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Part 1 Introduction

1.1.1 Title

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

1.1.2 Planning Unit Defined

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 be a part of said Planning Unit. All cities of the first through fourth classes 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.

1.1.3 Relationship to the Comprehensive Plan

The regulations and requirements herein set forth have been established in accordance with a comprehensive plan with reasonable consideration, among other things, to the prevailing land uses, growth characteristics and the character of the respective districts and their peculiar suitability for particular uses and to encourage the most appropriate use of land throughout the planning unit. Specifically, this Code provides regulations to implement applicable goals, objectives, guidelines and policies of the adopted Comprehensive Plan. References to the individual goals, objectives, guidelines and policies are contained in the various Chapters of this Code.

1.1.4 Legislative Authority

The legislative authority for the zoning and subdivision regulations of this Land Development Code is KRS Chapter 100 which provides the authority to counties, cities, and consolidated local governments to establish, coordinate and enforce zoning, subdivision and other regulations associated with the use, design, operation and impact of land use activities. Appendices to this Code contain ordinances adopted pursuant to statutory authority other than KRS Chapter 100; they are included herein for the user’s convenience.

1.1.5 Legislative Purpose and Intent

The provisions of this Code are intended to be the minimum requirements to promote the public health, safety, comfort, good order, appearance, morals and general welfare; to conserve the taxable value of land and buildings and to protect the character and maintain the stability of residential, business and industrial areas within the planning unit and to promote the orderly and beneficial development of such areas.

Among other purposes, this Code is intended to provide adequate light, air, privacy and convenience of access to property; to avoid undue concentration of population by regulating and limiting the height and bulk of buildings; to regulate the size and open spaces surrounding buildings; to establish building lines; to divide the planning unit into use districts restricting and regulating therein the construction, reconstruction, alteration and use of buildings, structures and land for residence, business, industrial and other specified uses; to divide the planning unit into form districts to ensure appropriate site and community design to protect the character of neighborhoods and shopping areas and ensure compatible development; to limit congestion in the public streets by providing off-street parking of motor vehicles; to preserve the natural environment, the value of land, buildings and structures; to facilitate adequate provision for traffic, transportation, water, sewerage, schools, parks and other public requirements; and to define the powers and duties of the administrative officers, Boards and Commissions provided herein.

1.1.6 General Effect

No building, structure, or land located within the planning unit shall hereafter be used or occupied, and no building, structure, or part thereof shall hereafter be erected, constructed, reconstructed, located, moved or structurally altered except in conformity with the regulations herein specified for the zoning and form district in which it is located, and in conformity with all other applicable provisions of this Code.

1.1.7 Relationship to Other Ordinances

Reserved

1.1.8 Transition Standards

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.

NOTE: Binding elements on Development Plans shall remain applicable to the subject property after the Development Plan expires. Binding elements may be amended by the Planning Commission in accordance with Chapter 11.

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.

NOTE: Transition standards applicable to subdivisions are located in Section 7.1.90.

Exception: Building permits, site disturbance permits, and other permits shall be issued to allow the development of an approved detailed Development Plan that was approved prior to the effective date of this Land Development Code, provided the Plan has not expired at the time the permit request is made.

1.1.9 Expiration of Approved 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

B. Two-Year Time Limit

1. Tasks to be completed – All of the above-enumerated plans are conditioned upon the applicant accomplishing the following tasks within two years of the final approval date:
 - a. Obtain a building permit; and/or
 - b. Obtain a clearing and grading permit and/or
 - i. If a building permit is not issued within two years of obtaining the clearing and grading permit or an extension granted in accordance with paragraph c below, then the development plan is subject to the provisions of B2 below.
 - c. Obtain an extension of the approved plan: Prior to the expiration of the two year time limit, an applicant may request a two-year extension, which may be approved by the Planning Director or designee. Any additional requests for extension shall require review and approval by the Planning Commission or designated committee thereof. The applicant must show good cause why tasks could not reasonably be completed within the allotted time frame.

2. Expiration – If the applicant fails to meet the requirements of paragraph B.1 within two years from the date of final plan approval or during an allowed extension period, no development activity may take place on the subject property until a new development plan is approved.
- C. Expiration of Approved General Development Plans: Where a site has received plan approval for a general development plan, and detailed development plan approval has not been issued for any portion of the general plan within three (3) years of the general plan approval date, or a period of longer than three (3) years has elapsed since the last detailed plan approval or within an approved extension period, no development activity may take place on the subject property until a new general development plan is approved.
1. Extensions – Prior to the expiration of a general development plan, an applicant may request that the Planning Director or designee approve a three-year extension. Any additional requests for extension shall require review and approval by the Planning Commission or designated committee thereof. The applicant must show good cause why the approved plan has not been implemented within the allotted time frame.

1.1.10 Severability

If any phrase, clause, sentence, provision, paragraph, section, or part of these regulations shall be judicially declared to be invalid or unconstitutional, the remaining phrases, clauses, sentences, provisions, paragraphs, sections, or parts thereof shall not be affected thereby, but shall remain in full force and effect.

**Effective date in jurisdictions other than Louisville Metro varies, refer to Appendix 1A or inquire with the applicable jurisdiction.*