ORDINANCE NO. 048, SERIES 2013

AN ORDINANCE AMENDING THE FOLLOWING PROVISIONS INCLUDING TEXT AND TABLE REGULATIONS OF THE LAND DEVELOPMENT CODE AS PART OF A CONTINUING EFFORT TO UPDATE THE ZONING REGULATIONS FOR LOUISVILLE METRO: 4.1.3.b.6.C, 4.2.42.h, 4.2.50, 4.3.6, CHAPTER 5 THRESHOLD TABLES, 5.1.7.A, 5.2.3.D.3.a.iii, 5.2.1.C.3, 5.2.2.C.1.c, 5.2.2.C.1.d, TABLE 5.2.2, 5.2.3.D.3, 5.2.4.C.3, 5.2.5.C, TABLE 5.3.1, 5.3.2.C.2, 5.3.3.C.2, 5.3.5.C.3, 5.2.6.D.2.c, 5.4.1.B.1.a, 5.4.2.B.1.a, 6.1.3, 5.4.2.B.1.a, 5.4.2.B.1.b, and 10.2.16 (CASE NO. 17064).

Sponsored by: Councilman JAMES PEDEN

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

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

NOW THEREFORE BE IT RESOLVED BY THE LOUISVILLE METRO COUNCIL

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

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

H. Stephen Ott
Metro Council Clerk

Jim King
President of the Council

Greg Fischer
Mayor

LOUISVILLE METRO COUNCIL
READ AND PASSED
April 11, 2013

4/12/13
Approval Date

APPROVED AS TO FORM AND LEGALITY:

Michael J. O'Connell
Jefferson County Attorney

BY: _____

PROPOSED LDC TEXT AMENDMENTS-ROUND ONE, PART TWO-CASE NO. 17064-UPDATED 3/11/13

ISSUE #	LDC SECTION	CURRENT LDC TEXT	PROPOSED LDC TEXT
43	4.1.3.B.6.c	Old Numbering - 4.1.3.B.6.c	New Numbering - 4.1.3.B.6.e.b
NOTES: This amendment corrects a numbering error.			
51	4.2.42.H	Old Numbering - 4.2.42.G	New Numbering - 4.2.42.G.H
NOTES: This amendment corrects a numbering error.			
52	4.2.50	Old Numbering - 4.2.450	New Numbering - 4.2.4.50
NOTES: This amendment corrects a numbering error.			
54	4.3.6	Note: This section 4.3.5 does not apply to agricultural uses and related accessory structures (e.g., barns, stables.)	Note: This section 4.3.~~5~~ 6 does not apply to agricultural uses and related accessory structures (e.g., barns, stables) **regardless of the size of the lot.**
NOTES: This amendment corrects a numbering error. KRS defines agricultural uses as being larger than five acres, so the additional language regarding the size of the lot adds further clarification as to which agricultural properties this requirement will apply to. This is a section of the LDC that deals with accessory structures that are larger than principal structures.			
62	Chapter 5 Threshold Tables	Split 2A & 2B thresholds.	Replace existing Chapter 5 category threshold tables with updated threshold tables that differentiate between Category 2A & 2B.
NOTES: Threshold tables are included for each Form District to help determine which sections of the LDC will apply to a given development, dependant on what is being proposed. Staff has further categorized the existing threshold tables to better illustrate the differences between a Category 2A and Category 2B plan review.			
66A	5.1.7.A	Proposed language under 5.1.7.A: Every part of a required yard shall be open to the sky, except as authorized by this Chapter, and the ordinary projections 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.	Every part of a required yard shall be open to the sky, except as authorized by this Chapter, and the ordinary projections 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. **Multiple exceptions to this regulation can be found throughout Chapter 5. Some of the more common exclusions can be found under these section numbers (this list is not meant to be all inclusive): 5.1.10.B, C, D, E & F; 5.4.2.A.2.a, b & c; 5.4.2.D.2; 5.4.2.D.3.b; 5.5.5.A.1 & 2.**
NOTES: This amendment is an attempt to improve cross-referencing of related subjects throughout the LDC.			

ISSUE #	LDC SECTION	CURRENT LDC TEXT	PROPOSED LDC TEXT
68	5.2.3.D.3.a.iii	Outdoor seating areas. Outdoor amenities such as open, unenclosed seating areas are permitted to encroach into the front setback as long as the corner requirements of Section 5.5.1.A.	Outdoor seating areas. Outdoor amenities such as open, unenclosed seating areas are permitted to encroach into the front setback as long as the corner requirements of Section 5.5.1.A.2 are being met.
NOTES: This amendment is correcting a grammatical error.			

