

4.3.1 Intent and Applicability

Certain uses are appropriate in certain districts only if special standards are applied. Waivers and variances for these special standards shall not be permitted because the uses listed below may only be permitted when these standards have been met. These uses listed in this Part are permitted in the districts indicated provided they conform to the standards and requirements listed in each section.

4.3.2 General Provisions

In addition to meeting the special standards listed under the particular use in this Section, all Permitted Uses with Special Standards shall be required to comply with the requirements of this Land Development Code, except to the extent that they conflict with an applicable special standard, in which case the special standard shall prevail. Proposed developments in accordance with this Part shall be processed using the Category 2 review procedure (Section 11.6.3). Applications shall include materials needed to demonstrate compliance with the special standards.

4.3.3 Dwellings in EZ-1 District - Single Family

Single family residential dwellings are permitted in the EZ-1 district provided they comply with the following standard:

The property is located in the Traditional Neighborhood, Traditional Workplace, or Traditional Marketplace Corridor Form District

4.3.4 Dwellings in EZ-1 District - Multiple family, as a reuse of an existing structure

Multiple family residential dwellings are permitted in the EZ-1 district provided they comply with the following standards:

- A. The property is located in the Suburban Workplace Form District.
- B. The purpose of permitting multi-family dwellings in the EZ-1 district subject to special standards is to encourage the adaptive reuse of existing structures that are at least twenty-five (25) years old and which are currently unutilized or underutilized. Thus, multiple family dwellings are permitted only when locating in a building existing on March 1, 2003 (effective date of the LDC) and which is at least twenty-five (25) years old, all or only a portion of which is converted to multi-family residential use.
- C. Maximum Density
 - 1. For 0 bedroom dwelling units only.....435 Dwelling units per acre
 - 2. For 1 bedroom dwelling units only.....217 Dwelling units per acre
 - 3. For 2 or more bedroom dwelling units only....145 Dwelling units per acre

4.3.5 Dwellings in EZ-1 District – Multi-Family Residential

Multiple family residential dwellings are permitted in the EZ-1 district provided they comply with the following standards:

- A. The property is located within the traditional neighborhood, traditional marketplace corridor, traditional workplace or downtown form districts.
- B. The maximum density as permitted in Section 4.3.4 paragraph C above.

4.3.6 Accessory Structures Footprint in Excess of Principal Structure Footprint

Accessory structures for single family residential uses may have building footprints greater than the footprint of the principal structure provided they comply with the following standards:

- A. The accessory structure is located in the Neighborhood or Village Form District; and
- B. The footprint of the accessory structure is no more than 1.5 times the footprint of the principal structure or the total building coverage of the lot including proposed accessory structure shall not exceed 25%, whichever is less; and
- C. The accessory structure is located at least 10 feet from a side or rear property line; and
- D. All owners of abutting residentially zoned property have signed a statement indicating that they have seen a plan of the proposed accessory structure and do not oppose its construction.

Note: This section 4.3.5 does not apply to agricultural uses and related accessory structures (e.g., barns, stables.)

4.3.7 Temporary Activities

Temporary activities may be permitted by the Planning Director or designee within any form district and zoning district in accordance with the standards set forth below:

“Temporary Activities” definition: - *Temporary activities are characterized by their short term or seasonal nature and by the fact that permanent improvements are not made to the site. Temporary activities include: temporary carnivals and fairs, temporary parking lots, temporary circus, temporary rodeo, temporary “Haunted House”, and temporary “Show House”.*

- A. Pavement or gravel used for the event shall be removed after the completion of the event and the ground reseeded within 2 weeks of removal of pavement or gravel; and
- B. No activities shall take place on land within the required stream buffer of a blue line stream or wetland as specified in Chapter 4 Part 8; and .

- C. A temporary fence shall be provided to prevent access and parking from crossing over into adjacent properties and within environmentally sensitive areas (e.g. wetlands, stream buffers, etc.); and
- D. No event shall exceed 10 days in duration within a residential zoning district. No event shall exceed 30 days in duration in any non-residential zoning district. No more than two events shall be permitted on the same property within a calendar year; and
- E. Permanent changes to the site are prohibited; and
- F. Vehicle ingress and egress to the site shall be approved by the Director of Works or designee. Gravel or other measures to accommodate vehicles and prevent tracking of the public right-of-way may be required; and
- G. No temporary activity within a residential zoning district shall take place within 200 feet of a dwelling unit(s) unless approval is obtained in writing from the owner(s) of the dwelling unit(s).

