned Village Development District (Unincorporated County only)

* Titles were amended October 1987, Docket No. 9-64-87.

Section 7.1 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-l 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

Trade and business schools, not objectionable due to noise, odor, dust, smoke, vibration, or other reasons

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.

B. 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 Article 15 for further information and requirements that apply to specific uses.

Airports, heliports
Aviaries and zoos
Camping areas, public and private
Cemeteries, mausoleums and crematories
Clubs, private proprietary
Excavation, minor
Hospitals and institutions *****
Hospitals, institutions, nursing homes and homes for the infirm and aged ******
Lakes, commercial
Marinas and boat rentals
Oil, gas and hydrocarbon extraction
Sewage plants
Underground space *******

***** In effect in the city of Louisville only.
****** Not in effect in the city of Louisville.
******* Docket No. 9-96-87.

C. PROPERTY DEVELOPMENT REGULATIONS:

1. MINIMUM LOT AND DIMENSIONS:

   a. Area: -1 acre
   b. Width: -150 feet
      at front lot line or at building line.
   c. Minimum District Area:
      (1) Minimum district size: - - - - - - - - - - 25 acres
      (2) Minimum district addition - - - - - - - - - 2 acres
      adjoining PRO District except for expansion of an existing occupant.

2. MINIMUM YARD REQUIREMENTS:

   a. Front Yard:- 50 feet
      but not less than 200 feet when a PRO District abuts or is opposite a residentially zoned district, or less than 150 feet from the right-of-way line of an existing or planned Expressway or 100 feet from the street right-of-way line of a Major or Minor Arterial as designated in the Comprehensive Plan for all of Jefferson County, Kentucky.
   b. Side Yard: - 30 feet
      but not less than 200 feet when an PRO District abuts a residential district or 150 feet from a right-of-way line of an existing or planned Expressway as designated in the Comprehensive Plan for all of Jefferson County, Kentucky.
   c. Street Side Yard:- - - - - - - - - - - - - - - - Same as Front Yard
   d. Rear Yard: -Same as Side Yard
   e. No loading or maneuvering areas permitted in any required front yard, nor in any required yard abutting a residential district or an existing or planned Expressway as designated in the Comprehensive Plan for all of Jefferson County, Kentucky.

3. MAXIMUM BUILDING HEIGHT:

   There shall be no maximum height, provided all minimum yards are increased five (5) feet for each story over three stories or 45 feet.

4. MAXIMUM DENSITY OR FAR:

   a. Floor Area Ratio:.....0.5
   b. Structural density: not more than 35% of the lot may be covered by structures, including all necessary buildings or structures.

5. DISTRICT DEVELOPMENT PLAN:

   No building permit shall be issued on any lot in PRO until the Planning Commission has approved the District Development Plan. In acting on any such plan, the Planning Commission shall pass on: layout of site with respect to the circulation on the site giving access to a public street; identification of front, side, and rear lot lines; building orientation; safety and screening aspects of landscaping plan; preservation of natural topographic character such as water courses and large trees; with the objective of achieving maximum compatibility between proposed use and adjacent land uses.

6.* MINIMUM STANDARDS:

a. Location and design of parking lots and loading areas:

(1) Front yard and street side yard: No parking permitted with the exception that up to 35% of the front and street side yards may be used for visitor parking. Visitor parking spaces shall be identified as such by signage or pavement marking, and shall not be counted toward the minimum number of spaces required by Article 10. **

(2) Side and rear yards: No parking or loading permitted within a 15 foot landscaped strip along the side and rear property line.

(3) All employee and visitor parking is restricted to the premises .

(4) All parking lots shall be landscaped in accordance with Article 12.

(5) Lighting facilities shall be required for all employee parking areas. Luminaries on parking lots shall be arranged to reflect light away from adjacent residential uses.

(6) Loading dock(s) are not permitted in front or street side yards of a building unless the Planning Commission finds that the dock(s) will: comply with the spirit and intent of these lot development standards, are designed with proper screening, buffering and setbacks, and receive prior approval by the agency responsible for traffic engineering.

b. Street access:

Vehicular access to PRO or any lots therein shall be permitted only from a Major or Minor Arterial, from/or through another industrial district, or from a street located entirely within the PRO. No access shall be permitted to a residential street.

c. Building orientation:

The architectural treatment of facades facing on the existing or planned Expressway as designated in the Comprehensive Plan for all of Jefferson County, Kentucky, or a residentially zoned district shall be equal in design and quality of material with the front elevation of the structure.

d. * Landscaping:

A 150 foot landscaped strip must be maintained along expressways. A 15 foot landscaped strip must be maintained at the property lines of all side and rear yards. The strip shall be landscaped with trees from groups A or B as described in the "Planting Manual for Louisville and Jefferson County" in numbers equal to 1 tree/75 linear feet of boundary. All trees shall be at least 2" in caliper at time of planting. Trees do not have to be equally spaced. Instead, tree placement should be based on site characteristics and compatibility with other landscaping.

Editor's Note: *A variance and landscape waiver must be obtained in order to reduce the 15' and 150' landscaped strip.*

Front and street-side yards shall be landscaped in accordance with Article 12 of these regulations .

All remaining areas not used for buildings or other structures, off-street parking, loading and maneuvering areas, drives and pedestrian walks, shall be landscaped with either grass or other planted ground cover and may include some combination of trees and shrubs, all of which shall be properly maintained at all times.

***** March 1992, Docket No. 9-67-91.

** Docket No. 9-26-00.

7 . SIGNAGE:

Refer to Article 11.

8. FENCES AND WALLS:
   Refer to Section 9 .1.

Section 7.2 PEC-Planned Employment Center District

The PEC 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-l 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 appropriate Board of Zoning Adjustment. Refer to Article 15 for further information and requirements that apply to specific uses .

Airports, heliports
Aviaries and zoos
Camping areas, public and private
Cemeteries, mausoleums and crematories
Excavation, minor
Hospitals and institutions *****
Hospitals, institutions, nursing homes and homes for the infirm and aged ******
Lakes, commercial
Marinas and boat rentals
Oil, gas and hydrocarbon extraction
Sewage plants
Underground space *******

***** In effect in the city of Louisville only.
****** Not in effect in the City of Louisville,
******* Docket No. 9-96-87.

C. PROPERTY DEVELOPMENT REGULATIONS:

1. MINIMUM LOT AND DIMENSIONS:

   a. Area: ..... 1 acre
   b. Width, at front lot line or at building line: ..... 100 feet
   c. Minimum District Area:
      (1) Minimum District size: ..... 100 acres
      (2) Minimum District addition adjoining PEC District: 2 acres except for expansion of an existing occupant, which expansion of the PEC District area shall have no required minimum size.

2 . MINIMUM YARD REQUIREMENTS:

   a. Front Yard: ..... 25 feet
      but not less than 100 feet from the right-of-way line of an existing or planned Expressway or 50 feet from the street right-of-way line or proposed street right-of-way line of a major or minor arterial as designated in the Comprehensive Plan for all of Jefferson County, Kentucky.
   b. Side Yard ..... 15 feet
      but not less than 25 feet when an PEC District abuts a residential district or 100 feet from a right-of-way line of an existing or planned Expressway as designated in the Comprehensive Plan for all of Jefferson County, Kentucky.
   c. Street Side Yard: ..... same as side yard
   d. Rear Yard: ..... same as side yard
      No loading or maneuvering areas are permitted in any required front yard, nor in any required yard abutting a residential district or an existing or planned Expressway as designated in the Comprehensive Plan for all of Jefferson County, Kentucky.

3. MAXIMUM BUILDING HEIGHT:

   Two times the width of the street on which the property fronts. 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. When adjacent to residential districts applicable yard requirements shall be increased one foot for each story over 3 or 45 feet .

4. MAXIMUM DENSITY OR FAR:

   a. Floor Area Ratio: 1.0
   b. Structural density: Not more than 50% of the lot may be covered by structure, including all accessory buildings or structures.

5. EXCEPTIONS FOR C-1 USES:
   (For jurisdictions other than city of Jeffersontown)

   The foregoing provisions as to Minimum Lot and Dimensions, Minimum Yard Requirements and Maximum Density or FAR shall not apply to uses permitted in the C-1 Commercial District but any such use shall meet the requirements as to Minimum Lot and Dimensions, Minimum Yard Requirements and Maximum Density or FAR, in Section 6.3 of these regulations.

EXCEPTIONS FOR C-1 USES: *****
(For City of Jeffersontown only)

The provisions as to Minimum Standards, Minimum Lot and Dimensions, Minimum Yard Requirements and Maximum Density or FAR shall not apply to uses permitted in the C-l Commercial District but any such use shall meet the requirements as to Minimum Lot and Dimensions, Minimum Yard Requirements and Maximum Density or FAR, in Section 6.3 of these regulations and the requirements of Article 12.

6. DISTRICT DEVELOPMENT PLAN:

No building permit shall be issued on any lot in PEC District until the Planning Commission has approved the District Development Plan.

In acting on any such plan, the Planning Commission shall pass on: layout of site with respect to the circulation on the site giving access to a public street; identification of front, side, and rear lot lines; building orientation; safety and screening aspects of landscaping plan; preservation of natural topographic character such as water courses and large trees; with the objective of achieving maximum compatibility between proposed use and adjacent land uses.

7. ****** MINIMUM STANDARDS:

a. Location and design of parking and loading:

(1) Front yard and street side yards: no parking permitted with the exception that up to 35% of the front and street side yards may be used for visitor parking. Visitor parking spaces shall be identified as such by signage or pavement marking, and shall not be counted toward the minimum number of spaces required by Article 10. ***
(2) Side and rear yard: no parking or loading permitted within a 15 foot landscaped strip along the side and rear property line.
(3) All employee and visitor parking is restricted to the premises.
(4) All parking lots shall be landscaped in accordance with Article 12 .
(5) Lighting facilities shall be required for all employee parking areas. Luminaries on parking lots shall be arranged to reflect light away from adjacent residential uses.
(6) Loading dock(s) are not permitted in front or street side yards of a building unless the Planning Commission finds that the dock(s) will: comply with the spirit and intent of these lot development standards, are designed with proper screening, buffering and setbacks and receive prior approval by the agency responsible for traffic engineering.

b. Street access:
Vehicular access to an PEC District or any lots therein shall be permitted only from a major or minor arterial, from/or through another industrial district, or from a street located entirely within the PEC District. No access shall be permitted to a residential street.

***** July 1992, Docket No. 9-76-92.
****** March 1992, Docket No. 9-67-91.
*** Docket No. 9-26-00.

c. ** Landscaping:
A 100 foot landscaped strip must be maintained along expressways. A 15 foot landscaped strip must be maintained at the property lines of all side and rear yards. The strip shall be landscaped with trees from groups A or B as described in the "Planting Manual for Louisville and Jefferson County" in numbers equal to 1 tree/75 linear feet of boundary. All trees shall be at least 2" in caliper at time of planting. Trees do not have to be equally spaced. Instead, tree placement should be based on site characteristics and compatibility with other landscaping.

Editor's note: *A variance and landscape waiver must be obtained in order to reduce the 15' and 100' landscaped strip.*

Front and street-side yards shall be landscaped in accordance with Article 12 of these regulations.

All remaining areas not used for buildings or other structures, off-street parking, loading and maneuvering areas, drives, or pedestrian walks shall be landscaped with grass or other planted ground cover and may include some combination of trees and shrubs, all of which shall be properly maintained at all times.

8. SIGNAGE:
Refer to Article 11 .

9. FENCES AND WALLS:
Refer to Section 9.1.

**March 1992, Docket No. 9-67-91.

Section 7.3 DRO 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:

      (1) From blighting influences which might occur under conventional land use regulations.
      (2) From unsafe buildings which would be caused by uncontrolled development.
      (3) From significant damage or destruction of prominent hillsides or valleys caused by improper development.
      (4) From significant damage to the economic value of existing properties and/or new developments.
      (5) From soil erosion and stream siltation.
      (6) From the destruction of mature and/or valuable trees and other vegetation and wildlife habitat.
      (7) 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. 6, 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, consruction 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.**

* Docket No. 9-59-92, (various changes to entire section)
** Docket No. 9-82-97

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.

      (1) Construction of a single family home on a lot created prior to the application of the Development Review Overlay.
      (2) Construction of one or more single family homes in a subdivision which the Planning Commission has approved in accordance with this regulation.
      (3) Cutting, filling, other alteration of the ground surface, subject to the limits established for a minor earth excavation in Section 9.6.C.2
      (4) Construction of retaining walls having a vertical face of eight feet or less.
      (5) Clearing less than three acres of forested area.
      (6) Construction of roadways or parking lots serving five or fewer dwelling units.
      (7) Subdivision of land creating three or fewer parcels.
      (8) 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 (Section 8.1 of the Zoning District Regulations), 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

* Docket Number 9-82-97

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.

* Docket Number 9-82-97

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.

Section 7.4 W-1 Waterfront District

A. PERMITTED USES:

Public and private docking
Public parks and recreation
Hotel, motel and accessory commercial including restaurants
Public assembly, festival gathering
Multi-family residential
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

Note: Requirements of subsections 1b, 2, 3, 6, 8a and 8b of this section may be altered during the site review process required by the Waterfront Development Review Overlay District (Refer to Section 7.7 of these regulations).

1. MINIMUM LOT AND DIMENSIONS

a. MINIMUM AREA REQUIREMENTS

None, except buildings used for residential purposes shall provide the following lot area per dwelling unit: 100 square feet of lot area per O bedroom apartment; 200 square feet of lot area per 1 bedroom apartment; 300 square feet of lot area per 2 bedroom or more apartment.

b. MINIMUM LOT SIZE

There is a 1/2 acre minimum lot size for those lots with river frontage and no minimum lot size for lots without river frontage.

2. MINIMUM YARD REQUIREMENTS

a. Front Yard: ..... 15 feet
b. Side Yard: total for both ..... 40% of lot width
c. Street Side Yard: ..... 10 feet
d. Rear Yard: ..... 20 feet
Minimum setback from water's edge when river is at normal pool elevation of 420 feet above sea level: ..... 30 feet

3. MAXIMUM BUILDING HEIGHT

Buildings over two stories or 30 feet are permitted if they comply with the requirements of the Waterfront Development Review Overlay District.

4. MAXIMUM DENSITY OR FAR

Maximum Floor Area Ratio: - - - - - - - - - - - - - - - - - - - None
Maximum Density - - - - - - - - - - - - - - - - - 435 units per acre
(for O bedroom apartments only)

5. MINIMUM OFF-STREET PARKING

None required; placement may be controlled through the site plan review process required by the Waterfront Development Review Overlay District.

6. SIGNAGE

Refer to Article 11 for on-premises sign requirements. (Same as OTF requirements).

7. FENCES AND WALLS

Permitted only through Waterfront Overlay Review District review process.

8. OTHER REQUIREMENTS

a. Minimum Usable Open Space: - - - - - - - - 30% of lot area
b. Maximum Lot Coverage*: - - - - - - - - - - - - 70% of lot area
c. Distance between buildings on same lot:
None, except buildings used for residential purposes which have windows, doors or other openings on walls facing the walls of other buildings shall be separated by a distance determined by use of the formula:

$$D = S_1 + S_2 + 14$$

D = distance between buildings in feet

S_1 = height in stories of one building

S_2 = height in stories of other building

* Editor's Note: See Article 2, Language and Definitions.

Section 7.5 W-2 Waterfront District

A. PERMITTED USES:

Hotels, motels; including accessory docking facilities
Restaurants; including accessory docking facilities
Pleasure boat sales and boat service if contained within a building or performed in the water
Multi-family residential public assembly facilities, festival gathering places
Offices: professional, general
Governmental services
Private river-oriented recreational facilities, including boat charter, private boat docking, sight seeing
Public parks and recreation
Automobile service stations, convenience stores and branch banks when located on parcels without river frontage
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:

1. MINIMUM LOT AND DIMENSIONS

Note: Requirements of subsections 1 b, 2, 3, 6, 8a and 8b of this section may be altered during the site review process required by the Waterfront Development Review Overlay District (refer to Section 7.7 of these regulations).

a. MINIMUM AREA REQUIREMENTS
None, except buildings used for residential purposes shall provide the following lot area per dwelling unit: 100 square feet of lot area per O bedroom apartment; 200 square feet of lot area per 1 bedroom apartment; 300 square feet of lot area per 2 bedroom or more apartment.

b. MINIMUM LOT SIZE
There is a 1/2 acre minimum lot size for lots with river frontage and no minimum lot size for lots without river frontage.

2. MINIMUM YARD REQUIREMENTS

a. Front Yard: ..... 15 feet
b. Side Yard: south of River Road ..... None
Except buildings used for residential purposes having doors, windows or other openings on a wall facing a side property line shall provide a minimum side yard of 10 feet and in addition 1 foot of yard for each story over three stories.
north of River Road total for both ..... 40% of lot width
c. Street Side Yard: ..... None
d. Rear Yard: ..... 20 feet
e. Minimum setback from water's edge when river is at normal pool elevation of 420 feet above sea level: ..... 50 feet

3. MAXIMUM BUILDING HEIGHT:

   Buildings over five stories or 60 feet are permitted if they comply with the requirements of the Waterfront Development Review Overlay District.

4. MAXIMUM DENSITY OR FAR

   Maximum Floor Area Ratio: - - - - - - - - - - - - - - - - - - 8.0
   Maximum Density - - - - - - - - - - - - - - - - 435 units per acre
   (for O bedroom apartments only)

5. MINIMUM OFF-STREET PARKING

   Refer to Article 10 for numerical requirements; placement may be controlled through the site plan review process required by the Waterfront Development Review Overlay District.

6. SIGNAGE

   Refer to Article 11 for on-premises sign requirements. (Same as OTF requirements).

7. FENCES AND WALLS

   Permitted only through Waterfront Overlay Review District review process.

8. OTHER REQUIREMENTS

   a. Minimum Useable Open Space: - - - - - - - 40 % of lot area
   b. Maximum Lot Coverage: - - - - - - - - - - - - -60% of lot area
   c. Distance between buildings on same lot:
      None, except buildings used for residential purposes which have windows, doors or other openings on walls facing the walls of other buildings shall be separated by a distance determined by use of the formula:

      $D = S1 + S2 + 14$

      D = distance between buildings in feet

      S_1 = height in stories of one building

      S_2 = height in stories of other building

Section 7.6 W-3 Waterfront District

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 Article 15 paragraph 32, 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

Note: Requirements of subsections la, 1b, 1c, 2 (except for setback from street right-of-way) and 6 of this section may be altered during the site review process required by the Waterfront Development Review Overlay District (refer to Sections 7.7 of these regulations).

1. MINIMUM LOT AND DIMENSIONS

a. Size of lot: - - - - - - - - - - -- - - - - - - - - - - - 1/2 acre
b. Width of lot: - - - - - - - - - - -- - - - - -- - - - - - -100 feet
c. Depth of lot:- - - - - - - - - - -- - - - -- - - - - - 100 feet

2. MINIMUM YARD REQUIREMENTS

No building or structure, storage, loading, or parking area shall be located closer than 100 feet from the right-of-way of a major or minor arterial as shown in the Comprehensive Plan for all of Jefferson County, Kentucky, in effect at the time a lot or tract is zoned as a W-3 Waterfront District. The minimum setback from the water's edge when river is at normal pool elevation* shall be 50 feet for all storage areas and for structures not used for docking, loading or unloading of barges. Non river-dependent activities must be a minimum of 200 feet from the water's edge as defined above. Except for the above, yard requirements are the same as in the M-1 Industrial District.

***** For purposes of this regulation, normal pool elevation for the McAlpine pool is 420 feet above sea level and for the Cannelton pool 383 feet above sea level; June, 1990.

3. MAXIMUM BUILDING HEIGHT
None

4. MAXIMUM DENSITY OR FAR
None

5. MINIMUM OFF-STREET PARKING AND LOADING ******

****** Note: Placement of parking and loading areas may be controlled through the Review Overlay District.

a. Parking: Off-street parking consisting of an enclosed or unenclosed surfaced area of not less than 180 square feet (exclusive of driveways), permanently reserved for the temporary storage of one automobile plus the necessary maneuvering space which affords ingress or egress of automobiles, shall be provided on the premises as follows:

Employee parking - One space for $1^{1/2}$ employees based on combined main and second shifts, if overlapping.

Visitor parking - One space per 20 employees on main shift.

Company vehicles - One space for each authorized company vehicle stored on the site.

b. Loading: All buildings and uses which require the receipt or redistribution of materials or merchandise by truck or similar vehicles shall provide off-street loading berths in accordance with the following table:

A loading berth shall be an area 10' x 50' with a height clearance of 14 feet, exclusive of driveways and maneuvering space.

Square feet of floor area			Number of berths required
Less than	-	5,000	0
5,000 -	-	30,000	1
30,001	-	100,000	2
100,001	-	170,000	3
170,001	-	250,000	4
250,001	-	330,000	5
330,001	-	and over	5 plus 1 for each additional 90,000 square feet or portion thereof

6. SIGNAGE

Refer to Article 11 for on premises sign requirements.

7. FENCES AND WALLS

No fences shall be permitted within the 100 foot setback from a major or minor arterial where such setback is required. In all other instances fences and walls shall meet the requirements of Section 9.1.

Section 7.7 WRO Waterfront Development Review Overlay District*

A. General Regulations

1. Waterfront Development Review Overlay District - WRO Definition and Purposes:

   a. Location and Definition
   The Development Review District is an overlay shown on the zoning district maps to which it is applied; the rights and obligations hereinafter set forth are in addition to those specified by the underlying zoning district. Application of the WRO creates a new zoning district that is an amalgamation of the requirements of the underlying zoning district and of the WRO. This new zoning district shall be designated by the suffix "WRO" and shall be so identified in the Zoning District Maps. The requirements applicable within this new zoning district are uniform throughout the area covered by this designation.

   b. Purpose
   The purpose of this district is to assist in the implementation of documents reflecting government policy relating to redevelopment of the waterfront. Specifically this overlay district in conjunction with the underlying zoning district classifications is to:

      (1) Protect the waterfront property as a valuable asset to the community in terms of economic development and quality of life.
      (2) Protect public investment in the waterfront 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.
      (6) Encourage development that is sensitive to the area's unique environmental qualities.

2. Applicability

   a. The Waterfront Development Review Overlay District shall not be deemed to repeal or in any respect alter the provisions and requirements of the Flood Plain Regulations.
   b. Where applicable by provisions of this ordinance, requirements imposed herein and in other ordinances shall be in addition to those of the underlying zoning classifications.
   c. Industrial development proposals for areas within the W-3 zoning district classification will be reviewed for compliance with the following Waterfront Development Standards only: Section B. 1 c, e, g, h, i. This decreased level of review is appropriate in that the remaining development standards relate to public usage of the area, which is not encouraged in those areas zoned W-3.
   d. Any development activity within the Waterfront Development Review Overlay District will initiate application of this regulation.

***** Revised June, 1990.

(1) Development as used in this context includes any construction of or exterior change to a building or other structure including changing business identification signs, change in the use of a property and construction of public parking or other publicly accessible areas, unless specifically exempted as follows.

(2) Development as used in this context shall not include:

- Maintenance of existing development, including repainting, repaving and repair, that does not appreciably alter the exterior appearance of such development. Demolition of accessory buildings or structures, including, but not limited to unconnected garages or storage sheds, billboards, fences or retaining walls.
- The erection of temporary structures used for special events or emergency situations where such structures shall be used for a period not to exceed one (1) month.

e. Flexibility as well as incentives to develop in accordance with Waterfront Development Standards are incorporated in this regulation, to give the widest possible latitude in reviewing development proposals to ensure that such development is an asset to the Waterfront.

3. Public Hearing Requirement
As part of the review of a development plan by the Land Development and Transportation Committee, as provided in Section C. 3. of this regulation, the committee shall determine if a public hearing on the proposal needs to be held by the Planning Commission.

If a public hearing is to be held, the applicant shall supply the names and addresses of all persons designated by the property valuation administrator as owners of property within 200 feet of the subject property. 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.

4. Authority in determining compliance with this ordinance lies in the Louisville and Jefferson County Planning Commission. In addition, the Waterfront Development Corporation shall determine compliance with the design standards established by action of the legislative body. ***** There are three actions that the Planning Commission can take. Approval can be given to the development as proposed after a finding that the proposal is substantially in compliance with the Waterfront Development Standards and applicable planning documents adopted by the appropriate legislative body. A development proposal may receive conditional approval, which is premised upon meeting stipulations set out by the reviewing agency after review of the proposal. “Conditions” in this context are specifically identified actions or requirements deemed necessary to meet Waterfront Development Standards or applicable planning documents A development proposal may also be denied as being inconsistent with the Waterfront Development Standards. No review shall be conducted by the Waterfront Development Corporation on any proposal which is denied by the Planning Commission. A development which is not of a type or intensity allowed in underlying zoning district is not permitted. Adverse findings are appealable as provided for in Section E hereinafter.

*** Editors Note***: Ordinance No. 268, Series 1989 as enacted by the Louisville Board of Aldermen establishes design standards that will be applied by the Waterfront Development Corporation to development proposals within the City of Louisville WRO District.*

B. Waterfront Development Standards

1. All development within this overlay district shall be reviewed by the Planning Commission for compliance with applicable portions of the "Comprehensive Plan", the "Louisville Waterfront Strategy", "Guidelines for Waterfront Development" and the development standards established herein.

   a. Active Commercial and Recreational Use of the River
      Retail and public uses as permitted in the underlying zoning districts that promote year round activities and attract people to the waterfront at varying times of day and on weekends are encouraged. New uses such as adult entertainment that create a negative image in the area are discouraged.
   b. Public Easement
      Provisions for the dedication of public access easements or scenic easements are encouraged in order to assure public access to the river for recreational purposes and to protect the aesthetic qualities of the riverfront.
   c. River Edge Enhancement
      Provisions for bulkheading, landscaping, and definition of river edges are encouraged in order to provide for passive public use or enjoyment of the river's edge.
   d. Preservation of Historic Structures and Sites
      Projects which provide for adaptive reuse of historic buildings and sites eligible for the National Register of Historic Places will be favorably reviewed.
   e. View Enhancement
      The maintenance of and improvement in views of the river are encouraged. Structures should be designed to allow views of the river from adjacent streets; placement of buildings should maximize a cone of vision that includes a view of the riverfront.
   f. Enhancement of Pedestrian Environment

      All development along the waterfront should be encouraged to:

      (1) link and extend pedestrian pathways along the river bank throughout the waterfront area;
      (2) provide sidewalks and pathways in both the public right-of-way and privately owned areas;
      (3) provide accessible places and spaces that accommodate and encourage a wide variety of public activities;
      (4) enhance attractiveness for pedestrian activity by preserving river vistas and providing shopping or entertainment opportunities along pedestrian ways;
      (5) locate parking lots, storage areas and similar uses away from the water's edge and in unobtrusive locations.
      (6) provide pedestrian systems and street crossings that encourage trips on foot; and
      (7) provide other attributes that improve the pedestrian environment and pedestrian access to the water.

   g. Signage

      Signs should be designed to enhance the area's visual appeal and to attract the public. The size, height, number and design of signs will be reviewed for their ability to achieve these goals as well as their impact on traffic safety. Outdoor advertising signs (billboards),

pennants, streamers and temporary signs are not appropriate in the Waterfront area.

h. Landscape and Screening in Waterfront Zoning Districts

All development must comply with the following landscaping and screening requirements.

(1) Surface areas used for parking shall be landscaped and/or fenced so as to screen such areas from view from access streets, freeways, adjacent properties and from the water-front. Parking structures shall include perimeter landscaping. When the top level of such structures is used for parking open to the sky, and is readily seen from public streets, residential or hotel structures, at least one-fifth of the top level should be used for landscaping.

(2) All outdoor operations visible from access streets, adjacent properties and the riverfront should be screened from view. Storage areas visible from access streets, adjacent properties and the riverfront should be screened from view or organized in an orderly manner on permanent racks, pads or other fixtures. Fencing, if used as screening, shall be solid, and shall include vegetation. Landscaping used for screening shall form a complete year-round opaque screen. Screening shall be high enough for outdoor operations and stored material to be effectively screened from view at any point within the street right-of-way not higher than five (5) feet above its surface or at any point within the waterway not higher than five (5) feet above normal pool elevation.

(3) No storage shall be permitted between the building line and frontage streets or the riverfront.

(4) All outdoor refuse collection areas shall be screened from view from access streets, adjacent properties and riverfronts by a complete opaque screen.

(5) Ground-level transformers and terminal or metering equipment shall be screened from view from streets, adjacent properties and the riverfront.

i. Dust Mitigation and Prevention

Efficient and effective techniques for the mitigation of dust should be employed.

j. Vehicular Access

Vehicular access to designated parkways from development sites should be designed to facilitate implementation of parkway design standards. Curb cuts should be located at median cuts where feasible. Shared access points are encouraged; frontage roads should be constructed as necessary.

k. Additional Regulations Unaffected

Except as otherwise noted in this regulation, all provisions of the Development Code for Jefferson County, including but not limited to Zoning District Regulations and Floodplain Regulations, shall be met if applicable to any development proposed for the area covered by this overlay district. In no way should this regulation be interpreted as replacing the requirements of any regulations, laws or ordinances applicable to development activity generally.

2. Waterfront Development Corporation Standards
All development within the overlay district shall be reviewed by the Waterfront Development Corporation for compliance with officially recognized plans and applicable design standards as enacted by the legislative body having jurisdiction over the site. *****

C. Procedure

1. General
The appropriate governmental department responsible for issuing building permits and certificates of occupancy shall notify applicants prior to the issuance of any permits for any use within this overlay that approval by the Planning Commission and the Waterfront Development Corporation must be sought. The applicant will prepare a proposed district development plan ****** in accordance with the provisions of Plan Certain (Section 8.1 of the Zoning District Regulations), providing adequate information to allow the Planning Commission and the Waterfront Development Corporation to review the proposed development.

*** Editor's Note***: Refer to Ordinance No. 268, Series 1989 as enacted by the Board of Aldermen.*

**** Note:** *Development plans required by this section will be only as detailed as necessary to determine conformance with development review guidelines, without creating needless expense for the applicant.*

Applicants may, if desired, seek review of a development proposal prior to formal application for approval. Pre-application review is strongly recommended for projects that entail construction of new buildings or a change of use.

2. Application
Formal application for review and approval of any development proposed within this overlay district shall be made at the offices of the Louisville and Jefferson County Planning Commission. The Planning Commission will forward application materials to the Waterfront Development Corporation.

3. Planning Commission Review
The proposal will then be reviewed by the Land Development and Transportation Committee, a technical sub-committee of the Planning Commission. At the meeting of this committee to consider this development proposal, the staff of the Waterfront Development Corporation will be invited to comment on the proposal's compliance with that agency's design standards. Also at the meeting transportation, landscaping, utility placement and other site planning issues will be reviewed, as well as analysis of the proposed development in light of the Waterfront Development Standards and applicable planning documents. This committee will make recommendations as to improvements to the proposed development and will note technical deficiencies and provide these comments to the applicant. The Land Development and Transportation Committee shall determine if a public hearing is required, to allow adequate public review of any development proposed within this overlay district. If it determines that a public hearing is not warranted, the LD&T Committee, by unanimous vote, may take final action with respect to any WRO application, on behalf of the Planning Commission. *

* Docket No. 9-26-00.

4. Public Hearing Before Planning Commission
   Consideration of all development proposals within this overlay district will occur in a voting session of the Planning Commission. If a hearing is ordered to be held by the Land Development and Transportation Committee as provided in Section A. 3. of this regulation. The public hearing shall be advertised in a manner consistent with statutory requirements. The determination of the Planning Commission concerning compliance with the requirements of part B. 1, above, shall be final. Appeal of this final action is provided for in Section E. hereinafter. The Planning Commission shall forward its findings and determination concerning each application to the Waterfront Development Corporation, along with any transcripts and related information. *

5. Waterfront Development Corporation Review
   Following review and action by the Planning Commission the Waterfront Development Corporation shall complete its review of development proposals. The applicant will provide the Waterfront Development Corporation copies of any revisions to the application originally filed with the Planning Commission. Consideration of all development proposals within this overlay district will occur in a voting session of the Waterfront Development Corporation. Then determination of the Waterfront Development Corporation concerning compliance with the requirements of part B. 2, above, shall be final. Appeal of this final action is provided for in Section E. hereinafter.

6. Plan Amendment
   Amendments to any plan approved under this regulation shall require approval of the Planning Commission and the Waterfront Development Corporation. Requests for amendment shall be submitted to the Planning Commission and the Waterfront Development Corporation in the same manner as the original plan.

D. Incentive Flexibility

In order to encourage development in and along the waterfront to meet the Waterfront Development Standards, recommendations and guidelines of applicable planning documents and to encourage innovative development and design that will enhance the waterfront, the Planning Commission is empowered to reduce the following restrictions established by the zoning district in which the development is proposed:

1. Minimum Lot Size
2. Minimum Yard Requirements, except for setback from street right-of-way in the W-3 district
3. Maximum Building Height
4. Business Sign size, number and location (on-premises signs only)
5. Minimum Useable Open Space
6. Maximum Lot Coverage

As part of the review process, when one requirement is being reduced it may be deemed necessary by the Planning Commission to increase other requirements in order to maintain waterfront standards.

* Docket No. 9-26-00.

E. Appeals from Adverse Findings

An aggrieved party may appeal any action on a development proposal to the Circuit Court of Jefferson County.

Editor's Note:*The Waterfront Development review process provided for in this overlay district and Standards reviewed for have as their research basis three documents. The first document, "The Louisville Waterfront Strategy" was accepted by the Board of Aldermen on November 12, 1985. The map document presents general development guidance for the entire waterfront in the City of Louisville. The second, "Waterfront Project: Inventory of Existing Land Use, Development and Ownership" was completed in June, 1987 and contains background inventory information. The third document "Waterfront Project: Guidelines for Waterfront Development", contains recommended general guidelines for development and recommended land use intensities for targeted areas along the waterfront.*

Section 7.8 CRO Corridor Review Overlay
(In effect only in the City of Louisville; refer to Department of Inspections, Permits, and Licenses, 574-3361 for version of this regulation currently in effect)

A. Definitions

As used in this Section 7.8 and (unless otherwise specified therein) in ordinances which create zoning districts hereunder the terms below shall be defined as follows:

1. CONTRIBUTING HISTORICAL STRUCTURE shall mean (i) a structure which is within a National Register Historic District and which has not been determined by the United States Secretary of the Interior to be non-contributing or (ii) a structure which is listed on the National Register of Historic Places.

2. CORRIDOR REVIEW OVERLAY DISTRICT (sometimes referred to herein as a Corridor District) shall mean an overlay zoning district which may be established by means of amendment to the zoning district regulations pursuant to KRS 100.211 and within which Regulated Developments and Demolitions shall be permitted only after approval by the Designated Official pursuant to Design Review Guidelines and Demolition Review Guidelines.

3. DEMOLITION REVIEW GUIDELINES shall mean specific demolition guidelines which shall be established by the legislative body for each Corridor Review Overlay District and which shall be utilized by the Designated Official to determine whether or not to approve a Regulated Demolition within a Corridor District and which shall include a provision prohibiting the Designated Official from denying the right of a property owner to demolish a structure if such denial would deny the owners of the property a reasonable beneficial use of the property or with respect to income producing property a reasonable return from the property.

4. DESIGN REVIEW GUIDELINES shall mean specific design guidelines which shall be established by the legislative body for each Corridor Review Overlay District and which shall be utilized by the Designated Official to determine whether or not to approve a Regulated Development within a Corridor District and which may include standards pertaining to the location, setback, height and orientation of structures, the materials appropriate for use on the exterior of structures, fencing, landscaping and screening, parking, the number, type, setback and size of signs, and such other elements of design as may be established by the legislative body.

5. DESIGNATED OFFICIAL shall mean the administrative official designated by the municipality pursuant to KRS 100.271 to administer zoning, housing or building regulations.

6. DEVELOPMENT PLAN shall mean a plan specifying the proposed exterior changes (including demolition) to any site located within the Corridor District which shall include such information, but only such information, as the Designated Official shall deem necessary to assess the impact of the applicant's proposal on the Corridor District in light of applicable Design Review Guidelines and/or Demolition Review Guidelines. Proposed facade elevation drawings showing changes and/or a district development plan prepared in accordance with the provision of Section 8.1 of the Zoning District Regulations may be required depending upon the scope of the proposal.

7. EXPEDITED REVIEW PLAN shall mean a Development Plan which consists only of (i) new business signs and replacement of structural elements of existing business signs and/or (ii) additions to commercially used structures which either are not visible from the right-of-way of the designated corridor or do not result in a cumulative expansion by more than ten percent (10%) in floor area above the floor area existing within the structure on the effective date of the adoption of the Corridor District.

8. DISTRICT REVIEW COMMITTEE shall mean a committee appointed by the legislative body which shall include architects or other design professionals, persons who reside in the corridor or who own, operate or manage one or more businesses in the corridor and such others as the legislative body may designate in the ordinance creating the Corridor District and which shall review Development Plans supporting applications to conduct Regulated Developments and Demolitions other than Expedited Review Plans and advise the Designated Official thereon.

9. REGULATED DEVELOPMENTS AND/OR DEMOLITIONS shall mean: (i) any construction of or exterior change (other than a demolition) to a building or structure; (ii) any installation of a new business sign, or outdoor advertising sign; (iii) any replacement of a structural element of a sign; or (iv) any demolition of a Contributing Historical Structure; provided, however, that Regulated Developments and Demolitions shall not mean:

   a. Any exterior alteration, addition or repair of a structure used solely for residential purposes which does not result in an increase in the number of dwelling units in the structure or in an expansion of the structure by more than 20% of the floor area as existing on the effective date of the adoption of the subject Corridor District.

   b. Maintenance of existing development, including painting, repair, replacement of roof, gutter or chimney and any work necessary to comply with applicable building codes.

   c. Demolition of accessory structures.

   d. Removal of existing signs.

   e. Temporary business signs, installed for one period not to exceed two months, during which time permanent signage is undergoing review in accordance with this regulation.

   f. Maintenance of existing signs advertising an on-premise business including rewording, and replacement of sign panels.

