

**CITY OF PROSPECT, KENTUCKY**  
*Ordinance No. 465, Series 2005*

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

**WHEREAS**, the Department of Planning Design Services of the Louisville Metro Planning Commission (the “Planning Commission”) has forwarded to the City of Prospect for its consideration the Land Development Code for all of Jefferson County, Kentucky (the “Land Development Code”), as adopted by the Louisville Metro Council; and

**WHEREAS**, the City Council of the City of Prospect has reviewed the Land Development Code as forwarded by the Planning Commission and does hereby entertain the adoption of the Land Development Code with certain amendments, modifications and exceptions as provided herein.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF PROSPECT, KENTUCKY:**

**SECTION 1:** The Land Development Code as adopted by the Louisville Metro Council is hereby adopted and incorporated by reference as if fully set forth herein, including, without limitation, the Table of Contents, Chapter Headings, Parts and Sections with the following amendments, modifications and exceptions, to wit: (keyed to Section and Paragraph Numbers in Land Development Code):

**1.1.8 Transition Standards**

**A. Development Plans.**

Section 1.1.8 A. is changed to read as follows:

The provisions of the Land Development Code shall apply to all Development Plans (general and detailed) and Revised Development Plans (general and detailed) applicable to properties within the City of Prospect pending before the Planning Commission upon which final action has not been taken or recommendation to the City of Prospect has not been made as of the effective date hereof.

**B. Permits.**

Section 1.1.8 B. is changed to read as follows:

Building permits, site disturbance permits and other permits issued prior to the effective date hereof shall continue to be valid for the period stated on the permit and/or as may be provided by law applicable at the time of permit issuance. Building permits, site

disturbance permits and other permits requested after the effective date hereof shall be issued only if the proposed construction or site disturbance conforms with the provisions of the Land Development Code as adopted by the City of Prospect.

**1.2.2 Definitions**

The following definitions applicable in the City of Prospect are substituted for the definitions of such terms in Section 1.2.2 of the Land Development Code:

**Factory Built Housing** – Definition deleted.

**Home Occupation** – An occupation, trade, business or profession conducted within a dwelling by an individual or group of individuals who are residents of the dwelling. No advertising or any other display will indicate from the exterior that the dwelling is being used for any purpose other than that of a dwelling. No retail sales may occur on the premises. No more than five percent (5%) of the floor area of the dwelling, including the basement area and attached garage area, or 200 square feet, whichever is less, may be used for the Home Occupation. No mechanical equipment may be used for the Home Occupation except such equipment that is permissible for purely domestic purposes. There shall be no visible evidence of the conduct of a Home Occupation as viewed from the public right-of-way and adjacent properties.

**Structure** – Anything constructed or erected, the use of which requires location on the ground, or attachment to something having a location on the ground, including walls or fences exceeding four (4) feet in height, buildings, signs, antenna and cellular antenna towers. No structure within the City of Prospect shall exceed 100 feet in height, as measured from ground level to the highest part of a structure.

**2.1.1 Zoning Districts**

A. The following zoning district classifications set forth in Section 2.1.1 of the Land Development Code are not adopted by the City of Prospect:

- U-N Urban Neighborhood District
- R-R Residential Rural District
- R-6 Residential Multi-Family District
- R-7 Residential Multi-Family District
- R-8A Residential Multi-Family District
- OTF Office/Tourist Facility District
- C-R Commercial Residential District
- C-3 Commercial District

- C-M 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
- W-1 Waterfront District
- W-2 Waterfront District
- W-3 Waterfront District
- WRO Waterfront Development Review Overlay District

**2.2.2 R-E Residential Estate District**

**A. Permitted Uses:**

The following uses permitted by Section 2.2.2 A. of the Land Development Code in the R-E Residential Estate District are not adopted by the City of Prospect:

- Accessory Buildings or Uses
- Agricultural Uses
- Community Residences
- Convents and Monasteries
- Family Care Home (mini-home)

**2.2.3 R-1 Residential Single Family District**

**A. Permitted Uses:**

The following uses permitted by Section 2.2.3 A. of the Land Development Code in the R-1 Residential Single Family District are not adopted by the City of Prospect:

- Accessory Buildings or Uses
- Agricultural Uses

Community Residences

Family Care Home (mini-home)

Residential Care Facilities

**D. Maximum Density and FAR:**

2. Maximum Density

- b. The Maximum Density shall be 1.0 dwellings per acre in the City of Prospect.

