

CITY OF MIDDLETOWN

Ordinance No. 06-05

AN ORDINANCE RELATING TO AMENDMENT OF PORTION OF CHAPTER 5 OF THE LAND DEVELOPMENT CODE FOR ALL OF JEFFERSON COUNTY, KENTUCKY, AS ADOPTED BY THE CITY OF MIDDLETOWN

WHEREAS, City Commission has reviewed Chapter 5 of the Land Development Code (LDC) as adopted by the City; and

WHEREAS, , particular circumstances in the City of Middletown makes it desirable to modify certain provisions thereof, now, therefore

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

SECTION 1. Chapter 5. Form District Regulations, 5.1.7 (H), (I), and J are hereby amended so that as amended it shall read as follows:

Chapter 5, Form District Regulations

5.1.7. L. Anything to the contrary in any other part of this code notwithstanding, there shall not be hereafter created any single family residential lot in the City of Middletown of less than 9,000 square feet. Exception: Existing nonconforming lots under 9,000 square feet may be consolidated and resubdivided as long as the resulting lots are larger in area than the previously existing lot pattern.

* * *

5.4.1

Infill Standards

5. Where existing lots are subdivided further, no single family residential lot shall thereby be created that is less than the greater of (a) 9,000 square feet, or (b) 90% of the average size of the residentially developed lots in the same block facing the same street. Further, anything to the contrary herein notwithstanding, nothing contained in this section 5.1.7 shall require the creation of a lot in excess of 40,000 square feet (in effect in the City of Middletown only).

- 1.** A "residentially developed lot" shall mean the entire parcel of land upon which any dwelling is located and shall include all land associated with the normal maintenance and historical and customary use of the single family residence located hereon.
- 2.** As used herein "block" shall mean the area within 200 feet of the subject property and on the same side of the street.

Section 5.4.2

C. Infill Context

Where 50% or more of either the lots or street frontage (lineal distance) within 200 feet

of the subject site and on the same side of the street are occupied by principal structures, the following requirements apply instead of applicable standards in Tables 5.3.1 and 5.3.2. Major subdivisions within the City of Middletown shall be subject to the infill standards listed below.

1. Construction of new or expanded principal residential structure on lots created prior to the effective date of this regulation, or on parcels created by minor plat after the effective date, shall fall within the range of the front setbacks of the two nearest principal residential structures. The side setback shall fall within the range of the two nearest principal residential structures or three (3) feet whichever is greater. The minimum street side yard setback shall be that of the nearest principal residence structure (accessory structures are excluded from this provision).
2. New lots in an Infill Contest shall not be less than 80% of the established lot pattern (average lot width and depth) and shall comply with the minimum lot size districts.
3. The Infill site Context standards shall not apply if two properties within 200 feet of the subject site and on the same side of the street is developed at a density less than one dwelling per acre.
4. **Single family Residential Tree Requirement**
 - a. Construction of a new single family or duplex principal structure on a residential lot shall provide at least one type "A" or two type "B" trees on the lot. Preservation of existing trees that meet the required tree type shall fulfill this requirement. Street trees do not fulfill this requirement. (not in effect for Major Subdivisions within the City of Middletown)
5. Where existing lots are subdivided further, no single family residential lot shall thereby be created that is less than the greater of (a) 9,000 square feet, or (b) 90% of the average size of the residentially developed lots in the same block facing the same street. Further, anything to the contrary herein notwithstanding, nothing contained in this section 5.1.7 shall require the creation of a lot in excess of 40,000 square feet (in effect within the City of Middletown only).
 - a. A "residentially developed lot" shall mean the entire parcel of land upon which any dwelling is located and shall include all land associated with the normal maintenance and historical and customary use of the single family residence located thereon.
 - b. As used herein "block" shall mean the area within 200 feet of the subject property and on the same side of the street.

SECTION 2. In event the provisions of this Ordinance indicating changes from the Code as recommended by the Louisville Metro Department of Planning and Design Services conflict therewith, the provisions of this Ordinance making changes shall apply, any comment to the contrary notwithstanding.

SECTION 3. That all ordinances, or parts of ordinances, in conflict with this ordinance, are hereby repealed.

SECTION 4. That this ordinance shall become effective upon its passage and publication.