B. Creation

The legislative body may by ordinance and by the method described in KRS 100.211 amend the zoning district regulations to create a Corridor Review Overlay District, provided that the Ordinance creating the Corridor District shall (a) describe the boundaries of the Corridor District, (b) set forth the Design Review Guidelines and Demolition Review Guidelines which shall be applied to review applications for permits to conduct Regulated Developments and/or Demolitions within the Corridor District and (c) create a District Review Committee which shall advise the Designated Official concerning the application of the Design Review Guidelines and Demolition Review Guidelines to Development Plans proposed with respect to Regulated Developments and/or Demolitions within the Corridor District.

The Ordinance creating the Corridor District may provide that the Design Review Guidelines and Demolition Review Guidelines shall be in effect only for a prescribed period of time, but if this time shall expire without the legislative body having by ordinance and by the method prescribed in KRS 100.211 enacted new such Guidelines then no portion of this Section 7.8 shall be in force and effect in that Corridor District during any such period of lapse.

C. Prohibition of Unauthorized Development and Demolition within Corridor District

No person shall conduct a Regulated Development and/or Demolition within a Corridor District until he has submitted to the Designated Official a Development Plan for Review pursuant to the procedures herein set forth and until the Designated Official has issued a permit authorizing the Regulated Development or Regulated Demolition. Any person who conducts a Regulated Development or Demolition without a permit shall be in violation of the Zoning District Regulations and subject to criminal penalties as provided by law.

D. Application/Review Procedures

The person seeking to conduct a Regulated Development or Demolition within a Corridor District shall submit a Development Plan to the Designated Official who shall initially review the Development Plan to determine if the proposal is an Expedited Review Plan. If the Development Plan is an Expedited Review Plan, then the Designated Official may determine whether to approve the Development Plan and his decision shall be final and subject to appeal by the applicant to the appropriate Board of Adjustment pursuant to KRS 100.257. If the Designated Official determines that the proposal is not an Expedited Review Plan then he shall refer the Development Plan to the District Review Committee and shall cause the staff to provide such assistance to the Committee as it may require.

The District Review Committee shall meet to consider any Development Plan or Demolition Plan referred to the Committee at a time and place designated by the Chairperson which should ordinarily be within eight (8) business days after the Development Plan is received by the Designated Official. Notice of the meeting and a copy of the applicant's Development Plan shall be sent to (I) the applicant, (ii) persons determined by the designated official from the Property Valuation Administrator records to be owners of property located within 200 feet of the subject property and (iii) business and neighborhood associations which request such notice. Any three (3) members of the District Review Committee (including the Chairperson) shall constitute a quorum. At the meeting the District Review Committee shall first hear a description of the proposed development and preliminary comments from the staff of the Designated Official which shall indicate

which of the Development or Demolition Review Guidelines appear to apply to the proposed development.

The District Review Committee shall then entertain comments from the applicant. The Committee shall receive written comments from others in attendance and at its discretion may receive verbal comments. The Chairperson shall cause a written report signed by the Chairperson or another committee member designated by the Chairperson containing the recommendations of the Committee to be prepared and forwarded to the Designated Official within there (3) business days following the meeting with copies to the applicant and all persons in attendance who may request a copy.

In the event that the recommendation is to deny the proposed development, the written District Review Committee report shall cite specifically the Guideline(s) it finds is/are violated and the facts or circumstances which give rise to the violation of each guideline so cited.

E. Disposition of Application

The Designated Official shall within three (3) business days following the receipt of the report and recommendation of the District Review Committee determine whether to approve, deny or defer the application. The Designated Official may condition approval upon performance by the applicant of any necessary mitigative measures or upon the applicant meeting other appropriate requirements or regulations including but not limited to Building Code requirements, Zoning District Regulations, Floodplain Regulations and Health Code Requirements. Should the Designated Official deny the application after receiving a recommendation to approve the application from the District Review Committee, he shall cite specifically the Guideline(s) which he finds are violated and the facts of circumstances which give rise to the violation each Guideline so cited

F. Appeal

The decision of the Designated Official shall be subject to administrative review by the appropriate Board of Adjustment which shall have the power to hear and decide appeals by the applicant if brought within thirty (30) days after the decision is rendered pursuant to KRS 100.257. No person other than the applicant shall be permitted to appeal to or seek administrative review by the Board of Adjustments.

January 1990

Section 7.9 (PVD) Planned Village Development District

A. GENERAL STANDARDS AND DEFINITIONS

1. RELATIONSHIP TO THE COMPREHENSIVE PLAN

The Planned Village Development District implements Comprehensive Plan Principle 2, to allow a mixture of uses to coexist provided proper design principles are applied; Comprehensive Plan Guidelines E-1 and E-20, to avoid development in areas with environmental limitations and to protect natural areas and significant landscape features; E-19, to preserve historic buildings, sites, and districts; T-2, T-3 and T-7 to encourage alternatives to private automobile travel and to prevent discontinuity in travel movements that would increase the length of trips; R-1, to protect neighborhoods from adverse impacts; R-14, to provide for the functional requirements of buildings, minimize disruption of the natural site, and provide for recreational and pedestrian needs; R-15, to provide mixtures of housing types and land uses to utilize cost-efficient site layout and create new, self-contained neighborhoods and areas; R-16, to expand opportunities for sound, affordable housing in a variety of locations; I-4, to ensure that industrial sites are designed to be safe and compatible with surrounding land uses; C-2 and O-5, to provide pedestrian circulation and site amenities in commercial and office areas; C-6 and O-3, to allow commercial and office uses in mixed land use areas where they do not create nuisances and are compatible with their surroundings; C-7, to allow small businesses serving neighborhoods to provide convenient shopping that is accessible to pedestrians; and F-1, to locate community facilities and services to meet community needs and provide convenient access.

2. PURPOSE OF THE DISTRICT

The PVD district is designed to promote diversity and integration of uses and structures in a planned development through flexible design standards that:

a. Create new communities that are livable, diverse, and sustainable;
b. Promote efficient and economic uses of land;
c. Respect and reinforce existing communities, integrating new development with existing development to ensure compatibility;
d. Provide flexibility to meet changing needs, technologies, economics, and consumer preferences;
e. Promote development patterns and land uses which reduce transportation needs and which conserve energy and natural resources;
f. Lower development and building costs by permitting smaller networks of utilities and streets and the use of shared facilities;
g. Protect and enhance natural resources;
h. Provide more parks, open spaces and scenic areas, either commonly owned or publicly-owned, than would otherwise be provided under conventional land development procedures;
I. Encourage a variety of compatible architectural styles, building forms, and building relationships within a planned development.

Editor's 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.

3. 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.

4. 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.

5. APPLICABILITY OF OTHER ORDINANCES

Except to the extent Section 2.1.5 provides otherwise, Development Code Section 8.1 Plan Certain Review shall be inapplicable to applications and approvals granted with respect to any PVD district. All other provision of the Louisville and Jefferson County Development Code including those that have been adopted by the legislative body of the jurisdiction in which the project is proposed are applicable to the PVD district, except to the extent that they conflict with an approved provision of this district.

6. 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 thereto shall not be affected thereby, but shall remain in full force and effect.

7. DEFINITIONS AND ILLUSTRATIONS

The following definitions apply only to the Planned Village Development district, and supersede and replace any definitions in the Development Code to the contrary:

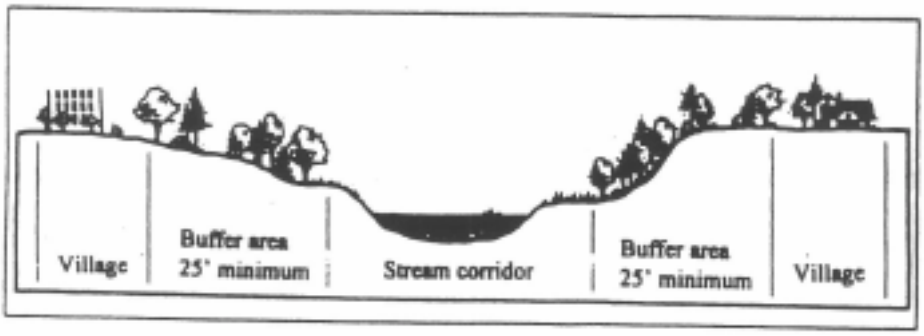
Accessory residential unit: a residential dwelling unit of no more than 600 square feet of habitable area which is clearly incidental to and serves a principal use, is subordinate in purpose, area, and extent to the principal use served; and is located in the same lot as the principal

use, or an adjoining building lot in the same ownership as that of the principal use.

Bed and breakfast inn: a building where, for compensation and by pre-arrangement for definite periods, lodging, and/or morning meals are provided for 10 rooms or less.

Block: a combination of building lots, the perimeter of which abuts public use lands (in most cases right-of-way).

Buffer areas for the protection of ground and surface water quality and wetlands: an area of land at least 25' wide, set aside to protect riparian vegetation and filter waterborne pollutants.



Charrette: 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 finished documents are presented to the public.

Civic building: a building that houses a civic use.

Civic use: premises reserved for use by organizations considered to support the common good and therefore accorded special treatment within the PD district. Civic uses include, but are not limited to, educational, cultural, social, service organizations, and religious not-for-profit organizations.

Completion: completion of a development or section of development shall be when a plat is recorded for the development or section of development and infrastructure is in place. Completion of public and common facilities shall be when a certificate of occupancy is issued

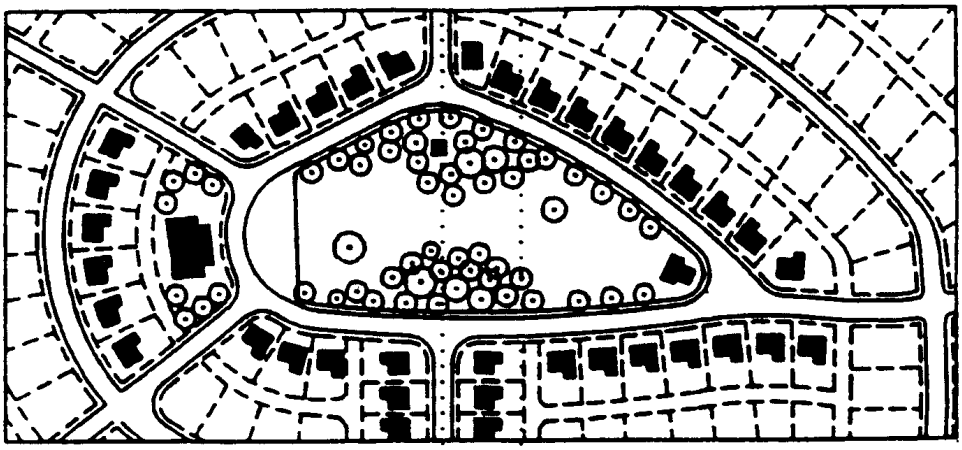
or when improvements have been installed in a good and workmanlike manner and are functioning in accordance with approved plans.

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.

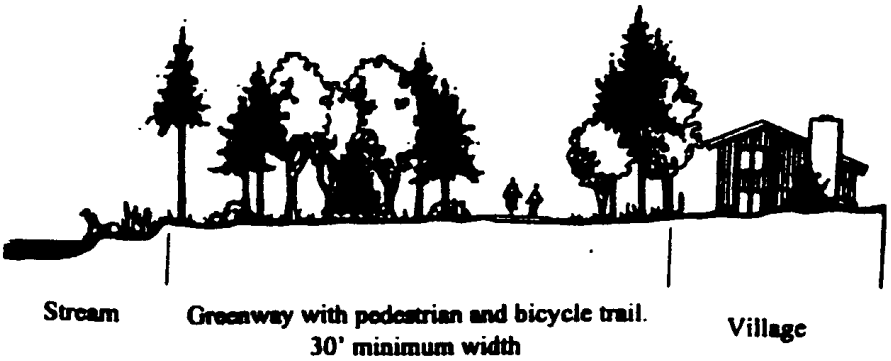
Conservation easement: the grant of a property right stipulating that the described land will remain in its natural or existing state and limiting further future or additional development.

Frontage line: the shorter building lot line which coincides with the right-of-way of the street or square. In the case of a building lot abutting upon only one street the frontage line is the line parallel to and common with the edge of the sidewalk. In the case of a corner lot, that part of the building lot having the narrowest frontage on any street shall be considered the frontage line.

Green: an open space, available for unstructured recreation. The green is surrounded by roadways or the fronts of buildings, has a naturalized landscape consisting of grassy areas and trees, and requires only limited maintenance.



Greenway: a linear open space, at least 30' wide, established along either a natural corridor, such as a riverfront, stream valley, or ridge line, or overland along a railroad right-of-way converted to recreational use, a canal, scenic road, or other route designed and managed for public use including wildlife habitat. A greenway is an open space connector linking parks, nature preserves, cultural features, or historic sites with each other and with populated areas. (Also see Pedestrian and Bicycle Trail.)



Gross acreage: the total area of a development site.

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 malls.

Guideline: a statement of policy or procedure.

Home occupation: an occupation carried on by a resident of a dwelling as a secondary use within the same dwelling or within an accessory building, 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 than 10% of the dwelling floor area, basement area, and accessory building floor area combined is used, and no mechanical equipment is used except such as is permissible for purely domestic purposes.

Hotel: a facility offering transient lodging accommodations to the general public and providing additional services, such as restaurants, meeting rooms, entertainment, and recreational facilities.

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

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

Live/work unit: a mixed use structure held in single ownership and containing (a) commercial or office use not to exceed more than 50% 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% of the building floor area.

Meadow: an open space, available for unstructured recreation. It is located at the edge of a neighborhood or village or near open space that is reserved for natural resource protection or public health and safety.

Its landscape is naturalistic, consisting of native, herbaceous plants, and requiring minimal maintenance.

Meeting hall: a building designed for public assembly.

Net acre: the total area of a development site excluding jurisdictional wetlands, slopes over 20%, and conveyance zones.

Open Space: Any publicly dedicated or privately owned area of land or water (excluding roadways, medians and rights-of-way) that is permanently preserved (such as by conservation easement). Such an area may be predominantly in a natural condition or improved or modified for uses such as recreation, education, aesthetic, cultural or natural resource management or public health and safety. Open space land must be intentionally selected and/or designed for these specialized functions and located in a manner appropriate to the pattern of the village and the needs of its residents.

Open space must be comprised of one or more of the following types:

1. Open space for outdoor recreation:
a. parks, greens, squares, plazas
b. playgrounds and sports fields
c. pedestrian and bicycle trails and greenways
d. golf courses
e. riding stables

2. Open space for natural resource protection:
a. buffer areas for the protection of ground and surface water quality and wetlands
b. areas managed for the protection of habitat, native vegetation, and/or threatened and endangered species (e.g., nature preserves)
c. meadows

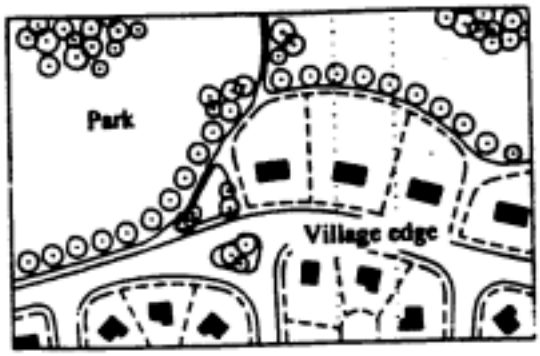
3. Open space for aesthetic, cultural and educational purposes:
a. visual resources such as scenic views from public roads
b. buffers (25' minimum) at the edge of a PD district (e.g., providing separation between neighborhoods and villages)
c. cultural (historic and archaeological) resources
d. arboreta, museums, and zoological or botanical gardens

4. Open space for managed production of resources:
a. farmland
b. woodlands managed for forestry production
c. community gardens

5. Open space for public health and safety:
a. regulatory floodplains and conveyance zones
b. slopes over 20%

c. stormwater quantity/quality management areas, including detention basins.
d. jurisdictional wetlands

Park: a large open space available for recreation, usually located at the edge of a neighborhood or village. It may be surrounded by roadways, the fronts of buildings, or the side or rear of public 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 maintenance.



Pedestrian and Bicycle Trail: a linear open space, at least 30' wide, containing a pathway for pedestrians and/or bicycles and providing linkages to village serving shops and services, civic uses, cultural and natural resources, open spaces, or residential areas.

Plaza: an open space at the intersection of important 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 and/or streets and its landscape consists of durable pavement and formally disposed trees and other landscape elements. Requires little maintenance.

Playground: a small open space containing play equipment and areas for active recreation.

Porch: An unenclosed roofed structure attached to the front of a dwelling unit.

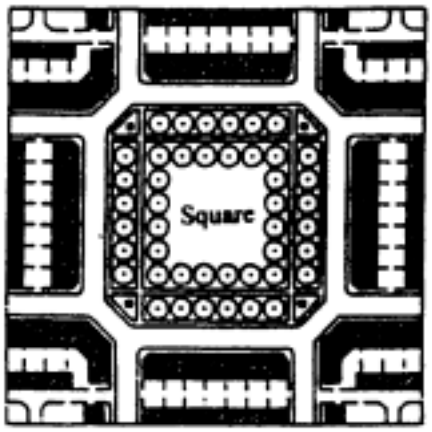
Regulatory floodplain: any stream course or normally dry land area susceptible to being partially or completely inundated by the overflow of water from sources of public water or by the unusual and rapid accumulation or runoff of public surface waters and subject to a local regulatory flood.

Scenic view: land on which a view or scenic area is permanently preserved.

Shared parking: joint use of a parking area for more than one use.

Sports fields: An open area specifically designed and equipped for large-scale structured recreation such as golf, baseball, and soccer.

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, and requiring substantial maintenance.



Standards: a set of defining parameters to be followed in site and/or building design and development.

Village: A self-contained community having an identifiable boundary and containing village edge, village general, and village center.

Village center: a required component of the village. 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 formal open space such as plazas or squares. The village center is not required to be in the general physical center of the village; it may typically be located at a central location (roughly within a five to ten minute walk of most residents) and/or where it can intercept traffic coming and going from the village.

Village edge: a required component of the village. The village edge is made up of lower density residential uses, civic uses, and permanent

open space. It provides a discernible boundary for the village, preserves sensitive natural features and ensures compatibility with the surrounding pattern of land uses.

Village general: a required component of the village. 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.

B. DEVELOPMENT GUIDELINES AND STANDARDS

1. VILLAGE

a. 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.

b. Relationship to the Comprehensive Plan

The Planned Village Development District implements Comprehensive Plan Principle 2, to allow a mixture of uses to coexist provided proper design principles are applied; 6, to mix commercial and non-commercial uses only in planned developments where consideration can be given to minimizing harmful environmental influences; Comprehensive Plan Guidelines E-1 and E-20, to avoid environmental limitations and protect natural areas; T-2, T-3 and T-7, to encourage alternatives to private automobile travel and to prevent discontinuity in travel movements that would increase the length of trips; R-1, to encourage neighborhood preservation and regeneration; R-6, to evaluate residential development on the basis of the following net density categories: extremely low - 1 dwelling unit or less/5 acres, very low- greater than 1 dwelling unit/ 5 acres and up to 1 dwelling an/acre, low - greater than 1 and up to 5 dwelling units/acre, medium - greater than 5 and up to 12 dwelling units/acre, high - greater than 12 and up to 35 dwelling units/acre, and very high - greater than 35 dwelling units per acre; R-14, to provide for the functional requirements of buildings, minimize disruption of the natural site, and provide for recreational and pedestrian needs; R-15, to provide mixtures of housing types and land uses to utilize cost-efficient site layout and create new, self-contained neighborhoods and areas; R-16, to reduce social segregation in the community; C-2 and O-5, to provide pedestrian circulation site amenities and commercial and office areas that ensure compatibility of buildings between adjacent land uses; C-6 and O-3, to allow commercial and office uses in mixed land use areas where it does not create nuisances and is compatible with the surroundings; and C-7, to allow small businesses serving

neighborhoods to provide convenient shopping that is accessible to pedestrians.

3. 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:

(1) **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 Jefferson County.

(2) **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.

(3) **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:

(1) A limited size. A complete village has most dwellings within roughly a 5 - 10 minute walk of the village center;

(2) 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;

(3) 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;

(4) 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;

(5) 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;

(6) 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

(7) Cultural resources, such as historic buildings, districts and landscapes, are preserved and reused in the village.

4. **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 interlocal 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 Section 1.7) 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 residential unit 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.

Editors's 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:

(1) 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 as defined in Section 1.7. 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 as defined in Section 1.7. Open Space 1.A-E. 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 defined in Section 1.7 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:

(1) Open space used to meet the requirement in the village edge shall be designated as one of the open space types defined in Section 1.7. 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.

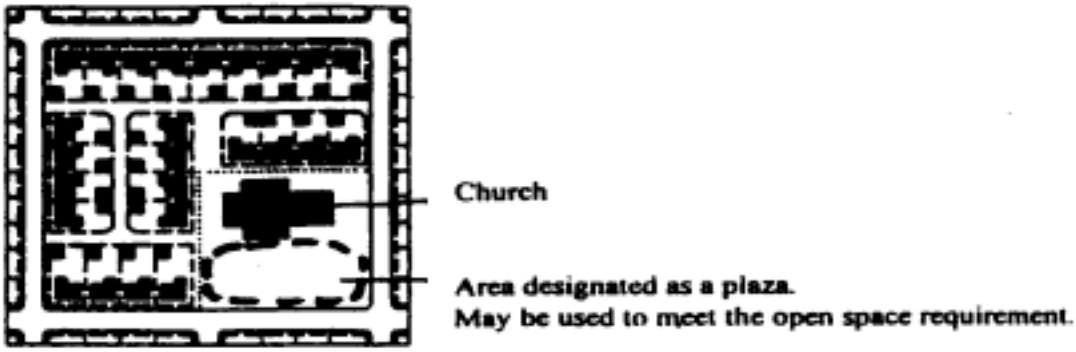
(2) Open space used to meet the requirement in the **village general** shall be designed as squares, greens, sports fields, pedestrian or bicycle trails, or greenways and may be associated with civic buildings. Each lot in a village general should be within approximately 1,350 feet of one of these types of open space.

(3) 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.

(4) 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.

(5) A minimum of 50% of the open space in a village should enfront on public thoroughfares.

(6) 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 E. 1, 2, and 3 above and defined in Section 1.7.



(7) Parking lots may not be used to meet the open space requirement unless they are designed as part of the open space and intended primarily for users of the open space (e.g., parking for sports field, greenway or park users). Parking intended primarily for civic uses may not be used to meet the open space requirement.

(8) No more than 25% of the required open space shall be covered by water.

(9) Land used to meet the open space requirement must be publicly accessible, except for:

- land dedicated to natural resource protection that requires special protection (such as habitat for threatened or endangered species):
- land managed for production of resources;
- lands used for public health and safety purposes; and
- 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.**

(1) 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.

(2) 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.

(3) 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.

(4) 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.

(5) 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.

(6) 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.

(7) 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 Louisville and Jefferson County Development Code.

h. **Blocks**

(1) Blocks may be square, elongated or irregular. Block shape and size should respond to topography, existing vegetation, hydrology, and design intentions.

(2) 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 significantly longer than 1000' are encouraged to be bisected by a walking path.

I. **Stormwater Management**

(1) The amount of open space necessary to the village form, 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**

(1) 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.

5. LAND USE

The table below 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 Section 3.2 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 Article 15 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.

Figure 1

	Village Edge	Village General	Village Center
RESIDENTIAL USE			
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 resid. unit	**P**	**P**	**P**
live/work unit	**X**	**L****	**P**
LODGING USE			
bed and breakfast inn	**L**	**L**	**P**
hotel	**X**	**X**	**P**
OFFICE USE			
home occupation	**P**	**P**	**P**
office	**X**	**P*****	**P**
COMMERCIAL USE			
neighborhood commercial/service****	**X**	**P*****	**P**
general commercial******	**X**	**X**	**P**
CIVIC USE			
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**
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**
OTHER			
agriculture	**P**	**P**	**P**
garage sale	**P**	**P**	**P**
	Village Edge	**Village General**	**Village Center**
outdoor advertising sign	**X**	**X**	**X**
utilities	**L**	**L**	**L**

(Pertaining to Figure 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.

6. 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 PD district. Instead, standards compatible with the village pattern as described in Section 2.1.3 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 Section 2.12.3, and should be submitted in a format similar to that shown in Figure 2.

Figure 2

The following information is illustrative only. It is intended as a guide, not a standard, for site design.

	Village Edge	Village General	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 Edge	**Village General**	**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.

7. 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.

8. PARKING AND LOADING

a. Only the following provisions of Development Code Article 10 shall apply in the village: Section 10.1, D. Minimum parking space requirements; E.1 Access to and from parking areas; F. Use of required parking areas and spaces; G. Surface of parking areas/maintenance; H; 1.3; 1.4; 1.5; J; K; N.3. Other provisions of Article 10 shall not apply in the village. Parking requirements in the village shall also be in accordance with this sub-section.

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.

h. Parking requirements in the village are as follows:

Land Use	Parking requirement
Residential	Two parking spaces shall be required for the principal dwelling and one parking space shall be required for the accessory residential structure.
Lodging: bed and breakfast inn	One assigned parking space shall be required per bedroom in addition to the parking required for each dwelling.
Lodging: hotel	One assigned parking space shall be required per bedroom.
Office	One parking space for each 400 square feet of gross office space shall be required, in addition to the parking requirement for each dwelling.
Commercial	One parking space for each 250 square feet of gross retail space, in addition to the parking requirement for each dwelling, shall be required.
Civic	The applicant shall demonstrate the provision of adequate parking for each civic use.

9. SIGNS

Signs shall be consistent and compatible with the village pattern as defined in Section 2.1.3. In order to allow maximum flexibility, sign restrictions contained in Development Code Article 11 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 as defined in the Louisville and Jefferson County Development Code are not permitted within the Village PD.

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.

10. LANDSCAPE

Development within the PVD District shall not be required to meet the landscaping and buffering regulations contained in Article 12. However, standards for street trees and parking to screening developed as part of the Master Plan Report, 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 private and public 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.

11. 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 Section 3.1.4. 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.

C. PROCEDURES

1. PLAN REVIEW PROCESS

a. Overview of Review Process

The PD District review process includes six steps, three of which are required for any subdivision of land in Jefferson County. 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 single family use.

Table 3

Zone Change / Development Approval	Subdivision Approval
1. Concept plan - Planning Commission staff review and/or a public charrette.	
2. 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 preapplication conference may be used to determine what elements may be required on the Master Plan required in the PD 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:

(1) Scale, date, north arrow and vicinity map with measurements to nearest existing streets:
(2) Boundaries and approximate acreage of subject property; general location and description of streams, jurisdictional wetlands, conveyance zones, regulatory floodplains, topography and woodlands;
(3) Existing uses of the property;
(4) The location of site plan components required in the PVD District (for example, village edge, village general, village center);
(5) Number of residential units proposed and approximate square footage of commercial, office, and service uses proposed;
(6) Existing and proposed streets and alleys, and connections to existing street system;
(7) General location, size and type of open space;

(8) 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 PD District in accordance with the submittal requirements stated in Section 3.4.

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 Chapter.

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 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 Section 3.2 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 Development Services.

Final Plan and Preliminary Subdivision Plan review is primarily intended to determine compliance with the approved Master Plan, specific guidelines of this Chapter, 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 Section 7.15 of the Metropolitan Subdivision Regulations.

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 Director may administratively approve minor revisions to a Master Plan, in consultation with appropriate agencies, if the Director determines that the revision meets the guidelines of this Chapter 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:

(1) The layout of a transportation network may be revised if the Director determines that (a) the basic layout remains the same, and (b) the revised layout functions as well as the previous layout.

(2) The location of a transit shelter may be revised if the Director determines that the revised location functions as well as the previous location.

(3) Architectural standards may be revised if the 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 Commission 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:

(1) Title of the proposed development and name(s) of the applicant(s);

(2) Scale, date, north arrow and vicinity map with measurements to existing streets;

(3) Boundary description, including area and bearings and dimensions of all property lines;

(4) Existing topography with two-foot contour lines. Slope category analysis for areas of 20% slope or greater;

(5) Generalized soil types in the development area and surrounding area;

(6) 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);

(7) 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;

(8) 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

(9) 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:

(1) delineation of site plan components required by a PVD District (for example, village edge, village general, village center);

(2) the layout of proposed blocks;

(3) the layout of proposed streets, bikeways, and pedestrian paths;

(4) the location of a proposed transit shelter;

(5) 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;

(6) the location and acreage of civic uses;

(7) the general location of limited uses, and;

(8) 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:

(1) 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;

(2) a description of the mix of land uses and the factors which ensure compatibility both within the development site and with adjacent land uses;

(3) 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 in the village center;
- The amount of land devoted to open space, expressed in acres and as a percentage of the gross acreage of the site.
- The amount of land devoted to civic uses, expressed in acres and as a percentage of the gross acreage of the site.

(4) 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.

(5) 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;

(6) 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;

(7) architectural design standards specifying materials and configurations permitted for walls, roofs, openings and other elements;

(8) 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;

(9) sanitary sewage facility report;

(10) sign standards; and

(11) 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;
- 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

(1) Title (or section) of the proposed development and names of the applicant(s);
(2) Scale, date, north arrow, and vicinity map with measurements to existing streets;
(3) All information shown on the Master Plan map, plus;
(4) 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);
(5) The design and location of private and public open space;
(6) The location and design of on-street loading zones and/or off-street loading berths, bikeways, street trees, parking lot screening and transit shelters;
(7) The location of utility easements; and
(8) Such additional information as the Planning Staff may require.

b. Final Plan Report

(9) Gross and net acreage of the property (or section) to be developed;
(10) The approximate number of dwelling units proposed;
(11) The approximate amount (gross leasable area) of retail, service, and office uses proposed; and,
(12) 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 Development 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:

(1) establish a property owners' association with mandatory membership for each property owner;
(2) provide for the ownership, development, and maintenance of open space, community parking facilities and other common areas;
(3) 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;
(4) 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,
(5) require signature of the developer of his/her designee prior to application for each building permit; and,

c. Documentation of approval of any receiving entiry (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. *

* Docket No. 9-26-00.

Section 7.9 (PVD) Planned Village Development District

ARTICLE 8 GENERAL REGULATIONS

Section 8.1 Plan Certain Review
Section 8.2 Community Facility Review
Section 8.3 Non-Conformance

Section 8.1 Plan Certain Review

A. APPLICATION PROCESS:

Applications for amendments to the Zoning District Map shall be made only in accordance with this section.

1. Initiation of Amendment:
   Applications for amendment of the Zoning District Map may be initiated by the Planning Commission, any legislative body within the county having zoning authority over an affected property, or the owner of any affected property.

2. Exemptions:
   Applications for amendment to the Zoning District Map which are initiated by the Planning Commission, or the legislative body having zoning authority over the property in question shall, in cases where said applicant has no ownership interest in the subject property, be exempt from this section.

3. Pre-application Conference:
   Prior to formal application for amendment of the Zoning District Map, the applicant or his agent shall 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 utilized for determining what elements may be required on the preliminary district development plan required by this regulation.

4. Application for Amendment:
   Application for amendment of the Zoning District Map shall be filed with the Planning Commission in accordance with the Planning Commission By-Laws and Rules of Procedure and this Section of the Zoning District Regulations.

   a. Demonstration of Appropriateness:
      Any such application for amendment to the Zoning District Map shall be submitted with a written detailed explanation as to the following that are applicable:

      (1) How the proposed map amendment would conform to the Comprehensive Plan;
      (2) Why the existing zoning district classification of the property in question is inappropriate or improper,
      (3) What major economic, physical, or social chanes, if any, have occurred in the vicinity of the property in question that were not anticipated by the Comprehensive Plan and have substantially altered the basic character of the area, which make the proposed amendment to the Zoning District Map appropriate;

(a) List such changes
(b) Describe how said changes were not aniticipated by the Comprehensive Plan
(c) Describe how said changes altered the basic charcter of the area
(d) Describe how said changes make the proposed amendment to the Zoning District Map appropriate

(4) How utilities and essential public services will be provided to the property in question, and

(5) The anticipated time period in which implementation of the proposed uses will be initiated provided the amendment is approved.

b. Property Owners Signature:

All applications for amendment to the Zoning District Map shall be signed by the owner(s) of the affected property. Leaseholders, option-holders, developers, and agents should also be identified.

c. Responsibility for Accuracy:

The applicant shall be held responsible for the accuracy of the information submitted by him as part of the Zoning District Map Amendment application.

5. Avoiding Duplicative Hearings

At the time of the filing of an application for a map amendment, the applicant may elect to have any variances or conditional use permits for the same development to be heard and finally decided by the Planning Commission at the same public hearing set for the map amendment. The application requirements for such conditional use permits or variances shall be the same as if it were filed for a decision by the appropriate Board of Zoning Adjustment.

B. DEVELOPMENT PLAN PROVISIONS:

1. District Development Plan Submission

All applications for any proposed amendment to the Zoning District Map shall include a general district development plan in accordance with the provisions and requirements of this section. Prior to the acquisition of building permits, a detailed district development plan for any PRO and PEC district enacted pursuant to this section, shall be submitted to the Planning Commission for its review and action.

The general district development plan is intended to demonstrate to the Planning Commission the character and objectives of the proposed development in adequate detail for the Planning Commission to evaluate the

effect the proposed development would have on the community and determine what provisions, if any, should be included as part of the development plan and be binding on the use and development of the subject property.

The elements included on any such general or detailed district development plan shall be determined in accordance with paragraph B. 4. of this section. Where a detailed district development plan is required in conjunction with a PRO and PEC District the binding elements of the general district development plan may be conceptual in nature with more specific aspects of those elements designated on the detailed district development plan, when submitted.

A detailed district development plan shall indicate specific provisions for implementing the binding elements of the approved general district development plan for all or part of the property in question and be subject to the review stipulated in the sections of these regulations pertaining to the districts specified by this paragraph.

2. District Development Plan Alternative:

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, for the purpose of creating a single-family residential subdivision, shall be accepted in lieu of a general district development plan. The Planning Commission may also accept a preliminary subdivision plan in lieu of a general district development plan for proposed Zoning District Map Amendments creating districts other than R-R, R-E, R-1, R-2, R-3, R-4, or R-5.

3. Agreement to Development Plan Conditions:

The filing of an application for any Zoning District Map amendment shall constitute an agreement by the owner and applicant, their heirs, successors and assigns that if the Zoning District Map amendment is enacted by the legislative body having zoning authority over the property in question, building permits for improvement of any such property shall be issued only when in conformance with the binding elements of a district development plan conforming to these regulations and approved by the Planning Commission for said property in accordance with its By-Laws and Rules of Procedure; such binding elements shall be strictly complied with and be enforceable in the same manner as the Zoning District Regulations. A subsequent Zoning District Map amendment enacted pursuant to an application which is exempt from the requirements of this section by paragraph A. 2. hereof shall not invalidate any such agreement.

4. Elements of Development Plan:

The Planning Commission may require the general and detailed district

development plan to contain one or more of the following elements in graphic or written form as are applicable to the property in question and appropriate for adequate public review in accordance with paragraph B. 5. of this section.

a. Existing topography, with a contour interval not greater than five (5) feet unless specifically waived by the Planning Commission. Existing topography with a contour interval less than five (5) feet based on field survey may be required by the Commission for all or part of the subject property as existing topographic conditions warrant. Proposed contours with a contour interval corresponding to the existing contour interval may also be required;

b. Vicinity map with measurements of existing streets;

c. Boundary description, including area and bearings and dimensions of all property lines;

d. Lot size and location, height, floor area, and arrangement of proposed and existing buildings;

e. Proposed use of structures on the subject property, or, at the Planning Commission's discretion, the categories of uses proposed for the subject property.

f. Existing tree masses, significant rock out-croppings, streams, flood plains, and other natureal features;

g. Provisions for screening and buffering, landscaping, recreational, and open space area;

h The location, arrangement, and dimensions of existing and proposed streets and driveways, adjacent streets, sidewalks, parking areas (including number of off-street parking spaces), points of ingress and egress, off-street loading areas, and other vehicular, bicycle, or pedestrian right-of-ways,

I. Provisions for handling surface water drainage and utilities information, where appropriate, such as proposals for gas, water, elecricity, telephone service, sewage lines, fire hydrants, and similar information, and the location and dimensions of other existing or proposed easements;

j. Demonstration of compliance with land use intensity requirements;

k. Proposed stages of development, if applicable, and the anticipated time required to develop each stage;

l. The location of any burial grounds or cemetery; *****

m. Other such information the Planning Commision deems appropriate;

n. All development plans shall be drawn to a sufficient scale to clearly delineate the applicant's proposed use and development of the subject property. Such scale shall be indicated on the development plan.

5. Scope of Planning Commission Review:

The Planning Commission shall consider, but not be limited to, the following factors in review of a general or 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 sties,

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 recreation) 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 occuring 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 Zoning District Regulations.

6. Binding Elements:

The Planning Commission shall designate, at the time of approval or amendment of any general or detailed district 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 district development plan and thereby binding on the use and development of the subject property. Binding elements approved as part of any general district development plan shall be applicable to all detailed district development plans subsequently prepared for a subject property, and shall be binding upon the use and development of said property unless specifically waived by the Planning Commission.***** Items shown on the approved plan that are not designated by the Planning

***** June, 1990

Commission as an integral and permanent part of the plan shall not be binding on the use and development of the subject property except as required by other provisions of this regulation.

7. Binding Elements Run With the Land:

The binding elements of a general or detailed district 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 otherwise amended as herein provided or released by the Planning Commission.

8. Conflicts Between Binding Elements and Zoning District Regulations:

No binding element of a development plan approved by the Planning Commission shall permit the development or use of land in a manner prohibited by the Zoning District Regulations. To the extent a binding element of a development plan may purport to grant such permission, it shall be deemed in conflict with the Zoning District Regulations and be void and of no effect. Any such conflict may be noted on the district development plan by the Planning Commission at such time as the conflict is determined.

C. ZONING DISTRICT MAP AMENDMENT PROCESS:

1. Notice of Public Hearing:

Prior to any amendment to the Zoning District Map, public notification of such hearing shall be given in accordance with the provisions of Kentucky Revised Statutes, Chapter 100.

