ORDINANCE NO. 036, SERIES 2013

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

Sponsored by: Councilwoman Madonna Flood

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

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

NOW THEREFORE BE IT RESOLVED BY THE LOUISVILLE METRO COUNCIL

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

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

H. Stephen Ott
Metro Council Clerk

Jim King
President of the Council

Greg Fischer
Mayor

3/19/13
Approval Date

LOUISVILLE METRO COUNCIL
READ AND PASSED
March 14, 2013

APPROVED AS TO FORM AND LEGALITY:

Michael J. O'Connell
Jefferson County Attorney

BY:

ISSUE #	LDC SECTION	CURRENT LDC TEXT	PROPOSED LDC TEXT
1	1.1.2	The Land Development Code shall be applicable throughout the Louisville and Jefferson County Planning Unit. Pursuant to KRS 100.137, all incorporated and unincorporated areas of Jefferson County shall have zoning authority over the areas within their respective jurisdictions. Jefferson County Fiscal Court (or the Greater Louisville consolidated local government after January, 2003) shall have zoning authority over all other areas in Jefferson County, including cities of the fifth and sixth classes.	The Land Development Code shall be applicable throughout the Louisville and Jefferson County Planning Unit. Pursuant to KRS 100.137, all incorporated and unincorporated areas of Jefferson County shall have zoning authority over the areas within their respective jurisdictions. ~~Jefferson County Fiscal Court (or the Greater Louisville consolidated local government after January, 2003)~~ **Louisville Metro** shall have zoning authority over all other areas in Jefferson County, including cities of the fifth and sixth classes.
NOTES: The purpose of this change is to update outdated terminology.			

3	1.1.8	A. Development Plans 1. The provisions of this Land Development Code shall apply to all Development Plans (general and detailed) and Revised Development Plans (general and detailed) filed on or after March 1, 2003 (LDC effective date)*. Plans filed with a complete application prior to March 1, 2003 (LDC effective date)* shall be reviewed for compliance with the Development Code as in effect at the time of filing. 2. Approved Development Plans that will expire before September 1, 2003 (LDC effective date + six months)* shall be deemed to expire one hundred eighty (180) days after the expiration date of the Development Plan. 3. No extensions of the expiration dates of Development Plans approved prior to March 1, 2003 (LDC effective date)* shall be granted by the Planning Commission. B. Permits 1. Building permits, site disturbance permits, and other permits issued prior to March 1, 2003 (LDC effective date)* shall continue to be valid for the period stated on the permit and/or as may be provided for by law applicable at the time of permit issuance; the activity authorized by such permit(s) shall be governed by the development code applicable at the time of permit issuance even if such permit authorizes activities that would not comply with this Land Development Code. 2. Building permits, site disturbance permits, and other permits requested on or after March 1, 2003 (LDC effective date)* shall be issued only if the proposed construction or site disturbance conforms with the provisions of this Land Development Code.	A. Development Plans 1. The provisions of this Land Development Code shall apply to all Development Plans (general and detailed) and Revised Development Plans (general and detailed) filed on or after March 1, 2003 (LDC effective date)*. Plans filed with a complete application prior to March 1, 2003 (LDC effective date)* ~~shall be~~ **have been** reviewed for compliance with the Development Code as in effect at the time of filing. 2. Approved Development Plans that ~~will~~ expire**d** before September 1, 2003 (LDC effective date + six months)* ~~shall be~~ **have been** deemed ~~to~~ expire**d** one hundred eighty (180) days after the expiration date of the Development Plan. 3. No extensions of the expiration dates of Development Plans approved prior to March 1, 2003 (LDC effective date)* shall be granted by the Planning Commission. B. Permits 1. Building permits, site disturbance permits, and other permits issued prior to March 1, 2003 (LDC effective date)* shall continue to be valid for the period stated on the permit and/or as may be provided for by law applicable at the time of permit issuance; the activity authorized by such permit(s) shall be governed by the development code applicable at the time of permit issuance even if such permit authorizes activities that would not comply with this Land Development Code. 2. Building permits, site disturbance permits, and other permits requested on or after March 1, 2003 (LDC effective date)* shall be issued only if the proposed construction or site disturbance conforms with the provisions of this Land Development Code.
NOTES: The purpose of this change is to update outdated terminology.			

ISSUE #	LDC SECTION	CURRENT LDC TEXT	PROPOSED LDC TEXT
4	1.1.9.A	A. Applicability – The provisions of this section shall apply to: 1. Detailed District Development Plans 2. Conditional Use Permit Plans 3. Category Review Development Plans	A. Applicability – The provisions of this section shall apply to: 1. Detailed District Development Plans 2. Conditional Use Permit Plans 3. Category Review Development Plans **4. Preliminary Subdivision Plans**
NOTES: In August 2009 the approval period for Detailed District Development Plans, Conditional Use Permit Plans and Category Review Development Plans was changed from one year to two years. PDS staff feels that Preliminary Subdivision Plans should have been included in this list of various types of plans back in 2009. The LDC Committee during their Round One meetings as well as the Planning Commission during their 3/29/12 public hearing agreed with this assessment.			
11	1.2.2	Lot, Dual Frontage or Through -An interior lot having frontage on two parallel or approximately parallel streets.	Lot, Dual Frontage**, Double Frontage** or Through -An interior lot having frontage on two parallel or approximately parallel streets.
NOTES: The terms "Dual Frontage Lot" and "Double Frontage Lot" are used interchangeably throughout the LDC, but currently only "Dual Frontage Lot" is defined. Adding "Double Frontage Lot" to the current "Dual Frontage Lot" definition in Chapter 1 on the LDC resolves this issue.			
16	1.2.2	Church Building - Any building and the grounds of a building used by an association of persons for religious worship and associated buildings and grounds used for instruction regarding the tradition and tenets of a religious faith or for offices of persons engaged in the faith based activities of the religion or for social and recreational purposes or child care centers, or as a meeting hall. Such buildings and grounds may not also be used for retail sales or other merchandising purposes, except that such buildings and grounds may be used for church bazaars and suppers. No such building or portion of a building may be used primarily as a commercial theater, except that occasional plays or pageants for which a price of admission is charged may be held. Synagogues, temples and mosques are considered church buildings for purposes of this Land Development Code.	~~Church~~ **Religious** Building - Any building and the grounds of a building used by an association of persons for religious worship and associated buildings and grounds used for instruction regarding the tradition and tenets of a religious faith or for offices of persons engaged in the faith based activities of the religion or for social and recreational purposes or child care centers, or as a meeting hall. Such buildings and grounds may not also be used for retail sales or other merchandising purposes, except that such buildings and grounds may be used for ~~church~~ **religious** bazaars and suppers. No such building or portion of a building may be used primarily as a commercial theater, except that occasional plays or pageants for which a price of admission is charged may be held. **Churches,** synagogues, temples and mosques are considered ~~church~~ **religious** buildings for purposes of this Land Development Code.
NOTES: PDS staff and the LDC Committee felt that "Religious Building" is a more inclusive term that would include not only churches, but also synagogues, temples, mosques and the like.			