**2.2.9 R-5A Residential Multi-Family District**

**A. Permitted Uses:**

The following use permitted by Section 2.2.9 A. of the Land Development Code in the R-5A Residential Multi-Family District is not adopted by the City of Prospect:

Assisted Living Residence

**2.2.10 R-5B Residential Two-Family District**

**A. Permitted Uses:**

The following uses permitted by Section 2.2.10 A. of the Land Development Code in the R-5B Residential Two-Family District are not adopted by the City of Prospect:

Accessory Buildings or Uses

Agricultural Uses

Carriage Houses

Residential Care Facilities

**2.3.1 OR Office/Residential District**

**A. Permitted Uses:**

The following uses permitted by Section 2.3.1 A. of the Land Development Code in the OR Office/Residential District are not adopted by the City of Prospect:

Accessory Buildings or Uses

Agricultural Uses

Residential Care Facilities

### 2.3.2 **OR-1 Office/Residential District**

#### A. **Permitted Uses:**

The following uses permitted by Section 2.3.2 A. of the Land Development Code in the OR-1 Office/Residential District are not adopted by the City of Prospect:

- Assisted Living Residence
- Boarding, Lodging Houses
- Community Residences
- Convents and Monasteries
- Family Care Home (mini-home)

### 2.3.3 **OR-2 Office/Residential District**

#### A. **Permitted Uses:**

The following uses permitted by Section 2.3.3 A. of the Land Development Code in the OR-2 Office/Residential District are not adopted by the City of Prospect:

- Assisted Living Residence
- Boarding, Lodging Houses
- Community Residences
- Family Care Home (mini-home)

### 2.3.4 **OR-3 Office/Residential District**

#### A. **Permitted Uses:**

The following uses permitted by Section 2.3.4 A. of the Land Development Code in the OR-3 Office/Residential District are not adopted by the City of Prospect:

- Apartment Hotels
- Assisted Living Residence
- Boarding, Lodging Houses
- Community Residences
- Family Care Home (mini-home)

Fraternities, Sororities, Clubs and Lodges

#### 2.4.1 C-N Neighborhood Commercial District

##### A. Permitted Uses:

The following uses permitted by Section 2.4.1 A. of the Land Development Code in the C-N Neighborhood Commercial District are not adopted by the City of Prospect:

Accessory Buildings or Uses

Agricultural Uses

Community Residences

Residential Care Facilities

#### 2.4.3 C-1 Commercial District

##### A. Permitted Uses:

The following uses permitted by Section 2.4.3 A. of the Land Development Code in the C-1 Commercial District are not adopted by the City of Prospect:

Accessory Buildings or Uses

Agricultural Uses

Automobile Rental Agencies

Boarding and Lodging Houses

Bowling Alleys

Community Residences

Extended Stay Lodges

Hotels and Motels

Ice Storage Houses

Pawn Shops

Tents, Air Structures and Other Temporary Structures Intended for Occupancy by Commercial Activities

#### 2.4.4 C-2 Commercial District

##### A. Permitted Uses.

The following uses permitted by Section 2.4.4 A. of the Land Development Code in the C-1 Commercial District are not adopted by the City of Prospect:

Auction Sales, Items Transported to Site of Auction

Automobile Rental Agencies

Automobile Repair Garages

Automobile Sales Agencies

Billiard Parlors, Game Room and Similar Entertainment Uses

Bingo Halls and Parlors

Boat Sales and Related Storage

Dance Halls

Exposition Building or Center

Flea Market

Fraternities, Sororities, Clubs and Lodges

Furniture, Storage

Indoor Paintball Ranges

Monument Sales

Plasma, Blood Collection Centers, for profit

Refrigerated Lockers

Skating Rinks

Tattoo, Body Art and Piercing Parlors

Tourist Homes

Truck Schools

Used Car Sales Areas

The following permitted use is modified by the City of Prospect as follows:

Retail or Wholesale Stores or Businesses not involving any kind of Manufacture, Processing or Treatment of Products

#### **2.7.1 Planned Village Development District**

The following uses permitted by Section 2.7.1 of the Land Development Code and set forth in Table 2.7.1 are not adopted by the City of Prospect:

Agricultural Uses

Bed and Breakfast Inn

Community Residence

Convents and Monasteries

Family Day Care Home

Family Care Home (mini-home)

Hotel

Outdoor Advertising Sign

#### **2.7.2 Planned Transit Development (PTD) District**

Section 2.7.2 of the Land Development Code providing for a Planned Transit Development (PTD) District is not adopted by the City of Prospect.

#### **2.7.4 Traditional Neighborhood Zoning District**

Section 2.7.4 of the Land Development Code providing for a Traditional Neighborhood Zoning District is not adopted by the City of Prospect.