2. Public Hearing:

The Planning Commission shall hold a public hearing on all proposed amendments to the Zoning District Map in accordance with the provisions of Kentucky Revised Statutes, Chapter 100, and the By-Laws and Procedure of the Louisville and Jefferson County Planning Commission. The public hearing shall consider the appropriateness of the proposed amendment of the zoning district map and the appropriateness of the general district development plan for the site in question.

3. Planning Commission Action:

Following a public hearing concerning a proposed amendment to the Zoning District Map, the Planning Commission shall make a recommendation as to the appropriateness of the proposed Zoning District Map amendment and forward such recommendation to the legislative body having zoning authority over the property in question. In addition, the Planning Commission shall by separate vote approve, reject, or defer action on the general district

***** Docket No. 9-59-92.

development plan submitted in conjunction with the proposed Zoning District Map amendment. Thereafter, a copy of the general district development plan and Planning Commission resolution pertaining to both the Zoning District Map amendment and the general district development plan shall be forwarded to the appropriate legislative body.

4. Legislative Action:

   a. Zoning District Map Amendment:
   The legislative body having zoning authority over the property in question shall approve or deny the proposed Zoning District Map amendment subsequent to:

      (1) Consideration of the Planning Commission's recommendation regarding the proposed Zoning District Map amendment; and
      (2) Consideration of the Planning Commission's action regarding the general district development plan for the subject property.

   b. Condition of Enactment:
   A condition to the enactment of any Zoning District Map amendment applied for pursuant to this section shall be established requiring that building permits for improvement of any such property be issued only in conformance with the binding elements of a district development plan conforming to these regulations and approved by the Planning Commission in accordance with its By-Laws and Rules of Procedure; such binding elements shall be strictly complied with and be enforceable in accordance with KRS Chapter 100, local ordinances and Planning Commission policy. *

   A subsequent Zoning District Map amendment enacted pursuant to an application which is exempt from the requirements of this section by paragraph A(2) hereof shall not invalidate said condition.

   c. Additional Development Plan Requirements by Legislative Body:

   Said legislative body, at its discretion, may direct the Planning Commission to include additional restrictions on the general district development plan that it deems appropriate for the welfare of the public. The Planning Commission may approve said plan only after such restrictions are included on the development plan. If said plan has already been approved, the plan shall be amended by the Planning Commission in accordance with paragraph D. 2. of this section to include those additional restrictions specified by the appropriate legislative body.

5. Notice of Enactment:

   Following the enactment of the amendment to the Zoning District Map by the appropriate legislative body, the following shall occur: *

* Docket 9-26-00.

a. The legislative body having zoning authority over the property in question shall notify the Planning Commission of the enactment of the amendment to the Zoning District Map.

b. The Planning Commission shall maintain records of any general or detailed district development plan it has approved pertaining to the enacted Zoning District Map amendment.

c. Any approved general district development plan, with indication of any binding elements, which pertains to the enacted District if other than a PRO and PEC District shall be forwarded by the Planning Commission to the appropriate agency granting building permits for the property in question. Any approved detailed district development plan, with indication of any binding elements, pertaining to an enacted PRO and PEC District shall be forwarded by the Planning Commission to the appropriate agency granting building permits for the property in question. Said agency shall acknowledge receiving any general or detailed district development plan by written receipt to the Planning Commission. *

D. IMPLEMENTATION OF DEVELOPMENT PLAN AND ZONING DISTRICT REGULATIONS:

1. Building Permits:

Building permits for improvement of any zoning district other than PRO and PEC Districts enacted pursuant to an application submitted after the adoption of this section of these regulations shall be issued only in conformance with the binding elements of the general district development plan (including the development plan expiration date) which has been approved by the Planning Commission. Building permits for improvement of all PRO and PEC Districts enacted subsequent to the adoption of this section of these regulations shall be issued only in conformance with the binding elements of that portion of a detailed district development plan (including the development plan expiration date) which has been approved by the Planning Commission. Building permits issued in conflict with the binding elements of the appropriate district development plan approved by the Planning Commission or in conflict with other applicable requirements of these regulations shall be void and of no effect. Requirements of this paragraph shall apply to a Zoning District Map amendment enacted pursuant to an application exempt from the provisions of this section only if there has been a prior amendment which was enacted pursuant to an application governed by this section.

2. Development Plan Amendments:

Amendments to any binding element of an approved general or detailed district development plan, including any development plan expiration date,

* Docket No. 9-26-00.

shall require Planning Commission approval. Requests for amendments of any such district development plan shall be submitted to the Planning Commission and the Commission shall act thereon within ninety (90) days of the receipt thereof. Amendments shall be processed in the same manner as the original district development plan. However, a public hearing on the proposed amendment to the district development plan shall be held only if the Planning Commission deems it necessary and appropriate. If a public hearing is held, the Planning Commission shall give public notice of said hearing at the applicant's expense.

Subsequent to any such amendment, a copy of the amended district development plan shall be forwarded to the appropriate agency granting building permits for the property in question. Said agency shall give notice of receiving any amended district development plan by written receipt to the Planning Commission.

E. REVIEW OF PLANNING COMMISSION'S ACTION REGARDING DEVELOPMENT PLANS:

1. Initiation of Review:

Planning Commission approval or denial of any district development plan 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 district development plan. 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 Secretary.

2. Notice:

a. If the legislative body determines that a review regarding the district development plan 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 district development plan, and all owners of property adjoining the subject property of the date, time, place, and subject of the hearing. In addition, said notification shall advise those notified of their right to

inspect the subject plans in the Planning Commission Office and to present their opinion at the public hearing.

3. Public Hearing:

The public hearing shall include a presentation by the Planning Commission stating the reason(s) for its action pertaining to the district development plan. In addition, any applicant for review of the Planning Commission's action pertaining to said plan 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.

4. 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 Secretary.

5. 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 resolution at its next regularly scheduled meeting. If the Planning Commission fails to comply, the alterations regarding the development plan specified by said resolution shall become effective upon the adjournment of said meeting.

F. JUDICIAL REVIEW OF LEGISLATIVE ACTION:

Judicial review of an action of the legislative body pursuant to this section must be initiated by an aggrieved party within thirty (30) days from the time such action becomes effective.

Section 8.2 Community Facility Review

A. The following uses may be allowed in any district after receiving Planning Commission review to ascertain their agreement with the Comprehensive Plan:

1. PUBLIC AND GOVERNMENTAL BUILDINGS AND FACILITIES INCLUDING OFFICES, TRAINING ARMORIES, STORAGE, MAINTENANCE AND REPAIR:

   a. Off-street parking and loading for the class of use as required in Article 10 shall be provided.
   b. All buildings and structures shall be at least 30 feet from all property lines. 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.*
   c. Drives and parking areas shall be surfaced with a hard and durable material and properly drained.
   d. One non-flashing identification sign, not to exceed 60 square feet in area, may be located at the major entrances, provided it is not in or over a required yard, except in districts where signs are allowed.

2. PUBLIC UTILITY SERVICE BUILDINGS AND FACILITIES AND PRIVATELY OWNED TRANSMISSION LINES ABOVE OR BELOW THE GROUND, STRUCTURES, AND APPURTENANCES THERETO: *

   a. All buildings and structures shall observe the front, street side, and rear yard requirements of the district in which they are located.
   b. 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 7 feet or greater in height may be constructed within the required side or rear yard.
   c. If additional building height is needed above the maximum height in the district, l foot shall be added to all yards for each foot of building over the allowed height.
   d. Off-street parking and loading areas for the class of use as required in Article 10 shall be provided, except at unmanned or automatic installations.
   e. Drives and parking areas shall be surfaced with a hard and durable material and properly drained.
   f. Except in districts where signs are allowed, one un-illuminated identification sign, not to exceed 12 square feet in area, may be erected, provided it is not in or over a required yard.
   g. In residential districts evergreen plantings shall be provided and maintained to screen the installation from surrounding properties.
   h. Excepted are service facilities as defined in KRS 100.324.

3. The standards listed in paragraphs 1 and 2, above, may be waived by the Planning Commission. *

* Docket No. 9-26-00.

B. ***** ANTENNA TOWERS FOR CELLULAR TELECOMMUNICATIONS SERVICES OR

PERSONAL COMMUNICATIONS SERVICES (Cellular antenna towers or alternative cellular antenna tower structures):

An antenna tower for cellular telecommunications services or personal communications services may be allowed in any district after receiving Planning Commission review in accordance with the Planning Commission's filing procedures to ascertain its agreement with the Comprehensive Plan and the zoning district regulations and after being granted a Certificate of Public Convenience and Necessity by the Public Service Commission. **Co-location of service facilities is preferred.** Any request for review of a proposal to construct such an antenna tower shall be made only in accordance with this Section B.

However, if the property is subject to an existing district development plan pursuant to Section 8.1 of the zoning regulations 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. Review of the district development plan or Conditional Use Permit plan shall be limited to a determination of the impact of the antenna tower for cellular telecommunications services or personal communications services construction on the requirements of the district development plan or Conditional Use Permit. The property owner shall be responsible for making alternative provision 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. In the event the Public Service Commission requires that the tower be located on the site differently than shown on the district development plan or Conditional Use Permit plan, the property owner shall submit an amended request and plan showing the new location for review of the effects the new location may have on the features of the district development plan or Conditional Use Permit site and use. Such amended request and plan shall be submitted no later than ten (10) business days after the date of the final order of the Public Service Commission approving the tower construction. (Editor's Note: As authorized in KRS 100, the Planning Commission may modify an existing Conditional Use Permit in conjunction with a request for review of a proposal to construct an antenna tower for cellular telecommunications services or personal communications services.)

1. General Provisions:

   a. Notice of Filing:

      (1) Notice of any request filed under this section shall be sent by the applicant by first class mail to the owner of every parcel of property within 500 feet of the tower, to the owner of every parcel of property adjoining at any point the property from which the applicant proposes to create the tower site, and to the owner of every parcel of property directly across the street from said property. Notice shall also be sent by the

* Docket Number 9-20-97, October 1997

applicant to the mayor, city clerk, and the alderman elected to represent the specific ward in which the tower site is proposed, if the tower is proposed to be located within the corporate limits of the City of Louisville, or to the mayor and city clerk, if the tower is proposed to be located within the corporate limits of any other city, or to the applicable County Commissioner, if the tower is proposed to be located in the unincorporated area of Jefferson County.

Such notices shall include the Planning Commission Docket Number under which the request will be reviewed, the address and telephone number of the Planning Commission's office, and a statement that the recipient has the right to submit testimony to the Planning Commission, either in writing or by appearance at any Committee or Commission meeting scheduled for review of the request. Such notices by first class mail shall be mailed no sooner than the date of acceptance of the application by the Planning Commission and no later than two calendar days subsequent to that application. An attorney shall certify within five (5) days of mailing that the required notices have been sent.

(2) The applicant shall furnish to the Planning Commission at the time of filing of the request a copy of the notices required by 1., a., (1) above and the names and addresses of the owners of property and the governmental officials to whom the required notices will be sent. Records maintained by the Property Valuation Administrator may be relied upon to determine the identity and address of said owners. If the property is in a cooperative form of ownership or has co-owners, notice may be in the manner described in KRS 100.214 (2) for such ownership. The applicant shall obtain the name and address of the applicable governmental officials from the Division of Planning and Development Services.

(3) Notice of the filing of the request shall be posted conspicuously in a visible location on the proposed site of the telecommunications facility and in a visible location on the nearest public road at the same time that notice by first class mail is sent. The applicant shall certify that the postings have been made. The notices shall remain until the Planning Commission issues its final decision or 60 days has passed since acceptance of the request by the Planning Commission, whichever occurs first. The posting shall be as follows:

(a) Each sign shall be at least two (2) feet by four (4) feet in size;

(b) The sign posted on the proposed site shall state: "(Name of applicant) proposes to construct a

telecommunications tower and/or facility on this site. If you have questions, please contact (name and address of applicant). Information on the Planning Commission's review of this proposal may be obtained by calling the Planning and Development Services Division at (502) 574-6230. Please refer to (assigned Docket No.) in all inquiries.

(c) The sign posted on the nearest public road shall state: "(name of applicant) proposes to construct a telecommunications tower and/or facility near this site. If you have questions, please contact (name and address of applicant). Information on the Planning Commission's review of this proposal may be obtained by calling the Planning and Development Services Division at (502) 574-6230. Please refer to (assigned Docket No.) in all inquires."

(d) In both posted notices, the words "proposes to construct a telecommunications tower and/or facility" shall be printed in letters at least four (4) inches in height, and the words "Planning and Development Services Division at (502) 574-6230" shall be printed in letters at least one (1) inch in height. Both signs shall be constructed of durable, weatherproof material.

b. Documentation: Any request filed under this Section B. for review of a proposal to construct an antenna tower shall include the following:

(1) All information that the applicant is required by 807 KAR 5:063 to submit to the Commonwealth of Kentucky Public Service Commission;

(2) A copy of the applicant's FCC license, or, if the applicant is not an FCC license holder, a copy of at least one letter of commitment from an FCC license holder to locate at least one antenna on the applicant's tower.

(3) Unless co-locating, certification, supported by evidence, that co-location of the proposed telecommunications facility with an existing approved tower or facility cannot be accommodated. The applicant's certification shall include a listing of all existing towers and facilities, a description of each existing site, and a discussion of the ability or inability to co-locate on each existing site according to the following table.

- For a tower proposed to be 200 or more feet tall, all towers and facilities within a 1.5 mile radius of the proposed site,
- For a tower proposed to be at least 100 feet but less than 200 feet tall, all towers and facilities within a one mile radium of the proposed site; and
- For a tower proposed to be less than 100 feet tall, all towers and facilities within a 0.5 mile radius of the proposed site.

Reasons for not co-locating on a site would include, but not be limited to, the following:

(a) No existing towers or facilities are located within the above radius of the site;

(b) Existing towers or facilities are not of sufficient height to meet the applicant's engineering requirements;

(c) Existing towers or facilities do not have sufficient structural strength to support applicant's proposed antenna and related equipment;

(d) Applicant's planned equipment would cause radio frequency interference with other existing or planned equipment of the tower or facility, or the existing or planned equipment of the tower or facility would cause interference with the applicant's planned equipment which cannot be reasonably prevented;

(e) Unwillingness of the owner of the existing tower or facility to entertain a co-location proposal;

(f) Existing towers or facilities do not provide an acceptable location for requisite coverage for the applicant's communications network.

(4) Unless co-locating, certification, supported by evidence, that the proposed site is the only appropriate site within the immediate area for the location of the telecommunications facility. The applicant's certification shall include a listing of potential sites, a description of each potential site, and a discussion of the ability or inability of the site to host a telecommunications facility according to the following table:

- For a tower proposed to be 200 or more feet tall, all potential sites within a 1.5 mile radius of the proposed site,
- For a tower proposed to be at least 100 feet but less than 200 feet tall, all potential sites within a 1 mile radius of the proposed site, and
- For a tower proposed to be less than 100 feet tall, all potential sites within a 0.5 mile radius of the proposed site.

Potential sites that should be considered (in order from most preferred to least preferred) include: highway rights-of-way except designated parkways, existing utility towers, industrial districts, commercial districts and commercial centers, government buildings, office towers, and residential towers. Reasons for not locating on a potential site would include, but not be limited to, the following:

(a) Unwillingness of the site owner to entertain a telecommunications facility;

(b) Topographic limitations of the site;

(c) Adjacent impediments that would obstruct adequate cellular telecommunications and/or personal communications transmission;

(d) Physical site constraints that would preclude the construction of a telecommunications facility;

(e) Technical limitations of the telecommunications system;

(f) Existing potential sties do not provide an acceptable location for requisite coverage for the applicant's communications network.

(5) At the time the applicant files its first application for review under these regulations and as of July 1 of each calendar year, a listing of the present locations of the applicant's telecommunications towers and/or facilities in Jefferson County, to include co-location sites, and an "annual plan" covering the applicant's next year network build-out of telecommunications facilities within Jefferson County. With each application, the applicant shall provide any changes to the "annual" plan that have occurred since July 1 or verify the continued accuracy of the plan submitted. To the extent that annual plans and updates of annual plans of the applicant constitute records which are generally recognized as confidential and proprietary within the meaning of KRS 61.878 (as amended from time to time), the Planning Commission shall deny any public request for the inspection of such records, whether submitted under Kentucky's Open Records Act or otherwise, unless ordered to disclose such records by a court of competent jurisdiction.

* **Editor's note**: *Contact Planning and Development Services staff for text of this paragraph currently in effect in unincorporated Jefferson County*

(6) A pictorial representation, such as a silhouette drawing, photograph, etc., of the proposed telecommunications facility from a point 400 feet from the facility in each of the four compass directions showing the relationship of the tower and/or facilities against the massing of surrounding structures, trees, and other intervening visual masses.

(7) A justification statement demonstrating that the proposed construction is in agreement with the Comprehensive Plan.

(a) Guarantee: To insure the removal of all improvements at any abandoned telecommunications facility, any applicant filing a request under this Section B. shall, at the time of submittal of the list of existing towers and "annual" plan, 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 telecommunications facilities within Jefferson County may deposit a single guarantee in the amount equal to the cost of demolition and removal of the one

telecommunications facility it owns which would cost the most to demolish and remove until such time as the number of its multiple telecommunications facilities exceeds four (4) such facilities, both existing and projected within the current calendar year. At such time as the approved number of one applicant's multiple telecommunications facilities 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 telecommunications facilities 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.

(b). 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 alternatives analysis. Application fees may be established to cover the costs of staff and/or special expert consultant review of requests filed under this Section B.

2. Design Standards: At the time of filing of a request under this Section B., the applicant shall provide information demonstrating compliance with the requirements listed below. Where the Planning Commission finds that the conditions or circumstances relating to the particular application are such that one or more of the requirements listed below are not necessary or desirable for the protection of surrounding property or the public health, safety, or welfare, either at the time of application or in the foreseeable future, and that such special conditions and circumstances make one or more said requirements unduly burdensome, the Planning Commission may modify or waive such requirement, either permanently or on a temporary basis. Any such modification or waiver shall be requested by the applicant, and the applicant shall submit a written justification for each requested modification or waiver.

a. 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.

b. The site shall be landscaped in accordance with the requirements of Article 12 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 Article 12.

c. 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.

d. 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 building and tower together measured from the grade to the highest point. When any tower as described above is proposed to result in an overall height greater than 200 feet, the Planning Commission may allow the overall height to exceed 200 feet if the Planning Commission, upon review of the applicant's written justification for the additional height, finds that the request for additional height meets the four (4) criteria enumerated in Article 3, C., 8. of the Development Code. However, 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/EIA/TIA 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.

e. 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.

f. 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.

g. 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 Article 12, D. 8.

h. 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.

i. The applicant shall supply certification that the facility complies 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).

j. 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 Section 8.2, B., 1., c. above.

k. 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.

Section 8.3 Non-Conformance

A. * USE:

A non-conforming use is any established activity existing at the time of enactment of any zoning regulation which would not permit such activity. Non-conforming use may be continued as then established. There shall be no change of the non-conforming activity which would create non-conformance with regulations beyond that existing at the time the non-conformity began, and there shall be no increase in the floor area or in the land area devoted to a non-conforming activity. There shall be no decrease in land area which would create greater non-conformity with the minimum lot area requirements applicable to the use. A non-conforming use may continue indefinitely; sale of such use does not affect its non-conforming status. A non-conforming use may not be changed to any other non-conforming use except that, with the approval of the appropriate Board of Zoning Adjustment, a non-conforming use may be changed to another non-conforming use of the same or a more restricted classification provided such changed use will not, in the opinion of the appropriate Board of Zoning Adjustment, change the character of the neighborhood or detract from the enjoyment or value of other property in such neighborhood. The appropriate Board may impose such conditions to its approval as it feels may be necessary to preserve the character of the neighborhood and protect the value of other neighborhood property.

Established residential activity or an existing structure designed and used for residential activity in an industrial zone may be expanded but only if no increase in dwelling units is created and such expansion would conform to all requirements in the R-5 residential zone.

B. BUILDING/STRUCTURE:

A non-conforming building is a building or structure lawfully constructed at the time of adoption of these regulations or amendment thereto, which does not conform to the required setbacks, maximum height or maximum floor area ratio in the zoning district in which it is located.

There shall be no change of a non-conforming building or structure that would create non-conformance with regulations beyond that existing at the time the non-conformity began. A non-conforming structure may be expanded only as allowed by the following:

A non-conforming 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 non-conforming aspect of such structure.

Existing non-conforming structures in the floodway shall not be expanded but may be otherwise modified, altered or repaired, providing such measures incorporate flood-proofing devises and comply with the provisions in Article 13.

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

***** See Article 8, pages 25 and 26 for City of Louisville amendment of Section 8.3, A.

C. LOT:

A non-conforming lot is a lot that was lawfully created prior to the adoption of the Zoning District 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 non-conforming lot may be used in accordance with the other applicable restrictions of this Development Code, but changes to the lot that create greater non-conformity with the minimum lot area are permissible only in accordance with the provisions of this section C. *

The side yard required on each side of a lot less than 50 feet wide and which was of record prior to the effective date of these regulations may be reduced to a width of ten (10) percent of the width of the lot.

Where the Planning Commission finds that subdivision of a lot created prior to the adoption of the Zoning District Regulations 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 district regulations applicable to the property. A subdivision of property in accordance with the terms of this provision shall not affect the pre-existing non-conforming use status pertaining to the property. As a condition of approval, the Planning Commission may require restrictions to be placed on the subdivision plat.

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 another adjacent lot and that resultant lot is in a zoning classification that permits the proposed use.

* Docket No. 9-26-00.

D. PARKING:

Parking facilities, which were in existence prior to the adoption of the Off-Street Parking Requirements, Article 10 shall not be reduced below the number of spaces required by Article 10.

A use or building which is legally non-conforming due to inadequate parking spaces may be altered if the additional spaces required by the Off-Street Parking Requirements are provided. If three or less spaces are required by the alteration, no additional parking spaces shall be required.

E. SIGNS:

(Section 8.3, E. is amended for the City of Louisville; amended 8.3 E. appears below, italicized text)

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 non-conforming 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 non-conforming 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 non-conforming sign is replaced, the sign must be brought into compliance with the requirements of Article 11. 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 City of Louisville only)*
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 non-conforming 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 non-conforming 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 non-conforming sign is replaced, the sign must be brought into compliance with the requirements of Article 11 except that a non-conforming business sign, may be replaced by another non-conforming sign, provided that all non-conformance in area, height, size and setback which are to be changed is reduced by 25% of the difference between the existing non-conforming sign and what the regulation allows. Replacement of structural elements in this context means the disassembly and subsequent re-assembly or the substantial alteration of the pole, base or frame.

F. REMOVAL:

Voluntary demolition of a non-conforming structure or a structure housing a non-conforming use nullifies the non-conforming rights to such use or structure. A non-conforming structure or a structure housing a nonconforming use that has been involuntarily removed or destroyed retains its non-conforming rights for a period of one year. Failure to re-establish the use or structure within one year nullifies non-conforming rights to such use or structure. Re-establish, as used in this section, 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.

G. ABANDONMENT:

The abandonment of a non-conforming use terminates the non-conforming use status. The burden of proof in a hearing before the appropriate Board of Zoning Adjustment on whether a non-conforming use has been abandoned shall be on the party asserting that the non-conforming use has been abandoned. However, a showing that the subject property has not been regularly used for the purposes for which the non-conforming 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 non-conforming 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 non-conforming use on the property by such acts as would be undertaken by a reasonable person with the intent to reinstate said non-conforming use; and

(2) there is a reasonable prospect that the non-conforming use will be reinstated in the foreseeable future.

Section 8.3 Non-Conformance

A. ***** (For Louisville) Non-Conformance:

1. A non-conforming use is any established lawful activity conducted on a land parcel located within Louisville and Jefferson County at the time of enactment of any zoning regulation or the time of enactment of any other ordinance or regulations which prescribes such activity on that land parcel but leaves the owner thereof with the constitutionally vested right to continue to engage in such activity on that land parcel.

2. A non-conforming use may be continued until it is abandoned notwithstanding the sale of the land parcel on which the non-conforming use exists; but a non-conforming use shall not be enlarged, expanded or changed except as expressly permitted by KRS 100.253 and by this Section 8.3 A.

3. A change in a non-conforming use shall include any alteration in the activity which distinguishes or characterizes the use from the activity described by one term defined in Article II hereof to another activity described by another term defined in Article II hereof or to another activity not reasonably or adequately described by any term defined in Article II hereof.

4. There shall be no change of non-conforming use which would create non-conformity with regulations already applicable to the subject land parcel at the time of adoption of the regulation which rendered the existing use on the subject land parcel non-conforming or imposed at the time said use on the subject land parcel became non-conforming or imposed between the time of adoption of such regulations and the change in use.

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

6. There shall be no change from one non-conforming use to a second non-conforming use if the second non-conforming use would not have been a lawful and conforming use at the time of adoption of the regulation which rendered the first use non-conforming.

7. There shall be no change from one non-conforming use to a second non-conforming use if the second use is prohibited in the zoning district in which the first use would be a permitted use.

8. Subject to the limitations and restrictions imposed by paragraphs 1 through 7 of this Subsection 8.3 A, the Board of Zoning Adjustment which has jurisdiction over the land parcel on which a non-conforming use exists may permit a change in the non-conforming use upon finding that the second non-conforming use will be no more odious or offensive to surrounding properties than the first non-conforming use. When the Board of Zoning Adjustment permit a change from one non-conforming use to another non-conforming use pursuant to this paragraph, it may impose such conditions upon such new non-conforming use as it finds are necessary to preserve the character of the neighborhood and to protect the value of other neighborhood property.

9. Notwithstanding any provision in this Section 8.3 A 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 the subject property and (ii) the expansion would be permitted if the existing structure were located in an R-5 Residential district.

ARTICLE 9 SUPPLEMENTAL DISTRICT REGULATIONS

Section 9.1 Signature Entrances, Fences and Walls

Section 9.2 Setbacks

Section 9.3 Height Exceptions

Section 9.4 Adult Entertainment Activities

Section 9.5 Innovative Residential Developments *****

Section 9.6 Exceptions and Modifications

Section 9.7 Outdoor Sales and Display and Storage

Section 9.8 Inactive, Private or Family Cemeteries

***** Not in effect in the Cities of Louisville and St. Matthews.

Section 9.1 Signature Entrances, Fences and Walls

A. * 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 five acres or more.

2. Location:

The signature entrance shall not obstruct the natural roadside drainage or thru-drainage facilities and shall allow for adequate sight distance. The appropriate 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.

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 it has been approved by the appropriate Public Works Department.

Encroachment permits and proof of permanent maintenance must be received for any signature entrance to be located within a right-of-way prior to construction plan approval.

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. Light fixtures and guard houses may extend an additional 4 feet (Figure 1).

***** Adopted February 1989, Docket No. 9-80-88.

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 (Figure 2).

5. Proximity to Structure on Lot and Driveway:

   Signature Entrances shall be constructed a minimum of 20 feet from dwellings and driveway entrances (Figure 2). Editor's note: One sign not exceeding 15 square feet in area attached to the signature entrance may be provided at each entrance to the development. Refer to Section 11.C.2 for specific information.

B. FENCES AND WALLS

Height and Location:

1. In the R-R, R-E, R-1, R-2, R-3, R-4, R-5, RRD, R-5A, R-5B, R-6, R-7, R-8A, OR-1, OR-2, OR-3 and OTF Districts: (Figure 3)

   a. Fences and walls, up to 4 feet in height may be located within required front and street side yards except as provided in Article 3, Zoning District Rules, Section C. 3, Vision Clearance (Figure 4).

   b. Fences and walls, up to 7 feet in height may be located within required side and rear yards.

   c. 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 7 feet. Editor's note: Refer to figure 3 illustrating maximum permissible fence height, and figure 4 illustrating measurement of fence height.

2. In all other zoning districts:

   Fences and walls in all other zoning districts shall be restricted by the maximum building height of that district except when adjacent to R-R, R-E, R-1, R-2, R-3, R-4, R-5, RRD, R-5A, R-6, R-7, R-8A, OR-1, OR-2, OR-3 and OTF Districts in which case 1. a), b) and c) above shall apply.

3. Fences and walls not located within a required yard shall be restricted by the maximum building height of that zoning district.

4. Fences and walls required for swimming pools shall be regulated by Section 9.2.K-of these regulations.

C. SETBACK REQUIREMENTS

Any signature entrance, wall or fence exceeding 4 feet in height as allowed by section 9.1.A. and 9.1.B. shall be setback from the right-of-way on which it fronts a distance of not less than that prescribed in Table 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 10 foot setback requirement.

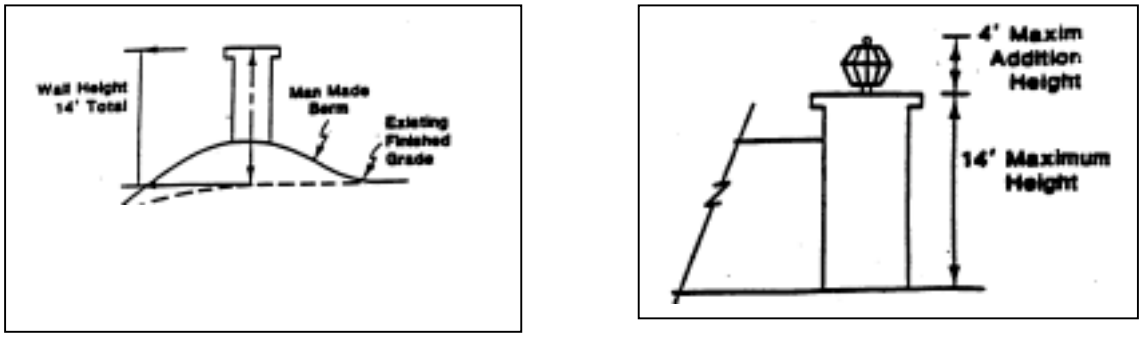


FIGURE 1

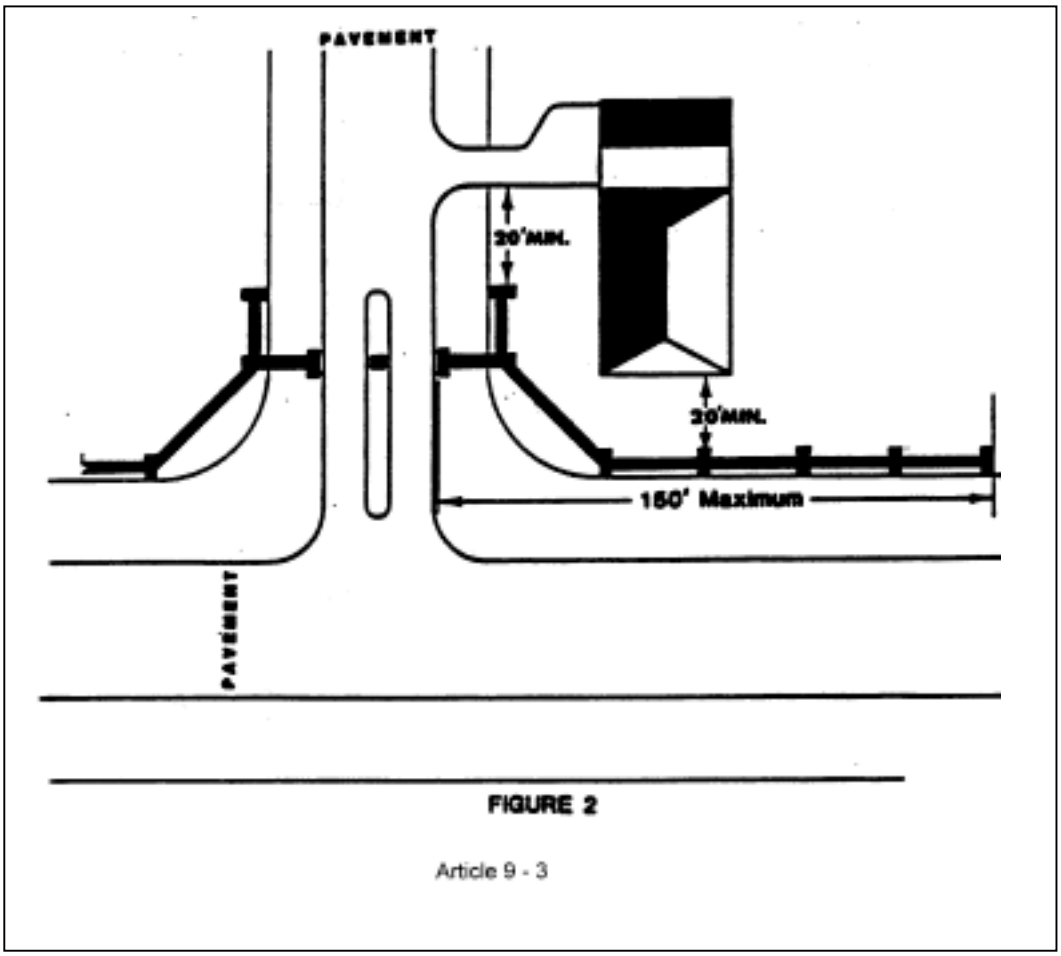


FIGURE 2

Section

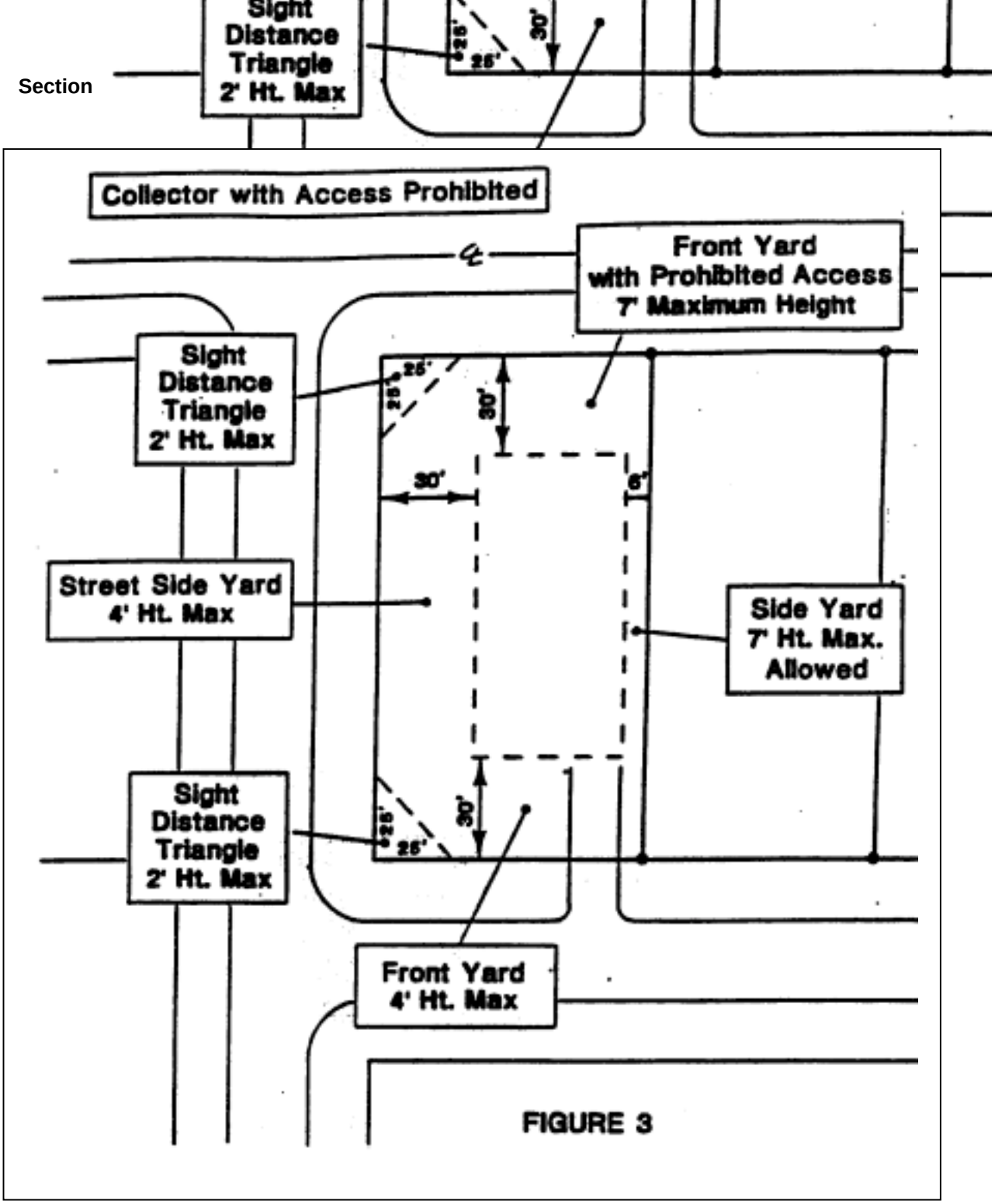


FIGURE 3

TABLE 1

Setback Distance from R.O.W.	Maximum Height Allowed
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 by Section 9.1, A. and 9.1, B. 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 Article 12 of this regulation. In no case shall fences or walls extend a distance greater than 100 feet without providing a visual break in the form of a reasonable offset or evergreen plantings that, at maturity, will equal or exceed the height of the fence or wall

D. Dimensional Variances

Portions of this regulation that govern height or length or setback requirements may be modified by the appropriate 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. Variances may not be granted for sign area requirements.

(See sections 3.7, 3.8, 8.1A.5 of the Zoning District Regulations and Section 1.65 of the Metropolitan Subdivision Regulations).

E. Plan Approval Process

Signature Entrance plans shall be reviewed and approved by the appropriate Public Works Department as part of the construction plan approval process. Signature entrance plans submitted shall bear the seal of a registered engineer, architect or landscape architect licensed to practice in the Commonwealth of Kentucky.