ISSUE #	LDC SECTION	CURRENT LDC TEXT	PROPOSED LDC TEXT
18	1.2.2	N/A	**Category 2A Review: A review that does not require approval from Planning & Design Services unless it is associated with some other type of review such as a waiver, variance, landscape plan etc. Refer to the Chapter 5 threshold tables to determine when this review is required and to determine which sections of Chapter 5 are applicable. Also, see Chapter 11 Part 6 for more requirements for this type of review.** **Category 2B Review: A review that requires approval from Planning & Design Services regarding compliance with the applicable form district design standards. Refer to the Chapter 5 threshold tables to determine when this review is required and to determine which sections of Chapter 5 are applicable. Also, see Chapter 11 Part 6 for more requirements for this type of review.** **Category 3 Review: A review required for non plan certain proposals that meet the size threshold for completing the Community Design Review Process, which is further outlined in Chapter 11 Part 6. Refer to the Chapter 5 threshold tables to determine when this review is required and to determine which sections of Chapter 5 are applicable.**
NOTES: Category 2A, 2B & 3 Development Plans were not defined in the LDC. These new definitions provide further clarification regarding these types of development plans.			

19	1.2.2	Veterinary Clinic - A service use primarily engaged in providing medical care for animals, operated by a licensed veterinarian, and not offering facilities for the overnight care of animals except in connection with medical treatment. Any use providing facilities for the overnight boarding of animals or providing outside pens shall be classified as a kennel.	Veterinary Clinic - A service use primarily engaged in providing medical care for animals, operated by a licensed veterinarian, and not offering facilities for the overnight care of animals except in connection with medical treatment. Any use providing facilities for the overnight boarding of animals or providing outside pens shall be classified as a kennel**, except when in connection with medical treatment of animals.**
NOTES: This additional text provides further clarification allowing veterinary clinics to keep animals overnight ONLY in connection with medical treatment, without requiring additional steps to be approved as a kennel.			

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

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

ISSUE #	LDC SECTION	CURRENT LDC TEXT	PROPOSED LDC TEXT
21	1.2.2	Move the following definitions from Chapter 4 to Chapter 1.	Direct Light, Fixture, Flood Light, Footcandle, Fully-Shielded Light Fixture (also known as Full-Cutoff), Glare, Height of Luminaire, Indirect Light, Lamp, Landscaping Lighting, Light Trespass, Lumen, Lumenaire, Outdoor Lighting, Sag-lens or Drop-lens, Shielded (also known as cutoff) Fixture, Spotlight, Temporary Outdoor Lighting, Uniformity Ratio, Marina and Boat Rental Commercial, Temporary Activities, Signature Entrance, Garage Sale, Home Occupation, Inactive Cemetery, Outdoor Sales and Display, Outdoor Storage, Screened from View, Land Disturbing Activity
21	1.2.2	Move the following definitions from Chapter 5 to Chapter 1.	Vision Clearance, Public Realm, Principal Structure Area, Private Yard Area, Verge, Grid Street Pattern, Eyebrow, Loop Lane
21	1.2.2	Move the following definitions from Chapter 7 to Chapter 1.	Active Recreation Area, Average Lot Size, Conservation Area, Conservation Subdivision, Existing Resources and Site Analysis Plan, Lane, Maximum Density, Minimum Required Conservation Area, Neighborhood Green, Passive Recreation Area, Preliminary Conservation Area Ownership and Management Plan, Primary Conservation Areas (PCA), Secondary Conservation Areas (SCA), Sketch Plan Overlay, Terminal Vista, Vegetative Cover
21	1.2.2	Move the following definitions from Chapter 8 to Chapter 1.	Area of Sign, Attached Sign, Awning, Canopy Building, Canopy Free-Standing, Canopy Sign, Changeable Copy Sign/Reader Board, Changing Image Sign, Columnar Sign, Commercial Message, Construction Sign, Directory Sign, Elevation, Façade, Freestanding Sign, Grade, Illegal Sign, Illuminated Sign, Incidental Sign, Marquee, Marquee Sign, Master Plan Project Identification Sign, Monument Style Sign, Non-conforming Sign, Off-premises Sign, On-premises Sign, Pole/Pylon Sign, Projecting Sign, Roof Sign, Shared On-premises Sign, Sign, Sign Plan, Significant Sign, Street Frontage, Structure, Subdivision Identification Sign, Temporary Sign, Video Display Method, Window
21	1.2.2	Move the following definition from Chapter 10 to Chapter 1.	Caliper
NOTES: Currently there are over 100 definitions scattered throughout the various chapters of the LDC. PDS staff and the LDC Committee felt it would be more appropriate for all of the definitions to be located in one place in the LDC, in Chapter 1.2.			

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

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

32A	2.6.1	The EZ-1 Enterprise Zone is intended as a specialized district for the location of commercial and industrial uses in areas designated as an enterprise zone by the appropriate legislative body.	~~The EZ-1 Enterprise Zone is intended as a specialized district for the location of commercial and industrial uses in areas designated as an enterprise zone by the appropriate legislative body.~~
NOTES: The EZ-1 zoning district exists today, but the designated enterprise zone areas do not function as they did when this zoning district was created some 25 years ago. Therefore, the elimination of this portion of the EZ-1 intent statement from the LDC is appropriate.			

ISSUE #	LDC SECTION	CURRENT LDC TEXT	PROPOSED LDC TEXT
33	Appendix 2B, Table 2.3.1	Offices - Professional or business offices	Offices - Professional ~~or business~~ offices
NOTES: Elimination of the term "business" will improve consistency of terminology throughout this section of the LDC. Appendix 2B is the Old Louisville/Limerick TNZD Plan Report.			