68A & B	5.2.1.C.3 (DFD)	Building Setbacks - A setback not to exceed 15 feet measured from the right-of-way, is permitted provided no less than 60% of the street wall is maintained. Recesses on the ground floor to accommodate entry ways, display windows, planters, or similar features shall not be considered as setbacks provided the upper stories have been built to the street wall.	Building Setbacks - A setback not to exceed 15 feet measured from the right-of-way, is permitted provided no less than 60% of the street wall is maintained. Recesses on the ground floor to accommodate entry ways, display windows, planters, or similar features shall not be considered as setbacks provided the upper stories have been built to the street wall. Parking and maneuvering is not permitted within the minimum building setback area. Also, see Section 9.1.4.
68A & B	5.2.2.C.1.c & d (TNFD)	Move item "c" to "d" and new text will become "c".	c. Parking and maneuvering is not permitted within the minimum setback areas. Also, see Section 9.1.4.
68A & B	Table 5.2.2 (note) (TNFD)	Add the following text as a note after Table 5.2.2.	Note: Parking and maneuvering is not permitted within the minimum setback areas. Also, see Section 9.1.4.
68A & B	5.2.3.D.3 (TMCFD)	Non-residential/Mixed-Use Structure Setback/Build to Line	Non-residential/Mixed-Use Structure Setback/Build to Line (Parking and maneuvering is not permitted within the minimum setback areas. Also, see Section 9.1.4.)
68A & B	5.2.4.C.3 (TCFD)	Non-residential and Mixed-Use Structure Setbacks	Non-residential and Mixed-Use Structure Setbacks (Parking and maneuvering is not permitted within the minimum setback areas. Also, see Section 9.1.4.)
68A & B	5.2.5.C (TWFD)	Add the following text under 5.2.5.C.3.f & 5.2.5.C.4.d.	(Parking and maneuvering is not permitted within the minimum setback areas. Also, see Section 9.1.4.)
68A & B	Table 5.3.1 (note) (NFD)	Add the following note after Table 5.3.1.	Note: With regard to the setback requirements listed in Tables 5.3.1 & 5.3.2, parking and maneuvering is not permitted within the minimum setback areas. Also, see Section 9.1.4.
68A & B	5.3.2.C.2 (SMCFD)	2. Building Setbacks	2. Building Setbacks (Parking and maneuvering is not permitted within the minimum building setback area. Also, see Section 9.1.4.)
68A & B	5.3.3.C.2 (RCFD)	2. Building Setbacks	2. Building Setbacks (Parking and maneuvering is not permitted within the minimum building setback area. Also, see Section 9.1.4.)
68A & B	5.3.5.C.3 (CFD)	3. Non-Residential Building Setbacks	3. Non-Residential Building Setbacks (Parking and maneuvering is not permitted within the minimum building setback area. Also, see Section 9.1.4.)
NOTES: It was brought to the LDC Committee's attention that there is sometimes confusion when determining whether the setback requirements listed in Chapter 5 apply only to buildings, or if they also apply to paved parking and maneuvering areas. This group of proposed amends provides clarification on this issue for each form district.			

ISSUE #	LDC SECTION	CURRENT LDC TEXT	PROPOSED LDC TEXT
68D	5.2.6.D.2.c	The resultant building after the addition is in keeping with the intent of the neighborhood form district and is compatible to the overall design of the existing development.	The resultant building after the addition is in keeping with the intent of the ~~neighborhood~~ **Village Center** Form District and is compatible to the overall design of the existing development.
NOTES: This amendment is correcting a grammatical error.			
69	5.4.1.B.1.a	Fences and walls that are no more than 42 inches in height may be located within the required front and street side yards and fences must be either painted or stained. Pickets must be vertical and spaced than no less than 4 inches apart.	Delete section as this language is included in Section 4.4.3.A.1.a.i.
NOTES: PDS staff and the LDC Committee felt that this fence requirement for Traditional Form Districts is redundant, as it is also listed in Section 4.4.3 Fences, Walls and Signature Entrances.			
70A	5.4.2.B.1.a	A frontage road or alley shall be provided to serve lots adjacent to the collector or arterial, and houses shall be designed to face the collector or arterial. Privacy fences are not permitted between the front façade and the right-of-way of the collector or arterial; or	A frontage road or alley shall be provided to serve lots adjacent to the collector or arterial, and houses shall be designed to face the collector or arterial **(See also Section 6.1.3 paragraph 1)**. Privacy fences are not permitted between the front façade and the right-of-way of the collector or arterial; or
70A	6.1.3 (paragraph 1)	When a residential subdivision is proposed that abuts an arterial or collector roadway, it shall be designed to provide lots abutting the roadway with access only from an alley, frontage road or interior local road.	When a residential subdivision is proposed that abuts an arterial or collector roadway, it shall be designed to provide lots abutting the roadway with access only from an alley, frontage road or interior local road. **See also Section 5.4.2.B.1.a.**
NOTES: These two sections are related to each other and this amendment is an attempt to improve cross-referencing between the two sections.			
70B	5.4.2.B.1.a	A frontage road or alley shall be provided to serve lots adjacent to the collector or arterial, and houses shall be designed to face the collector or arterial. Privacy fences are not permitted between the front façade and the right-of-way of the collector or arterial; or	A frontage road or alley shall be provided to serve lots adjacent to the collector or arterial, and houses shall be designed to face the collector or arterial **(See also Section 6.1.3 paragraph 1)**. Privacy fences are not permitted between the front façade and the right-of-way of the collector or arterial **with the exception of double frontage lots as referred to in Section 4.4.3.1.a.v**; or
NOTES: This amendment provides additional clarification related to fencing location for double frontage residential lots on collector or arterial level roadways within Suburban Form Districts.			

PROPOSED LDC TEXT AMENDMENTS-ROUND ONE, PART TWO-CASE NO. 17064-UPDATED 3/11/13

ISSUE #	LDC SECTION	CURRENT LDC TEXT	PROPOSED LDC TEXT
70C	5.4.2.B.1.b	A 20 foot landscape buffer area, in addition to the front yard or street side requirement in Table 5.3.1, shall be provided for building lots adjoining the right-of-way.	A 20 foot landscape buffer area, in addition to the front yard or street side requirement in Table 5.3.1 **and when applicable the supplemental setback requirements in Section 5.3.1.C.4**, shall be provided for building lots adjoining the right-of-way.
70C	10.2.16	N/A	**See Section 5.4.2.B.1.b for additional landscape buffer requirement in Suburban Form Districts.**
NOTES: These amendments improve cross referencing related to a landscape buffer requirement for residential subdivision lots located on a collector or arterial level roadway within the Suburban Form Districts.			