INDEMNITY AGREEMENT

_____, hereby agrees to indemnify and serve Jefferson County, Kentucky, its Fiscal Court, departments and agencies 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

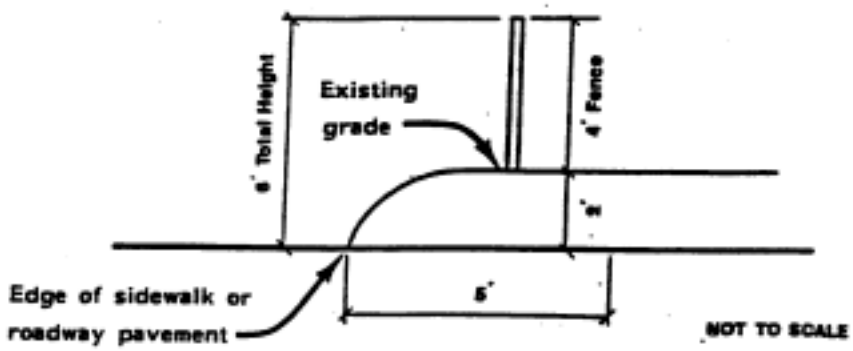
_____
Signature

Section 9.1 Signature Entrances, Fences and Walls

Example for fence height measurement standard: front and street side yards

(A) Measure fence height within 5' of a sidewalk or roadway pavement like this

Total = 6' (4' fence + 2' change in grade)



(B) Measure fence more than 5' from a sidewalk or roadway pavement like this:

Total height = 4' (measure from existing grade only)

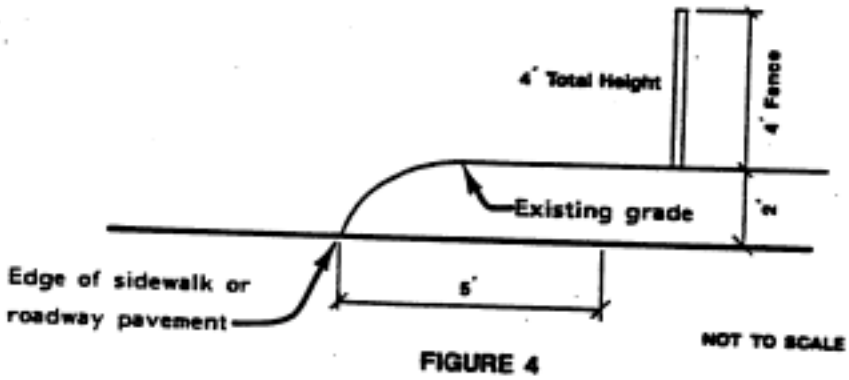


FIGURE 4

Editor's Note: Refer to definition of "grade", in Article 2.

Article 9 - 7

Section 9.2 Setback

YARD REQUIREMENTS:

*A. Where more than 50% of the residential frontage on one side of a street between two intersecting streets, or where more than 50% of the residential frontage within 200 feet of a lot (when an intersecting street is at a greater distance), is improved with buildings which have observed an average front or street side yard, with a variation in depth of not more than ten (10) feet, any building hereafter erected or altered in this block may observe this established average line, even if it is less than the setback prescribed in the requirements for the applicable zoning districts.

B. On double frontage lots the required front yard shall be provided on each street.

C. The buildable width of a corner lot nonconforming as to minimum width or area (including lots approved by the Planning Commission under section 8.3 C. of these regulations) shall not be reduced to less than thirty two (32) feet by the application of the required side yard on the street side. Nothing in this section shall be construed to allow reduction of any other required side yard. **

**D. 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.

**E. The side yard required on each side of a lot less than 50 feet wide and which was of record prior to the effective date of these regulations may be reduced to a width of ten (10) percent of the width of the lot.

F. Where dwelling units are erected above and as a subordinate use to commercial and industrial districts, and each dwelling unit has openings to the outside only on the front and the rear and is no more than two rooms in depth, no side yard is required except such side yard as may be required in the district regulations for a commercial or industrial building on the side of the lot adjoining a residential district.

G. A required side or rear yard which abuts an alley may utilize one half the width of such alley to meet the yard requirements, provided the distance from the building to the property line is not less than five feet.

H. Every part of a required yard shall be open to the sky, except as authorized by this section 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.

I. When front or street side yards are required in a district in which automobile service stations are permitted, freestanding gasoline pump islands, pumps, lighting standards, and freestanding automobile service station signs may be placed on the premises provided they are at least 15 feet from the street line. Where no front or street side yards are required, freestanding gasoline pumps shall be at least 10 feet from the street line.

J. An open, unenclosed porch or paved terrace may project into a required front yard for a distance not to exceed ten (10) feet.

K. For the purpose of the side yard regulations a two-family dwelling and a multiple-family dwelling shall be considered as one building occupying one lot.

*March 1992, Docket Number 9-67-91.
** Docket 9-26-00.

L. 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 Inspector for a distance of not more than 5 feet, but only where the same are placed so as not to obstruct light and ventilation.

M. A private swimming pool shall not be constructed in any required front, street side, or side yard. A private in ground or above ground swimming pool may be constructed in a required rear yard in excess of the maximum coverage of 30 percent by accessory buildings, provided that such pool shall be no closer than five (5) feet to any property line. Private swimming pools in any location shall be enclosed by a fence at least 42 inches in height, with a self-latching gate. Above ground pools with a vertical barrier of at least 42 inches that are made inaccessible by removal of the ladder or similar measure are allowed without a fence. Any buildings or structures in conjunction with a pool shall be classified as accessory buildings unless they are part of the main building.

N. The least dimension of side yard on which the principal entrances or exits of a multiple-family dwelling face shall be twenty (20) feet.

O. In the R-R, R-E, R-1, R-2, R-3, R-4, RRD, R-5, R-5A, R-5B, R-6, R-7, R-8A, OR-1, OR-2, OR-3, OTF and C-N Districts off-street parking areas shall not be permitted in a required front yard.

P. A detached garage or carport serving a single-family detached residence may be located as close as two (2) feet to the side property line if it is at least fifteen (15) feet farther to the rear of the lot than the rearmost portion of the main house.**

Q. In zones other than the R-E Residential Estate District main buildings and accessory buildings may be constructed in a required rear yard, provided such buildings do not occupy a total area greater than 30 percent of the area of the required rear yard in the district in which they are located and are not placed closer than five (5) feet to the rear lot line.

*Q. * **City of Anchorage only:***
In zones other than the R-E Residential Estate District main buildings and accessory buildings may be constructed in a required rear yard, provided:

1) such buildings do not occupy a total area greater than 30 percent of the area of the required rear yard in the district in which they are located, and
2) for properties in the R-1 district, such buildings are not placed closer than 10 feet to the rear and side lot line, and
3) for properties in the R-2 district, such buildings are not placed closer than 10 feet to the rear lot line and 8 feet to the side lot line, and
4) for properties in all other districts, such buildings are not placed closer than 5 feet to the rear lot line.

R. The side yard required on each side of a lot less than fifty (50) feet wide)measured at the building limit line) and which was of record prior to the effective date of these regulations may be reduced to a width of ten (10) percent of the width of the lot. **

S. 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 yards.

* Italicized text in effect only in the city of Anchorage, December 1998 (Docket No. 9-66-98)
**Docket No. 9-26-00.

Section 9.2 Setback

*T. Yard Requirement - this section is applicable to property abutting expressways, as designated in the Comprehensive Plan for all of Jefferson County, Kentucky, in non-metropolitan** Jefferson County, Kentucky.

a) No residential structures nor any noise sensitive community facilities shall be located within 250 feet of the edge of pavement of the expressway's nearest travel lane.

b) Land within the 250 foot zone may be used as dedicated open space, landscaped buffer area, private yard area deed restricted from residential structures, roadways, and accessory structures.

c) Exceptions to this restriction may only be obtained if found in compliance with Section 9.6 D of these regulations.

U. Ramps intended and designed for the use of handicapped persons are allowed to encroach into any required yard in any zoning 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 for handicapped or disabled persons is not impeded due to a lack of adequate ramps.*

* Adopted February 1989, Docket No. 9-100-88.
** Refer to Article 11 of the Zoning District Regulations, paragraph A. 13.
*** Adopted October 1994, Docket Number 9-23-94.
**** Docket No. 9-26-00.

Section 9.3 Height Exception

A. The height requirements as prescribed in these regulations shall not apply to belfries, chimneys, church spires, conveyors, cooling towers, elevator bulkheads, fire towers, monuments, ornamental towers or spires, smoke stacks, satellite dishes, scenery lofts, solar energy collectors and equipment used for the mounting or operation of such collectors, tanks, and water towers. Transmitting towers for non-commercial use are permitted in accordance with Federal Communications Commission and/or Federal Aviation Agency requirements.*

B. Public, semi-public, or public service buildings, hospitals, educational institutions, or schools may be erected to a height not exceeding 60 feet, and churches and temples may be erected to a height not exceeding 75 feet, when permitted in a district with lower height regulations, provided the required yards are each increased one foot for each one foot of additional building height above the height regulations for the district.

*Docket No. 9-26-00.

Section 9.4 Adult Entertainment Activities

Adult entertainment activity(ies), as they may be defined in the ordinances of the various jurisdictions regulating such activity, may be permitted in the C-2 Commercial, C-3 Commercial and C-M Manufacturing districts only upon licensure by the appropriate jurisdiction having regulatory authority. *****

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. *****

"An adult entertainment activity(ies)" shall mean any one or more of the following activities defined in Article 2, Definitions: ******

Adult Amusement Arcade
Adult Book Store
Adult Entertainment Provider
Adult Motion Picture Theater
Adult Stage Show Theater
Adult Video Cassette Rental Center ***
Cabaret
Commercial Sexual Entertainment Center
Massage Parlor
Taxi Dance Hall

Note: In addition to the district requirements appearing elsewhere in these Regulations which restrict adult entertainment activities to the C-2 Commercial, C-3 Commercial and C-M Commercial Districts, adult entertainment activities located within the several incorporated areas within Jefferson County may be subject to land use regulations adopted by that municipality and adult entertainment activities located within unincorporated areas of Jefferson County or within municipalities which have not adopted land use regulations pertaining to adult entertainment activities are subject to land use regulations established by Jefferson County. Persons engaging in or intending to engage in the business of conducting an adult entertainment activity are advised to consult with the director of permits, safety director or other responsible officer of the appropriate jurisdiction to ascertain whether the premises on which they are conducting or intending to conduct adult entertainment activities conforms with applicable land use regulations of that jurisdiction.

***** Section 9.4 Adult Entertainment Activities (Jefferson County), March 22, 1988, Docket No. 9-107-87.
****** In effect in the City of Louisville, June 28, 1988, Docket No. 9-107-87.
***Docket No. 9-26-00.

Section 9.5 Innovative Residential Developments *

A. INTENT

**** The purpose of this section is to provide regulations for innovative design of residential developments. The section encourages flexibility of design by allowing zero lot line, row house, cluster housing and other innovative designs which meet the intent of the guidelines of the Comprehensive Plan. Innovative residential developments are appropriate where the Planning Commission finds that the proposed development site provides common open space, respects site limitations including environmental constraints, if any, provides amenities, which may by way of example but not limitation include one or more of the following: features that promote alternative transportation modes, extraordinary roadway facilities requested by the Director of Works, provisions for additional parking areas, underground utilities, and recreation facilities, and meets one of the following conditions:

1. the site has certain topographic and landform limitations or environmental constraints and the development respects these limitations and constraints; 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 is a planned residential development that accommodates alternative housing styles, and/or living environments.

Innovative residential proposals developed according to this section may not increase the density in excess of the density permitted in the applicable zone. Innovative residential proposals requiring a density variation will be subject to a zoning amendment to another appropriate zoning classification.

B. REQUIREMENTS:

Innovative residential developments involving detached dwellings, attached dwellings, semi-detached dwellings, cluster housing, zero lot line or other innovative, residential design concepts, may be erected in residential or commercial districts in which the development would not typically be permitted due to specific requirements for lot sizes, yards, and other dimensions in the applicable zone. The development shall be constructed in accordance with an approved development plan conforming to Article 8, General Regulations, Section 8.1 Plan Certain Review, of these regulations and with the Metropolitan Subdivision Regulations.

Prior to approval there shall be a public hearing. The subdivider shall supply the names and addresses of all persons designated by the property valuation administrator as owners of property within 200 feet of the subject property. The Planning Commission shall send notice of the public hearing to said persons by first class mail not less than 7 nor more than 30 days prior to the hearing.

* Not in effect in the City of St. Matthews; repealed by City of Louisville, October 1999
**** Adopted October 1994, Docket Number 9-23-94

In addition the development shall conform to the following requirements:

1. Maximum Density:

   There shall be no more than one dwelling unit on each lot. The number of dwelling units for the entire development may not exceed the number which is theoretically possible according to the rules generally applicable to the zoning district. This is determined by dividing the total acreage by the minimum lot area prescribed for the zoning district.

   ***** The flexibility provided by subsection B hereof will frequently have the practical effect of raising the actual practicable density closer to the maximum that is theoretically allowed in the host district. In granting any of the waivers requested pursuant to subsection B, the Planning Commission shall determine that any increase in actual, practicable density conforms to the guidelines of the Comprehensive Plan, particularly with respect to the adequacy of public facilities and utilities on and off of the site.

2. Subdivision Requirements:

   Any development under this section shall be submitted as 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, except for those provisions specifically waived by the Planning Commission.

3. * Maximum floor area ratio shall be specified for each lot on the subdivision plan.

4. Front yard setbacks shall be measured from the public or private right-of-way line.

5. Maximum building height shall be the same as required in the district in which the building is located.

6. Parking Requirements: *****

   a. A minimum of two parking spaces shall be required for each unit. The Planning Commission, upon the recommendation of the applicable government agency, may require additional spaces based upon the anticipated need.
   b. ***** Parking Spaces (on street or off-street) for common use shall be provided, in a ratio of 1 space for every 3 dwellings.
   c. When a lot in a development is designated as a common area for the parking of vehicles or as a garage to meet the requirements of Off-Street Parking Requirements such lot shall be owned in common and maintained by the owners of lots in the development.
   d. ***** Private driveway parking should be designed to avoid potential pedestrian/vehicle conflict. A driveway of 18' minimum length between the pavement or sidewalk and the garage will provide off-street parking for a vehicle and a driveway of 5' maximum length will discourage off-street parking. Setbacks between 5' and 18' shall not be allowed.
   e. * Roadway widths which do not accommodate on-street parking should be accompanied by public or guest parking islands or other provisions for sufficient off-street parking in close proximity to dwelling units.
   f. Parking space should be located to provide easy access to dwelling units

***** Adopted October 1994 Docket Number 9-23-94

7. ***** Affordable housing exception: If the Director of Housing certifies to the Planning Commission that the proposed innovative residential development is intended for occupancy by persons whose household income is less than 100% of the median household income within the Louisville Metropolitan Statistical Area, the off-street parking requirement listed in paragraph 6.a. may be reduced to .75 space for each unit.

8. ***** Circulation:

   Private roadways and related facilities shall be provided in accordance with Table 1 Minimum Physical Improvements for Private Roads. The Planning Commission, based upon the recommendations of other governmental agencies, may increase the requirements for private roadways beyond those specified in Table 1. Public roadways shall be constructed in conformance with the Metropolitan Subdivision Regulations, Section 4.10.

9. Screening and Buffering:

   a. As front yard setbacks and side yards are reduced or eliminated and lots become smaller, landscaping and street trees of adequate size and quantity should be provided to offset the impact of the smaller lots and the closer proximity of structures.

   b. Lots should be oriented for effective light, air and open space accessibility.

   c. ***** Design measures to reduce noise problems along arterial and collector roadways should be included.

   d. Structures should be oriented on lots for maximum privacy.

***** Adopted October 1994, Docket Number 9-23-94

TABLE 1 ***
INNOVATIVE SUBDIVISION
MINIMUM PHYSICAL IMPROVEMENTS FOR PRIVATE ROADS

Number of Dwellings *	Local Street	Cul-de-sac Street
6 or fewer - dwellings	P16/R30 **	P16/R30 **
7-14	P18/R30 CG/S	P16/R30
15-50	P20/R30 CG/SS	P18/R30 CG/S
51 or more	P24/R60X CG/SS	P20/R50 CG/SS

***** Number of dwelling units that would be accessed by a given roadway segment when development is complete. Sub streets shall be constructed in accordance with the Metropolitan Subdivision Regulations, Section 4.10.

****** Roadways less than 250 feet in length may be reduced to a 14 foot pavement width if the Director of Works finds that sight distance, vehicle pull-off areas and other features allow adequate circulation. Roadways exceeding 250 feet in length shall meet the standards for 7-14 dwellings.

NOTE: A 4-foot minimum shoulder or pull-offs are required along roadways constructed without curb and gutter. Depending on ADT and topography, wider shoulders or pulloffs may be required by the Director of Works.

KEY

CG	-	Curbs related to grade; required where grade is less than 1.5% or more than 8%
P	-	Pavement width.
R	-	Right-of-way or easement width.
S	-	Sidewalks required on one side of street
SS	-	Sidewalks required on both sides of street.
X	-	Ten foot reduction of right-of-way or easement width, where curbs provided

******* Adopted October 1994, Docket Number 9-23-94

9. Open Space:

   a. * Open area(s) generally equivalent to the reduction in lot area(s) 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. * A minimum of 50% of the total open area set aside as common open space shall be usable for active or passive recreation. Roadways, traffic islands, parking areas and non-useable retention easements are not considered useable for active or passive recreation.

   c. Open space should 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**. *** 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. The Planning Commission and other government agencies may identify such areas using engineering and design standards. Isolated or awkward parcels which do not have characteristics of the above 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.

   e. Private and semi-private areas should be clearly delineated on the development plan to protect privacy rights.

10. Open Space Maintenance:

   a. For purpose of maintaining the required open space or common areas reserved for the use and benefit of owners of lots in the development, a property owners association and a maintenance agreement for upkeep of the open space and common area which has been approved by the Planning Commission shall be recorded as a deed of restrictions, noted on the development plan, and shall be binding upon all 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 open space and common areas from the owners of the lots within the development.

***** Adopted October 1994 Docket Number 9-23-94

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 against such unit, 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. 1n any such enforcement action the unit owner shall be required to pay a reasonable rental for the unit, if so provided in the bylaws, and the plaintiff in such enforcement action shall be entitled to the appointment of a receiver to collect the same. 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.

11. Bond Requirements:

In order to insure proper maintenance of any open space included in a development under this section, the Planning Commission may require a cash bond. The amount of the bond shall be equal to the amount of cash bond usually required pursuant to Article 2.45 of the Metropolitan Subdivision Regulations. The cash bond posted pursuant to Article 2.45 of said regulations shall be deemed to fulfill this requirement. The bond shall not be released until the homeowners association has been created and funded in an amount equal to the bond requirement.

The Planning Commission, based upon the recommendations of the appropriate public official, may require additional bonding based upon the type of development, the density, the need for additional improvements, or other good reasons.

If within six months from the date of issuance of a certificate of occupancy for residences in the subdivision an association has not been formed or funded, the appropriate municipal works department may complete any necessary maintenance and charge their service against the bond.

12. Dedications And Covenants:

a. All land on the Innovative Residential Development plan not shown as residential lots shall be:

(1) Dedicated to public use, or
(2) Accepted by and deeded to the public agency which will operate or maintain such land and improvements erected thereon, or
(3) Designated as open space or common area for the use and benefit of the owners of lots in the development.

b. A statement shall be included on the plat of the subdivision and in all deeds of transfer of property of any land located therein which will prevent the subdivision or resubdivision of land into a greater number of lots than originally approved.

C. ***** WAIVERS

Before granting any waivers under this section (9.5 C), the Planning Commission shall find that the specifics of the zoning district and subdivision regulations cannot be met for an innovative residential development, that the proposal meets the intent of the Innovative Regulation, and that the waiver will not harm the public health,

safety and welfare. When making this determination the Planning Commission will base its decision on the guidelines of the Comprehensive Plan. The exclusive remedy allowed to a property owner who alleges that refusal to grant a waiver is arbitrary on the part of the Planning Commission, shall be to seek an appropriate zoning amendment from the legislative body having jurisdiction.

1. Waiver of Zoning and Subdivision requirements:

   ***** In order to promote the purpose of this section, and to permit the greatest possible flexibility in the utilization of innovative residential concepts, the Planning Commission may specifically waive the requirements of any existing zoning district regulation pertaining to:

   -- minimum lot size

   -- minimum lot width *****

   -- yard requirements

   -- distance between buildings

   -- floor area ratio

   ***** Waivers from subdivision regulations may be granted by the Planning Commission pursuant to Section 1.90 of the Metropolitan Subdivision Regulations.

2. Waiver or Modification in Part of Open Space requirements:

   a. ***** In an established urban area where infill housing is proposed, the open space requirement may be waived or modified in part provided the development is consistent with (1) the actual density and setback of the existing neighborhood and (2) land use objectives for the area contained in an officially recognized neighborhood, small area, or urban renewal plan.

   b. ***** In areas where no neighborhood or small area or other officially recognized plans exist, a waiver or modification in part of the open space requirement can be granted if (1) the Planning Commission finds that the density as proposed is consistent with other development in the area and (2) one or the other of the following applies: (a) public recreation facilities located within a one-half mile walking distance of the site compensate for the deletion of open space or (b) the site abuts a permanently protected open space.

***** Adopted October 1994 Docket Number 9-23-94

D. NOTIFICATION OF BUILDING DEPARTMENT AND CODE ENFORCEMENT OFFICES:

Immediately after recording the plat of a development plan under this section, the Planning Commission shall transmit a certified copy of the approved plan to the Building Department or Code Enforcement Office.

E. ENFORCEMENT:

The Building Department or Code Enforcement Office shall be authorized to issue permits only in accordance with any development plan approved 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.

***** Adopted October 1994 Docket Number 9-23-94

Section 9.6 Exceptions and Modifications

A. In the C-2, C-3, and C-M Districts a marquee may be constructed over the public way, but in no case shall it project closer than two (2) feet to the curb line established along such street.

B. When a building permit is required to build or prepare a structure for use as a community residence, such building permits may be issued only after a certificate of need is obtained for the premises from the Commonwealth of Kentucky Department for Human Resources, provided the premises be licensed by the Department for Human Resources within six (6) months from the date of issuance of the building permit. In no case shall the Building Department issue a certificate of occupancy for a structure prior to the premises being granted a license to operate as a community residence by the Commonwealth of Kentucky Department for Human Resources.

C. 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 appropriate governmental official which may include provisions relating to bonding, remedies for violations, and correction of problems not anticipated at the time of approval.

2. For an earthfill, the volume does not exceed 1500 cubic yards for each acre to be filled. For an excavation, the volume does not exceed 750 cubic yards of excavated material for each acre excavated; or an earthfill or an excavation which exceeds the restrictions of this paragraph, if the earthfill or excavation is for a foundation of a structure or structures which has (have) received all necessary Planning Commission, Board of Zoning Adjustment, and other government approvals and permits. *

3. The area involved will be stabilized under the approved plan within nine (9) months.

4. Fill materials are limited to sand, clay, silt, gravel, soil, or other non-polluting, inorganic, non-combustible material approved by the County Engineer.

5. In the opinion of the appropriate governmental official, the operation will not likely result in unreasonable inconvenience, annoyance, or harm of any nature to the public or nearby property because of circumstances peculiar to the area or the operation.

6. Failure to comply with the approved plan or the violation of any order of the appropriate governmental official relating to the operation shall constitute a violation of these regulations resulting in the imposition of penalties set out in Article 17 D 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 Article 15, and the exclusive remedy for any operator complaining of an action or order of the appropriate public official relating to the operation shall be to seek a conditional use permit from the appropriate Board of Zoning Adjustment in accordance with Article 15.

* Revised under Docket Number 9-82-97

D. * On land in any zone, which is governed by the provisions of Section 9.2 "R" 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

2. the study indicates that the noise levels, at the site of proposed construction may be 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, 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

3. a plan is submitted to and accepted by the Planning Commission incorporating the elements set forth in the study above referenced; and

4. noise sensitive community facilities may be allowed if it can be demonstrated that sound-proofing measures incorporated in the structure will yield acceptable interior noise levels.

***** Adopted February 1989. Docket No. 9-100-88.

Section 9.7 Outdoor Sales, Display and Storage*

A. Definitions:

Outdoor sales: placement of any item(s) outside a building in a nonresidential zone for the purpose of sale or rent.

Outdoor display: the exhibit of any item(s) outside a building in a nonresidential zone as an example of product(s) available for sale or rent.

Outdoor storage: the stockpiling of any item(s) outside a building in a non-residential zone which are not directly accessible by the general public. Placement of moveable containers, including semi trailers and containerized freight boxes, for purpose of storage of inventory on a temporary basis (not to exceed two months in any calendar year) shall be considered outdoor storage for purposes of this regulation. **

Abutting properties: properties sharing a common boundary or zoning line or separated only by an alley, private access easement or unimproved public street.

B. Outdoor sales, display and storage is permitted in the C-1, C-2 and C-M zoning districts when the standards as set forth below are complied with.

1. Outdoor sales standards:

a. Outdoor sales may be permitted within an area not greater than 800 square feet or 10% of the ground floor area of the building and located at least 25 feet from any residential use or zone.

b. 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 shall not exceed 5 feet in height. Any material within 3 feet of any building entry shall not exceed 3.5 feet in height (Figure 1).

d. A maximum of 2 vending machines and 1 ice machine shall be permitted outside of the building when located against and parallel to the building facade. Vending machines shall include beverage, food, or snack dispensers. Public telephones and mail boxes are excluded from this regulation.

e. Newspaper boxes shall be permitted outside of the building when located against and parallel to the building facade. A maximum of two newspaper boxes shall be permitted at the curb edge of raised pedestrian areas of any single tenant freestanding building or, for structures with multiple tenant spaces a maximum of 1 newspaper box per 100 linear feet of building facade(s) with public entries.

2. Outdoor display standards:

a. Displays shall be limited to large items intended for outdoor use such as pools, decks or sheds, which due to their size cannot be located indoors.

b. No more than one of each item or style of item shall be displayed.

c. No outdoor display(s) shall occur within 25 feet of the right-of-way of any public street, residential use or zone.

*Not in effect in City of Prospect - see Prospect Ordinance
**Docket No. 9-26-00.
Screening shall consist of either visually continuous plantings, a solid fence, wall or earth

mound, or a combination of such elements to provide a barrier with an average height of one foot above the material being screened but shall not be required to exceed seven feet. All screening material shall meet the criteria stated in Article 12 of these regulations for quality and design.

3. Outdoor storage standards:

   a. Storage other than in temporary storage containers is permitted in areas designated for employees only and made inaccessible to the general public by means of a fence, wall or other permanent, secured enclosure or set back a distance of not less than 50 feet from any building entry, parking lot or similar publicly used area. **

   b. Shall not occur within 25 feet of the right-of-way of any public street.

   c. Shall be screened from view* from any abutting property.

   d.** Temporary storage containers shall meet the following requirements, in addition to other provisions of this section:
      1) Containers shall be allowed only in accordance with a permit issued by the building permit office. A copy of the permit shall be kept on the site and available for inspection.
      2) Containers shall be allowed for no more than two months in any 12 month period.

C. Outdoor sales, display, and storage is permitted in the EZ-1, M-2 and M-3 zoning districts provided that, in locations where residential setbacks are required such outdoor uses are screened from view* from any street.

D. Exceptions to the requirements set forth in Sections 9.7 B and 9.7 C are as follows:

1. Areas designated for the outdoor sale, display or storage of live plant materials excluding rock, pavers, landscape timbers and similar building materials. Such areas shall be considered retail floor space and must meet all applicable requirements.

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 Article 12 of these regulations.

3. Areas within permanent roofed structures open on 3 or more sides and constructed prior to adoption of this regulation provided no vehicular traffic occurs within such structures.

E. One additional parking space for every 400 square feet of outdoor sales area shall be provided.

F. No outdoor sales, display or storage shall occur within any required yard, setback or landscape area.

G. 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 Article 10.

* June 1990, Docket No. 9-122-89.
**Docket No. 9-26-00.

H. Outdoor sales, display or storage items and 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 three 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 of more than four feet without providing a break of not less than three feet in width to allow for access on to the pedestrian way.

I. Items for outdoor sale, display or storage shall be screened from view from any abutting residential zoning district.

J. No outdoor sales, storage or display areas shall be located in the sight distance triangle as defined in Article 12 of these regulations or located in any manner that would restrict or limit adequate sight distances for interior vehicular traffic movement as determined by the appropriate Works Department.

K. Any product stored outdoors in a manner constituting a sign as defined in Article 2 of these regulations must conform to those requirements set forth in Article 11.

L. No outdoor sales, display or storage shall be allowed within 30 feet of the right-of-way of any designated parkway.

M. Uses conducting outdoor sales, display, or storage in a manner not permitted by this section may be cited in accordance with Article 17 of the Zoning District Regulations. If cited for non-compliance, such uses shall prepare a site plan showing areas in which outdoor sales, display or storage will be conducted on the site in accordance with this section. 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. In addition, Chapter 153 of the Jefferson County Code of Ordinances and related Planning Commission Policies apply to sites subject to Plan Certain.*

N. These requirements shall not supersede any restrictions found elsewhere in these regulations.

*Docket No. 9-26-00.

Section 9.8 Inactive, Private or Family Cemeteries*

A. Definitions:

Inactive cemetery, for purposes of this section, shall mean any cemetery or 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 a map, written description, or by a wall, fence or specific cemetery vegetation. This term shall also apply to any burial site(s) where graves are discovered outside of defined cemetery boundaries. **

B. Requirements:

A parcel of land on which an inactive cemetery, private or family cemetery is located may be used as allowed by the site's zoning classification and other applicable regulations, with the following additional restrictions:

1. Preservation:

Existing cemeteries and burial grounds shall be preserved and maintained in accordance with applicable state law. Relocation or removal of grave sites shall occur only as specified in applicable statutes.

2. Notification:

Property owners shall notify the Kentucky Historic Society of the location of any cemetery or burial ground.

Editor's Note: *Jefferson County Historic Preservation & Archives staff {(502) 574-5761} requests notice when a cemetery is found; this office will assist in contacting the KY Historical Society.*

3. Building Setbacks:

All buildings and structures other than fences shall be located at least 30 feet from the perimeter of any inactive private or family cemetery. Grading, paving and land disturbance within 30 feet of the perimeter shall be minimized. 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. For cemeteries with undefined boundaries, the perimeter shall be delineated in accordance with procedures acceptable to the Jefferson County Historic Landmarks Commission. The Commission may require certification of a cemetery with undefined boundaries by an archeologist (as defined in 36 CFR Part 61). Documentation of acceptance of the defined 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. **

4. Yard Requirements:

No area occupied by graves may be counted toward the area required for front, side, street-side or rear yard requirements.

*June 1990, Docket No. 9-122-89.
**Docket No. 9-26-00.

ARTICLE 10 OFF-STREET PARKING AND LOADING REQUIREMENTS

Section 10.1 Off-Street Parking Regulations
Section 10.2 Off-Street Loading Regulations

ARTICLE 10 OFF-STREET PARKING AND LOADING REQUIREMENTS

Section 10.1 Off-Street Parking Regulations
Section 10.2 Off-Street Loading Regulations

Section 10.1 Off-Street Parking Regulations

Off-street parking facilities shall be provided on the site, except as otherwise permitted by these regulations, for any building and for any use. However, no parking spaces shall be required in the C-3 Commercial District or for residential uses which are located in the Central Business District as defined in section 6.5 of these regulations. The number of off-street parking spaces required shall be calculated in accordance with this section, and all such uses and parking facilities shall be governed by the following provisions:***

A. * A use of building which is legally non-conforming due to inadequate parking spaces may be altered if the additional spaces as required by these regulations are provided. If a non-residential structure is altered in a manner that three or less spaces are required by the alteration, no additional parking spaces shall be required. This exemption does not apply to alterations that increase the number of dwelling units.

1. In addition to on-site parking spaces, required parking spaces may be located on property under the same ownership (or a lease of at least 30 years following commencement of the use) within 500 feet for customers and clientele and within 1,000 feet for employees and staff of the buildings or uses to which it is assigned, provided the location is not in conflict with other provision of these regulations. The 500 and 1000 foot distances shall be measured using 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. ****

2. Parking in required yards is permitted as follows:

   a. In the R-R, R-E, R-1, R-2, R-3, R-4, R-5 and RRD Districts parking is permitted in the required front or street side yard only on a hard surface driveway, not to exceed 20 feet in width and which leads to a garage, carport or rear yard.

   b.. In the R-5A, R-5B, R-6, R-7, OR-1, OR-2, R-8A, OR-3, OTF and C-N Districts, parking areas shall not be permitted in a required front or street side yard and off-street parking areas for non-residential uses in these districts shall not be permitted in a required side yard.

   c. ** Parking spaces in all other zones except PRO and PEC Districts may extend to the property lines or to the minimum landscape buffer area required by Article 12 of these regulations unless they are within 100 feet of a residential or multi-family/office district, in which case they shall observe the front, side and street side yard requirements of the residential or multi-family/office district.

B. Appropriate measures shall be taken so that parking spaces shall not cause any obstruction of, nor in any manner interfere with the free use of an alley, street, sidewalk or adjoining property.

***** June 1990.
****** Docket No. 9-59-92.
***This paragraph amended January 2000, Docket No. 9-72-99, City of Louisville only.
****Docket No. 9-26-00.

Section 10.1 Off-Street Parking Regulations

C. Shared or Joint Use of Parking Areas - Upon application by all parties involved, the Planning Commission may authorize the joint use of off-street parking facilities for uses whose peak hours of operation do not coincide or overlap. Joint use of off-street parking shall be subject to the following:

1. A parking study (with sufficient background data) shall be submitted by the applicants demonstrating that there will not exist substantial conflict in any of the hours of parking demand for the uses for which the joint use is proposed.

2. 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 traffic engineering.

3. The joint parking area shall be within 500 feet of all the 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. *

4. Off-street parking areas required for residential use shall not be included in any joint parking arrangement.

5. All parties shall execute a properly drawn legal instrument providing for the long-term (minimum 30 years) joint use for the joint use of the off-street parking areas. This instrument shall be drawn to the satisfaction of an attorney and executed by all parties concerned assuring the continued availability of the number of spaces designated for joint use and which shall be recorded in the County Clerk's Office.

*** Editor's note:** *Parking requirements for W-3 Waterfront District are in Section 7.6.*

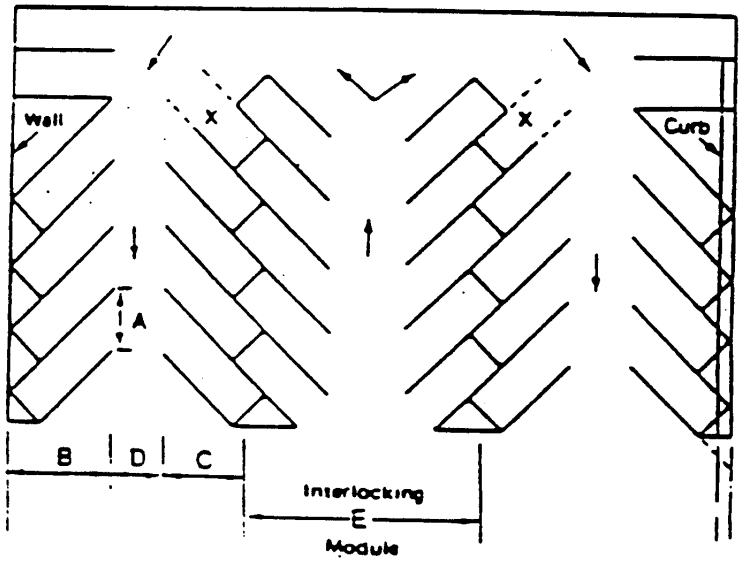
*Docket No. 9-26-00.

Section 10.1 Off-Street Parking Regulations

D. Minimum Parking Space Requirements:

Parking Angle		A Space Width Parallel to Aisle	B Space Depth to Wall	C Space Depth to Interlock	D Aisle* Width	E Modules Wall to Wall	E Modules Interlock to Interlock
45°							
8.5-ft	space	12.0	17.5	15.3	13	48	44
9.0-ft	space	12.7	17.5	15.3	12	47	43
9.5-ft	space	13.4	17.5	15.3	11	46	42
60°							
8.5-ft	space	9.8	19.0	17.5	18	56	53
9.0-ft	space	10.4	19.0	17.5	16	54	51
9.5-ft	space	11.0	19.0	17.5	15	51	50
75°							
8.5-ft	space	8.3	19.5	18.8	25	64	63
9.0-ft	space	9.3	19.5	18.8	23	62	61
9.5-ft	space	9.8	19.5	18.8	22	61	60
90°							
8.5-ft	space	8.5	18.5	18.0	26	62	60
9.0-ft	space	9.0	18.5	18.0	24	60	60
9.5-ft	space	9.5	18.5	18.0	24	60	60

*Measured between ends of space lines.
Rounded to nearest foot.



X : Space not accessible in certain layouts

Article 10 - 3

E. ***** Access To and From Parking Areas:

1. Except for single-family detached dwellings and duplexes, each required off-street parking space shall open directly upon a private aisle or private driveway of such width and design as to provide safe and efficient means of vehicular access between such parking space and public streets.

2. All non-residential off-street parking facilities shall be designed with appropirate means of vehicular access to a street or alley in such a manner as to minimize interference with traffic movement and shall be so designed and located that vehicles shall not back from or into a public street. Non-residential off-street parking facilities designed for vehicles backing from or into an alley may be allowed at the discretion of the Director of Works.

F. Use of Required Parking Areas and Spaces:

1. The parking areas and spaces required by these regulations shall not be used for the display, advertisement, sale, repair, dismantling or wrecking of any vehicles, equipment or materials.

2. Buildings or structures shall be permitted for shelters for guards, attendants or watchmen; however, any such structure shall not occupy required off-street parking spaces.

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.

4. No loading area may be located in the required yards.

5. When calculating parking spaces provided at automobile service stations, each vehicular service bay and the space for each vehicle at the gas pumps shall count as required parking spaces. **

****Editor's Note:*** *Off site parking must be located in a zoning district that allows off-street parking as a use of right, or a conditional use permit for parking is obtained.*

G. Surface of Parking Areas/Maintenance:

1. All off-street parking areas, except for those serving detached single family uses and agricultural uses, shall be of a hard and durable surface which limits or precludes particulate air pollution and which shall be maintained in good condition and free of weeds, dirt, trash and debris. Asphalt, brick or concrete paving and interlocking paver blocks including those that retain space for vegetation ("Grasscrete" - type products) are acceptable paving materials.** Other paving materials may be permitted upon approval by the Director of Works.

* June 1990
**Docket No. 9-26-00.