33A	Appendices 3A & 3B	Bardstown Road Overlay District and Downtown Overlay District are outdated. Replace with reference to website location for current documents.	**Appendix 3A: The current Bardstown Road/Baxter Avenue Corridor Review Overlay District regulations can be found at http://www.louisvilleky.gov/PlanningDesign/Bardstown+Road+Overlay+District.htm.** **Appendix 3B: The current Downtown Overlay District regulations can be found at http://www.louisvilleky.gov/PlanningDesign/Downtown+Development+Review+Overlay.htm**
NOTES: Current versions of Bardstown Road Overlay District and Downtown Overlay Districts requirements in LDC were discovered to be outdated. LDC Committee felt it would be appropriate to have a website link to the current versions of these documents rather than the entire documents in the LDC.			

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.~~c~~**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.			

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.			

ORDINANCE NO. 067, 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: 5.3.4.D.5, 5.3.5.C.4, 5.5.2.C.1, 5.5.2.C.2, 5.5.4.A.2, 10.2.16, 5.6.2.G.1, 5.8.1.B, APPENDIX 6A – 1.3.C.2.b, TABLE 8.3.2 (TNFD), 9.1.14.A, AND 9.1.13.B.1 (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

5-14-13
Approval Date

LOUISVILLE METRO COUNCIL
READ AND PASSED
May 9, 2013

APPROVED AS TO FORM AND LEGALITY:

Michael J. O'Connell
Jefferson County Attorney

BY: _____

PROPOSED LDC TEXT AMENDMENTS-ROUND ONE, PART THREE-CASE NO. 17064-UPDATED 4/8/13

ISSUE #	LDC SECTION	CURRENT LDC TEXT	PROPOSED LDC TEXT
71A	5.5.2.C.1 & 5.3.4.D.5	Text from 5.5.2.C.1 to be moved to 5.3.4.D.5	**Loading Areas - Loading areas shall not be located in the required front or street side setback.**
71A	5.5.2.C.2 & 5.3.5.C.4	Text from 5.5.2.C.2 to be moved to 5.3.5.C.4	**a) Parking Lot Location - Parking shall not be located in the required front, side or rear setbacks. No more than 50% of the required parking spaces shall be located between a building and the abutting primary street or private access easement that provides the principal means of access to parcels in major subdivisions.** **b) Loading docks are not permitted on primary facades.**
NOTES: PDS staff and the LDC Committee felt it would be more appropriate for these form district specific requirements to be located within their respective form district sections of the LDC, rather than where there are located now, which is grouped together with other general form district requirements.			

71B	5.5.4.A.2 & 10.2.16	Text from 5.5.4.A.2 should also be listed under 10.2.16	**In the Town Center Form District perimeter masonry walls or a combination of masonry wall and landscaping between residential uses may be substituted for the required property perimeter buffer yard to promote a more compact pattern of development.**
NOTES: Since this is a requirement related to landscaping with the Town Center Form District, PDS staff and the LDC Committee felt it would be appropriate for this requirement to be listed in both Chapter 5 and Chapter 10.			

71C	5.6.2.G.1	Parking structures shall adhere to all building location and design standards set forth in Sections 5.2.9 and 5.2.11 of these regulations.	Parking structures shall adhere to all building location and design standards set forth in Sections 5.2.~~9~~**1** and 5.~~2.11~~**6.2** of these regulations.
NOTES: This amendment corrects a numbering error.			

75	5.8.1.B	The minimum sidewalk width shall be four (4) feet for local level roads, five (5) feet for collector and arterial level roadways.	The minimum sidewalk width shall be four (4) feet for local level roads, five (5) feet for collector and arterial level roadways **and six (6) feet along the back of vertical curb where no verge exists**.
NOTES: This amendment is codifying an existing Metro Public Works (Transportation Planning) policy that is already being implemented during development plan reviews. On collector or arterial level roadways where no verge (grass strip between roadway and sidewalk) exists, the sidewalk width requirement will be 6 feet.			

79	Appendix 6A - 1.3.C.2.b	A joint use driveway will be established wherever feasible, to serve two abutting building sites, with cross-access easements provided in accordance with Section);	A joint use driveway will be established wherever feasible, to serve two abutting building sites, with cross-access easements provided in accordance with Section)~~;~~**1.5.**
NOTES: This amendment corrects a numbering error.			

ISSUE #	LDC SECTION	CURRENT LDC TEXT	PROPOSED LDC TEXT
88A	Table 8.3.2 (TNFD)	Add the following text to TNFD signage chart.	***See TNZD Plan Report in Chapter 2 for additional signage requirements for properties located in a (TNZD) Traditional Neighborhood Zoning District.**
NOTES: This amendment within Chapter 8 alerts the reader of additional signage requirements in Chapter 2 for the Old Louisville/Limerick Traditional Neighborhood Zoning District.			
89	9.1.14.A (chart)	Use: Bank Teller Lane, Laundromats/Dry Cleaners, Drug Store, Ice Cream Parlor, Drive Through Lane Minimum Spaces: 3 per lane Measured From: Teller or Window	Use: Bank Teller Lane, Laundromats/Dry Cleaners, Drug Store, Ice Cream Parlor**, Liquor Store, and all other** drive through lane**s not specifically listed** Minimum Spaces: 3 per lane Measured From: Teller or Window
NOTES: This amendment adds two land use listings to the drive through queuing requirements: liquor store and other uses not specifically listed.			
90	9.1.13.B.1	The dimensions of off-street parking spaces and associated drive aisles shall be determined by applying the minimum dimensional requirements found within Table 9.1.3. The width of compact vehicle spaces shall be at least eight (8) feet. The width of motorcycle spaces shall be at least five (5) feet.	The dimensions of off-street parking spaces and associated drive aisles shall be determined by applying the minimum dimensional requirements found within Table 9.1.3. The width of compact vehicle spaces shall be at least eight (8) feet **and the recommended length is 14' to 16'. The recommended aisle width for compact space parking areas is 20'.** The width of motorcycle spaces shall be at least five (5) feet.
NOTES: This amendment was suggested by staff of Transportation Planning (Public Works) since there currently is a required width for compact vehicle spaces within the LDC, but no reference to compact space length or aisle width for compact parking areas.			