#### **4.1.2 Factory Built Housing**

Section 4.1.2 of the Land Development Code is not adopted by the City of Prospect. Factory Built Housing may not be placed on any lot within the City of Prospect.

#### **4.1.3 Lighting**

Section 4.1.3 of the Land Development Code is not adopted by the City of Prospect. Chapter 159 of the Code of Ordinances of the City of Prospect regulates outdoor lighting in the City of Prospect.

#### **4.2.1 Conditional Uses**

The following uses permitted subject to a Conditional Use Permit by Section 4.2.1 of the Land Development Code are not adopted by the City of Prospect:

- 4.2.4 Airports, Heliports and Other Aviation Uses
- 4.2.5 All-Terrain Vehicle (ATV) Courses
- 4.2.6 Amusement Parks, Circuses and Carnival Grounds
- 4.2.7 Animal Race Tracks
- 4.2.10 Boarding Houses
- 4.2.11 Camping Areas and Residential Vehicle Parks, Public and Private
- 4.2.13 Commercial Animal Feeding Yards
- 4.2.14 Commercial Communication Towers
- 4.2.15 Commercial Greenhouses
- 4.2.16 Commercial Kennels
- 4.2.17 Commercial Lakes
- 4.2.18 Day Care Facilities
- 4.2.20 Drive-In Theatres
- 4.2.21 Earth Excavation, Filling and Refuse Disposal Operations, Major
- 4.2.22 Earth Excavation/Fill, Minor
- 4.2.23 Electric Power or Steam Generating Plants
- 4.2.24 Extraction and Development of Oil, Gas and Other Hydrocarbon Services
- 4.2.26 Golf Driving Ranges, Miniature Golf Courses and Privately Owned Golf Courses Operated for a Commercial Purposes
- 4.2.27 Home Occupations
- 4.2.28 Hospitals, Clinics and Other Medical Facilities
- 4.2.29 Institutions
- 4.2.30 Mobile Homes and Manufactured Housing Sales, Display or Storage
- 4.2.31 Marinas and Boat Rental Facilities
- 4.2.32 Marinas and Boat Rental Facilities, Commercial
- 4.2.33 Mini-Warehouses

- 4.2.34 Mobile Home Parks
- 4.2.38 Outdoor Paint Ball Ranges
- 4.2.39 Potential Hazardous or Nuisance Uses
- 4.2.42 Ranges for Shotgun, Rifle, Pistol, Air Rifle, Air Pistol or Other Firearms
- 4.2.43 Riding Academies and Stables
- 4.2.44 Scrap Metal Processing Facilities and Junkyards
- 4.2.45 Sewage Disposal Plants
- 4.2.46 Solid Waste Management Facilities
- 4.2.47 Sports Arenas
- 4.2.48 Storage Yard and Contractor's Yard
- 4.2.49 Underground Space
- 4.2.50 Zoos

**4.4.2 Antenna Towers for Cellular Communications Services or Personal Communications Services**

**B. Design, Standards:**

The second sentence of Section 4.4.2 B. of the Land Development Code is changed to read as follows:

Waivers of the following standards may be requested by the applicant and granted by the Planning Commission in accordance with the provisions of Chapter 11 Part 8; provided, however, no waiver of the 100 foot maximum height of a cellular antenna tower or alternative cellular antenna tower structure may be granted except with the approval of the City Council of the City of Prospect.

4. The first sentence of Section 4.4.2 B.4. of the Land Development Code is changed to read as follows:

A cellular tower or alternative cellular antenna tower structure may be constructed to a maximum height of 100 feet regardless of the maximum allowed height for the district in which it is located.

#### 4.4.3 Fences, Walls and Signature Entrances

##### A. Fences and Walls

Section 4.4.3 A. of the Land Development Code is not adopted by the City of Prospect. Chapter 152 of the Code of Ordinances of the City of Prospect regulates fences in the City of Prospect.

#### 4.4.4 Garage Sales

Section 4.4.4 E. of the Land Development Code is changed to read as follows:

All signs used to advertise or direct traffic to a garage sale must be in compliance with Chapter 157 of the Code of Ordinances of the City of Prospect.

#### 4.4.5 Home Occupations

##### B. Employees

1. Section 4.4.5 B.1. of the Land Development Code is changed to read as follows:

Employees working or meeting at the home occupation site shall be limited to persons who reside in the dwelling unit.

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

The first sentence of Section 4.4.5 D. of the Land Development Code is changed to read as follows:

No more than two customers, clients or pupils shall be permitted on the site at any one time.