2. All parking facilities must meet the standards of the appropriate public works department or agency.

H. When units of measurement used in determining the number of required parking spaces would result in the requirement of a fractional space, any fraction less than one-half (1/2) shall be disregarded, and fractions of one-half (1/2) or more shall require one (1) parking space.

I. ***** Parking in Residential Districts

1. In the R-R, R-E, R-1, R-2, R-3, R-4, R-5 and RRD districts, vehicles may be parked or stored outdoors on each lot in compliance with subparagraph A. 2. a. above provided that the following limits are not exceeded:

   - five (5) passenger vehicles (pick-up trucks, vans and other vehicles not exceeding 6,000 pounds gross vehicle weight shall be considered as a passenger vehicle)
   - one recreation vehicle (motor home, camper or travel trailer)
   - one boat/boat trailer.

   A passenger vehicle may be substituted for the recreation vehicle and the boat/boat trailer for a total of seven passenger vehicles**.**

Editor's note: *See paragraph M. below, concerning parking of commercial vehicles.*

2. In the R-5A, R-5B and R-6 Districts outdoor parking of no more than three (3) vehicles shall be permitted on site for each apartment unit.

3. In all other districts, except R-5A and R-6 as noted above, in which multi-family uses are permitted, outdoor parking of no more than two (2) vehicles shall be permitted on a parcel or property for each apartment unit.

4. On property or parcels containing more than six apartment units recreational vehicles (motor home, camper or travel trailer and boat/trailer) shall be parked or stored in an area set aside and screened for the parking or storage of tenant-owned recreational vehicles and boat/boat trailers or other equipment.

5. Outdoor storage of inoperative vehicles or vehicles being scrapped for salvage is prohibited in residential zones. Parking is limited to that attendant to residential uses on site; parking for off-site uses is prohibited.

J. Any lighting used to illuminate off-street parking areas shall be directed away from any adjoining residential use or uses and any public or private right-of-way.

K. Handicapped parking as required by local ordinances shall be provided.

L. Minimum Off-Street Parking Requirements by Use:

***** June 1990.
****** Docket No. 9-59-92.

Section 10.1 Off-Street Parking Regulations

RESIDENTIAL USES

DWELLINGS, ONE FAMILY - DETACHED, ATTACHED OR SEMI-DETACHED: One space for each dwelling unit on the premises.

DWELLINGS, MULTIPLE FAMILY: One and one half (1.5) space for each dwelling unit.

DWELLINGS, SENIOR CITIZEN OR RETIREMENT FACILITIES: .75 space for each dwelling unit. Parking areas provided for this use shall meet or exceed ADA requirements for accessible spaces and loading zones. Parking lots shall be configured to provide adequate turning radius for special transit vehicles, as determined by the Director of Works.*

*DWELLINGS FOR PERSONS WITH DISABILITIES THAT PRECLUDE DRIVING: 1.5 space for each dwelling unit for support staff person(s) and .5 space for each dwelling unit intended for occupancy by persons with disabilities that preclude operation of an automobile. The applicant shall demonstrate to the satisfaction of the Director of Housing the intended population to be housed in dwellings that qualify for this parking standard. Parking areas provided for this use shall meet or exceed ADA requirements for accessible spaces and loading zones. Parking lots shall be configured to provide adequate turning radius for special transit vehicles, as determined by the Director of Works.

*ASSISTED LIVING RESIDENCES; .75 space for each dwelling unit, plus one space per employee based upon maximum employment count of main (largest) shift. Parking areas provided for this use shall meet or exceed ADA requirements for accessible spaces and loading zones. Parking lots shall be configured to provide adequate turning radius for special transit vehicles, as determined by the Director of Works.

ROOMING, BOARDING AND LODGING HOUSES: One space for each three sleeping rooms or three individual suites of rooms. *

HOTELS, MOTELS AND EXTENDED STAY LODGING: One space for each sleeping room or individual suite of rooms on the premises. *

FRATERNITIES AND SORORITIES: Two spaces for each three sleeping rooms, or one space for each 35 square feet of floor area used for meeting rooms, whichever results in the greatest number of spaces.

OFFICE USES

GENERAL/PROFESSIONAL OFFICE INCLUDING COMPUTER PROGRAMMING SERVICES: One space for each 400 square feet of floor area on the ground floor, and one space for each 500 square feet of floor area on other floors, with a minimum of three spaces. *

MEDICAL OFFICE/CLINIC OR DENTAL OFFICE: One space for each 200 square feet of floor area, with a minimum of three spaces. Editor's note: veterinary office/clinic has the same parking requirement as medical office.

*Docket No. 9-26-00.

BANKS AND RELATED FINANCIAL INSTITUTIONS AND POST OFFICES: Ten (10)

spaces plus one additional space for each 300 square feet of floor area in excess of 1,000 square feet.

* ARTIST STUDIOS: One space per practitioner occupying the site on a full time basis, and one space per three students, if classes conducted at the site.

* AUDIO AND VIDEO RECORDING STUDIOS: Two spaces plus one space per employee.

INDUSTRIAL USES

INDUSTRIAL, MANUFACTURING WAREHOUSE AND STORAGE USES: Employee parking of one space per one and one-half employees, based upon maximum combined employment count of main plus second shift.

RETAIL USES

RETAIL STORES: One space for each 200 square feet of floor area in the building, with a minimum of three spaces.

PERSONAL SERVICE ESTABLISHMENTS, WHOLESALE DISTRIBUTING ESTABLISHMENTS INCLUDING BARBER/BEAUTY SHOPS, PICTURE FRAMING, PHOTO COPYING/DUPLICATING/RELATED SERVICES, TATTOO PARLORS, FOR PROFIT BLOOD COLLECTION CENTERS AND CARRY-OUT FOOD SERVICE ESTABLISHMENTS (NO ON-SITE DINING) : One space for each 200 square feet of floor area in the building, with a minimum of three spaces. *
Editor's note*: This entry includes barber/beauty shops*.

* AUTO RENTAL AGENCIES: One space for each 400 square feet of floor area in the building, with a minimum of five spaces.

AUTO SERVICE, REPAIR ESTABLISHMENTS: Two spaces for each bay plus one space for each employee.
Editor's note: *Each interior bay and each vehicle space at the gas pumps is considered a parking space.*

CAR-WASH ESTABLISHMENTS: Four spaces for each stall (may be located in the "stacking" area).

* FURNITURE STORES AND PAWN SHOPS: One space for each 200 square feet of floor area accessible to customers and one space per employee in warehouse/storage area not accessible to customers.

OPEN AIR USES, INCLUDING BUILDING MATERIAL SALES, COAL YARDS, USED CAR LOTS, USED MATERIALS, AND MARKETS: One space for each 1,500 square feet of lot area.
Editor's note: *Refer to Section 9.7.E; one parking space for 400 sq. feet of outdoor sales area required.*

*Docket No. 9-26-00.

Section 10.1 Off-Street Parking Regulations

COMMERCIAL/RECREATION USES

RESTAURANTS, DANCE HALLS, NIGHT CLUBS, SIMILAR ESTABLISHMENTS, USED FOR RECREATION OR AMUSEMENT OR FOR SERVING OF MEALS OR DRINKS INCLUDING BILLIARD AND GAME ROOMS: One space for each 100 square feet of floor area. **
Editor's note: *Outdoor area used for serving meals or drinks requires one parking space for each 100 square feet.*

SKATING RINKS: One space for each 250 square feet of gross floor area.

BOWLING ALLEYS, TENNIS CENTERS: Four parking spaces for each alley or court.

** CATERING KITCHEN PREPARING FOOD FOR OFF-SITE SALE/CONSUMPTION: Two spaces plus one per employee

** PET GROOMING: Two spaces plus one per employee; if owners attend animal training classes conducted on the premises, one space per three owners

SWIMMING POOLS OPEN TO THE PUBLIC: One space for each 100 square feet of water surface area plus one space for each 30 square feet of site area used for spectator seating.

THEATERS/CINEMAS: One space for every five seats.

PRIVATE CLUBS AND LODGES: ***** One space for each 100 square feet of floor area; plus the number of parking spaces specified by these regulations for outdoor recreation facilities.

INSTITUTIONAL USES

AUDITORIUMS, CHURCHES, TEMPLES, AND OTHER PLACES OF PUBLIC OR PRIVATE ASSEMBLY: Where permanent seats are installed, one parking space for each two and one-half seats ($2\ ^{1/2}$) based on design capacity; where no permanent seats are provided, one parking space for each 40 square feet used for seating.

GYMNASIUMS, ARENAS AND STADIUMS: One parking space for each five permanent or portable seats.

TRADE, BUSINESS AND OTHER PROPRIETARY SCHOOLS: One space for every three classroom seats plus one space for every three employees.

HIGHER EDUCATIONAL INSTITUTIONS, PUBLIC AND PRIVATE: Ten spaces for each classroom or the auditorium requirements, whichever results in the greater number of spaces.

***** Docket No. 9-59-92.
**Docket No. 9-26-00.

ELEMENTARY AND HIGH SCHOOLS, PUBLIC AND PRIVATE: Three spaces for each classroom or the auditorium requirements, whichever results in the greater number of spaces.

DAY CARE CENTERS, DAY NURSERIES, KINDERGARTENS AND NURSERY SCHOOLS: One parking space shall be provided for each member of the day care center staff. An on-site area shall be provided where passengers may safely exit automobiles and enter the building and vice versa.

FUNERAL HOMES: Fifteen spaces plus five spaces for each room in excess of three which can be used as a parlor or chapel.

FIRE STATIONS: With full time fire fighters, one space per person on duty on a normal shift. With voluntary fire fighters, five spaces for each piece of apparatus.

HOSPITALS: Two spaces for each five beds plus one parking space for every two employees per peak shift.

ASYLUMS, INSTITUTIONS, AND HOME FOR AGED, CONVALESCENTS, ORPHANS, OR INDIGENTS: One space for each six beds.

LIBRARIES, MUSEUMS, AND ART GALLERIES: Ten spaces, plus one additional space for each 300 square feet of floor area in excess of 1,000 square feet.

USES NOT SPECIFIED

For any use not specified above, the requirements for off-street parking ratios shall be determined by the Planning Commission.

M. For each parcel in any residential zone, the parking or storage of not more than one commercial vehicle (said vehicle to be counted as two passenger vehicles per sub-paragraph A. 2. a. above) shall be permitted for each dwelling unit on the premises, provided said vehicle does not exceed a license gross vehicle weight (GVW) of 10,000 pounds and is not used for hauling hazardous materials.

N. WAIVER PROVISIONS:

1. Uses allowed in the C-N District:
   a. A use permitted in the C-N zone 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 District which 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 waiver privileges. Corner commercial structures, as used in this section, shall mean structures that were constructed prior to 1946 and were built to house a commercial establishment and are situated at an intersection

2. ***** Infill Residential (Jefferson County, see following 2. for City of Louisville)

In cases in which the Minimum Off-Street Parking Regulations would create hardship in the use of a particular site for infill residential purposes, parking space requirements may be reduced by up to three spaces per lot, or two-thirds of the number of spaces normally required if,

a. the Director of Works finds that the infill residential project is located in an area subdivided into its existing lot pattern prior to 1954; and reduction of the parking requirements will not create a shortage of parking spaces in the surrounding area; and provision of parking as specified in paragraph L., above would create a hardship or would entail extraordinary expense; and

b. the Director of Housing finds that the proposed infill residential use is intended for occupancy by low income persons; or that the infill residential use would support the revitalization of a low income census tract ******* in the City of Louisville or a lower income census block group ******* in the balance of Jefferson County; and

c. for requests for reduction of the parking requirements by ten 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 the Commission considers it necessary.

***** Not passed by City of Louisville (portion of Docket No. 9-69-88).

******* Note: For purposes of this regulation, lower income census tract or block group shall mean a tract or block group in which household median income is equal to or less than 80 percent of the median income for the Metropolitan Statistical Area.

2**. *** Infill Residential (City of Louisville only)

In cases in which the Minimum Off-Street Parking Regulations would create a hardship or would entail extraordinary or unwarranted expense in the use of a particular site for infill residential purposes, the number of required spaces may be reduced by one or more spaces per lot but not by more than six spaces in the aggregate if all of the following requirements are met.

a. The Director of Inspections, Permits and Licenses or the Director's designee certifies to the Board of Alderman that the proposed infill residential project is located in an area subdivided into its existing lot pattern prior to 1954; **

b. The Director of Inspections, Permits and Licenses or the Director's designee certifies to the Board of Alderman that the imposition of required parking spaces as specified in paragraph L would entail extraordinary or unwarranted expense; **

c. The Director of Inspections, Permits and Licenses or the Director's designee recommends to the Board of Alderman a specified reduced number of required parking spaces to be included in the plan for the residential project and certifies that that number of spaces is adequate to meet the parking demand; **

d. The Director of Inspections, Permits and Licenses or the Director's designee certifies to the Board of Alderman that the proposed infill residential development is intended for occupancy by persons whose household income is less than 80% of the median household income within the Louisville Metropolitan Statistical Area; and **

e. The Legislative body finds that a reduction in the number of required parking spaces will not create a shortage of parking spaces in the surrounding area. **

***** City of Louisville only.
**Docket No. 9-26-00.

3. ***** General Parking Waiver

a. In extraordinary cases in which the Minimum Off-Street Parking Requirements would create hardship in the use of a particular site, the Planning Commission may consider granting a waiver of the number of parking spaces required for that site. The waiver shall be the smallest possible reduction in parking spaces that would accommodate the proposed use, in no case to exceed 33% of the total number of required spaces. To qualify for a waiver, the applicant must demonstrate a good faith effort to provide as many parking spaces as possible on the site, on other property under the same ownership (paragraph A. 1 of this article), or through shared or joint use of parking lots (paragraph C of this article). The Planning Commission shall hold a public hearing to consider any request for waiver of parking requirements. The applicant for the waiver shall supply the names and addresses of all persons designated by the property valuation administrator as owners of property within 200 feet of the subject property. The Planning Commission shall send notice of the public hearing to said persons by first class mail not less than 7 nor more than 30 days prior to the hearing. In granting the waiver the Planning Commission must find that the waiver and the use which the parking is to serve are in compliance with the Comprehensive Plan. Parking demand calculation is imprecise at its best. The Planning Commission shall consider adverse impacts that might be created by parking demand in excess of that projected. In granting a waiver, the Commission shall also consider the impact that displaced parking demand will have on the customary parking pattern of the surrounding area. As the basis for granting a parking waiver, the applicant must demonstrate and the Commission must find two or more of the following:

(1) that the parking demand of the proposed use and prior uses on site are similar and that prior uses on-site did not make use of on-site parking and did not create nuisances for adjacent properties,
(2) that there is a significant surplus of off-street or on-street parking in the area that can accommodate the generated parking demand,
(3) that the peak parking demand period for the proposed use does not match the peak parking demand period for surrounding uses,
(4) that there is no conflicting demand for limited spaces,
(5) that adjacent properties will not be adversely affected,
(6) that there are other specific mitigating circumstances.

b. The Planning Commission must also find that the party applying for the waiver has attempted to provide adequate parking either onsite, on other property under the same ownership, or by shared or joint use of parking areas as provided for in these regulations.

***** In the City of St. Matthews, City Council takes final action on parking waivers (Ord.97-09).

c. The off-street parking provided and the use it serves shall be shown on a district development plan which, except as otherwise specified herein, shall be processed, implemented and enforced as provided in Article 8 (Plan Certain) of these regulations. The applicant shall pay the fee specified for such a request by Article 16, Fee Schedule (paragraphs 1 through 3) unless the request is processed with a request for rezoning relating to the same property.

d. 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. Any expansion of the use beyond what is indicated on the development plan shall provide parking as required by this article. Any change in use of property that had 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 off-street parking, the Commission will hold a public hearing to determine if the reduction of parking spaces granted to the previous use shall apply to the new use.

Note: Section 10.1 was amended to add the general parking waiver October 1987, Docket No. 9-64-87.

4. ***** CBD Parking Waiver

a. For property zoned other than C-3 Commercial located within Louisville's Central Business District as defined in Article 2 ** of these regulations, the Planning Commission may consider granting a waiver of the Minimum Off-Street Parking Requirements. The Commission may reduce the number of spaces required to the extent the Commission finds a reduction to be appropriate, up to 100% of the required parking spaces. To qualify for a waiver, the applicant must demonstrate the availability of an adequate supply of public parking spaces and the availability of public transit service within a reasonable walking distance. The adequacy of supply shall include information on the type and size of the proposed use and structures; estimated number of persons employed at the site; estimated number of clients or customers visiting the use; percentage of employees and of customers likely to rely on public transit; programs to encourage ridesharing; walking distances to public parking facilities; and availability of parking spaces at public facilities.

* March 1992, Docket No. 9-67-91.
** Docket No. 9-44-01.

b. The Planning Commission shall hold a public hearing to consider any request for waiver of parking requirements. The applicant for the waiver shall supply the names and addresses of all persons designated by the property valuation administrator as owners of property within 200 feet of the subject property. The Planning Commission shall send notice of the public hearing to said persons by first class mail not less than 7 nor more than 30 days prior to the hearing. In granting the waiver the Planning Commission must find that the waiver and the use which the parking is to serve are in compliance with the Comprehensive Plan and the Louisville Downtown Development Plan. Parking demand calculation is imprecise at its best. The Planning Commission shall consider adverse impacts that might be created by parking demand in excess of that projected. In granting a waiver, the Commission shall also consider the impact that displaced parking demand will have on the customary parking pattern of the surrounding area.

c. As the basis for granting a parking waiver, the Commission must find, based on the applicant's demonstration:

(1) that there is a significant surplus of off-street parking in the area that can accommodate the generated parking demand, and
(2) that there is no conflicting demand for limited spaces, and
(3) that adjacent properties will not be adversely affected.

d. The off-street parking provided on the site for which a waiver is requested and the use it serves shall be shown on a district development plan which, except as otherwise specified herein, shall be processed, implemented and enforced as provided in Article 8 (Plan Certain) of these regulations. The applicant shall pay the fee specified for such a request (Fee Schedule, Article 16 paragraph H.10).

e. 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. Any expansion of the use beyond what is indicated on the development plan shall provide parking as required by this article. Any change in use of property that had 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 off-street parking, the Commission will hold a public hearing to determine if the reduction of parking spaces granted to the previous use shall apply to the new use.

Section 10.2 Off-Street Loading Regulations

A. All buildings and uses which require the receipt or distribution of materials or merchandise by truck or similar vehicles shall provide off-street loading space. 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 listed in sub-sections (1) and (2) or as otherwise required in Paragraph D.* Only that portion erected or expanded after the effective date of this Regulation shall be required to meet the provisions of this section.

1. Commercial, industrial, and public utility uses which have gross floor area of 5,000 square feet or more shall provide truck loading or unloading berths in accordance with the following table:

Square feet of floor area	Number of berths required
Less than 5,000	0
5,000 to 30,000	1
30,001 to 100,000	2
100,001 to 170,000	3
170,001 to 250,000	4
250,001 to 330,000	5
330,001 and over	5 plus 1 for each additional 90,000 square feet or portion thereof.

2. Restaurants, 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 30,000 square feet or more shall provide off-street truck loading or unloading berths in accordance with the following table:

Square feet of floor area	Number of berths required
Less than 30,000	0
30,000 to 100,000	1
100,001 to 200,000	2
200,001 to 350,000	3
350,001 to 500,000	4
500,001 to and over	4 plus 1 for each additional 150,000 square feet or portion thereof.

B. 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.

* Docket No. 9-59-92.

Section 10.2 Off-Street Loading Regulations

C. ** 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.

D. * Buildings or uses located within Louisville's Central Business District as defined in Article 2 *** of these regulations shall provide truck loading or unloading berths adequate to serve the proposed use. The Director of Works and the Director of the Department of Inspections, Permits and Licenses (or successor agency) shall determine the minimum number and size of off-street loading berths required.

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 directors of the Department of Public Works and the Department of Inspections, Permits and Licenses will 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.

Upon demonstration by the applicant that a proposed building or use can be adequately served by fewer and/or smaller berths than specified in Paragraphs A. 1, A. 2 and B., the required number and size of berths may be reduced. However, the number of berths shall be no fewer than 50% of the number required in Section 10.2 A. and half spaces shall be rounded up to the next whole number.

Editor's note: *Off-street loading areas shall not count as off-street parking spaces, and are prohibited in required yards, refer to section 10.1.F.3 and 4.*

* Docket No. 9-59-92.
**Docket No. 9-26-00.
*** Docket No. 9-44-01.

ARTICLE 11 SIGN REGULATIONS

ARTICLE 11 SIGN REGULATIONS

A. Definitions. The terms in this section shall have the meanings herein after given unless the context shall clearly indicate otherwise and the singular shall include the plural.

1. "Sign" is any display to public view of letters, words, numerals, figures, statues, devices, emblems, pictures, or any parts or combinations thereof designed to inform or advertise or draw attention to or promote merchandise, services, or activities except for the following:

   a. Non-illuminated names of buildings, dates of erection, monument citations, 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.

   b. Signs required by law or signs of a duly constituted governmental body.

   c. 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.

   d. 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.

   e. Temporary holiday decorations.

   f. Numerals displayed on and denoting the address of a building or property which are not part of an otherwise existing attached or freestanding sign.

   g. Signs placed within the interior of a building which are attached to and/or visible through windows or doors provided the sign occupies no more than one-fourth the total square footage of the window or door.

   A back-to-back or V-shaped sign constitutes one sign if it has a common set of supports. A composite group of signs integrated into one framed unit or compact structure constitutes one sign.

2. A “Community Facility Identification Sign" is a sign identifying a church, school or other institution of learning, library, museum, community center or similar institution on site.

3. A "Multi-family Residential Identification Sign" is a sign used to identify a multi-family development on site.

*** Editor’s Notes:**

The City of Louisville adopted revisions to Article 11 in March 1995, Docket No. 9-68-94. Portions of Article 11 that are printed in italics are in effect in the City of Louisville only.

Additional sign regulations are in effect in some jurisdictions; inquire with Jefferson County Code Enforcement [(502)574-5950] for specific information.

4. An "Office Building Identification Sign" is a sign used to identify an office building on site, or, where allowed, the occupants thereof.

5. A "Subdivision Identification Sign" is a sign used to identify a subdivision on site.

6. A "Construction Sign" is a sign used to identify the persons or businesses engaged in the construction of a building on site.

7. A "Rent/Sale Sign" is a sign used to advertise the premises on site or a portion thereof for sale or lease.

8. A "Club Identification Sign" is a sign used to identify a club, lodge, fraternity or sorority.

9. A "Single Family Residential Occupant Sign" is a sign used to identify the individual or individuals occupying a single family residence.

10. An "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.

11. 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.

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

13. A "Business Sign" commonly known as an "on premises sign", is 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, freestanding sign, projecting sign, and freestanding directional sign all as more specifically described in and allowed by Section D hereof, and a small freestanding sign as more specifically described in and allowed by Section F hereof.

14. "Director" shall mean the Director or Department executive or other person(s) appointed by chief executives of jurisdictions having zoning authority.

15**.*** *"Awning" is a roof - like cover constructed of cloth, metal or other material designed and intended for protection from the weather and as a decorative embellishment, and which is supported by and projects from a wall of a structure over a window, walk, door, or the like.*

16.***** "*Awning Sign" is a sign painted on, printed on, or attached flat against the surface of an awning.*

17.***** *"Illuminated Awning Sign" is an internally illuminated awning with translucent covering and with graphics or copy applied to the visible surface of the awning.*

18.***** "*Canopy" is a roof -like cover constructed of cloth, metal or other material designed and intended for protection of the entrance way of a building from the weather, which is supported by a building at one or more points or extremities and when structurally needed by columns or posts affixed to the ground at other points or extremities.*

19.***** "*Canopy Sign" is a sign painted on, printed on or attached flat against the surface of the canopy.*

20.***** "*Illuminated Canopy Sign" is an internally illuminated canopy with translucent covering and with graphics or copy applied to the visible surface of the canopy.*

21.***** "*Reader Board Sign" is a business sign or part thereof that is designed so that characters, letters or illustrations can be easily changed or rearranged without altering the face or surface of the sign.*

***** Italicized text only in effect in City of Louisville, March 1995 (Docket No. 9-68-94).

B. General Regulations

1. 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 any required yard in any district or be placed in or extend over any street, right-of-way, roadway, sidewalk, public or private utility or access or other easement, or alley except as provided herein or in Article 15. Editor's note: sign size cannot be increased by obtaining a variance; refer to Section 3.C.8.

1.***** *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 any required yard in any district or be placed in or extend over any street, right-of-way, roadway, sidewalk, public or private utility or access or other easement, or alley except as provided herein or in Article 15 and with the approval of the Director of the Department of Public Works*

2. All signs allowed hereunder shall be constructed and placed so as not to interfere with vehicular traffic by obstructing sight lines for streets, pedestrian rights-of-way and driveways.

3. 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 are allowed in C-N, C-l, C-2, C-3, C-M, M-l, M-2 and M-3 zones.

4. No sign shall be allowed if the 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.

5. The maximum allowed area for all signs other than freestanding business signs shall be determined by drawing four 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 E. 5.

6. 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, provided that these portions are separated by a distance of more than two (2) feet and no small freestanding sign is located on the lot.**

*Italicized text only in effect in City of Louisville, March 1995 (Docket No. 9-68-94).
****Editor's Note:** *The area of a monument style sign is measured from the bottom of text/message upward; area below the message is considered "structure solely for support."*

6.***** *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.*

7. Signs which revolve, rotate or move in any way shall be allowed in the C-N, C-1, C-2, C-3, C-M, M-1, M-2 and M-3 zones only and no such sign shall move faster than one cycle every ten (10) seconds.

8. No sign shall have more than four faces.

9. One freestanding rent/sale sign per site not exceeding twelve (12) square feet in area shall be allowed in any district. 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, PRO and PEC Districts freestanding or attached rent/sale signs not exceeding thirty (30) square feet shall be allowed. Such signs shall be removed not later than ten (10) days after closing of sale or consummation of lease.

10. 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 or 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 thirty (30) square feet in area or fifteen (15) feet above ground in height. All such signs must be removed within twenty (20) days following issuance of a certificate of occupancy for the building.

11.***** *The combined square footage of reader boards on business signs under D(2)(b), freestanding signs under D(3)(e) and the size of the small freestanding signs under F(1) shall not exceed 32 square feet.*

12. This regulation shall be in addition to the requirements of KRS 177.830 - 177.890.

C. Residential/Office Signs

1. One single family residential occupant sign not exceeding one (1) square foot shall be allowed anywhere on the premises of each residence.

***** Italicized text only in effect in City of Louisville, March 1995 (Docket No. 9-68-94).

2. One freestanding subdivision identification sign not exceeding sixty (60) square feet in area or 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 per cent (80%) of the lots are sold. Thereafter, one subdivision identification sign not exceeding fifteen (15) square feet in area or fifteen (15) feet in height shall be allowed at each dedicated street entrance within the building lines.

3. One freestanding or attached community facility identification sign not to exceed thirty (30) 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, school, library, museum or similar institution. A church sign may be illuminated if it is less than eighteen (18) square feet in area and less than eight (8) feet in height, provided that, if the church is located in a district for which a larger business sign would be allowed, then the size of the sign may be the size allowed in that district.

3.***** *One freestanding or attached community facility identification sign not to exceed thirty (30) 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, school, library, museum or similar institution. A church sign may be illuminated if it is thirty-two (32) square feet or less in area and less than eight (8) feet in height, provided that, if the church 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. For community facility signs greater than eighteen (18) square feet in area, the illumination shall be limited to the lettering or motif, and background must be opaque.*

4. One identification sign facing each bordering street not to exceed six (6) square feet in area is allowed on each site on which a club, lodge, fraternity or sorority is located. Any such sign if freestanding must not exceed six (6) feet in height.

5. One illuminated or non-illuminated multi-family residential identification sign attached flat on the face of the building and extending no more than twelve (12) 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 in the R-5A, R-6, R-7, R-8, OR-1, OR-2, OR-3 or OTF Districts. 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 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 Districts. In no event shall an attached sign be located more than three (3) feet above the ceiling of the first floor 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 in the R-5A, R-6, R-7, R-8A or OR-1 Districts shall not exceed a height of six (6) feet above ground nor exceed an area of six (6) square feet and if located in the OR-2, 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.

*** Editor's note:** *See paragraph D.6. below for permitted hotel/motel signs*.

***** Italicized text only in effect in City of Louisville, March 1995 (Docket No. 9-68-94).

6. One illuminated or non-illuminated office building identification sign attached flat on the face of the building and extending no more than twelve (12) inches from the surface of such building is allowed to face each street bordering the site on which an office building is located in the OR-1, OR-2, OR-3, OTF, W-1 or W-2 districts. Said signs may not exceed ten (10) square feet in area if the site is in the OR-1 District 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 Districts. In no event shall an attached sign be located more than three (3) feet above the ceiling of the first floor 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 in the OR-1 District shall not exceed a height of six (6) feet above ground nor exceed an area of six (6) 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 OR-3 and OTF Districts only up to fifty percent (50%) of the area of each sign may be used for tenant identification with at least fifty percent (50%) of the area of such signs dedicated to the building identification or name. In addition, freestanding directional signs subject to the requirements of Subsection D. 4. are allowed in the OR-1, OR-2, OR-3, OTF, W-1 or W-2 Districts.

6.***** *One illuminated or non-illuminated office building identification sign attached flat on the face of the building and extending no more than twelve (12) inches from the surface of such building is allowed to face each street bordering the site on which an office building is located in the OR-1, OR-2, OR-3, OTF, W-1 or W-2 districts. Said signs may not exceed twenty-four (24) square feet in area if the site is in the OR-1 District 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 Districts. In no event shall an attached sign be located more than three (3) feet above the ceiling of the first floor 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 in the OR-1 District shall not exceed a height of six (6) feet above ground nor exceed an area of eighteen (18) 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 addition, freestanding directional signs subject to the requirements of Subsection D. 4. are allowed in the OR-1, OR-2, OR-3, OTF, W-1 or W-2 Districts.*

D. Business Signs

1. Illuminated or non-illuminated business signs are allowed in the C-N, C-1, C-2, C-3, C-M, EZ-1, M-1, M-2 and M-3 Districts subject to the restrictions set forth in Sections D. 2 through D. 5.

2. Attached Signs.

   An attached sign for the purpose of this Section D. shall mean a business sign painted on or mounted on and parallel to the facade of a building.

***** Italicized text only in effect in City of Louisville, March 1995 (Docket No. 9-68-94).

a. There shall be not more than three (3) attached 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 per facade and one additional sign for each business, subject to the total maximum sign area requirement set forth below.

b. The total area encompassed by all attached signs on any one facade of the building shall not exceed:

Area of Facade of Building	**Maximum Sign Area**
Less than 500 square feet	20% of Building Facade Area
Greater than or equal to 500 but less than 1,000 square feet	100 square feet plus 15% of the amount by which Building Facade Area exceeds 500 square feet
Greater than or equal to 1000 but less than 3,500 square feet	175 square feet plus 5% of the amount by which Building Facade Area exceeds 1,000 square feet
Greater than or equal to 3,500 square feet	300 square feet
Greater than or equal to 10,000*** square feet	500 square feet

*** Docket Number 9-27-97, June 1997; is in effect in unincorporated Jefferson County and City of Middletown only.

b.* *The total combined area encompassed by all awning, canopy and attached signs on any one facade of the building shall not exceed:*

Area of Facade of Building	**Maximum Sign Area**
Less than 500 square feet	*20% of Building Facade Area*****
Greater than or equal to 500 but less than 1,000 square feet	*100 square feet plus 15% of the amount by which Building Facade Area exceeds 500 square feet*****
Greater than or equal to 1000 but less than 3,500 square feet	*175 square feet plus 5% of the amount by which Building Facade Area exceeds 1,000 square ft.*****
*Greater than or equal to 3,500 square feet but less than 5,000 square feet ****	*300 square feet*****
*Greater than or equal to 5,000 square feet (industrial uses only in M-1, M-2, M-3 and EZ Districts and all uses in C-3 District) ****	*10% of Facade**** *- Maximum of 500 square feet in C-3 Districts and a maximum of 750 square feet in other allowed Districts*****

An additional 25% (to a maximum of 32 square feet) of the allowable sign square footage can be added if used exclusively as a reader board.

***** Italicized text only in effect in City of Louisville, March 1995 (Docket No. 9-68-94).

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. In the instance of a building on the property line, 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. 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. No such sign shall extend to a height greater twenty-five (25) above ground, except that buildings located in the C-3 District and hospitals may have an attached sign of any height.

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. No attached sign shall extend to a height greater thirty-five (35) feet in C-1 Districts and forty (40) feet in a C-2 district above the grade at which it is located, except that buildings located in the C-3 District and hospitals may have an attached sign of any height.*

(1) Awning signs may project up to 48 inches from the facade to which they are mounted. Canopy signs may project up to 96 inches from the facade to which they are mounted. 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 and canopy signs shall be included as part of the total allowable signage on any one facade of a building as listed in Section D.2.b of this article. Whenever an awning or canopy contains signage and is internally illuminated (illuminated canopy and awning signs) the entire surface area of the awning or canopy is to be considered a sign when calculating the allowable area for signage.

***** Italicized text only in effect in City of Louisville, March 1995 (Docket No. 9-68-94).

d. In addition to the permanent attached signs allowed herein, temporary banners (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 per cent (50%) of the sign area allowed for permanent attached business signs on the building facade to which the banner is affixed pursuant to paragraph b. of this Subsection D. 2. No person shall affix a temporary banner to a building on property owned by him or on property upon which he owns or operates a business, profession, trade or occupation without having applied for 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 time while the banner is in public view, the permit application and after issuance thereof, the permit, shall be kept on the business premises and shall be available for inspection by the Director or his designee.

3. Freestanding Signs
In addition to the attached signs allowed above, illuminated or non-illuminated freestanding signs are allowed subject to the following restrictions:

a. No freestanding sign shall be located in or project over or into the right-of-way or into any adjoining property.

b. No sign shall be higher than thirty five (35) feet in the C-N and C-1 Districts, nor higher than forty (40) feet in the C-2, C-M, EZ-1, M-1, M-2 and M-3 Districts unless specifically exempted elsewhere in this section.

c. No freestanding sign shall encroach into a required yard.

d. When a freestanding sign is allowed at the front or street side property line, such sign shall not exceed twenty (20) feet in height. For each 1.5 feet setback from the front or street side property line, whichever is nearest to the sign, the maximum hieght may increase six (6) inches. However, no portion of a sign within five (5) feet of the front or street side property line may be closer than ten (10) feet to the ground, except for directional signs of the dimensions allowed in these regulations. In no case shall a freestanding sign exceed thirty five (35) feet in height, except as noted in b. above.

*** Editor's note:** *Sign location is measured from the leading edge of the sign, not the location of the pole.*

e. The maximum area of one face of any freestanding sign shall not exceed in square feet the following percentage of the square of the maximum sign height:

(1) 12% in the C-N Neighborhood Commercial District.

(2) 16% in the C-1, C-2 and C-M Commercial Districts.

(3) 20% in the EZ-1, M-1, M-2 and M-3 Industrial Districts

(Example: maximum area of a sign ten (10) feet from the front property line in a C-2 zone is 16% x 23 x 23).

(4)***** *An additional 25% (to a maximum of 32 square feet) of the allowable sign square footage can be added if used exclusively as a reader board.*

*(*Example: maximum area of a sign ten (10) feet from the front property line in a C-2 zone is 16% x 23 x 23 = 84.64 sq. ft. plus 21.16 sq. ft. for a reader board sign).*

*** Editor's note:** *Refer to sign height and area charts found on pages 11-21 through 11-24.*

f. No sign shall have more than four (4) faces.

g. A lot fronting only on one street shall have not more than one freestanding sign except as allowed by Paragraph (i) below.

h. A lot fronting on two public streets shall be allowed to have two-freestanding signs. If two signs are to be used the total maximum combined area of the two signs shall not exceed the maximum sign area of the one freestanding sign allowed on lots fronting on only one public street.

i. The maximum area of each face of a freestanding sign as calculated by paragraph e. hereof may be increased by twenty percent (20%) if the sign is located on a lot with more than three hundred (300) feet of frontage on a public street, by thirty five percent (35%) if the sign is located on a lot with more than four hundred fifty (450) feet of frontage on a public street and by fifty percent (50%) if the sign is located on a lot with more than six hundred (600) feet of frontage on a public street. In the alternative a lot with more than four hundred fifty (450) feet of public street frontage shall be allowed to have one additional freestanding sign, but if such additional sign is placed on the lot the maximum area of each freestanding sign shall be calculated as provided by paragraph e. and the maximum area of each such sign shall not be embellished by the foregoing provisions of this paragraph i.

j. An outdoor advertising sign shall not be counted in determining compliance with g., h. and i. above.

k. No lot shall have a freestanding sign unless the building situated on that lot is set back at least fifteen (15) feet from the front and street side property line.

***** Italicized text only in effect in City of Louisville, March 1995 (Docket No. 9-68-94).

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 signs allowed, provided such sign is no larger than sixteen (16) square feet.

   4.***** *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 signs allowed, provided such sign is no larger than twenty-four (24) square feet.*

5. 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 seven (7) feet from the facade of the building, or closer than two (2) feet to the abutting roadway.

   5.***** *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 D.2.b. of this Article.*

6. Iluminated or non-illuminated business signs are allowed in the OTF District subject to the following restrictions:

   a. One freestanding sign is allowed for each motel or hotel, which sign shall not exceed thirty (30) square feet in area and shall not exceed a height of ten (10) feet above ground.

   b. In addition, freestanding directional signs subject to the requirements of Subsection D. 4. are allowed.

***** Italicized text only in effect in City of Louisville, March 1995 (Docket No. 9-68-94).

7. Signs erected in the PRO and PEC Districts shall be subject to the following regulations:

   a. Individual business signs facing each bordering street shall be limited in total surface area to three (3) square feet for each linear foot of street frontage of the lot, provided that such sign shall not exceed a maximum of three hundred (300) square feet. Directional signs may be erected in the required front yard but shall not exceed six (6) square feet in area.

   b. One Industrial Park identification sign shall be allowed on each street on which the Industrial Park fronts and shall not exceed a maximum of three hundred (300) square feet in area.

   c. Advertising signs are prohibited.

   d. No sign in the PRO and PEC Districts shall have flashing or intermittent illumination.