ORDINANCE NO. 130, SERIES 2013

AN ORDINANCE AMENDING THE FOLLOWING PROVISIONS OF THE LAND DEVELOPMENT CODE AS PART OF A CONTINUING EFFORT TO UPDATE THE ZONING REGULATIONS FOR LOUISVILLE METRO: 1.2.2, 4.4.9, 5.5.1.A.4.a, 5.5.2.B.2, 5.5.5, 10.2.6, 9.1.2, 9.1.17.A.5, 9.1.17.B, 9.1.17.B.2.b, 9.1.18.B.2, Appendix 9A, 11.1.2.B.2.d, 11.4.3, 11.4.7.E.1, 11.6.5, 11.8.8 and Appendix 11A. (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

7/30/13
Approval Date

APPROVED AS TO FORM AND LEGALITY:

Michael J. O'Connell
Jefferson County Attorney

BY:

LOUISVILLE METRO COUNCIL
READ AND PASSED
July 25, 2013

ISSUE #	LDC SECTION	CURRENT LDC TEXT	PROPOSED LDC TEXT
12	1.2.2	N/A	**Refuse Disposal Container – A container used for the temporary storage of trash or recyclable material pending collection. The term refuse disposal container, and the associated Land Development Code regulations pertaining to it, is intended to apply to dumpsters used on a long-term basis by businesses such as restaurants, retail centers, office buildings, etc. The use of temporary, portable trash or debris receptacles or containers on a short-term basis for uses such as construction, renovation, etc. shall not be considered refuse disposal containers and shall not be subject to associated screening requirements contained within the Land Development Code. For location and screening requirements for refuse disposal containers see Section 4.4.9 as well as these additional applicable sections of this code: 5.5.1.A.4.a; 5.5.2.B.2; 5.5.5.A & B; 10.2.6.** Also, add the following to definition section: **Dumpster – See Refuse Disposal Container.**
12	4.4.9	A. No refuse container shall be located in any required vehicular use area, or in any required buffer or landscape area. B. When located on a non-residentially used parcel adjoining a residential use, refuse containers shall be opaquely screened from view from public streets and adjacent properties to a height of at least 6 feet, or 6 inches higher than the height of the container (whichever is higher). This screening may be achieved by walls, landscaping or buffer yards, or by virtue of the location of the container on the building site.	A. No refuse **disposal** container shall be located in any required vehicular use area, **required setback area** or in any required buffer or landscape area. B. ~~When located on a non-residentially used parcel adjoining a residential use, r~~ **Refuse disposal** containers shall be opaquely screened from view from public streets and adjacent properties ~~to a height of at least 6 feet, or 6 inches higher than the height of the container (whichever is higher). This screening may be achieved by walls, landscaping or buffer yards, or by virtue of the location of the container on the building site.~~ **The mature height of the screening material shall be one foot greater than the height of the enclosed refuse disposal container, but shall not be required to exceed eight (8) feet in height. Screening shall consist of a continuous fence, a wall constructed of the same building materials as the principal structure, berm or combination thereof designed to blend in with the architecture or character of the area.** **C. The screening of refuse disposal containers located in the Downtown Form District shall be designed and constructed of the same materials as the primary structure. See Section 5.5.5.B.1.** **D. The following Land Development Code sections related to refuse disposal containers may also be applicable: 5.5.1.A.4.a; 5.5.2.B.2; 5.5.5.A & B; 10.2.6.**
12	5.5.1.A.4.a	a: Loading Areas. Off-street loading and refuse collection areas shall be located and screened so as not to be visible from adjacent public streets and from residential uses.	a: Loading Areas. Off-street loading and refuse collection areas shall be located and screened so as not to be visible from adjacent public streets and from residential uses. **See Section 4.4.9 for refuse disposal container location and screening requirements.**

12	5.5.2.B.2	2. Loading Areas – Off-street loading and refuse collection areas shall be located and screened so as not to be visible from adjacent public streets and residential uses. Screening may be accomplished through use of a fence with landscaping that at maturity will equal the height of the fence, or a wall constructed of the same building materials as the principal structure.	2. Loading Areas – Off-street loading and refuse collection areas shall be located and screened so as not to be visible from adjacent public streets and residential uses. ~~Screening may be accomplished through use of a fence with landscaping that at maturity will equal the height of the fence, or a wall constructed of the same building materials as the principal structure.~~ **See Section 4.4.9 for refuse disposal container location and screening requirements.**
12	5.5.5	A. Standards for Accessory Structures (other than accessory structures to single-family residential development) 1. Accessory structures (e.g. dumpsters, storage buildings, HVAC equipment, fast food ordering stations/menu boards and similar uses) shall not be constructed or permitted within any required setback/yard. These structures shall be subordinate in size to the principal structure, shall not be visible from the public street, and shall be screened from adjacent residential areas by fencing or walls. When accessory structures are adjacent to residential uses, the accessory structure shall not exceed the scale of the adjacent residential structure(s). Open unenclosed seating, decks or other similar types of areas are permitted to encroach within the required front setback/yard, provided that minimum landscape buffer areas are provided per Chapter 10 Part 2. 2. Setback from Alley or Rear Property Line – The setback shall be the same as for the required landscape buffer area or transition setback/yard if applicable, whichever is greater. B. Form District Specific Requirements 1. Downtown Form District – Accessory structures/screens shall be designed and constructed of the same materials as the primary structure. Accessory structures shall only be permitted at the rear of a principal structure.	A. Standards for Accessory Structures (other than accessory structures to single-family residential development) 1. Accessory structures (e.g. dumpsters, storage buildings, HVAC equipment, fast food ordering stations/menu boards and similar uses) shall not be constructed or permitted within any required setback/yard. These structures shall be subordinate in size to the principal structure, shall not be visible from the public street, and shall be screened from adjacent residential areas by fencing or walls. When accessory structures are adjacent to residential uses, the accessory structure shall not exceed the scale of the adjacent residential structure(s). Open unenclosed seating, decks or other similar types of areas are permitted to encroach within the required front setback/yard, provided that minimum landscape buffer areas are provided per Chapter 10 Part 2. 2. Setback from Alley or Rear Property Line – The setback shall be the same as for the required landscape buffer area or transition setback/yard if applicable, whichever is greater. **3. See Section 4.4.9 for refuse disposal container location and screening requirements.** B. Form District Specific Requirements 1. Downtown Form District – Accessory structures/screens shall be designed and constructed of the same materials as the primary structure. Accessory structures shall only be permitted at the rear of a principal structure. **See Section 4.4.9 for refuse disposal container location and screening requirements.**

12	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.	Other Uses And Structures Requiring Screening Screening shall be provided around all service structures (e.g., propane tanks, **refuse disposal containers or** 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. **See Section 4.4.9 for refuse disposal container location and screening requirements.**
NOTES: PDS and the LDC Committee noticed that there were conflicts between various sections of the LDC with regard to how dumpsters (refuse disposal containers) were regulated. The preceding six proposed text amendments will create better consistency and further clarification of this topic throughout the LDC.			