##### G. Permitted Locations and Maximum Size/Area

1. Section 4.4.5 G.1. of the Land Development Code is changed to read as follows:

The operation of home occupation shall be limited to the dwelling unit (including the basement and attached garage).

2.a. Sections 4.4.5 G.2.a. and b. of the Land Development Code are changed to read as follows:

A home occupation shall occupy no more than five percent (5%) of the floor area of the dwelling unit or 200 square feet, which ever is less.

3. Section 4.4.5 G.3. of the Land Development Code is changed to read as follows:

All activities associated with a home occupation are prohibited from occurring outside of the dwelling unit.

#### **H. Hours of Operation**

2. Section 4.4.5 H.2. of the Land Development Code is not adopted by the City of Prospect.

#### **J. Prohibited Home Occupations**

Delete the parenthetical reference after Daycare Facilities in the list of Prohibited Home Occupations in Section 4.4.5 J. of the Land Development Code. Daycare Facilities are not permitted as a home occupation in the City of Prospect.

#### **4.4.10 Swimming Pools**

Section 4.4.10 of the Land Development Code is not adopted by the City of Prospect. Chapter 154 of the Code of Ordinances of the City of Prospect regulates swimming pools within the City of Prospect.

#### **Chapter 4, Part 5 Alternative Development Incentives**

Chapter 4, Part 5 of the Land Development Code is not adopted by the City of Prospect.

#### **Appendix 4F Conditional Use Table**

Appendix 4F of the Land Development Code is amended to reflect the changes in Permitted Uses and Conditional Uses in the City of Prospect as set forth in this Ordinance.

#### **5.4.2 Suburban Form Districts**

D. Accessory Structures.

Section 5.4.2 D. of the Land Development Code is not adopted by the City of Prospect. Chapter 150 of the Code of Ordinances of the City of Prospect covers accessory structures.

## 6.2.6 Requirements for Specific Types of Streets and Alleys

### B. Fee In Lieu Option

Section 6.2.6 B. of the Land Development Code is not adopted by the City of Prospect.

## Chapter 8 Sign Regulations

Chapter 8 of the Land Development Code is not adopted by the City of Prospect. Chapter 157 of the Code of Ordinances of the City of Prospect regulates signs in the City of Prospect.

## 11.4.7 Plan Certain Development

### A. Designation of Binding Elements

The last sentence of Section 11.4.7 A. of the Land Development Code is changed to read as follows:

Binding elements approved as any part of any development plan shall be applicable to all development plans subsequently prepared for a subject property, and shall be binding upon the future use and development of such property unless specifically waived by the City Council of the City of Prospect upon recommendation by the Planning Commission.

### E. Amendments to Binding Elements and Revised District Development Plans

#### 1. Review Procedure

The first sentence of Section 11.4.7 E.1. of the Land Development Code is changed to read as follows:

Amendment to any binding element of an approved development plan, including any development plan expiration date, shall require approval by the City Council of the City of Prospect upon recommendation by the Planning Commission.

## 11.6.2. Category I Review Procedure

The first sentence of Section 11.6.2 of the Land Development Code is changed to read as follows:

Prior to issuance of building permits, the Mayor of the City of Prospect or his/her designee and the local building official shall assure that the plan is in compliance with the applicable provisions of this Code and all binding elements and conditions of approval.

**11.8.5. Findings Necessary for Granting of Waiver or Modification**

The introductory language of Section 11.8.5 of the Land Development Code is changed to read as follows:

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

**11.8.7. Delegation to Committee**

Section 11.8.7 of the Land Development Code is changed to read as follows:

The Planning Commission may delegate the authority to consider and make recommendations on modifications or waivers to its Land Development & Transportation Committee or such other Committee of the Commission duly created under the By-Laws of the Commission. Such Committee shall make a recommendation regarding the appropriateness of any waivers or modifications to the City Council of the City of Prospect.

**SECTION 2:** All ordinances, or parts of ordinances, in conflict with this ordinance are hereby repealed.

**SECTION 3:** This Ordinance shall take effect from and after its passage, signing and publication as required by law. This Ordinance shall apply to all matters and applications of any kind within the City of Prospect pending before the Planning Commission upon which final action has not been taken or recommendation to the City of Prospect has not been made as of the effective date hereof.

First Reading this \_\_\_\_ day of \_\_\_\_\_, 2005.

Second Reading this \_\_\_\_ day of \_\_\_\_\_, 2006.

**APPROVED:**

\_\_\_\_\_  
Lawrence C. Falk  
Mayor

**ATTEST:**

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Ann R. Simms  
City Clerk

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