8. One business sign for each business site located in the W-3 District is allowed provided that such sign shall not exceed three hundred (300) square feet in area or thirty-five (35) feet in height and shall be made a part of the architectural design of the building or the landscape development of the site. In addition, freestanding directional signs subject to the requirements of Subsection D. 4. are allowed.

9. Special Provisions.

   A single use building may have one attached sign 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.

E. Outdoor Advertising Signs*****

1. 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 Article 11 on page 11-23*

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;

9. Located not less 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 nonmetropolitan 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.

2. 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;

3. 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 center line 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;

4. No outdoor advertising sign greater than seven hundred fifty (750) square feet shall be allowed in any district.

5. 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% 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.

   No attached outdoor advertising sign shall extend past the exterior wall of the building to which it is affixed.

   Double-faced, V-type or back to back outdoor advertising signs shall be considered as one sign for spacing purposes.

F. Small Freestanding Signs

[Editor's Note: see italicized text on next page for version of part F. in effect in city of Louisville.]

In addition to the freestanding signs allowed under Section D.3 hereof, one small freestanding sign (e.g. portable sign, sandwich board sign or banner) shall be allowed on each lot located in the C-1, C-2, and C-M Districts, subject to the following conditions and restrictions. (Lots with more than one business are required to allocate the use of a small freestanding sign among the business uses on a time share basis). For purposes of KRS 100.253 small freestanding 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.

1. The small freestanding 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 nine (9) feet above the ground on which it is placed.

2. The small freestanding 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 eleemosynary messages.

3. Small freestanding signs may not be illuminated, or contain any electrical component unless UL approved and unless connected to a ground fault interrupter. All illuminated small freestanding 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.

4. No small freestanding sign shall be allowed within the public right-of-way or public easement.

5. No small freestanding 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.

6. All small freestanding signs shall be kept in good repair and in a proper state of preservation.

7. Every small freestanding 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. A cloth, plastic or other soft material banner may replace the small freestanding sign provided that all other applicable provisions of this Section shall remain effective. No pennants, streamers or other devices made of soft materials such that movement or flapping with the wind can occur shall be allowed.

9. Any code enforcement officer or peace officer who finds a small freestanding 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.

10. No small freestanding sign shall be located less than five (5) feet from a front or a street side property line. On corner lots no sign shall be allowed within the triangle whose legs are formed by measuring along each right of way line twenty-five (25) feet from the intersection of the right-of-way lines.

F[*]* Small Freestanding Signs

In addition to the freestanding signs allowed under Section D. 3. hereof, one small freestanding sign shall be allowed on each lot located in the C-1, C-2, C-3 and C-M Districts, subject to the following conditions and restrictions. (Lots with more than one business are required to allocate the use of a small freestanding sign among the business uses on a time share basis). For purposes of KRS 100.253 small freestanding 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.

"Small freestanding sign" shall mean any sign which is unattached to any structure or the ground.

1. *The small freestanding sign shall not exceed eight (8) 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.*

2. *The small freestanding 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 signs shall be limited to the hours of operation of the business, profession, trade or occupation lawfully practiced on site.*

3. *Small freestanding signs may not be illuminated. All components of a small*

[* *] Italicized text only in effect in city of Louisville, July 1993 (Docket No. 9-70-92)

freestanding sign shall be non-moving and stationary.

4. *No small freestanding 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 but the sign shall be removed from the public right of way or easement when the business is closed.*

5. *No small freestanding 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.*

6. *All small freestanding signs shall be kept in good repair and in a proper state of preservation.*

7. *Every small freestanding 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. *A cloth, plastic or other soft material banner may replace the small freestanding sign provided that all other applicable provisions of this Section shall remain effective. No pennants, streamers, or other devices made of soft materials such that movement or flapping with the wind can occur shall be allowed.*

9. *Any code enforcement officer or peace officer who finds a small freestanding 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.*

* * Italicized text only in effect in city of Louisville, July 1993 (Docket No. 9-70-92)

Editor's Note: *Jefferson Fiscal Court Ordinance No. 7, Series 1988 regulates signage along the Gene Snyder Freeway as follows:*

Outdoor advertising signs and business signs. 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.

No small freestanding sign or banners (permanent or temporary) shall be located within two hundred (200) feet of the nearest right-of-way line.

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 Article 11 of the Development Code.

Maps showing the location of the Snyder Freeway right-of-way are available at the Planning Commission offices.

*SIGN HEIGHT & SQUARE FOOTAGE CHART
C-N ZONING DISTRICT

		Maximum Square Footage							
Sign Height		Street Frontage							
Prop. Line Set Back	Max. Height	<300		300<450		450< 600		600>	
		Sign	Reader Board	Sign	Reader Board	Sign	Reader Board	Sign	Reader Board
0.00’	20.00’	48.00	12.00	57.60	14.4	64.80	16.20	72.00	18.00
1.50’	20.50’	50.43	12.61	60.52	15.13	68.08	17.02	75.65	18.91
3.00’	21.00’	52.92	13.23	63.50	15.88	71.44	17.86	79.38	19.84
4.50’	21.50’	55.47	13.87	66.56	16.64	74.88	18.72	83.21	20.80
6.00’	22.00’	58.08	14.52	69.70	17.43	78.41	19.60	87.12	21.78
7.50	22.50’	60.75	15.19	72.90	18.23	82.01	20.50	91.13	22.78
9.00	23.00’	63.48	15.87	76.18	19.05	85.70	21.43	95.22	23.81
10.50’	23.50’	66.27	16.57	79.52	19.88	89.46	22.37	99.41	24.85
12.00’	24.00’	69.12	17.28	82.94	20.74	93.31	23.33	103.68	25.92
13.50’	24.50	72.03	18.01	86.44	21.61	97.24	24.31	108.05	27.01
15.00’	25.00’	75.00	18.75	90.00	22.50	101.25	25.31	112.50	28.13
16.50’	25.50’	78.03	19.51	93.64	23.41	105.34	26.34	117.05	29.26
18.00’	26.00’	81.12	20.28	97.34	24.34	109.51	27.38	121.68	30.42
19.50’	26.50’	84.27	21.07	101.12	25.28	113.76	28.44	126.41	31.60
21.00’	27.00’	87.48	21.87	104.98	26.25	118.10	29.53	131.22	32.00
22.50’	27.50’	90.75	22.69	108.90	27.23	122.51	30.63	136.13	32.00
24.00’	28.00’	94.08	23.52	112.90	28.23	127.01	31.75	141.12	32.00
25.50’	28.50’	97.47	24.37	116.96	29.24	131.58	32.00	146.21	32.00
27.00’	29.00’	100.92	25.23	121.10	30.28	136.24	32.00	151.38	32.00
28.50’	29.50’	104.43	26.11	125.32	31.33	140.98	32.00	156.65	32.00
30.00’	30.00’	108.00	27.00	129.60	32.00	145.80	32.00	162.00	32.00
31.50’	30.50’	111.63	27.91	133.96	32.00	150.70	32.00	167.45	32.00
33.00’	31.00’	115.32	28.83	138.38	32.00	155.68	32.00	172.98	32.00
34.50’	31.50’	119.07	29.77	142.88	32.00	160.74	32.00	178.61	32.00
36.00’	32.00’	122.88	30.72	147.46	32.00	165.89	32.00	184.32	32.00
37.50’	32.50’	126.75	31.69	152.10	32.00	171.11	32.00	190.13	32.00
39.00’	33.00’	130.68	32.00	156.82	32.00	176.42	32.00	196.02	32.00
40.50’	33.50’	134.67	32.00	161.60	32.00	181.80	32.00	202.01	32.00
42.00’	34.00’	138.72	32.00	166.46	32.00	187.27	32.00	208.08	32.00
43.50’	34.50’	142.83	32.00	171.40	32.00	192.82	32.00	214.25	32.00
45.00’	35.00’	147.00	32.00	176.40	32.00	198.45	32.00	220.50	32.00

***Editor’s Note: This table is in effect only for the City of Louisville**

*SIGN HEIGHT & SQUARE FOOTAGE CHART
C-1 ZONING DISTRICT

		Maximum Square Footage							
Sign Height		Street Frontage							
Prop. Line Set Back	Max. Height	<300		300<450		450<600		600>	
		Sign	Reader Board	Sign	Reader Board	Sign	Reader Board	Sign	Reader Board
0.00’	20.00’	64.00	16.00	76.80	19.20	86.40	21.60	96.00	24.00
1.50’	20.50’	67.24	16.81	80.69	20.17	90.77	22.69	100.86	25.22
3.00’	21.00’	70.56	17.64	84.67	21.17	95.26	23.82	105.84	26.46
4.50’	21.50’	73.96	18.49	88.75	22.19	99.85	24.96	110.94	27.74
6.00’	22.00’	77.44	19.36	92.93	23.23	104.54	26.14	116.16	29.04
7.50	22.50’	81.00	20.25	97.20	24.30	109.35	27.34	121.50	30.38
9.00	23.00’	84.64	21.16	101.57	25.39	114.26	28.57	126.96	31.74
10.50’	23.50’	88.36	22.09	106.03	26.51	119.29	29.82	132.54	32.00
12.00’	24.00’	92.16	23.04	110.59	27.65	124.42	31.11	138.24	32.00
13.50’	24.50	96.04	24.01	115.25	28.81	129.65	32.00	144.06	32.00
15.00’	25.00’	100.00	25.00	120.00	30.00	135.00	32.00	150.00	32.00
16.50’	25.50’	104.04	26.01	124.79	31.20	140.45	32.00	156.06	32.00
18.00’	26.00’	108.16	27.04	129.79	32.00	146.02	32.00	162.24	32.00
19.50’	26.50’	112.36	28.09	134.83	32.00	151.69	32.00	168.54	32.00
21.00’	27.00’	116.64	29.16	139.97	32.00	157.46	32.00	174.96	32.00
22.50’	27.50’	121.00	30.25	145.20	32.00	163.35	32.00	181.50	32.00
24.00’	28.00’	125.44	31.36	150.53	32.00	169.34	32.00	188.16	32.00
25.50’	28.50’	129.96	32.00	155.95	32.00	175.45	32.00	194.94	32.00
27.00’	29.00’	134.56	32.00	161.47	32.00	181.66	32.00	201.84	32.00
28.50’	29.50’	139.24	32.00	167.09	32.00	187.97	32.00	208.86	32.00
30.00’	30.00’	144.00	32.00	172.80	32.00	194.40	32.00	216.00	32.00
31.50’	30.50’	148.84	32.00	178.61	32.00	200.93	32.00	223.26	32.00
33.00’	31.00’	153.76	32.00	184.51	32.00	207.58	32.00	230.64	32.00
34.50’	31.50’	158.76	32.00	190.51	32.00	214.33	32.00	238.14	32.00
36.00’	32.00’	163.84	32.00	196.61	32.00	221.18	32.00	245.76	32.00
37.50’	32.50’	169.00	32.00	202.80	32.00	228.15	32.00	253.50	32.00
39.00’	33.00’	174.24	32.00	209.09	32.00	235.22	32.00	261.36	32.00
40.50’	33.50’	179.56	32.00	215.47	32.00	242.41	32.00	269.34	32.00
42.00’	34.00’	184.96	32.00	221.95	32.00	249.70	32.00	277.44	32.00
43.50’	34.50’	190.44	32.00	228.53	32.00	257.09	32.00	285.66	32.00
45.00’	35.00’	196.00	32.00	235.20	32.00	264.60	32.00	294.00	32.00

***Editor’s Note: This table is in effect only for the City of Louisville**

*SIGN HEIGHT & SQUARE FOOTAGE CHART
C-2 & C-M ZONING DISTRICTS

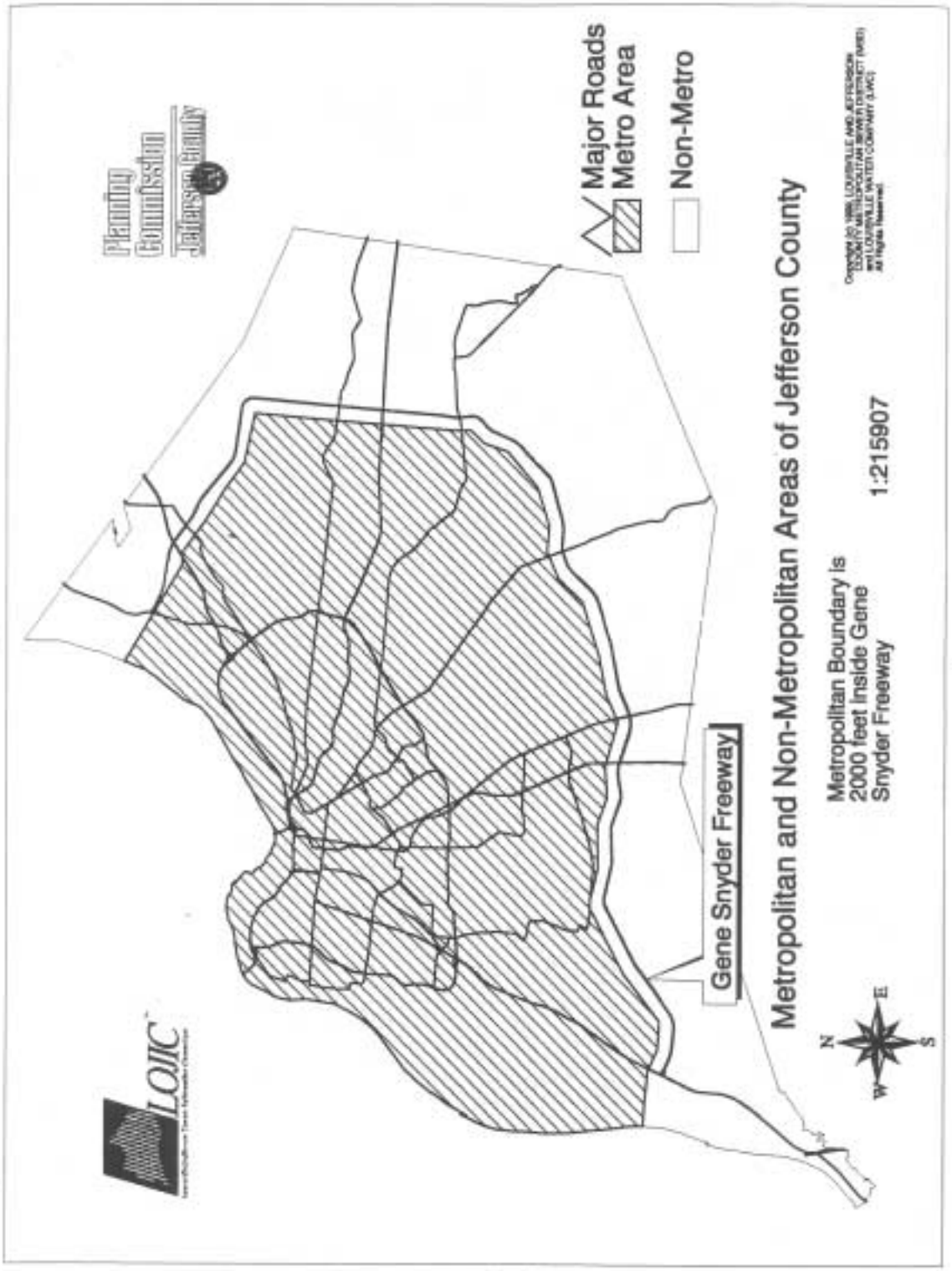
		Maximum Square Footage							
Sign Height		Street Frontage							
Prop. Line Set Back	Max. Height	<300		300<450		450<600		600>	
		Sign	Reader Board	Sign	Reader Board	Sign	Reader Board	Sign	Reader Board
0.00’	20.00’	64.00	16.00	76.80	19.20	86.40	21.60	96.00	24.00
1.50’	20.50’	67.24	16.81	80.69	20.17	90.77	22.69	100.86	25.22
3.00’	21.00’	70.56	17.64	84.67	21.17	95.26	23.82	105.84	26.46
4.50’	21.50’	73.96	18.49	88.75	22.19	99.85	24.96	110.94	27.74
6.00’	22.00’	77.44	19.36	92.93	23.23	104.54	26.14	116.16	29.04
7.50	22.50’	81.00	20.25	97.20	24.30	109.35	27.34	121.50	30.38
9.00	23.00’	84.64	21.16	101.57	25.39	114.26	28.57	126.96	31.74
10.50’	23.50’	88.36	22.09	106.03	26.51	119.29	29.82	132.54	32.00
12.00’	24.00’	92.16	23.04	110.59	27.65	124.42	31.11	138.24	32.00
13.50’	24.50	96.04	24.01	115.25	28.81	129.65	32.00	144.06	32.00
15.00’	25.00’	100.00	25.00	120.00	30.00	135.00	32.00	150.00	32.00
16.50’	25.50’	104.04	26.01	124.79	31.20	140.45	32.00	156.06	32.00
18.00’	26.00’	108.16	27.04	129.79	32.00	146.02	32.00	162.24	32.00
19.50’	26.50’	112.36	28.09	134.83	32.00	151.69	32.00	168.54	32.00
21.00’	27.00’	116.64	29.16	139.97	32.00	157.46	32.00	174.96	32.00
22.50’	27.50’	121.00	30.25	145.20	32.00	163.35	32.00	181.50	32.00
24.00’	28.00’	125.44	31.36	150.53	32.00	169.34	32.00	188.16	32.00
25.50’	28.50’	129.96	32.00	155.95	32.00	175.45	32.00	194.94	32.00
27.00’	29.00’	134.56	32.00	161.47	32.00	181.66	32.00	201.84	32.00
28.50’	29.50’	139.24	32.00	167.09	32.00	187.97	32.00	208.86	32.00
30.00’	30.00’	144.00	32.00	172.80	32.00	194.40	32.00	216.00	32.00
31.50’	30.50’	148.84	32.00	178.61	32.00	200.93	32.00	223.26	32.00
33.00’	31.00’	153.76	32.00	184.51	32.00	207.58	32.00	230.64	32.00
34.50’	31.50’	158.76	32.00	190.51	32.00	214.33	32.00	238.14	32.00
36.00’	32.00’	163.84	32.00	196.61	32.00	221.18	32.00	245.76	32.00
37.50’	32.50’	169.00	32.00	202.80	32.00	228.15	32.00	253.50	32.00
39.00’	33.00’	174.24	32.00	209.09	32.00	235.22	32.00	261.36	32.00
40.50’	33.50’	179.56	32.00	215.47	32.00	242.41	32.00	269.34	32.00
42.00’	34.00’	184.96	32.00	221.95	32.00	249.70	32.00	277.44	32.00
43.50’	34.50’	190.44	32.00	228.53	32.00	257.09	32.00	285.66	32.00
45.00’	35.00’	196.00	32.00	235.20	32.00	264.60	32.00	294.00	32.00
46.50’	35.50’	210.64	32.00	241.97	32.00	272.21	32.00	302.46	32.00
48.00’	36.00’	207.36	32.00	248.83	32.00	279.94	32.00	311.04	32.00
49.50’	36.50’	213.16	32.00	255.79	32.00	287.77	32.00	319.74	32.00
51.00’	37.00’	219.04	32.00	262.85	32.00	295.70	32.00	328.56	32.00
52.50’	37.50’	225.00	32.00	270.00	32.00	303.75	32.00	337.50	32.00
54.00’	38.00’	231.04	32.00	277.25	32.00	311.90	32.00	346.56	32.00
55.50’	38.50’	237.16	32.00	284.59	32.00	320.17	32.00	355.74	32.00
57.00’	39.00’	243.36	32.00	292.03	32.00	328.54	32.00	365.04	32.00
58.50’	39.50’	249.64	32.00	299.57	32.00	337.01	32.00	374.46	32.00
60.00’	40.00’	256.00	32.00	307.20	32.00	345.60	32.00	384.00	32.00

*Editor’s Note: This table is in effect only for the City of Louisville

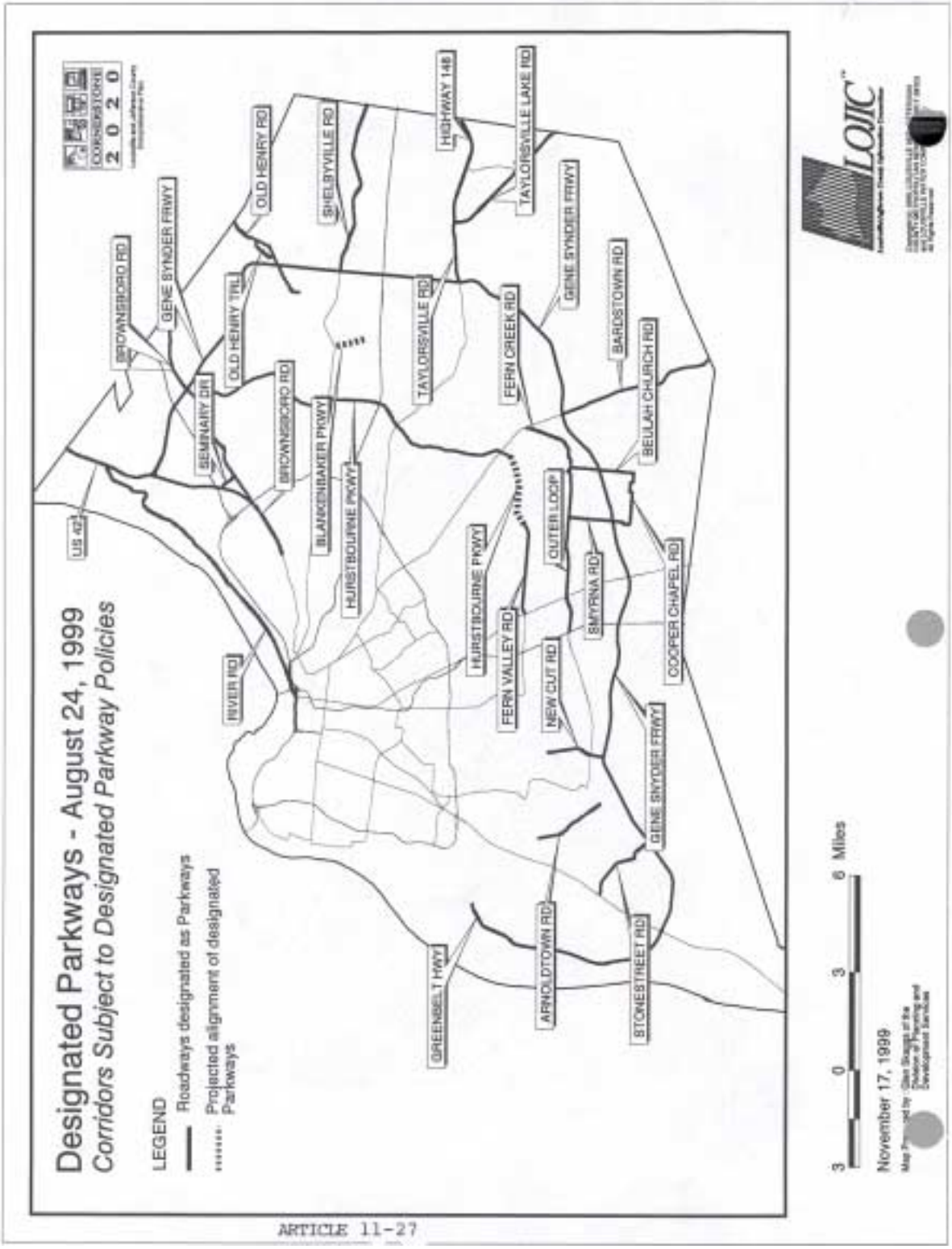
*SIGN HEIGHT & SQUARE FOOTAGE CHART
EZ-1, M-1, M-2 & M-3 ZONING DISTRICTS

		Maximum Square Footage							
Sign Height		Street Frontage							
Prop. Line Set Back	Max. Height	<300		300<450		450<600		600>	
		Sign	Reader Board	Sign	Reader Board	Sign	Reader Board	Sign	Reader Board
0.00’	20.00’	80.00	20	96.00	24	108.00	27	120.00	30
1.50’	20.50’	84.05	21.01	100.86	25.22	113.47	28.37	126.08	31.52
3.00’	21.00’	88.20	22.05	105.84	26.46	119.07	29.77	132.30	32.00
4.50’	21.50’	92.45	23.11	110.94	27.74	124.81	31.2	138.68	32.00
6.00’	22.00’	96.80	24.2	116.16	29.04	130.68	32.00	145.20	32.00
7.50	22.50’	101.25	25.31	121.50	30.38	136.69	32.00	151.88	32.00
9.00	23.00’	105.80	26.45	126.96	31.74	142.83	32.00	158.70	32.00
10.50’	23.50’	110.45	27.61	132.54	32.00	149.11	32.00	165.68	32.00
12.00’	24.00’	115.20	28.8	138.24	32.00	155.52	32.00	172.80	32.00
13.50’	24.50	120.05	30.01	144.06	32.00	162.07	32.00	180.08	32.00
15.00’	25.00’	125.00	31.25	150.00	32.00	168.75	32.00	187.50	32.00
16.50’	25.50’	130.05	32.00	156.06	32.00	175.57	32.00	195.08	32.00
18.00’	26.00’	135.20	32.00	162.24	32.00	182.52	32.00	202.80	32.00
19.50’	26.50’	140.45	32.00	168.54	32.00	189.61	32.00	210.68	32.00
21.00’	27.00’	145.80	32.00	174.96	32.00	196.83	32.00	218.70	32.00
22.50’	27.50’	151.25	32.00	181.50	32.00	204.19	32.00	226.88	32.00
24.00’	28.00’	156.80	32.00	188.16	32.00	211.68	32.00	235.20	32.00
25.50’	28.50’	162.45	32.00	194.94	32.00	219.31	32.00	243.68	32.00
27.00’	29.00’	168.20	32.00	201.84	32.00	227.07	32.00	252.30	32.00
28.50’	29.50’	174.05	32.00	208.86	32.00	234.97	32.00	261.08	32.00
30.00’	30.00’	180.00	32.00	216.00	32.00	243.00	32.00	270.00	32.00
31.50’	30.50’	186.05	32.00	223.26	32.00	251.17	32.00	279.08	32.00
33.00’	31.00’	192.20	32.00	230.64	32.00	259.47	32.00	288.30	32.00
34.50’	31.50’	198.45	32.00	238.14	32.00	267.91	32.00	297.68	32.00
36.00’	32.00’	204.80	32.00	245.76	32.00	276.48	32.00	307.20	32.00
37.50’	32.50’	211.25	32.00	253.50	32.00	285.19	32.00	316.88	32.00
39.00’	33.00’	217.80	32.00	261.36	32.00	294.03	32.00	326.70	32.00
40.50’	33.50’	224.45	32.00	269.34	32.00	303.01	32.00	336.68	32.00
42.00’	34.00’	231.20	32.00	277.44	32.00	312.12	32.00	346.80	32.00
43.50’	34.50’	238.05	32.00	285.66	32.00	321.37	32.00	357.08	32.00
45.00’	35.00’	245.00	32.00	294.00	32.00	330.75	32.00	367.50	32.00
46.50’	35.50’	252.05	32.00	302.46	32.00	340.27	32.00	378.08	32.00
48.00’	36.00’	259.20	32.00	311.04	32.00	349.92	32.00	388.80	32.00
49.50’	36.50’	266.45	32.00	319.74	32.00	359.71	32.00	399.68	32.00
51.00’	37.00’	273.80	32.00	328.56	32.00	369.63	32.00	410.70	32.00
52.50’	37.50’	281.25	32.00	337.50	32.00	379.69	32.00	421.88	32.00
54.00’	38.00’	288.80	32.00	346.56	32.00	389.88	32.00	433.20	32.00
55.50’	38.50’	296.45	32.00	355.74	32.00	400.21	32.00	444.68	32.00
57.00’	39.00’	304.20	32.00	365.04	32.00	410.67	32.00	456.30	32.00
58.50’	39.50’	312.05	32.00	374.46	32.00	421.27	32.00	468.08	32.00
60.00’	40.00’	320.00	32.00	384.00	32.00	432.00	32.00	480.00	32.00

*Editor’s Note: This table is in effect only for the City of Louisville



ARTICLE 11-26


Designated Parkways - August 24, 1999
Corridors Subject to Designated Parkway Policies
LEGEND
Roadways designated as Parkways
Projected alignment of designated Parkways
BROWNSBORO RD
GENE SNYDER FRWY
OLD HENRY RD
SHELBYVILLE RD
HIGHWAY 146
TAYLORSVILLE LAKE RD
OLD HENRY TRL
TAYLORSVILLE RD
FERN CREEK RD
BARDSTOWN RD
SEMINARY DR
BROWNSBORO RD
BLANKENBAKER PKWY
HURSTBOURNE PKWY
BEULAH CHURCH RD
US 42
OUTER LOOP
SMYRNA RD
COOPER CHAPEL RD
RIVER RD
FERN VALLEY RD
NEW CUT RD
GREENBELT HWY
ARNOLDTOWN RD
STONESTREET RD
3 0 3 6 Miles
November 17, 1999
LOJIC

ARTICLE 12 LANDSCAPING AND LAND USE BUFFERS

A. Intent

B. Definitions

C. Sites Affected

D. Perimeter Landscape Requirements

E. Interior Landscaping Areas (ILAs) For VUAs

F. Landscaping Requirements for Service Structures

G. Standards for Landscape Materials

H. Maintenance and Installation

I. Plan Submission and Approval

J. Planting Manual and Plant Materials List

K. Waivers

Article 12 Landscaping and Land Use Buffers

*A. INTENT:

The intent of this article is to improve the appearance of vehicular use areas (VUAs) and property abutting public rights-of-way; to improve buffering/screening between incompatible land uses; to protect, preserve and promote the aesthetic appeal, character and value of the surrounding neighborhoods; to strengthen environmental quality and to promote public health and safety through the reduction of noise pollution, air pollution, visual pollution, air temperature, and artificial light glare; to enhance the community's natural resources through tree preservation and planting of native species; and to break up large areas of impervious surface. It is not the intent of this article to be rigid in its requirements to the point of preventing innovative, aesthetically pleasing landscaping that improves the appearance of the area requiring landscaping but that does not meet the stated minimum standards. It is recognized that there are other methods to improve and buffer property, and that there are factors, which offset the need for continuous screen plantings. To this end, the listed minimum standards and requirements may be varied if the quantity of plantings and site improvements proposed constitute a substantial improvement over the minimum standards listed in this ordinance.

*B. DEFINITIONS:

1. VEHICLE USE AREA (VUA) - A vehicular use area (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.

2. LANDSCAPE BUFFER AREA (LBA) - A Landscape Buffer Area (LBA), as used in these regulations, refers to the area that must be set aside, free from development, to accommodate the 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.

3. INTERIOR LANDSCAPING AREA (ILA) - (ILAs) An interior landscaping area (ILA) is defined as 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.

4. SMALL SITES – Small Sites are defined as developments totaling 10,000 square feet or less (as measured by the combined ground area of existing and proposed buildings, structures and VUA).

* Docket No. 9-26-00.

*C. SITES AFFECTED :

1. NEW DEVELOPMENT - No site development, building or structure shall hereafter be constructed nor vehicular use area created unless landscaping is provided as required by the provisions of this Article. 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 Article. 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 article. *

2. EXISTING DEVELOPMENT -

   a. Existing development is subject to this Article as defined below:
      1. Any reconstruction or expansion of an existing building or structure resulting in an increase of impervious surface by more than 20%
      2. Any expansion of an existing VUA by more than 20% or change in more than 20% of VUA surface (from gravel, stone or similar material to asphalt or concrete pavement)
      3. Any combination of items 1) and 2) above resulting in an increase greater than 20%

   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 Article
      2. Expansion by 50% or greater - the entire site shall be subject to the requirements of this Article

   C. Small Sites:

      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 Article

3. 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 parts D.1.(a) or D.1.(b) of this article, shall necessitate the provision of landscaping and buffering as required by this Article. *

* Docket No. 9-26-00.

D1.(a) Property Perimeter Requirements

A. When the following....	B. Adjoins the following….	C. A Minimum landscape buffer area [1,8] of this average is required [3,4]….	D. Which will contain the following material to achieve required opacity: [5, 7]
1. Any industrial, office or commercial use or zone.	Any residential zone (R-R, R-E, R-1, R-2, R-3, R-4, R-5, RRD, R-5A, R-5B, R-6, R-7, R-8A). [9, 10]	15' adjacent to all common boundaries except street frontage.* [6]	1 tree/50' of lineal boundary, or fraction thereof [,2] from Group A of the Plant List; or 1 evergreen tree or small flowering tree/15' o.c.; or 1 tree/20' that is a combination of 50% deciduous trees from Group A and 50% either small flowering trees or evergreen trees; plus a continuous 6' high, hedge, fence, wall or earth mound. *
2. Any industrial use or zone. (C-M, M-1, M-2, M-3, EZ-1, W-3, PRO, PEC) *	Any office or business zone (OR, OR-1, OR-2, OR-3, OTF, C-N, C-1, C-2, C-3) *	10' adjacent to all common boundaries except street frontage. [6]	Same as D.1.
3. Any use or zone, unless used for vehicular sales facilities or service stations.	A freeway or arterial street prohibiting driveways.	20' for residential zones and 10' for all other zones adjacent to freeway or arterial.	Same as D.1.
4. Any use or zone except industrial.	Railroads (except spur tracks).	15' for residential zones adjacent to railroads and 6' for commercial zones.	Same as D.1.
5. Utility substations, scrap metal, or other salvage operations, landfills, sewage plants, sewage pump stations, or similar uses.	Any property boundary, including street rights-of-way.	15' adjacent to all boundaries, except only 5' for utility substations and sewage pump stations measured adjacent to the enclosure. [6]	Same as D.1.
6. Any residential multi-family use or zone, except when developed as buildings for single family or two family occupancy.	Residential single family zone.	6' adjacent to all common boundaries except street frontage.	1 tree/50' of lineal boundary, or fraction thereof, [2] from Group A, B, or C of the Plant List plus a continuous 6' high hedge, fence, wall, or earth mound. *

7. Any commercial use or zone, other than in the Central Business District or Corridor Review Overlay District. *	Any public or private street right-of-way.	4' adjacent to all street frontage.	1 tree/50' of lineal boundary, or fraction thereof, [2] from Group A, B, or C of the Plant List, plus any combination of decorative shrubs, trees, and/or seasonal flowers. Up to 25% of buffer area may be paved for building entrance. *

*Docket No. 9-26-00.

Property Perimeter Requirements - Footnotes

1. Grass or ground cover shall be planted on all portions of the LBA not occupied by other landscape material.

2. It is the intent of Article 12 to distribute trees along the perimeter to be screened; however, trees do not have to be equally spaced, but may be grouped depending on species' growth patterns and compatibility with other landscaping.

3. To determine required area of landscape buffer area, multiply required average width by length of common boundary. Using item 1C as an example, the 15' average required width, multiplied by an assumed 100' of common boundary equals 1,500 sq. ft. of required landscape area. Thus, if some sections of the landscape buffer area are only 4' in width, other sections will have to be greater than 15' in width in order to attain the required 1,500 sq. ft. of landscape area.

4. Six (6) feet shall be the least dimension of any commercial or industrial zone LBA (except that the dimension may be reduced to five (5) feet when provided in conjunction with a six (6) feet high wall or fence. (See Note 6.) * The least dimension of an LBA in any zone shall be four (4) feet.

7. In situations where a slope occurs along a boundary, and where zone to zone screening is required, the required landscape materials shall be placed (in relation to the slope) where they will most effectively screen the more intensive use from the adjoining property.

8. See Section B. of this Article for definition of a Landscape Buffer Area (LBA). *

9. Schools, churches, parks and other similar community facilities shall be considered the same as a multi-family residential use or zone, for the purposes of this Article; if they are the later developing use, they have the option of meeting the requirements of Article 12, as provided for in Section D.3 herein. Commercial, recreational and other activities, which are allowed in a wide range of residential zoning classifications with a conditional use permit (CUP), shall be considered a commercial use for the purposes of this Article. *

10. Large-scale public utility service facilities not otherwise regulated by this section, and community facilities with potential for significant off-site impacts (government garage and storage facilities, police and fire stations, and entertainment facilities) shall be considered a commercial use for the purposes of this Article .

5. A continuous planting of evergreen trees, 15' o/c., shall be deemed to meet the requirements for both evergreen trees and a continuous hedge, provided that the trees meet the size requirements outlined in Section G.4.c, and that they provide seventy percent (70%) opacity. *

6. The 15' LBA may be reduced to 5' when used in conjunction with a 6' high wall or fence.

* Docket No. 9-26-00.

D.1.(b) Vehicular Use Area (VUA) Perimeter Requirements

A. When the following….	B. Adjoins the following….	C. A minimum LBA area [6] of this width is required [1]….	D. Which will contain the following material, [3] to achieve required opacity.
1. Any property containing any VUA. [2]	Any property in any residential use or zone. [7]	5' where vehicles overhang [5] and 4' where vehicles do not overhang.	One tree/50' of lineal boundary of LBA or fraction thereof from Group A of the Plant List; or**,** one tree/40' of LBA, or fraction thereof, from Group B or C; plus a 3' high continuous hedge, fence, wall or earth mound, or a 3' decrease in elevation from the adjoining property to the vehicular use area. *
2. Any VUA in any zone outside the Central Business District, except vehicular sales facilities or service stations. *	Any public or private street right-of-way, access road, service road or alley (including freeways). *	Same as C.1 above. *	Same as D.1, except trees from Group A or B only. No trees are required along alleys; no hedge, wall or earth mound required along freeways.
3. Any vehicular sales facility or service station.	Any public or private street right-of-way, access road, service road, freeway or arterial street.	Same as C.1 above.	One tree/50' of lineal boundary, or fraction thereof, from Group A or B; plus an 18" average height continuous, hedge, fence, wall or earth mound.

4. Any VUA in the Central Business District (except loading and unloading areas) *	Any public or private street right-of-way or alley, except freeways.*	3' adjacent to portion of VUA that faces a public or private street right-of-way or alley.	3' high continuous hedge, fence or wall.[4]
5. Financial institutions with drive-in facilities or night deposits.	Same as B.2.	Same as C.1.	One tree/50' of lineal boundary, or fraction thereof, from Group A; or one deciduous tree/40', or fraction thereof, from Group B with 5' of clear trunk; plus an 18" average height continuous hedge, fence or wall.