91	9.1.2	The requirements of this Part shall apply to all parking and loading areas in all Form Districts, whether required by this Land Development Code or created for the convenience of property owners or users. No certificate of occupancy shall be provided unless and until the appropriate motor vehicle parking and loading facilities are provided in compliance with this Part.	The requirements of this Part shall apply to all parking and loading areas in all Form Districts, whether required by this Land Development Code or created for the convenience of property owners or users. No certificate of occupancy shall be provided unless and until the appropriate motor vehicle parking and loading facilities are provided in compliance with this Part. **All ADA parking spaces provided must meet ADA requirements in effect at time of construction approval.**
NOTES: This amendment adds a statement reminding the reader of the ADA parking requirements.			

ISSUE #	LDC SECTION	CURRENT LDC TEXT	PROPOSED LDC TEXT
92	9.1.17.A.5	The Planning Director, upon consultation with the Director of Works and the agency responsible for approval of off-street parking facilities, requests a Parking Study due to unusual circumstances on or near the site.	The ~~Planning Director~~ **Public Works Director or designee**, upon consultation with the ~~Director of Works~~ **Planning Director or designee** and the agency responsible for approval of off-street parking facilities, requests a Parking Study due to unusual circumstances on or near the site.
92	9.1.17.B	Content. A Parking Study submitted to satisfy the requirements of this Part shall include the following information based upon the reason the Parking Study is required. The Planning Director, upon consultation with the Director of Works and the agency responsible for approval of off-street parking facilities, may waive any of these required contents or require additional information depending upon the specifics of the application. The Parking Study shall be reviewed by, and must be acceptable to, the Planning Director, upon consultation with the Director of Works and the agency responsible for approval of off-street parking facilities.	Content. A Parking Study submitted to satisfy the requirements of this Part shall include the following information based upon the reason the Parking Study is required. The ~~Planning Director~~ **Public Works Director or designee**, upon consultation with the ~~Director of Works~~ **Planning Director or designee** and the agency responsible for approval of off-street parking facilities, may waive any of these required contents or require additional information depending upon the specifics of the application. The Parking Study shall be reviewed by, and must be acceptable to, the ~~Planning Director~~ **Public Works Director or designee**, upon consultation with the ~~Director of Works~~ **Planning Director or designee** and the agency responsible for approval of off-street parking facilities.
NOTES: These amendments are related to situations when a parking study is required in conjunction with a parking waiver request. These amendments change the text to require the Public Works Director or designee, in consultation with the Planning Director or designee, to determine when the requirements of a parking study have been met. Currently the Planning Director is listed first, then the Public Works Director.			

92A	9.1.17.B.2.b	The results of at least three separate site surveys, conducted on different days, that depict the usage of the existing parking spaces hourly during the peak hour of usage and hourly four hours before and after that time for a similar or like facility. Site surveys are not needed for any portion of the period four hours before and after the peak hour in which the use is not in operation. One of the days surveyed should be the peak day or busiest day of operation, if one can be determined for the specific use(s); and	The results of at least three separate site surveys, conducted on different days, that depict the usage of the existing parking spaces hourly during the peak hour of usage and hourly four hours before and after that time ~~for a similar or like facility~~. Site surveys are not needed for any portion of the period four hours before and after the peak hour in which the use is not in operation. One of the days surveyed should be the peak day or busiest day of operation, if one can be determined for the specific use(s); and
NOTES: This amendment corrects a grammatical error.			

ISSUE #	LDC SECTION	CURRENT LDC TEXT	PROPOSED LDC TEXT
93	9.1.18.B.2	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 Director of Works, upon consultation with the agency responsible for approval of off-street parking facilities, shall 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.	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 Director of Works, upon consultation with the agency responsible for approval of off-street parking facilities, shall 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. **Peak hour restrictions and a license agreement for on-street loading/maneuvering areas may be required by Metro Public Works.**
NOTES: This amendment was suggested by the staff of Transportation Planning (Public Works) to alert the reader that a license agreement may be required in certain situations for on-street loading and maneuvering areas.			

95	Appendix 9A	Bicycle Parking Design Manual, 2002 version	**The current Bicycle Parking Design Manual can be found at http://www.louisvilleky.gov/PublicWorks/Engineering/ and http://www.louisvilleky.gov/BikeLouisville/bikefriendly/2010bikemasterplan.htm**
NOTES: PDS staff and the LDC Committee feel it is more appropriate to provide a link to the website location where the most current version of the Bicycle Parking Design Manual is located, rather than the entire document which may change periodically.			

104B	11.1.2.B.2.d	Jefferson County Environmental Health and Protection	~~Jefferson County Environmental Health and Protection~~ **Louisville Metro Public Health & Wellness**
NOTES: The purpose of this change is to update outdated terminology.			

ISSUE #	LDC SECTION	CURRENT LDC TEXT	PROPOSED LDC TEXT
104D	11.4.3	**Neighborhood Meeting Requirement** Prior to filing a change in zoning request and after the pre-application conference (if one was conducted) a letter shall be sent from the developer/owner stating that a pre-application has been filed with PDS and announcing a public meeting held by developer/owner to discuss the proposed project. The letter shall be mailed no less than 10 days prior to the neighborhood meeting. The letter shall be sent to: • 1st and 2nd tier property owners, • neighborhood groups who have registered with PDS to receive notice of development actions, • 2nd through 6th class city if the development is located within such a municipality, • Metro Council district representative; and • PDS staff. The neighborhood meeting shall be held no less than seven (7) days and no more than 90 days prior to the filing of an application. At time of filing a change in zoning request, the applicant shall provide a summary of a public meeting between the applicant and the parties listed above. The summary shall include a list of those invited, those in attendance and a summary of the issues discussed.	**Neighborhood Meeting Requirement** Prior to filing a change in zoning request and after the pre-application conference (if one was conducted) a letter shall be sent from the developer/owner stating that a pre-application has been filed with PDS and announcing a public meeting held by developer/owner to discuss the proposed project. **The neighborhood meeting shall not occur before 6:00 PM.** The letter shall be mailed no less than 10 days prior to the neighborhood meeting. The letter shall be sent to: • 1st and 2nd tier property owners, • neighborhood groups who have registered with PDS to receive notice of development actions, • 2nd through 6th class city if the development is located within such a municipality, • Metro Council district representative; and • PDS staff. The neighborhood meeting shall be held ~~no less than seven (7) days and~~ no more than 90 days prior to the filing of an application. At time of filing a change in zoning request, the applicant shall provide a summary of a public meeting between the applicant and the parties listed above. The summary shall include a list of those invited, those in attendance and a summary of the issues discussed.
NOTES: Applicants of Change in Zoning, Conditional Use Permits and Major Subdivision Plan applications are required to wait at least seven days after their required neighborhood meeting to file their formal application. PDS staff and the LDC Committee do not believe this waiting period is beneficial to any party involved, therefore in order to shorten the review process by one week the Committee proposes to eliminate the seven day waiting period to file applications. Also, being added is a requirement that the neighborhood meeting must occur after 6:00 PM.			

105	11.4.7.E.1	Review of amendments to binding elements shall follow Category 3 Review Procedures (Section 11.6.6), except notice also shall be given to those who spoke at a Planning Commission public hearing.	Review of amendments to binding elements shall follow Category 3 Review Procedures (Section 11.6.~~6~~4), except notice also shall be given to those who spoke at a Planning Commission public hearing.
NOTES: This amendment corrects a numbering error.			

105A	11.6.5	Note: See Section 11.4.6 Plan Certain Development.	Note: See Section 11.4.~~6~~7 Plan Certain Development.
NOTES: This amendment corrects a numbering error.			

ISSUE #	LDC SECTION	CURRENT LDC TEXT	PROPOSED LDC TEXT
105B	11.8.8	N/A	**11.8.8 Designation to Planning Director** **In the event of a direct conflict between two requirements in the Land Development Code, the Planning Director shall have the authority to resolve the conflict by waiving one of the requirements or a portion thereof, provided such action does not create additional conflicts with: other Land Development Code requirements; policies of the Cornerstone 2020 Comprehensive Plan, or ;applicable sections of the Kentucky Revised Statutes. The Planning Director shall provide information, including any facts or other details used to justify their decision, ~~regarding these decisions~~ to the appropriate body (i.e.-Planning Commission or one of its sub-committees, Board of Zoning Adjustments).**
NOTES: PDS staff and the LDC Committee felt it would be appropriate to add language to the LDC that, in the event of a direct conflict between two requirements, would give the Planning Director the authority to waive one of the requirements, rather than require the applicant to choose which requirement to comply with and which one to complete the waiver process for. The Planning Commission requested that the Planning Director provide them with information anytime a decision such as this is made.			

106	Appendix 11A (third paragraph)	LDC Section 11.8.1 GeneralThe Planning Commission may modify, reduce or waive those standards...	LDC Section 11.8.1 ~~General~~The Planning Commission may modify, reduce or waive those standards...
NOTES: This amendment corrects a grammatical error.			

ORDINANCE NO. 134, SERIES 2013

AN ORDINANCE AMENDING THE FOLLOWING PROVISIONS OF THE LAND DEVELOPMENT CODE AS PART OF A CONTINUING EFFORT TO UPDATE THE ZONING REGULATIONS FOR LOUISVILLE METRO: 1.2.2, 4.8.5.B.2, 6.1.1, 6.1.2, 6.2.7.A, 6.2.8 Illustrations #3, 6.2.8 Illustrations #5, Chapter 10 Part 2 Intent language, 10.2.4.A, 10.2.8.A, 10.2.11, 10.2.12, 10.3.7.A.1.12, 10.4.1, 10.4.2, 10.4.3, 10.4.4, 10.4.13, 10.5.2 and Appendix 10A. (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

8/9/13
Approval Date

APPROVED AS TO FORM AND LEGALITY:

Michael J. O'Connell
Jefferson County Attorney

BY:

LOUISVILLE METRO COUNCIL
READ AND PASSED
August 8, 2013

ISSUE #	LDC SECTION	CURRENT LDC TEXT	PROPOSED LDC TEXT

Green Management Practices (GMP) - MSD and PDS are promoting the use of various green infrastructure building and site construction techniques. Multiple Green Management Practices related definitions and intent statements are included in this set of Round One LDC text amendments. Additional discussions regarding proposed Green Management Practices options and incentives will be discussed in the Round Two portion of the LDC Committee meetings. MSD and their consultant have spent a significant amount of time and energy working on this project. GMP related text amendments are listed below.

111	1.2.2	New definition to promote the Green Management Practices concept.	Best Management Practice (BMP) - A BMP is a technique, process, activity, or structure used to reduce volume and/or the content of a pollutant of concern from a stormwater discharge to the maximum extent practical (MEP). BMP's include simple nonstructural methods, such as good housekeeping and preventative maintenance. BMP's may also include structural modifications, such as the installation of bioretention measures.
111	1.2.2	New definition to promote the Green Management Practices concept.	Bio Retention - A form of retention used to treat a portion of the stormwater volume through the use of soil and vegetation. Reduces total volume and pollutant loading of stormwater runoff and increases infiltration and groundwater recharge.
111	1.2.2	New definition to promote the Green Management Practices concept.	Constructed Wetlands - Incorporate marshy and pool areas to treat and temporarily store stormwater runoff.
111	1.2.2	New definition to promote the Green Management Practices concept.	Green Infrastructure - An adaptable term used to describe an array of materials, technologies and practices that use natural systems - or engineered systems that mimic natural processes - to enhance overall environmental quality and provide utility services; also referred to as Green Management Practices (GMP).
111	1.2.2	New definition to promote the Green Management Practices concept.	Green Management Practice (GMPs) - Also referred to as Green Infrastructure -As a general principal, Green Infrastructure are BMP techniques that use soil and vegetation to infiltrate, evapotranspirate, treat and/or recycle stormwater runoff. Examples of GMPs are green roofs, porous pavement, rain gardens, vegetated swales, constructed wetlands. These systems are planned, designed and managed to mimic natural systems.
111	1.2.2	New definition to promote the Green Management Practices concept.	Green Streets - A street designed to integrate a system of GMPs within its right of way, reduce the amount of water that is piped directly to streams and rivers, be a visible component of a system of green infrastructure that is incorporated into the aesthetics of the community, make the best use of the street tree canopy for stormwater interception as well as temperature mitigation and air quality improvement, ensure the street has the least impact on its surroundings, particularly at locations where it crosses a stream or other sensitive area.