*Docket No. 9-26-00.

Vehicular Use Area (VUA) Requirement - Footnotes

1. These provisions may be included within the property perimeter landscaping required by Section D.1.(a) where LBAs are also applicable.

2. See Section B.1 in this Article for definition of a Vehicular Use Area (VUA). *

3. Grass or ground cover shall be planted on all portions of the LBA not occupied by other landscape material.

4. In the Central Business District, when a wall is used, it shall be constructed of natural stone, brick or concrete. *

5. Cars or other objects shall not overhang or otherwise intrude upon the required LBA more than two and one half (2½) feet, and wheel stops or curbs will be required.

6. See Section B.2 in this Article for definition of a Landscape Buffer Area (LBA). *

7. Large scale public utility service facilities not otherwise regulated by this section, and community facilities with potential for significant off-site impacts (government garage and storage facilities, police and fire stations, entertainment facilities), shall be considered commercial uses for the purposes of this Article.

* Docket No. 9-26-00.

*D. PERIMETER LANDSCAPE REQUIREMENTS :

1. Perimeter requirements consist of a buffer or setback area and plant materials for screening. Perimeter requirements have been divided into two types - Property Perimeter and VUA Perimeter requirements. Property Perimeter requirements are applied between adjoining lots with different land uses or zoning (see Table D.1.a. for standards). VUA Perimeter requirements are applied between VUAs and other adjoining uses or roadways (see Table D.1.b. for standards).

   Where both Property Perimeter and VUA Perimeter requirements apply, the more stringent standard shall be used.

2. PERIMETER OPACITY REQUIREMENTS- Required hedges shall consist of evergreen trees or shrub varieties with sufficient year-round opacity as determined by Planning Commission staff to provide an effective visual screen.

3. LOCATION - Required landscaping generally shall be located along the property perimeter in designated Landscape Buffer Areas (LBAs) as shown in tables D. 1.(a) and D. l.(b), but may also be provided adjacent to buildings or any other locations on site that achieve the desired screening effect. Screening should be visually continuous from adjacent properties. Discontinuous plantings, walls, etc. located away from the property perimeter or VUA, that achieve visual continuity, also meet the requirements of this regulation.

4. WHO FULFILLS PERIMETER LANDSCAPE REQUIREMENTS - Landscape material and LBAs, required under Section D.l.(a) and D.l.(b), generally shall be provided by the property owner of the activity listed under column A of those tables, with the following exceptions:

   a. If the activity in Column A is already developed, and if the landscape material and LBA, required in Section D.1.(a) has not been provided, then the activity listed in Column B shall meet the requirements of D.1.(a). Expanding small sites and single family residential are exempted from this requirement.

   b. If the landscape material and LBA required under Section D.l.(b) have been provided by the authority constructing the public or private street right-of-way, then the property owner is not required to provide the landscape material and LBA.

5. WHERE LANDSCAPE BUFFER AREAS (LBAs) ARE LOCATED - LBA and landscape materials generally shall be:

   a. Located on the land use listed under Column A of tables D.l.(a) and D.l.(b) when adjoining parcels having different owners; or

* Docket No. 9-26-00.

b. Located on either adjoining parcel, or located astride the boundary if both are owned and being processed by the same owner, and if a deed restriction and/or written agreement guaranteeing preservation of the LBA and LBA materials, signed by the owner, and approved by Planning Commission legal counsel, is recorded in the office of the County Clerk as a public record; or;

c. Located astride the boundary of adjoining parcels having different owners, if a deed restriction and/or written agreement guaranteeing preservation of the LBA and LBA materials, signed by both owners, and approved by Planning Commission legal counsel, is recorded in the office of the County Clerk as a public record; or

d. Located on the parcel being developed when adjoining property is already developed (with the exception of D. I.(a) line 6).

6. REQUIREMENT CONFLICTS – The most stringent requirements will be enforced whenever a parcel or activity falls under two or more of the landscape requirements listed in tables D.1.(a) or D.1.(b).

7. LANDSCAPING IN EASEMENTS - Required LBAs and landscape materials may overlap with utility or other easements, provided

a. the owner/developer can demonstrate prior approval of the easement holder, and

b. 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.

8. LANDSCAPING IN THE RIGHT-OF-WAY - Perimeter landscaping may be placed on the adjacent right-of-way when no feasible alternative exists and when approved by the responsible agency. Written permission from the authority having jurisdiction over the right-of-way shall be submitted by the developer prior to approval of a landscape plan. The staff of the Planning Commission shall permit the required trees to be located in the right-of-way only if (in addition to traffic engineering considerations, including future plans for roadway widening) there is sufficient area for such trees, as well as any required street trees, to grow to maturity.

9. EXISTING LANDSCAPE MATERIAL – Retention of existing vegetation to meet the requirements of this article is encouraged. Regardless of whether existing plants are to be incorporated into the current development, all existing landscape material shall be shown on the landscape plan.

a. Criteria for using existing landscape material: Any plant material in satisfactory condition, proposed for use in fulfilling the requirements in whole or in part, may be used when, in the opinion of the Planning Commission staff, such materials meet the requirements and achieve the objectives of this Article.

* Docket No. 9-26-00.

b. Protection of existing vegetation during construction: Protection of root systems during site development is an integral part of vegetation retention. All existing vegetation used to satisfy landscape requirements shall be protected from root damage and soil compaction through the use of tree protection fencing or other means approved by Planning Commission staff. Provisions for protection of root systems and prevention of soil compaction must be shown on the landscape plan and followed throughout the development process.

c. Substituting existing trees for newly planted trees: The following criteria shall be used where existing healthy trees are being substituted for newly planted trees:

1. An existing 6”-12” 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
2. An existing 12”-24” 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
3. An existing tree greater than 24” 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. LANDSCAPING AT DRIVEWAY AND STREET INTERSECTIONS - To assure that landscape materials do not constitute a driving hazard, a "sight triangle" will be observed at all street intersections including street intersections (see Figure 1A) and intersections of alleys or driveways with streets (see Figure 1B).

11. JOINT DRIVEWAYS AND COMMON VEHICULAR USE AREAS - VUA screening shall not be required between a VUA and the adjoining property where:

a. A property line divides a driveway used for common access to two (2) or more properties, or
b. When both of the following conditions exist:

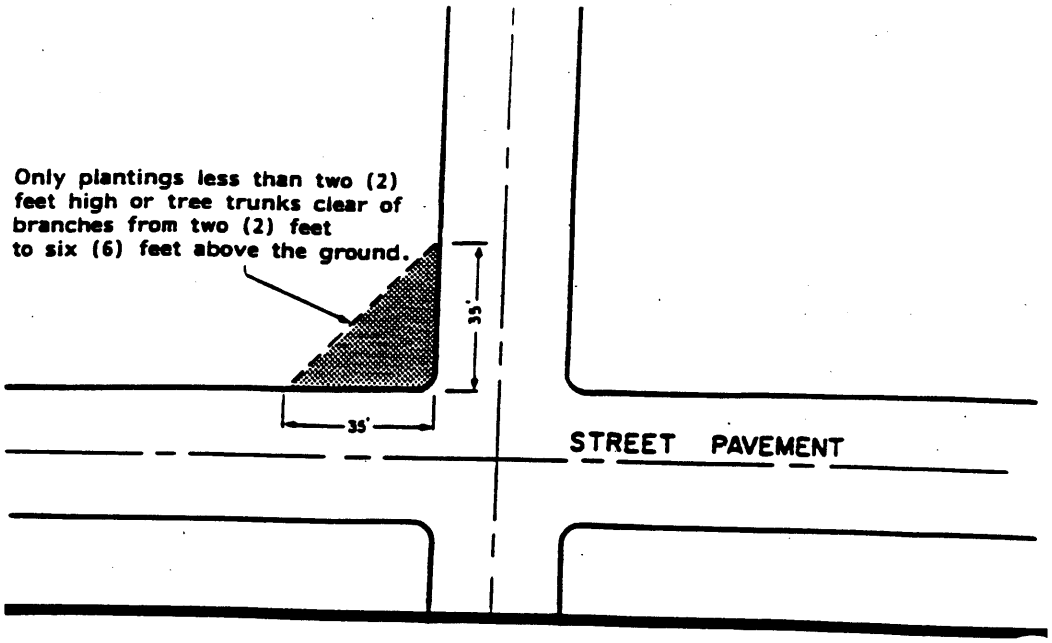
1. The VUAs fulfill the parking requirements for both properties, or are for the common use of both properties (as substantiated by a reciprocal parking and access agreement); and

2. The Planning Commission has approved a final development plan for the properties.

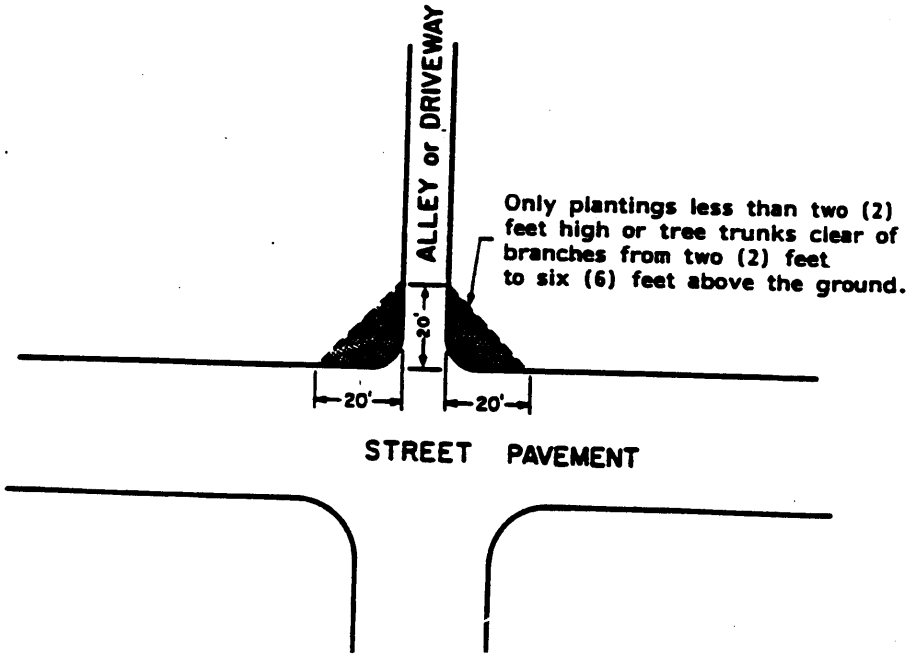
* Docket No. 9-26-00.

Article 12 Landscaping and Land Use Buffers

SIGHT TRIANGLE AT INTERSECTING STREETS



SIGHT TRIANGLE AT INTERSECTION OF ALLEY OR DRIVEWAY WITH STREET



*E. INTERIOR LANDSCAPING AREAS (ILAs) FOR VUAs :

1. Definition of ILAS – An interior landscaping area (ILA) is defined as a peninsular or island-shaped planting area, located within a vehicle use area, with the express purpose of buffering the environmental and visual effects of a VUA.

2. When ILAs shall be required – Where a Vehicle Use Area is newly created, altered or expanded to 6,000 or more square feet, or to accommodate twenty or more vehicular parking spaces, ILAs shall be provided. The amount of ILA provided in the overall VUA shall be in accordance with the percentage by which the VUA is expanded, as specified in Section C.2 of this Article. For each one hundred (100) square feet, or fraction thereof, of VUA requiring ILAs, five (5) square feet of ILA shall be provided. This shall be in addition to any required perimeter landscaping.

3. VUA Areas Exempt from ILA requirements:
   a. Loading, unloading and outdoor storage areas in an industrial zone (M-1, M-2, M-3, EZ-1, PRO PEC, W-3)
   b. Loading, unloading and outdoor storage areas in a commercial zone (C-1, C-2, C-3, C-M) not accessible or visible to the general public.

4. Minimum ILA Area - The minimum ILA size in all VUAs shall be one hundred fifty (150) contiguous square feet. Standard curb area may be included in the 150 square feet.

5. Maximum ILA Area - ILAs shall be no larger than 350 contiguous square feet in VUAs smaller than 30,000 square feet in size; additionally, ILAs shall be no larger than 1,500 contiguous square feet in VUAs equal to or greater than 30,000 square feet in size.

   ILAs larger than the maximums stated above are permitted provided that any ILA exceeding the maximums does not count toward fulfilling the requirements of this Article.

6. Maximum distances between ILAs - The maximum distance between ILAs shall not exceed 120’ measured both

   a. Radially, from the closest perimeter landscape area curb edge, and
   b. Lineally in each row of parking spaces, from the closest curb edge of each ILA

7. Minimum ILA Tree Requirements - A minimum of one (1) tree shall be required for every 250 square feet, or fraction thereof, of required ILA. Trees shall have a clear trunk to at least six (6) feet above the ground. The remaining ILA shall be landscaped with shrubs, grass or groundcover. Shrubs shall not exceed two (2) feet in height in areas requiring sight distance for vehicular circulation.

* Docket No. 9-26-00.

8. Tree Setbacks from Edge of ILA – In all size ILAs, the minimum distance between any tree and edge of pavement, where vehicles overhang, shall be four (4) feet.

9. Maximum Allowable Vehicle Overhang- Parked vehicles may hang over the ILA no more than two and one-half (2 ½) feet, provided that concrete or other wheel stops that are affixed to the ground are provided to limit overhang or penetration of the landscaped area.

*F. LANDSCAPING REQUIREMENTS FOR SERVICE STRUCTURES :

For the purposes of this Article, service structures shall include propane tanks, dumpsters, air conditioning units and condensers, electrical transformers and other equipment or elements providing service to a building or a site. All freestanding service structures shall be fully screened, except when located in an R-R, R-E, R-1, R-2, R-3, R-4, R-5, R-5A, R-5B, EZ-1 C-M, M-1, M-2 and M-3 zone, or when located more than 20' above the established grade. Service structures in the EZ-1 C-M, M-1, M-2 and M-3 zone shall be fully screened when located within 100' of any zone except another EZ-1, C-M, M-1, M-2 or M-3 zone.

1. Location of Screening - A continuous hedge, fence, wall, or earth mound shall enclose any service structure on all sides unless such structure must be frequently serviced or moved, in which case screening on all but one (1) side is required. The average height of the screening material shall be one (1) foot greater than the height of the enclosed structure, but shall not be required to exceed eight (8) feet in height. Whenever a service structure is located next to a building wall, perimeter landscaping material, or VUA landscaping material, such walls or screening material may fulfill the screening requirement for that side of the service structure provided that the wall or screening material is of an average height sufficient to meet the height requirement set out in this section. Whenever service structures are screened by plant material, such material may count towards the fulfillment of required interior or perimeter landscaping. No interior landscaping shall be required inside an area screened for service structures.

2. Protection of Screening Material - When screening material is located around a trash disposal or waste collection unit which is mechanically emptied or removed on a regularly occurring basis, a fixed barrier to contain the unit shall be provided within the screening material. The barrier shall be located only on those sides of the unit where the landscape screening material is located. The barrier shall be at least eighteen (18) inches from the material on all sides and shall be of sufficient strength to prevent possible damage to the screening when the container is removed or emptied. The minimum front opening of the screening material shall be twelve (12) feet to allow service vehicles access to the container.

* Docket No. 9-26-00.

*G. STANDARDS FOR LANDSCAPE MATERIALS :

1. PLANTING STANDARDS - A "Planting Manual" and a "Plant Materials List" shall be maintained by the Planning Commission and shall be made available in the offices of the Planning Commission to provide more detailed information on acceptable and unacceptable plant material. Plant material not included in the “Planting Manual” or on the “Plant Materials List” may be accepted and added to the Manual or List if the Commission determines that it meets the functional criteria of the requirement.

2. WALLS AND FENCES - Walls shall be constructed of natural stone, brick, or other weatherproof materials arranged in a linear, serpentine, or other alignment. Fences shall be constructed of wood or other weatherproof, durable materials generally used in the exterior construction of buildings. Fences shall have posts that are designed to be structurally stable.

   If wood is used for any members, it shall be: softwoods treated with water-borne preservatives to the American Wood Preservers Institute standards LP-2 for above ground use or LP-22 for ground contact use; or all heart redwood; or all heart cedar. All cut surfaces of pressure treated lumber shall be waterproofed. If another material is used, it shall be weatherproof. All hardware is to be galvanized or otherwise rustproof.

   Chain link fencing may be installed in the required landscape area only if it is in addition to the required continuous, hedge, fence, wall or earth mound; plastic, metal or wooden slats installed as part of a chain link fence are prohibited within any required LBA. Walls or fences shall not exceed the height limits established in Article 9 of these regulations. All walls or fences shall have a minimum opacity of eighty (80) percent. Walls and fences allowed to meet the requirements of this Article shall not be used for the erection or display of any sign or other advertising device.

3. EARTH MOUNDS - Earth mounds shall be physical barriers that block or screen the view similar to a hedge, fence, or wall. Mounds shall be constructed with proper and adequate plant material to prevent erosion. A difference in elevation between areas requiring screening does not necessarily constitute an earth mound.

4. PLANTS - All plant materials shall be living plants (artificial plants are prohibited). Plants from the same group (as listed in the Planting Manual) may be substituted for plants as shown on the approved plan. The approval of the staff of the Planning Commission shall be necessary in order to change plants from one group to another, and this change must be reflected on a revised plan or in a change order submitted to the Planning Commission. All plant materials shall meet the following requirements:

* Docket No. 9-26-00.

a. Plant Materials Quality - Plant materials used in conformance with provisions of this Ordinance 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 shrubs, hedges, vines and ground covers, shall be prohibited.

b. Deciduous Trees - (Trees which normally shed their leaves in the Fall) – Shall be species having an average mature crown spread of greater than fifteen (15) feet in Jefferson County, and having trunk(s) which can be maintained with over six (6) feet of clear wood in areas with visibility requirements. Trees with an average mature crown spread of less than fifteen (15) feet may be substituted by a grouping of the same so as to create the equivalent of a fifteen (15) foot crown spread. At planting, each tree shall be a minimum of ten (10) feet overall height or a minimum caliper of at least one and three quarter (1 ¾) inches, measured six (6) inches above ground for trees up to four (4) inches caliper. Tree species whose roots are known to cause damage to public roadways or other public works shall not be planted closer than fifteen (15) feet to such public works, unless the tree root system is completely contained within a barrier for which the minimum interior container dimensions shall be five (5) feet square and five (5) feet deep, and for which the construction requirements shall be four (4) inch thick, reinforced concrete.

c. Evergreen Trees (Trees normally maintaining their leaves/needles year-round) - Evergreen trees shall be a minimum of five (5) feet high with a minimum caliper of one and one-half (1 1/2) inches immediately after planting.

d. Shrubs and Hedges – All plants shall conform to opacity, mature height, and other requirements within four (4) years after the date of final approval of each planting or replanting. Planting height shall be measured from the base of the plant. At time of planting all shrubs shall be at least:

1. Twelve (12) inches in height (with 3 canes) for Section D.1.(b) lines 3 and 5.
2. Two (2) feet in height (with 3 canes) for all other lines of Section D.1.(b).
3. Three (3) feet in height (with 4 canes) for Section D.1.(a).

After approval by the staff of the Planning Commission, all shrubs and hedges, with the exception of twelve (12) inch plants, may be pruned to one-half (1/2) the height, in accordance with accepted horticultural practices

e. Vines - Shall be at least 12-15” in height at time of planting, and are generally used in conjunction with walls or fences.

* Docket No. 9-26-00.

f. Grass or Ground Cover - Grasses may be sodded, plugged sprigged, or seeded, except in swales or other areas subject to erosion where solid sod, erosion-reducing net, or suitable mulch shall be used. Nurse-grass seed shall be sown for immediate protection until complete coverage otherwise is achieved. Grass sod shall be clean and free of weeds and noxious pests or diseases. Ground cover shall be planted not more than 15" on center, in such a manner as to present a finished appearance, and have 75% of complete coverage after two complete growing seasons.

*H. MAINTENANCE AND INSTALLATION:

All landscape materials shall be installed in a sound, professional manner, in accordance with the standards of the American Association of Nurserymen, and according to accepted, good construction and planting procedures. Any landscape materials which fail to meet the minimum approved requirements at time of installation, as set forth in this section, shall be removed and replaced with acceptable materials. The property owner shall be responsible for the continued proper maintenance of all landscaping materials, and shall keep them in a proper, neat, and orderly appearance, free from refuse and debris, at all times. The staff of the Planning Commission may require irrigation systems or other methods of plant preservation where the plants are introduced into a stressful environment.

All unhealthy or dead plant material shall be replaced within one year, or by the next planting period, whichever comes first, while other defective landscape material shall be replaced or repaired within three (3) months. Topping trees, or the severe cutting of limbs to studs larger than three (3) inches in diameter, within the tree crown, and to such a degree as to remove the normal canopy, shall not be considered proper or permitted for the maintenance of trees as required by this Article.

*I. PLAN SUBMISSION AND APPROVAL:

Whenever any property is affected by these landscape requirements, the property owner or developer shall submit a landscape plan to the Planning Commission. The requirements of this Article shall be followed in approving or disapproving any landscape plan required by this Article. Landscape plans also may be submitted as part of any development plan required by the Planning Commission. Such "combination plans", however, may be first submitted to the staff of the Planning Commission for approval or disapproval of the landscape portion of the plan. A zoning change may also be granted on the condition of meeting the requirements of this section.

1. TYPES OF SEALS REQUIRED ON THE LANDSCAPE PLAN:

a. For any property where a VUA accommodating 40-100 vehicles or of a size ranging from 12,000-30,000 square feet, the landscape plan shall be prepared and signed by a landscape designer, or prepared and sealed by an architect, engineer or a landscape architect licensed to practice in the State of Kentucky.

*Docket No. 9-26-00.

b. For any property where a VUA accommodating one hundred (100) vehicles or greater, or of a size greater than 30,000 square feet, the landscape plan shall be prepared and sealed by a landscape architect licensed to practice in the State of Kentucky.

2. ALTERNATIVE LANDSCAPE PLANS - It is not the intent of this article to discourage innovative, aesthetically pleasing landscaping design. Thus, the developer may choose to submit a landscape plan that 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 staff.

3. PLAN CONTENT - The contents of the plan shall include the following:

a. Site plan, drawn to an easily readable scale, showing and labeling, by name and dimensions, all existing and proposed property lines, easements, buildings, and other structures, VUAs (including parking stalls, driveways, service areas, square footage, etc.) drainage outlets, and landscape material (including botanical name and common name, installation size, on-center spacing dimensions, where applicable, and quantities)

b. Existing and proposed contours at two (2) foot intervals unless waived by the staff of the Planning Commission.

c. Typical elevations and/or cross sections, as may be required.

d. Title block with pertinent names and addresses: project name and full site address, property owner, design firm preparing drawings, draftsperson, scale, date, north arrow (generally orient plan so that north is to top of plan).

e. Vicinity Map.

4. BUILDING PERMIT AND CERTIFICATE OF OCCUPANCY –

a. Building Permits - Where landscaping is required, no building permit shall be requested until required landscaping plan has been submitted and approved, or until financial instruments, as may be required by the Commission Director, to ensure timely compliance with this Article, have been put in place.

b. Certificate of Occupancy - Prior to occupancy of the site, the required landscaping shall be installed in conformance with the approved plan, unless a full cash bond or an irrevocable letter of credit from a banking institution with offices in Jefferson County, has been posted.

* Docket No. 9-26-00.

5. POSTING A FULL CASH BOND OR AN IRREVOCABLE LETTER OF CREDIT

a. Amount Required - The amount of the full cash bond or letter of credit shall be based upon the reasonable cost of the proper installation of the uninstalled landscape materials shown in the submitted plan, with the cost determined by the staff of the Planning Commission. The amount of the letter of credit or full cash bond shall also include an inflation factor and/or administrative contingency cost of no more than 25% of the base cost, as determined by the Planning Commission, to complete the work in the event of the foreclosure of the letter of credit.

b. Fulfillment of Bond Requirements - After a full cash bond or an irrevocable letter of credit has been posted, the landscaping material required in the approved landscaping plan shall be installed within nine (9) months. Up to three one (1) month extensions of the planting period may be granted by the Planning Commission upon demonstration by the property owner or developer that such extension is warranted because of adverse weather conditions or unavailability of required plant materials. No more than three (3) such one (1) month extensions may be granted.

c. Foreclosure of Bond - Foreclosure proceedings shall be brought against the irrevocable letter of credit, or the full cash bond shall be redeemed, if the required landscaping plans have not been complied with by the end of the approved planting period, and the staff of the Planning Commission shall contract to have the required work completed.

*J. PLANTING MANUAL AND PLANT MATERIALS LIST:

Developers shall refer to the Planting Manual and Plant Materials List which are available at the offices of the Planning Commission for minimal requirements to use in meeting the provisions of this Article. Any materials that are not on the Plant Materials List shall be considered on an individual basis to determine the suitability of the specific plant in the proposed location. A plant not on the Plant Materials List shall be permitted only upon the expressed approval of the staff of the Planning Commission.

*K. WAIVERS:

Upon application, the Planning Commission may grant a waiver of requirements of this article. The Planning Commission may delegate authority to grant waivers to a committee of the Commission. At the discretion of the Commission or its committee, a public hearing may be required prior to deciding a request for waiver. This power delegated to the Planning Commission shall be in addition to its other powers granted by statute.

* Docket No. 9-26-00.

ARTICLE 13

The Flood plain Ordinance & Erosion Prevention and Sediment Control Oridance are included at the end of this document.

ARTICLE 14 STREET NAME CHANGE AND CLOSING PROCEDURES

Section 14.1 Street Name Change Procedures
Section 14.2 Street Closing Procedures

Section 14.1 Street Name Change Procedures

A. APPLICATION PROCESS:
Applications for changing the name of any street or alley shall be made in accordance with this section.

1. Initiation of Changing a Street or Alley Name:

   Applications for changing a street or alley name may be initiated by the Planning Commission, any governmental unit having geographical jurisdiction over any part of the street or alley, or property owners representing 51% of all property owners whose property is adjacent to the affected street or alley.

2. Application for Changing a Street or Alley Name:

   Application for changing a street or alley shall be filed with the Planning Commission in accordance with the Planning Commission By-Laws and Policies and this section.

   a. Application Requirements:

      The following items are required for acceptance of an application for changing a street or alley name:

      (1) The existing street or alley name.
      (2) The proposed street or alley name.
      (3) The reason for the request.
      (4) A drawing to scale showing the street or alley involved with names and addresses of all adjacent property owners along the right-of-way as reflected by maps maintained by the Property Valuation Administrator. Vacant lots shall be designated in the scale drawing. (10 copies).
      (5) A statement that the proposed name is not similar to any other street or alley in the Community's Computerized Street Index File maintained by the Louisville and Jefferson County Planning Commission, or naming all such similarities and stating why the similarity will not create confusion.
      (6) A fee as determined by Article 16.

   b. Signature:

      All applications for changing a street or alley name must have the signature and address of each applicant or an attorney representing each applicant.

B. AMENDMENT PROCESS:

1. Letter of Intent:

   Notice of the proposal to change the street or alley name and the date of the public hearing shall be sent to all property owners adjacent to the street or alley and all governmental units having geographical jurisdiction.

2. Notice of Public Hearing:

Section 14.1 Street Name Change Procedures

Newspaper publication of notice of such hearing shall be given in accordance with the provisions of Kentucky Revised Statutes, Chapter 424

3. Public Hearing:

The Planning Commission shall hold a public hearing on all proposed street or alley name changes in accordance with the By-Laws and Policies of the Louisville and Jefferson County Planning Commission.

Exception:

The Planning Commission may waive the public hearing and change a street or alley name if all owners of property adjacent to the street or alley agree to the proposed change.

4. Planning Commission Action:

Following a public hearing concerning a proposed street or alley name change, the Planning Commission shall:

a. if the street or alley is entirely within a single city of the first class, second class, third class or fourth class, the Planning Commission shall make a recommendation to the legislative body for final action; or,

b. if the street or alley is entirely within an unincorporated area of the county, within one or more cities of the fifth class or the sixth class, or located in the geographical jurisdiction of more than one city of the first class, second class, third class or fourth class, the Planning Commission shall make a recommendation to the Fiscal Court for final action. *

* Docket No. 9-26-00.

Section 14.2 Street Closing Procedures*

This section is established to provide standards and procedures for the consideration of requests for the closing or abandonment of the public right-of-way or easement when located in a city of the first class, second class, third class, fourth class or unincorporated Jefferson County, through a legislative review by the Planning Commission and/or appropriate legislative body. **

A. When Procedures Apply

The Street Closing review procedures of this Section shall apply to all requests for the closing/abandonment of the public right-of-way, easements or other land dedicated to the use of the public.

B. Pre-Application Conference

Except where this requirement is specifically waived by the Director of the Division of Planning and Development Services, or designee, the applicant shall meet with the staff of the Division of Planning and Development Services prior to submitting the application, to discuss informally the requirements of this section and the appropriateness of the application.

C. Submittal of the Application

The applicant shall submit to the Division of Planning and Development Services an Application for Street Closing which conforms to the submittal requirements of this section.

D. Application Requirements **

Applications for closing a street or alley, or abandonment of easements and other lands dedicated for public use, may be initiated by the Planning Commission, any governmental unit having geographical jurisdiction over any part of the street, alley or publicly dedicated lands, property owners representing 51 percent of all property owners whose property is adjacent to the street, alley or publicly dedicated lands to be closed or abandoned, or by property owners whose property includes more than 51 percent of the linear front feet of the street, alley or publicly dedicated lands to be closed or abandoned.

For purposes of this section, “affected street or alley” is defined as the street or alley segment that includes the portion to be closed and extends in either direction as far as the next street intersection (three or four way intersection).

Editor's Note: *Refer to KRS 82.405 for street closing procedures in 5th and 6th class cities.*

*****Adopted 10/94, Docket Number 9-23-94.
** Docket No. 9-26-00.

Section 14.2 Street Closing Procedures

Article 14-3

An application for closing a street or alley, or abandonment of easement or land dedicated to the use of the public, shall be filed with the Division of Planning and Development Services in accordance with the By-Laws and Policies of the Louisville and Jefferson County Planning Commission and this section. In addition, the following items shall be submitted by the applicant:

1. A Recent Plat of Survey - A recent plat of survey that accurately delineates and describes the area proposed for abandonment, inclusive of the street or alley name. A metes and bounds legal description signed and sealed by a registered land surveyor of the area to be abandoned shall be required.

2. Site Plan - If the closing or abandonment is requested in connection with a proposed project, a site plan of development shall be submitted.

3. A Notification List - The applicant shall provide a list of the names and mailing addresses of all property owners adjacent to the affected street or alley, or abandonment of land dedicated for public use. This list may be prepared from maps and records maintained by the Jefferson County Property Valuation Administrator. In addition, a map shall be provided illustrating the location of each of the property owners identified above. Vacant lots shall be designated in the map.

4. Notarized Consent - The applicant shall provide an original and one (1) copy of each notarized consent from property owners adjacent to the affected street or alley, or to property proposed for an abandonment of the public use.

5. Consent to Agents - The application shall be signed by all owners, and contract purchasers of the property or documentation shall be submitted signifying the owner's approval of consent or an affidavit.

6. Reasons for Request - The application shall include a statement of the reasons for requesting the closing or abandonment.

7. Application Fee - An application fee as determined by Article 16.

8. Other Information - The applicant may be requested to provide other information, to include but not be limited to traffic impact analyses and utility relocation data, as may be requested during the Preapplication Conference or subsequent LD&T review.

E. The Review Process *

Land Development and Transportation Committee - The application shall be forwarded to the Land Development and Transportation Committee (LD&T) for review and comment after receipt of comments from the principal review agencies and utilities.** The applicant or his representative should be present at this meeting.

* Docket No. 9-26-00.

****Editor's Note**: *Street closings are placed on the LD&T docket after receipt of responses from Public Works, MSD, the Water Company and LG&E.*

Section 14.2 Street Closing Procedures

***Planning Commission** - The Planning Commission shall hold a public hearing on all proposed street and alley closings and abandonment of publicly dedicated lands in accordance with the By-Laws and Policies of the Louisville and Jefferson County Planning Commission. The Planning Commission may recommend closure of a street or alley or abandon lands which have been dedicated for public use without holding a public hearing if:

1. the street or alley was created to serve a subdivision and all lots fronting thereon are eliminated;*

2. all owners of property in or abutting the affected street or alley have given their written notarized consent to the closing.*

F. Planning Commission Action

Following a public hearing on the application for street closing or abandonment of publicly dedicated lands, the Planning Commission shall:

1. if the street or alley is entirely within a single city of the first class, second class, third class or fourth class, the Planning Commission shall make a recommendation to the legislative body for final action; or,

2. if the street or alley is entirely within an unincorporated area of the county or in the geographical jurisdiction of more than one city of the first class, second class, third class or fourth class, the Planning Commission shall make a recommendation to the Fiscal Court for final action.

G. Notification Procedures

1. A Notice of the proposal to close a street or alley shall be sent by the Division of Planning and Development Services to all property owners adjacent to the segment of the street or alley defined by the nearest intersecting streets, and governmental units having geographical jurisdiction. The Notice shall identify that the Division of Planning and Development Services has received an application for street closing or abandonment of publicly dedicated lands, provide a description of the street or property to be closed or abandoned, and explain that the application will be considered by the Land Development and Transportation Committee and the Planning Commission. This Notice shall be mailed to property owners within five working days of the receipt of the application. *

2. A newspaper publication of a Notice of Public Hearing shall be given in accordance with the provisions of Kentucky Revised Statutes, Chapter 424.

3. At least 7 days before the scheduled public hearing date, signs noting the date, time, and place of the public hearing concerning the proposed street or alley closing or abandonment of publicly dedicated lands, shall be conspicuously placed in the area for passing motorists or pedestrians. *

* Docket No. 9-26-00.

H. Considerations for a Street or Alley Closing

Section 14.2 Street Closing Procedures

In the review of requests for street or alley closings, the Planning Commission and its respective committees, and appropriate legislative bodies, shall include the consideration of the following factors:

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 of such facilities and services, existing or programmed, including transportation, utilities, drainage, recreation, education, emergency services, and similar necessary facilities and services. No abandonment for any public right-of-way, easement, or other land dedicated to the use of the public shall be approved where an identified future need for the facility exists. Where existing or proposed utilities are located within the right-of-way to be abandoned, it shall be retained as an easement. The easement shall be recorded in the clerk's office prior to or in conjunction with final closure of the street or alley. *

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.

Other Matters - Any other matters which they may deem relevant and appropriate.

* Docket No. 9-26-00.

ARTICLE 15 CONDITIONAL USES

A. General Provisions

B. Application for a Conditional Permit

C. Standards for the Release of Performance Bonds posted on Conditional Uses

D. Uses allowed in Any District (Unless Otherwise Restricted) with a Conditional Use Permit

1. Airport, heliports and other airship or flying machine take-off
2. Aviaries and zoos
3. Camping areas, public and private
4. Cemeteries, mausoleums, and crematories
5. Commercial lakes
6. Minor earth excavations, etc.
7. Extraction and development of oil, gas, and other hydrocarbon substances
8. Hospitals and institutions *****
8. Hospitals, institutions, nursing homes for the infirm and aged ******
9. Commercial kennels
10. Marinas and boat rental
11. Private non-profit clubs
12. Private proprietary clubs
13. Radio signal sending and receiving towers ,commercial
14. Sewage disposal plant
15. Off-street parking
16. Mobile home park
17. Mobile home sales, display or storage
18. Amusement parks
19. Circus and carnival grounds
20. Drive-in theaters
21. Golf driving ranges, miniature golf courses, and privately owned golf courses operated for a commercial purpose
22. Race tracks, animal
23. Riding academies and stables

***** In effect in the City of Louisville only.
****** Not in effect in the City of Louisville.

24. Ranges for shotgun, rifle, pistol, air rifle, air pistol or other firearms
25. Sports arenas
26. Commercial hog feeding yards
27. Excavation, filling, and refuse disposal operations
28. Funeral homes
29. Doctor, dentist or chiropractor office
30. Day care center
31. Hazardous or objectionable uses
32. Family day care home********
33. Indoor recycling
34. Mini-warehouses
35. Hazardous uses in the EZ-1 Enterprise Zone District
36. Boarding and lodging houses, nursing homes and homes for the infirm or aged accommodating more than eight persons*****
37. Boarding and lodging houses, nursing homes and homes for the infirm or aged accommodating less than nine persons*****
38. Underground Space******
39. Commercial Greenhouses*******
40. Multi-Family Residences
41. All Terrain Vehicle Courses*****

***** In effect in the City of Louisville only.
****** Approved January 1988, Docket No. 9-96-87.
******* Approved December 1988, Docket No. 9-69-88.
******** Approved March 1992, Docket No. 9-67-91.
***** Docket No. 9-26-00.

A. GENERAL PROVISIONS:

Certain land uses due to their extent, nature of operation, limited application, or relationship to natural resources must be considered as exceptional cases. The uses listed in this section may be permitted in certain districts by Conditional Use Permit following a public hearing before the appropriate Board of Zoning Adjustment provided such uses will not have an adverse effect on neighboring property, are not in conflict with the principles and guidelines of the Comprehensive Plan, is essential to or will promote the public health, safety, morals, and the general welfare in one or more zones, and are in compliance with the listed requirements.

1. 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 necessary conditions such as time limitations, requirements that one or more things be done before the request can be initiated, or conditions of a continuing nature. These may include such other requirements as the Board, in the exercise of sound discretion, may require for the protection of surrounding persons, property, or neighborhood values, including, but not limited to, screening, landscaping, lighting, size and location of signs, design and ornamentation of structures, etc.

2. Relief From Listed Requirements

Where the Board finds that the conditions or circumstances relating to the particular application are such that the one or more of the requirements listed in connection with the particular use are not necessary or desirable for the protection of surrounding property or the general welfare either at the time of the application or in the foreseeable future, and that such special conditions and circumstances make one or more said requirements unduly burdensome, the Board may modify or waive such requirement, either permanently or on a temporary basis.

3. 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.