111	1.2.2	New definition to promote the Green Management Practices concept.	**Green Alleys - Alleys which reduce, capture, infiltrate, and treat stormwater runoff from the alley and adjacent properties through various GMPs such as pervious pavement, porous asphalt and permeable pavers combined with rain gardens, bioswales and tree boxes with curb cuts.**
111	1.2.2	New definition to promote the Green Management Practices concept.	**Green Intersections - Street intersections which reduce, capture, infiltrate and treat stormwater runoff from the street and adjacent properties in medium and high density residential and commercial areas; through various GMPs, such as pervious pavement, porous asphalt and permeable pavers combined with tree boxes, rain gardens and tree boxes with curb cuts.**
111	1.2.2	New definition to promote the Green Management Practices concept.	**High Quality Waters (HQW) - Any Waters of the Commonwealth which have been assessed and designated by the Kentucky Division of Water in the most recent 305(b) biannual report to Congress.**
111	1.2.2	New definition to promote the Green Management Practices concept.	**Municipal Separate Storm Sewer Systems (MS4) - Is a conveyance or system of conveyances that is owned and maintained by a public entity that discharges to waters of the United States or Commonwealth, which is designed to collect or convey stormwater (including storm drains, pipes, ditches etc.), which is not located in a combined sewer system.**
111	1.2.2	New definition to promote the Green Management Practices concept.	**Maximum Extent Practicable (MEP) - Is the control standard for discharges from the Municipal Separate Storm Sewer Systems established by 40 CFR 122.34.**
111	1.2.2	Amendment to existing LDC definition to promote the Green Management Practices concept.	Protected Waterway - a. 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; b. Wetlands greater than 0.1 acre and subject to federal jurisdiction of the U. S. Environmental Protection Agency and the Army Corps of Engineers; c. Lakes with a permanent pool elevation greater than 3 acres in size if they constitute "waters of the Commonwealth" as defined in KRS 224; and d. 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), by resolution of the Planning Commission **or designated by the Kentucky Division of Water.** 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.

111	1.2.2	New definition to promote the Green Management Practices concept.	**Pollutant of Concern (POC) - A substance as identified by the Kentucky Division of Water in the 305b report or 303(d) list that may reasonably be expected to affect the designated use of a receiving water.**
111	1.2.2	New definition to promote the Green Management Practices concept.	**Stormwater Management - The mechanisms employed to collect and convey stormwater which includes but are not limited to the use of water retention facilities, to provide controlled release into receiving streams.**
111	4.8.5.B.2	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.	2. Federal Approvals Prerequisite to ~~County~~ **Louisville Metro or Local Regulatory Agency** Approval. The ~~County~~ **MSD** 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.
111	6.1.1	The intent of this section is to manage vehicular access to land development, while preserving traffic flow in terms of safety, capacity, and speed. The site access approval procedures established herein are intended to balance the right of reasonable access to private property with the right of the citizens of Louisville and Jefferson County to safe and efficient travel. These regulations are intended to implement the Mobility Goals and Objectives of Cornerstone 2020, and Guideline 7 of the Plan Elements.	The intent of this section is to manage vehicular access to land development, while preserving traffic flow in terms of safety, capacity, and speed **and to promote green management practices (GMP) within the context of stormwater management techniques and reduction of impervious materials.** The site access approval procedures established herein are intended to balance the right of reasonable access to private property with the right of the citizens of Louisville **Metro** ~~and Jefferson County~~ to safe and efficient travel. These regulations are intended to implement the Mobility Goals and Objectives of Cornerstone 2020, and Guideline 7 of the Plan Elements.
111	6.1.2	Construction of curb cuts or access to a public right-of-way serving any new development shall occur only after review of plans and receipt of the necessary permits from the Director of Works or the Kentucky Transportation Cabinet. All new development shall be reviewed for compliance with the Access Management Design Manual. The Director of Works may approve deviations from the Design Manual when site conditions prevent adherence to the manual, based on a determination that the deviation is in accordance with AASHTO standards and will not create a public safety hazard. Deviations from portions of the Design Manual relating to joint access and connections between adjacent uses may be approved if the Director of Works and the Planning Director jointly determine such deviations are consistent with public safety, the form district standards and the intent of the Comprehensive Plan.	Construction of curb cuts or access to a public right-of-way serving any new development shall occur only after review of plans and receipt of the necessary permits from the Director of Works or the Kentucky Transportation Cabinet. All new development shall be reviewed for compliance with the Access Management Design Manual. The Director of Works may approve deviations from the Design Manual when site conditions prevent adherence to the manual, **or if GMPs are proposed**, based on a determination that the deviation is in accordance with AASHTO standards and will not create a public safety hazard. Deviations from portions of the Design Manual relating to joint access and connections between adjacent uses may be approved if the Director of Works and the Planning Director jointly determine such deviations are consistent with public safety, the form district standards and the intent of the Comprehensive Plan. **Proposed GMPs within the public right-of-way are subject to approval by the Department of Public Works, MSD and Kentucky Transportation Cabinet, as required.**