4. Notice of Public Hearing

Written notice shall be given within at least 14 days in advance of the public hearing on the application to the applicant, administrative official, and owner of every parcel of property adjoining the property to which the application applies. Written notice shall be by first class mail with certification by the Board's secretary or other officer that notice was mailed. It shall be the duty of the applicant to furnish to the Board the name and address of an owner of each parcel of property adjoining the property to which the application applies. Records maintained by the property valuation administrator may be relied upon to determine the identity and address of said owner. In the event such property is in condominium or cooperative forms of ownership, then the person notified by mail shall be the president or chairperson of the owner group which administers property commonly owned by the condominium or cooperative owners. For a good cause shown, the chairman of the Board may by written order lessen the time period required for written notice unless the property is within or abutting a residential zoning district.

B. APPLICATION FOR A CONDITIONAL USE PERMIT:

Preapplication Conference:

Prior to formal application for a Conditional Use Permit, the applicant or his agent shall have a conference with the Board of Zoning Adjustment 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 proposal. It is intended that the conference also be to discuss apparent characteristics of the site that would affect the proposal. In addition, the preapplication conference shall be utilized for determining what items are and may be required on the development plan required by this regulation.

Formal Application:

A request for a Conditional Use Permit shall be accompanied by a plan, drawn to scale, prepared by a professional engineer* registered in Kentucky, showing the boundaries of the site including area and bearings and dimensions of all property lines, points of ingress and egress, and the present and proposed use of land, the location with reference to major streets and highways, the topographical characteristics of site and surrounding area within 50 feet, the present development of the site and surrounding property, the arrangement and height of all existing and proposed buildings and structures, the size and location of roads, parking areas, loading spaces, utility lines, sanitary facilities, grading, drainage, landscaping, and other pertinent features. In addition, the following data shall be filed with the Board, by inclusion on the plan or in a prepared statement, before the date of the public hearing is set:

1. Name of owner or developer.
2. Reasons for locating proposed use at this specific location.
3. Community or neighborhood need for proposed use.
4. Benefits to inure to community or neighborhood.
5. Description of arrangement or operation of proposed use.
6. Provisions for, and guarantee to assure, the protection of the public health, safety, morals, general welfare, surrounding property, and neighborhood values.
7. Permits or controls, or copies thereof, required by all public agencies concerned with the operation shall be filed to the extent possible.
8. Tenure of the operation, and if of a temporary nature, a plan for disposal of facilities and restoration of site upon termination or abandonment of use.
9. NOTICE. When the site is located within or abutting any residential zoning district, the name and address (including zip code) of an owner of every parcel of property adjoining the property to which the application applies. Records maintained by the Property Valuation Administrator may be relied upon to determine the identity and address of the owner. (See also KRS 100.237(6) for details of notice requirements.

***** In lieu of a plan prepared by a professional engineer, a request for a Conditional Use Permit for a Family Day Care Home as listed herein may be accompanied by a plat of a current boundary survey of the site prepared by a land surveyor registered in Kentucky containing the dated original signature and seal of the land surveyor responsible for the survey and showing all existing and proposed improvements on the site. [March 1992, Docket No. 9-67-91.]

C. STANDARDS FOR THE RELEASE OF PERFORMANCE BONDS POSTED ON CONDITIONAL USES:

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 permit included or referred to any surveys, drawing, 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 respective Directors of Works within whose jurisdictions the work is located for their 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. The indications shall be based on test hole borings taken no farther than 100 feet apart, starting no more than five feet inside and along the edges or boundaries of the fill.

3. A letter of recommendation to the Board from the respective Directors of Works that all work, improvements or developments are in conformity with their respective requirements, including a statement that he has reviewed the opinion of the engineer.

D. USES ALLOWED IN ANY DISTRICT (UNLESS OTHERWISE RESTRICTED) WITH A CONDITIONAL USE PERMIT:

The following uses may be allowed in any district (unless otherwise restricted) upon the granting of a Conditional Use Permit and compliance with the listed requirements:

1. Airports, heliports, and other airship or flying machine take-off or landing facilities.

   a. Evidence shall be furnished to the appropriate 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.

   b. All buildings and structures shall be at least 30 feet from the property line.

c. 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.

d. All drives and parking areas shall be surfaced with a hard and durable material and properly drained.

2. Aviaries and zoos.

a. All buildings, structures, shelters, cages, pens, or yards shall be at least 30 feet from any property line.

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. A minimum of one off-street parking space for each 2,000 square feet of area in display and circulation shall be Provided.

d. All drives and parking areas shall be surfaced with a hard and durable material and properly drained.

3. Camping areas, public and private.

a. All buildings and structures shall be at least 30 feet from any property line.

b. 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' along any side or rear property line and a minimum of 30' along any front or street side property line.

c. Off-street parking areas shall be provided to accommodate one auto for each cabin and camp site.

d. All driveways and off-street parking areas shall be surfaced with a hard and durable material and properly drained.

e. Except in districts where signs are allowed, there shall be no more than one unilluminated sign, not to exceed 30 square feet in area, located at the major entrances.

f. No property, camp, or individual camp site shall be sold or leased for a longer period than 6 months, 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.

4. Cemeteries, mausoleums, and crematories.

    a. All buildings and structures shall be at least 30 feet from any property line.

    b. A fence, 6 feet high, shall be erected around the premises with openings only for ingress and egress to a public way.

    c. No required yard shall be occupied by graves and there shall be no graves closer than 25 feet to a front property line.

    d. All roads and parking areas shall be surfaced with a hard and durable material and properly drained.

    e. All roads used solely for internal circulation shall have a minimum pavement width of 16' and a minimum shoulder width of 6' on each side of the pavement.

    f. A minimum of one off-street parking space for each 1 1/2 employees shall be provided for employees. If indoor chapel or similar facilities are present, a minimum of 10 off-street parking spaces shall be provided for the chapel in addition to the parking spaces required for employees.

5. Commercial lakes.

    a. No building, structure, or man-made standing water body shall be located closer than 30 feet to any property line.

    b. 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 at the major entrances.

    c. All roads and parking areas shall be surfaced with a hard and durable material and properly drained.

    d. The construction of the lake shall conform to the requirements as set forth under excavation and filling operations.

    e. Off-street parking spaces shall be provided in the ratio of one space for every 100' of lake shore, with a minimum of 10 spaces.

6. Minor earth excavations not constituting a quarry, borrow pit or commercial operation and/or filling of land with non-combustible inorganic materials (see Section 9.6.C Exceptions and Modifications C. and Article 15, Conditional Use paragraph D. 27.)

   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 to 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 Subsection D. 27 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.

7. Extraction and development of oil, gas, and other hydrocarbon substances.

   a. 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. All roads and parking areas shall be surfaced with a hard and durable material and properly drained.

   c. No more than one well shall be permitted for each 5 acres of land.

   d. 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.

   e. Any derrick erected for servicing operations shall be of a portable type.

   f. After a well has been brought into production, no earthen sumps shall be used for the storage of petroleum or its by-products.

   9. 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.

   h. Any scarring of hillsides resulting from construction operations shall be landscaped or replanted to native plant materials.

   i. No plant for the refining of petroleum products from such operation shall be permitted on the site.

   j. One sign, not to exceed 60 square feet in area and not to exceed 10 feet in height, may be erected at each of the major entrances to the site, except in districts where signs are allowed.

   k. 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.

   l. 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.

m. 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.

n. 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.

8. Hospitals and institutions.*****

a. All buildings and structures shall conform to the front, street side and rear yard requirements of the district in which they are located and shall be located at least 30 feet from any side property line.

b. Minimum parking areas in the ratio of two spaces for each five beds shall be provided.

c. All roads and parking areas shall be surfaced with a hard and durable material and properly drained.

d. One sign, not to exceed 60 square feet in area, may be placed at each of the major entrances, except in districts where signs are allowed.

e. No use permitted under this section shall be located less than 500 feet as measured from the nearest property line from another use permitted under this section or from a use permitted in Sections 15, 36 and 37 (except Board and Lodging Houses).

8. Hospitals, institutions, nursing homes and homes for the infirm and aged. ******

a. All buildings and structures shall conform to the front, street side and rear yard requirements of the district in which they are located and shall be located at least 30 feet from any side property line.

b. Minimum parking areas in the ratio of two spaces for each five beds plus one space for every two employees per peak shift shall be provided.

c. All roads and parking areas shall be surfaced with a hard and durable material and properly drained.

d. Except in districts where signs are allowed, one sign, not to exceed 60 square feet in area, may be placed at each of the major entrances.

***** In effect in City of Louisville only.
****** Not in effect in the City of Louisville.

9. Commercial Kennels.*****

Commercial kennels may be located in the R-R, R-E, R-1, R-2, R-3, R-4, C-1, C-2, C-M, M-1, M-2 or M-3 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. All facilities, except parking, shall be at least thirty feet from any property line.

b. All facilities, except parking, shall be within a totally enclosed building except where it can be demonstrated that a nuisance is not created thereby.

c. Except in districts where signs are allowed, there shall be no more than one non-illuminated sign not to exceed twelve square feet in area and not to exceed six feet in height.

d. All roads and parking areas shall be surfaced with a hard and durable material and properly drained.

e. A woven wire fence at lease six feet high shall be erected around the portion of the site used for the kennel operation.

f. Off-street parking spaces shall be provided in the ratio of one space for every 1 1/2 employees plus six spaces for visitors.

10. Marinas and boat rental.

a. All buildings and structures except fencing shall be at least 30 feet from any site boundary line.

b. There shall be provided a minimum of one off-street parking space for each two boat accommodation spaces in addition to required parking spaces for other facilities included in development. All drives and parking areas shall be surfaced with a hard and durable material and properly drained. No off-street parking space shall be used for the storage of a boat trailer. All boat trailer storage areas shall be designated.

c. The construction of any harbor, lake, or basin shall conform to the requirements as set forth under Article 15, Conditional Uses, paragraph D. ~8, Excavation and Filling and Refuse Disposal Operations.

d. Except in districts where signs are allowed, there shall be no more than one non-flashing sign, not to exceed 50 square feet in area, located at the major entrances.

***** Docket No. 9-59-92.

11. 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, RRD, R-5A, R-5B, R-6, R-7, R-8A, OR-1, OR-2, or C-R 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. Roads and parking areas shall be surfaced with a hard and durable material and properly drained.

    c. A minimum of one off-street parking space shall be provided for every 5 members.

    d. Swimming pools shall be enclosed within a fence at least six feet high.

    e. 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.

    f. 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.

12. 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, RRD, R-5A, R-5B, R-6, R-7, OR-1, OR-2, OR-3, OTF and C-R 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. Roads and parking areas shall be surfaced with a hard and durable material and properly drained.

c. Off-street parking shall be provided in a ratio of one space for every 100 square feet of floor area in the building(s). The Board shall determine the number of spaces required for facilities which are not located within a building.

d. Swimming pools shall be enclosed within a fence at least six feet high.

e. 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.

f. 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.

g. Landscaping treatment of the buildings and grounds shall be provided to harmonize with the district in which it is located.

13. Radio signal sending and receiving towers - commercial.

Commercial radio and television signal sending and receiving towers and antennas may be located in the R-R, R-E, R-1, R-2, R-3, R-4, R-5, RRD, R-5A, R-5B, R-6, R-7, OR-1, OR-2, R-8A, OR-3, OTF, C-N and C-R 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. The property shall be landscaped to blend with the residential character of the area.

c. Except in districts where signs are allowed, there shall be no more than one non-flashing sign, not to exceed 25 square feet in area, located at the major entrances.

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.

14. Sewage disposal plant.

    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 six foot high woven fence topped by three strands of barbed wire.

    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 appropriate 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 Department of Natural Resources and Environmental Protection, Bureau of Environmental Quality, shall be filed with the appropriate Board prior to the public hearing on the conditional use permit.

15. Off-street parking.

    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.

    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. All driveways and the area used for the parking of vehicles shall be surfaced with a hard and durable material and be properly drained.

    e. The area shall be used exclusively for transient parking of motor vehicles belonging to invitees of the owner or lessee of said lot.

f. The approval of all plans and specifications for the improvement, surfacing, and drainage for said parking area will be obtained from the Director of Works for the City of Louisville or the County Engineer for Jefferson County prior to use of the parking area.

g. 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 public hearing on the conditional use permit.

16. Mobile home park.

Mobile Home Park (for residential purposes) may be allowed in the R-6, R-7, OR-2 R-8A, OR-3, C-1, C-2, and CM Districts upon the granting of a Conditional Use Permit and compliance with the listed requirements.

a. The minimum area for a mobile home park shall be three acres.

b. 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. All buildings and structures shall observe the yard requirements of the district in which the park is located.

d. Mobile home spaces shall be provided consisting of a minimum of 4,000* square feet for each space which shall be at least 32 feet wide and clearly defined.

e. A mobile home park shall have a landscape buffer strip provided around its boundary in accordance with the property perimeter landscaping requirements as provided for in the Landscaping and Buffering Regulations.

f. No business shall be conducted in a mobile home or buildings located on the premises of the park.

g. 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.

h. The grounds of a mobile home park shall be graded to drain properly and all roads shall be surfaced with a hard and durable material and properly drained.

***** March 1992, Docket No. 9-67-91.

i. 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.

j. 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.

17. Mobile home sales, display or storage.

The sale, display, or storage of more than one mobile home or automobile trailer may be allowed only in the C-2, C-3 and CM Districts upon the granting of a conditional use permit and compliance with the listed requirements.

a. All buildings and structures, including the trailers, 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 having jurisdiction. Said Director of Works shall review and make recommendations on, at time of hearing, applicant's plans for entrance to streets.

c. Lighting shall be directed only to the interior of the tract and not toward other tracts.

d. The Board may require screening where the use borders property used or zoned for residential purposes.

18. Amusement parks.

Amusement parks 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 all property lines. In the instance where a height of building or structure in excess of that established for the district is needed, all yards shall be increased one foot for each foot of building or structure over the maximum height for the district.

b. The premises shall be enclosed by an eight foot woven-wire or solid fence. Off-street parking area need not be included within the fenced area.

c. A minimum of one off-street parking space shall be provided for each 300 square feet of area used for facilities and grounds (excluding the parking area). Off-street parking areas and drives shall be surfaced with a hard and durable material and be properly drained.

d. 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. In no case shall a flashing sign be allowed facing into a residential district.

19. Circus and carnival grounds.

Circus and carnival grounds 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, structures, and facilities, whether permanent or temporary, shall be at least 30 feet from any property line.

b. A minimum of one off-street parking space shall be provided for each 300 square feet of area used for facilities and grounds (excluding the parking area). Off-street parking areas and drives shall be treated and maintained to minimize dust.

c. 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. In no case shall a flashing sign be allowed facing into a residential district.

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 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. Drives and parking areas shall be surfaced with a hard and durable material and properly drained.

e. 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.

f. 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.

g. Provisions shall be made to subdue speaker sound when the theater abuts a residential district.

h. The entrances and exits shall be located so as to afford unobstructed sight distance for 300 feet in each direction along the highway.

i. 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 300 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.

21. 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 all property lines.

    b. A minimum of one off-street parking space shall be provided for each driving tee and each putting green. Additional spaces shall be furnished for other uses in conjunction with the range.

    c. All drives and parking areas shall be surfaced with a hard, durable material and properly drained.

    d. All lights shall be directed away from site boundary lines.

    e. Fences, plantings, or sufficient area shall be provided to insure the safety and protection of persons on all adjacent land.

    f. 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.

    g. All driving directions shall be away from any street or highway.

22. Race tracks, animal.

    Animal race tracks 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 100 feet from all property lines.

    b. A minimum of one off-street parking space shall be provided for each five seats in the grandstand.

    c. Parking areas and drives shall be surfaced with a hard and durable material and properly drained.

    d. 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. Signs facing a residential district shall be a non-flashing type.

23. Riding academies and stables.

    Riding academies and stables 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 shall be at least 30 feet from any property line.

    b. Exercise tracks shall be maintained in non-dust condition at all times.

    c. A woven-wire fence six feet tall shall be erected around the premises with openings only for ingress and egress to a public way.

    d. A minimum of one off-street parking space shall be provided for each three stalls for horses.

    e. All roads and parking areas shall be surfaced with a hard and durable material and be properly drained.

    f. Except in districts where signs are allowed, one non-illuminated identification sign not to exceed thirty square feet in area and not to exceed 10 feet in height, may be provided at the major entrance.

24. 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, including paint ball ranges***, 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 buildings and structures shall be at least 30 feet from any property line.

    b. All roads and parking areas shall be surfaced with a hard and durable material and properly drained.

    c. 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.

    d. All outdoor ranges shall be enclosed by a woven wire fence at least six feet in height to exclude animals and people.

    e. 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.

***** Not including "BB" rifles or pistols.
****** A weapon from which a shot is discharged by gunpowder.
*** Docket No. 9-26-00.

f. Except in districts where signs are allowed, one non-flashing sign, not to exceed 30 square feet in area and not to exceed 10 feet in height, may be provided at the major entrance.

9. 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.

25. Sports arenas.

Sports arenas may be allowed in the R-R, R-1, C-2, C-3 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 all property lines.

b. Off-street parking shall be provided in the ratio of a minimum of one space to every five seats.

c. All roads and parking areas shall be surfaced with a hard and durable material and properly drained.

d. Except in districts where signs are allowed, 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 the major entrances.

26. Commercial hog feeding yards.

Commercial hog feeding yards 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. 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.

27. Excavation, filling, and refuse disposal operations.

Excavation, filling, and refuse disposal operations 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. Any operation which involves a change in the existing ground surface, except (1) grading and shaping of land around the 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 Exceptions and Modifications, Section 9.6, C and Conditional Use D, 6.) shall be subject to the following regulations and 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 operations

b. Information to be filed:

Drawings: A plan drawn at a scale of not less than 100 feet to the inch showing the following:

(1) The exact boundaries of the site and access to public ways.

(2) 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.

(3) Show by contours of not less than 2 foot intervals (except on extremely steep slopes):

(a) The present surface of the site and the surrounding properties within 50 feet from its boundaries by the use of dashed contours.

(b) The ultimate depth elevations of the area to be excavated or filled by the use of dot and dash contours.

(c) The ultimate finished surface of the site after all excavation and filling operations are completed by the use of solid line contours.

(4) Cross sections at critical points to illustrate the methods to be employed in the process of excavation and fill.

(5) Locations where excavation and filling operations will commence and the procedural sequence of operations.

(6) Methods to be employed for surface drainage during and after completion of operations.

* Docket No. 9-26-00.

(7) The volumes of materials to be excavated and filled for each location on the site where operations are to take place.

(8) Improvements such as new roads and pavements to be installed off the site to enable the operation to be carried out.

(9) 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.

c. General standards:

(1) No excavation 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 chain link woven wire fence six feet high with 3 strands of barbed wire over the top shall be installed 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) 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.

(5) 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.

(6) 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.

(7) The finished surface of the site shall bear the proper relationship to that of adjoining properties.

(8) 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.

(9) Excavation and fill materials shall be moved off and onto the site in vehicles approved by the City of Louisville and Jefferson County.

(10) 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 Cabinet for Natural Resources and Environmental Protection, Department for Environmental Protection and the Jefferson County Department of Public 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 appropriate Board of Zoning Adjustment docket file.

(11) 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 other method that meets current state standards. No fires shall be permitted. Any smoldering flame or spontaneous combustion shall be immediately extinguished.

(12) 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.

(13) 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.

(14) 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 before public hearing.

(15) 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.

d. 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. Access to the incinerator shall be located so as to require a minimum of travel on a public way.

ii. The entire site shall be enclosed with fencing and gates as required in Section 27 C (3) above.

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 spread and thoroughly compacted as they are deposited.

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 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 5:00 P.M. on weekdays only, except when 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. Access to the site shall be located so as to require a minimum of travel on a public way.

iii. The entire site shall be enclosed with fencing and gates as required in Section 27 C (3) above.

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 six 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.

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 in paragraph 27 (d) (l) (c) (iv) 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 5:00 P.M. on weekdays only.

xii. Filling operations shall begin immediately upon the issuance of a permit therefor. All areas shall be re-filled 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 ten 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 Access to excavations shall be located so as to require a minimum of travel on a public way.

iii. Areas where excavations have been made and are taking place shall be enclosed with fencing as required in Section 28 c.(3) above.

iv. Sanitary toilet facilities shall be installed in accordance with the requirements of the Department of Health.

v. 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.

vi. No excavation, screening, stockpiling, filling or hauling shall be done except between the hours of 7:00 A.M. and 5:00 P.M. on weekdays.

vii. 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 ten years after commencement of operations.

e. 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)	Sanitary landfills	$ 5,000.00 per acre

If there is a combination of any of the above operations, the larger amount shall apply.

28. Funeral homes.

Funeral homes may be allowed in the R-7, OR-1, OR-2, OR-3, OTF, and C-R Districts where the premises abut on a 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. All buildings and structures shall be at least thirty feet from any side property line.

b. One non-flashing identification sign, not to exceed fifteen 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.

29. 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 abut on 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. There shall be allowed one non-illuminated identification sign indicating the name and occupation, which sign shall be limited in size to one square foot.

b. The building shall remain or shall be constructed so that the exterior design and ornamentation is residential in character 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. The building shall contain at least eight-hundred square feet of floor area.

d. At least five 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 woven wood with a minimum height of five feet.

30. Day care center.

Day care centers may be allowed in the R-R, R-E, R-1, R-2, R-3, R-4, R-5, RRD, R-5A, R-5B, R-6, R-7 districts upon the granting of a conditional use permit and in compliance with the listed requirements.

a. There shall be allowed one non-illuminated sign identifying the name and use, which sign shall be limited in size to one square foot.

b. 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. 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. 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. 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. The development plan shall have the approval of the appropriate agency responsible for surface drainage control.

9. All buildings and structures shall conform to the requirements of the zoning district in which they are located.

h. A fence shall be erected around the outdoor play area.

31. Hazardous or objectionable 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 the M-3 Industrial District by conditional use permit after the location and nature of such use shall have been approved by the Louisville and Jefferson County 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, morals, and general welfare will be properly protected, and that necessary safeguards will be provided for the protection of surrounding property and persons.

Aluminum powder and paint manufacture, processing, or treatment (but not storage)
Brick, fireback, tile, clay products, including refractories
Cement, gypsum, lime, and plaster of paris
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
Distillation of wood and bones
Exterminating operations where exterminating chemicals or agents are stored
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
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
Metal and metal ores, reduction, refining, smelting, alloying, including blast furnaces, cupolos, and blooming mills
Ore dumps, slag piles
Petroleum or petroleum products, refining, storage, including gasoline or other petroleum products
Plastic, manufacture, processing, treatment, or bulk storage
Radio-active materials
Rendering, incineration or reduction, and storage of dead animals, garbage, offal, or waste products (the entire operation to be performed within a building)
Scrap metal and scrap metal reduction, scrap metal storage, scrap metal sizing or other intermediate processing of metal for scrap or salvage waste paper, rags, junk, salvage, or similar operations, including auto wrecking provided the entire operation is enclosed within a solid fence at least eight feet high
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
Slaughtering of animals or poultry
Stock yards and feed lots
Wood pulp or fiber, reduction or processing (including paper mill operations)

32. Family day care home*****

A family day care home may be allowed in the R-R, R-E, R-1, R-2, R-3, R-4, R-5, RRD, 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. There shall be allowed one non-illuminated sign identifying the name and use, which sign shall be limited in size to one square foot.

b. 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. 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. 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.

*March 1992, Docket No. 9-67-91.

e. The appropriate number of parking spaces shall be provided for members of the family 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. All buildings and structures shall conform to the requirements of the zoning district in which they are located.

g. A fence shall be erected around the outdoor play area.

33. Indoor recycling.

The following use having some accompanying hazards such as noise, dust and increased traffic, may, if not in conflict with other laws or ordinances, be located in the M-2 Industrial District by a conditional use permit after the location and nature of such use have been approved by the Louisville and Jefferson County 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, morals, 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 material:
Glass and glass products,
paper and paper board and fiber,
non-ferrous metals,
wall board,
plastic and rubber products, and
insulation upon the following conditions:

a. The operation 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 appropriate Board of Zoning Adjustment from any surrounding residential district(s).

34. 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 or structure or pavement shall be located closer than 15 feet to side property lines or property lines abutting residential areas. This area is reserved as a landscaping strip.

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.

9. 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.(1) below).

h. Signs Permitted:

(1) Only one free standing sign shall be allowed. Such sign may be illuminated but shall be non-flashing and stationary in all components. Such sign shall not exceed 20 feet in height nor exceed a total of 64 square feet in area per side.

(2) Only one attached sign facing each bordering street shall be allowed. Such sign shall be attached flat to the face of the building and shall project no more than 18 inches from the face of the building. Such sign shall not exceed a total of 30 square feet in area.

(3) Directional signs, i.e., signs used primarily to direct on premises vehicular or pedestrian circulation or traffic, shall be allowed to a maximum height of 3 feet and to a maximum area of 4 square feet total per side, per sign.

35. Hazardous or objectionable uses in the EZ-1 Enterprise Zone District:

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 the EZ-1 Enterprise District by conditional use permit after the location and nature of such use shall have been approved by the Louisville or Jefferson County Board of Zoning Adjustment. The appropriate 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, morals, and general welfare will be properly protected, and that necessary safeguards will be provided for the protection of surrounding property and persons.

Hazardous or objectionable uses:

Aluminum powder and paint manufacture processing or treatment (but not storage)

Brick, fireback, tile, clay products, including refractories

Cement, gypsum, lime, and plaster of paris

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, 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, cupolos, and blooming mills

Minerals and earths (including sand-lime products), grinding, crushing, processing, or storage

Petroleum or petroleum products, refining, storage, including gasoline or other petroleum products

Plastic, manufacturing, processing, treatment or bulk storage

Radio-active materials

Waste paper and rag operations

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

Wood pulp or fiber, reduction or processing (including paper mill operations)

36. Boarding and lodging houses, nursing homes and homes for the infirm or aged accommodating more than eight persons:*****

    Boarding and lodging houses, nursing homes and homes for the infirm and aged accommodating more than eight persons may be permitted in the R-E, R-1, R-2, R-3, R-4, R-5, RRD, R-5A, R-5B, R-6, R-7, R-8A, OR-1 and OR-2 Districts upon the granting of a Conditional Use Permit and compliance with the listed requirements.

    a. Adequate parking facilities shall be provided.

    b. If using an existing building constructed contemporaneously with the surrounding neighborhood, it shall not be substantially altered.

    c. The Board shall add any restrictions necessary to mitigate nuisances or adverse effects.

    d. No use permitted under this section shall be located less than 500 feet, as measured from the nearest property line, from another use permitted under this section, or from a use permitted in Article 15, Sections 8, and 37 (except boarding and lodging houses)

37. Boarding and lodging houses, nursing homes and homes for the infirm or aged accommodating less than nine persons:*****

    Boarding and lodging houses, nursing homes and homes for the infirm or aged accommodating less than nine persons may be permitted in the R-E, R-1, R-2, R-3, R-4, R-5, RRD, R-5A, R-5B and R-6 Districts upon the granting of a Conditional Use Permit and compliance with the listed requirements.

    a. Adequate parking facilities shall be provided.

    b. If using an existing building constructed contemporaneously with the surrounding neighborhood, it shall not be substantially altered.

    c. The Board shall add any restrictions necessary to mitigate nuisances or adverse effects.

    d. No use permitted under this section shall be located less than 500 feet, as measured from the nearest property line, from another use permitted under this section, or from a use permitted in Article 15, Sections 8, and 36 (except boarding and lodging houses).

***** In effect in the City of Louisville only; this section revised by Louisville Ordinance 103 Series 1995 (July 1995).

38. 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 vehicular 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.

***** In effect in the City of Louisville only.
****** Approved January 1988, Docket No. 9-96-87.

(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.

39. Commercial Greenhouses*****

Commercial greenhouses for on-site retail sale of plants, seed and other accessories related to horticultural activities, where at least 75% of the floor area of the structures is used only for the display of plant materials and where the lot contains at least one (1) acre may be permitted 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) No building or structure shall be located closer than 30 feet to any property line.

(b) Off-street parking spaces shall be provided in the ratio of one space for each 4,500 square feet of lot area, plus one space for each one and one-half employee. Any off-street parking area shall observe the required yards for the district in which it is located.

(c) Only one freestanding sign shall be permitted. The freestanding sign shall not exceed 20 square feet in area per side and shall not exceed a height of six feet. The maximum height shall include any berm, landscape mound, or other manmade alteration above the surrounding ground level.

(d) 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 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.

(e) Landscaping and buffering of vehicular use areas shall be provided in accordance with the landscaping requirements of the Development Code for all of Jefferson County, Kentucky. Greenhouses and other structures shall be buffered in accordance with the commercial use provisions of the Development Code's landscaping requirements.

***** Approved December 1988, Docket No. 9-69-88.

(f) Roads and parking lots (except landscaping areas) shall be surfaced with a hard and durable material and be properly drained.

(g) No outside storage of material, other than plants and trees shall be permitted. No plant material offered for sale shall be permitted in any required front, street side or side yard.

40. Multi-Family Residences*****

Multi-family residential structures 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 Article 12 C.1.(a.)1 *{one shade tree per 50 feet of lineal boundary plus 6 foot tall hedge or fence}.* 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.

41. All Terrain Vehicle Courses**

Areas used for recreational and competitive driving of all terrain vehicles 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 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) Parking areas and drives leading to parking and unloading areas shall be paved with a hard and durable surface.

***** In effect in St. Matthews and unincorporated Jefferson County only, Docket Number 9-80-96, February 1997.

** Docket No. 9-26-00.

(d) 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).

(e) An erosion and sedimentation control plan shall be prepared and approved by the Jefferson County Conservation District and MSD.

(f) 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 greater than 8' in caliper 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.

(g) Except in districts where signs are allowed, one non-illuminated identification sign not to exceed thirty square feet in area and 10 feet in height may be provided at the main entrance.

ARTICLE 16 FEE INFORMATION

ARTICLE 17 ENFORCEMENT

ARTICLE 18 SEVERABILITY

NEW FEE SCHEDULE

The Ordinance states the following: "Fiscal Court shall establish a schedule of fees, charges and expenses for all matters pertaining to the processing of requests according to this development code. No application for action required hereunder shall be accepted, nor any action taken until the appropriate charges and fees have been paid in full."

The following schedule was established by Fiscal Court Ordinance 17, Series 2000 and is included in the Development Code for users' convenience.

Fee Schedule

A. Plans submitted for pre-application review of proposed zoning map amendments or preliminary subdivision plans shall be assessed a fee of $100.

B. In filing any application for amendment of the Zoning District Map, the following fee schedule shall apply. A fee shall be assessed for each type of action requested, according to the following schedule:

	FEE
1. For change proposed to any: R-R, R-E, R-1, R-2, R-3, R-4, R-5, U-N, R-5A, R-5B, R-6 or R-7 District	
Area less than 2.0 acres	$ 450
Area 2.0 acres to 4.9 acres	$ 900
Area 5.0 acres or more	$1,800
2. For change proposed to any OR, OR-1, OR-2, R-8A, OR-3, OTF, C-N, or C-R District	
Area less than 2.0 acres	$ 900
Area 2.0 acres to 4.9 acres	$1,800
Area 5.0 acres or more	$3,600
3. For change proposed to any C-1, C-2, C-3, or C-M, W-1, W-2, W-3, EX-1, M-1, M-2, or M-3, or any PRO, PEC, or PVD District	
Area less than 2.0 acres	$1,350
Area of 2.0 to 4.9 acres	$2,700
Area of 5 acres or more	$5,400

C. In filing any application for a subdivision the following fee schedule shall apply. A fee shall be assessed for each type of action requested, according to the following schedule:

Preliminary Subdivision Plan	$ 800
Preliminary Subdivision Plan (Innovative)	$ 800
Revision of Preliminary Subdivision Plan	$ 160
Record Plat	$ 400 + $ 5.00/lot
Revocation of Recorded Record Plat	$ 160
Corrective Recorded Plat (for recording minor corrections to a previously recorded plat)	$ 400
Minor Plat	$ 125
Minor Plat requiring waivers	$ 200
Minor Plat for the sole purpose of dedicating rights-of-way	- 0 -
Large Format Minor Plat	$ 200+ recording fee

D. In filing development plans requiring staff review, the following fees shall be assessed:

1. Amended and/or Revised General District Development Plan
   If notice to adjoining property owners not required $ 180
   If notice to adjoining property owners is required $ 270+ $ 1 per notice
2. Detailed District Development Plan $ 270

E. Amend or delete binding elements $ 160

F. Applicant's request for continuance of application at LD&T or Public Hearing $ 480

G. Extension of Expiration Date $ 240

H. In filing any action before the Louisville and Jefferson County Boards of Zoning Adjustment the following fee schedule shall apply. A fee shall be assessed for each type of action requested according to the following schedule:

1. Variances to Zoning Regulations to accommodate:
   Single Family Uses $ 70
   Multi-Family Uses $ 180
   All Other Uses $ 450

2. Application for Conditional Use Permit $ 750+ pre-application fee

3. Revision or modification of an approved development plan:
   Conditional Use Permit $ 160
   Variance $ 80

4. Appeal or other request for Board of Zoning Adjustment administrative review $ 350

5. Applicant's request for continuance (Variance or CUP) 50% of original fee

I. In filing any application for any of the itemized actions in this division (I), the following fee schedule shall apply. A fee shall be assessed for each type of action requested, according to the following schedule:

1 . Street closure request $ 160

2. Street Name change request $ 160

3. Zoning Certification $ 50

4. Landscape plan review fees:*
For review of a landscaping plan required under Article 12, Landscape and Land Use Buffers, the following fee schedule shall apply:

Base fee	$160
Supplemental fee	$5 for each 1,000 square feet of parking lot, in excess of 6,000 square feet

***Editor's note:** *this fee is waived for certified businesses located within the state designated Enterprise Zone.*

5. Landscape Waiver $ 160

6. Tree Preservation Plan Review $ 150

7. Development Review Overlay
   - Activities eligible for review and approval by the Director $ 80
   - Activities requiring review by the Planning Commission $ 200

8. Waterfront Review Overlay $ 200

9. Sign Review and approval $ 80
   (also Signature Entrances)

10. Sidewalk waiver $ 160

11. Parking space waiver fees:
For a waiver in the number of parking spaces required, the following fee schedule shall apply:

Less than 5 spaces	$ 320
5 to 15 spaces	$ 480
Over 15 spaces	$480 plus $20 per space for each space over 15

12 . Certification of complete case files $160 or per page fee for copying and material costs, whichever is greater

13. Community Facility Review of an Antenna Tower for cellular Telecommunication Services or Personal Communication Services $750

ARTICLE 17 ENFORCEMENT

DUTIES OF ZONING ENFORCEMENT OFFICER:

A. The zoning 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 the provisions of these regulations; to review plans and specifications; to issue zoning 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 zoning 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 zoning enforcement officer that any use of property is being maintained contrary to the provisions of these regulations, such use shall be stopped immediately. Such notice shall be in writing and shall be given to the owner of the property or his agent, or to the person so using the property, and shall state specifically the regulation being violated. Said notice may be given by registered mail to the person so using the property after two reasonable efforts personally to serve the notice have failed.

D. CITATIONS

1) 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.

2) Any person or entity who violates the provisions of Articles 11 and 12 of these Zoning District Regulations, shall be issued a citation for such violation pursuant to the provisions of KRS 100.991.

E. PENALTIES:

Any person or entity who violates any of these regulations, or any order of a zoning enforcement officer, or any condition imposed pursuant to these regulations shall be fined not less than $10.00 but not more than $500.00 for each violation. Each day of violation shall constitute a separate offense.

June 1990.

ARTICLE 18 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 thereto shall not be affected thereby, but shall remain in full force and effect.

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.)

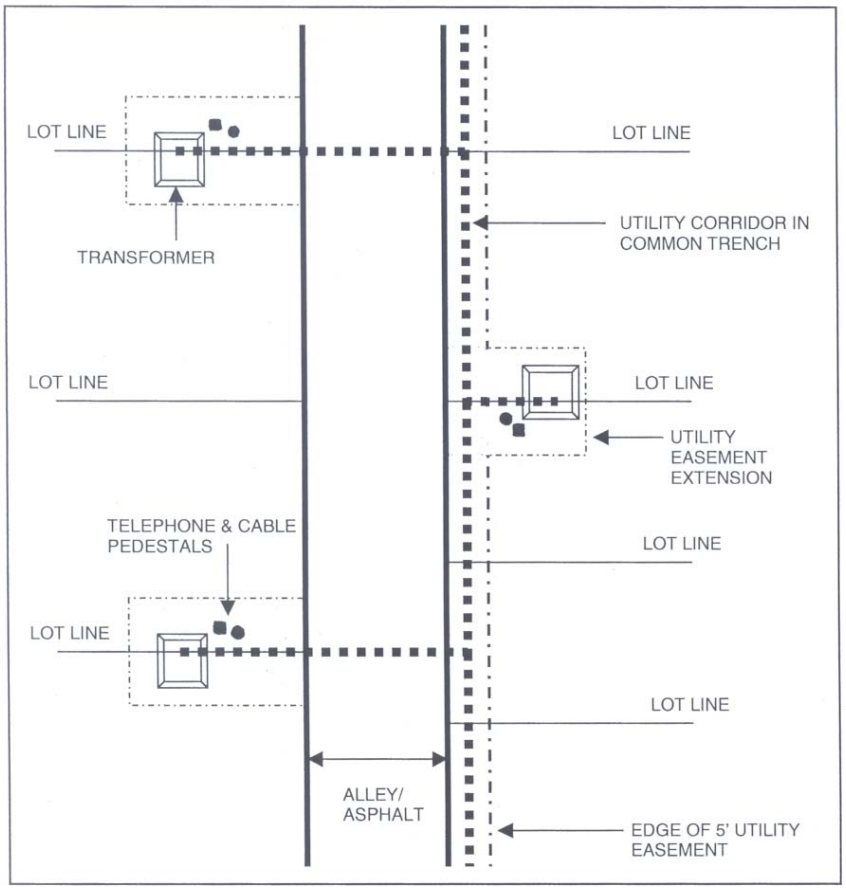
2. Slope Easements – Whenever a proposed subdivision affects an existing or proposed road in such a way that will necessitate cuts and fills in adjoining property, slope easements on such adjoining property shall be required.

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.

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.

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 ORDINANCES AND ADOPTING A NEW CHAPTER **159** RELATING TO EROSION PREVENTION AND 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;

19

(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

20

(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