111	6.2.7.A	Materials -The engineer shall be guided by sound engineering practices in the selection of materials for street construction and other physical improvement. Wearing surfaces shall be limited to high-type asphalt or Portland cement concrete. Base courses may be of, but not limited to, the following; Portland cement concrete, hot mixed asphalt concrete, crushed limestone, stabilization of acceptable soils with soil-cement, asphalt, lime or other recognized material or combinations thereof. Sub-base stabilization with recognized materials may also be used.	Materials -The engineer shall be guided by sound engineering practices in the selection of materials for street construction and other physical improvement. Wearing surfaces shall be limited to high-type asphalt or Portland cement concrete. Base courses may be of, but not limited to, the following; Portland cement concrete, hot mixed asphalt concrete, crushed limestone, stabilization of acceptable soils with soil-cement, asphalt, lime or other recognized material or combinations thereof. Sub-base stabilization with recognized materials may also be used. **If a pervious pavement system is proposed, the materials are to be approved by the Department of Public of Works and MSD.**
111	6.2.8 Illustrations #3	Type, size and location of landscaping within the right-of-way must be in accordance with the requirements of the entity responsible for the right-of-way. Street trees shall be placed in accordance with requirements of the agency having jurisdiction over the roadway and applicable form district standards. Ground cover and low growing vegetation (two feet maximum height) compatible with utility line maintenance are recommended for the verge.	Type, size and location of landscaping within the right-of-way must be in accordance with the requirements of the entity responsible for the right-of-way. Street trees shall be placed in accordance with requirements of the agency having jurisdiction over the roadway and applicable form district standards. Ground cover and low growing vegetation (two feet maximum height) compatible with utility line maintenance are recommended for the verge. **If a green street design is proposed, refer to Chapter 13: Native Revegetation from the MSD Design Manual (a link to document found in Appendix 10A) for required plantings and exemptions from street trees.**
111	6.2.8 Illustrations #5	New text referring to Green Management Practices.	**All vegetated verges, median and swales shown in the illustrations may be depressed, with slopes no greater than 4:1 and planted in such a fashion that promotes the infiltration of stormwater as set forth in Chapter 10 of the LDC and Chapter 18 of the MSD Design Manual, allowable plantings can be found in Chapter 13: Native Revegetation of the MSD Design Manual (a link to the document found in Appendix 10A). In no case shall the plantings impair the vision of automobile traffic, causing an unsafe condition.**
111	Ch 10 Part 2, Intent paragraph E	New intent statement in landscaping chapter regarding Green Management Practices	**E. Reducing the total volume or stormwater pollutants entering streams and stormwater runoff entering the sewer system thus lessening impact to streams and waterways and maintain pre-development hydrology per MSD standards.**
111	10.2.4.A	New language in Chapter 10 referring to how using Green Management Practices can impact landscape buffer area requirements.	**These requirements may be modified as long as the area within the property perimeter landscape buffer contains an MSD approved Green Management Practice (GMP) . In such a case, refer to Chapter 13: Native Revegetation in the MSD Design Manual (a link to document found in Appendix 10A) for planting requirements. These modifications shall be approved by Planning Commission staff Landscape Architect.**

111	10.2.8.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.	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. **In the event that an MSD approved Green Management Practice (GMP) is being proposed within the right of way or along the edge of the property, the street tree(s) shall be chosen from Chapter 13: Native Revegetation from the MSD Design Manual (a link to document found in Appendix 10A).**
111	10.2.11	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.	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. **Note: If VUA LBA area contains a GMP, then plant materials found in Chapter 13: Native Revegetation of the MSD Design Manual (a link to document found in Appendix 10A) are to be used and at least a 3 foot minimum continuous screen is required.**

111	10.2.12	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.	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 **and to provide the opportunity to capture parking lot stormwater runoff, thus increasing water quality and retaining greater amounts of storm water on site through infiltration.** 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.
111	10.3.7.A.1.12	New reference in Gene Snyder Freeway requirements to Green Management Practices concept.	**In the event that the GMP is utilized within the Gene Snyder Freeway Buffer, the trees may be selected from Chapter 13: Native Revegetation from the MSD Design Manual (a link to document found in Appendix 10A).**
111	10.4.1	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.	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. **For areas where bio-retention or constructed wetlands are proposed, plants must be chosen from Chapter 13: Native Revegetation from the MSD Design Manual (a link to document found in Appendix 10A) except as indicated in Part 3 of this Chapter.**
111	10.4.1	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)	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); **25% maximum of any single species within bio-retention, wetlands or other GMP planting areas provided the area is over 200 s.f.**
111	10.4.2	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.	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, groundcovers **and bio-retention plants** shall be prohibited.

111	10.4.3	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.	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; **Shrubs within GMP planting area - 18 inches high.** 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; **Bio-retention area tree found in Ch. 13 of MSD Design Manual but not in Appendix 10A preferred plant list - 1 inch caliper**
111	10.4.4	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.	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. **When GMP planting areas are used within perimeter buffer area, the screening intent of this part should still be met.**
111	10.4.13	New reference in tree preservation maintenance section to Green Management Practices.	**E. In addition to these maintenance requirements, area designated as bio-retention or other MSD approved GMP planting areas shall be per MSD requirements.**
111	10.4.13	New reference in tree preservation maintenance section to Green Management Practices.	**F. Replacement requirements and standards of plant material in areas defined as bio-retention or other MSD approved GMP plant areas shall be per MSD maintenance standards.**
111	10.5.2	The following are examples of open space consistent with this type. 1. Woodland conservation/ protection areas. 2. Areas managed for the protection of habitat, native vegetation and/or threatened or endangered species (e.g. nature preserves) 3. Jurisdictional and non-jurisdictional wetlands 4. Designated greenways 5. Stormwater detention and retention basins 6. Regulatory floodplains and conveyance zones 7. Required stream buffers located outside the regulatory floodplain and conveyance zone 8. Lands with slopes over 20% 9. Area with karst (sinkhole geology) 10. Lands with unstable soils	The following are examples of open space consistent with this type. 1. Woodland conservation/ protection areas. 2. Areas managed for the protection of habitat, native vegetation and/or threatened or endangered species (e.g. nature preserves) 3. Jurisdictional and non-jurisdictional wetlands **(existing or constructed)** 4. Designated greenways 5. Stormwater detention and retention basins 6. Regulatory floodplains and conveyance zones 7. Required stream buffers located outside the regulatory floodplain and conveyance zone 8. Lands with slopes over 20% 9. Area with karst (sinkhole geology) 10. Lands with unstable soils **11. Bio-retention and other MSD approved Green Management Practice (GMP) planting areas.**
111	Appendix 10A	The following reference to the online location of the MSD Green Infrastructure Manual will be added to Appendix 10A.	**For those utilizing the Green Management Practices options found within Chapter 10, further information regarding appropriate plant options can be found in Chapter 13: Native Revegetation from the MSD Design Manual. Navigate to this web link to view the document: http://www.louisvilleky.gov/NR/rdonlyres/2D345FA1-F5F8-467E-903C-97C50C0DE1A5/0/GreenInfrastructureManualpost3612.pdf**

NOTES: MSD and PDS are promoting the use of various green infrastructure building and site construction techniques. Multiple Green Management Practices related definitions and intent statements are included in this set of Round One LDC text amendments. Additional discussions regarding proposed Green Management Practices options and incentives will be discussed in the Round Two portion of the LDC Committee meetings.