4.3.8 Outdoor Paintball Ranges

Outdoor Paintball ranges may be permitted on property zoned M-1, M-2, M-3 and EZ-1 in accordance with the following standards:

- A. The tract of land is at least five (5) acres in area;
- B. All outdoor play areas shall be enclosed by netting (at least 60% nylon netting) at least 12 feet in height. Netting must be securely fastened at top and bottom. Play areas shall have signs posted warning of paintball play and requiring the use of eye goggles before entering;
- C. The applicant shall provide proof of appropriate insurance as a paintball facility;
- D. All designated play areas shall be at least 300 feet from any property line;
- E. Retail sales shall be limited to a total of 1,000 square feet of gross floor area;
- F. Off-street parking spaces shall be provided as follows:
 - 1. Participants: 10 spaces per designated play area
 - 2. Spectators: 1 space per 300 square feet of designated spectator area
 - 3. Employees: 1 space per 2 employees
- G. All buildings and structures shall be at least 30 feet from any property line;
- H. Hours of operation shall be between 8 A.M. until dark, no outdoor lighting for evening play shall be permitted;
- I. A development plan shall be submitted to Planning and Design Services for review to determine whether all requirements listed above will be met. The development plan shall follow the Category 3 review procedure;

- J. All spectator areas shall be designated on the required development plan and shall be at least 3 feet from the perimeter netting of a designated play area. All spectator areas shall be roped off to ensure that the area is visibly identified;
- K. Warning signs shall be placed around the perimeter of the property every 75 feet on linear property boundary;
- L. When adjacent to a residential and/or office/residential zoning district a minimum C3 buffer shall be required or as required by the applicable intensity class, whichever is greater. All other perimeter landscaping requirements shall be in accordance with Chapter 10 of the LDC;
- M. A chronograph shall be used by the developer/owner of the facility to ensure that all paintball guns do not exceed the safety velocity of 300 feet per second;
- N. Large Competitions: Competitions on the site exceeding 10 teams or 60 participants shall be considered as large competitions. The number of large competitions shall be limited to two (2) per year. The applicant shall provide a plan for large competition management that identified the following:
 - 1. Location of spectator parking based on the expected number of spectators;
 - 2. Location of outdoor restroom facilities;
 - 3. Traffic safety plan for movement of spectator vehicles on and off the property approved by the agency responsible for transportation engineering;
 - 4. Other items/restrictions identified by the Planning Commission or designee.

4.3.9 In-Home Day Care

The occupant of a single-family dwelling may provide day care services for no more than (6) six individuals at one time provided by the occupant of a single family residence and in accordance with the following standards:

- A. Associated outdoor activity other than pick-up and drop-off of children shall be prohibited between 9 P.M. and 7 A.M.
- B. Home Occupation Registration shall be completed and filed with the Department of Planning and Design Services.
- C. One non-resident employee is permitted.
- D. In-home day care facilities serving between four and six children shall be certified by the Kentucky Cabinet for Families and Children (CFC). Proof of certification shall be submitted at time of Home Occupation registration.

4.3.10 Drive-in Restaurants in the C-1 Zoning District

Drive-in restaurants may be permitted within the C-1 zoning district in accordance with the following special standard:

- A. A property used for a drive-in restaurant shall be at least 400 feet from a property used or zoned residentially (residential zones shall include properties zoned office-residential) unless developed as a non-residential use.

4.3.11 Day Care Centers in the M-1 Zoning District

A single day care center may be permitted within the M-1 Industrial District provided the operation is in accordance with the following standards:

- A. The access to the day care center shall be separate and apart from any access to a use permitted in an industrial, commercial or office use.
- B. Heavy equipment shall not be stored or utilized by a business on the same property as the day care center.
- C. No hazardous material may be stored on-site.
- D. No truck idling shall be permitted on-site.
- E. On-site Drop-off and Pick-up Area. An on-site area shall be provided where passengers from automobiles may safely exit the automobile and enter the building and vice versa. The design of this area must be approved by the agency responsible for traffic engineering.
- F. The appropriate number of parking spaces shall be provided for members of the day care center staff. The number of parking spaces required pursuant to this section shall be in accordance with Chapter 9, Part 1 of the LDC. The parking layout must be approved by the appropriate agency responsible for traffic engineering.
- G. Fence. A fence with a minimum height of 4 feet shall be erected around the outdoor play area.
- H. The applicant shall receive approval from the Air Pollution Control District which may condition its approval as may be necessary and appropriate to protect human health and the environment consistent with applicable laws and regulations relating to ambient air quality.

4.3.12 Off-premises Signage (Outdoor Advertising Signs) - The design criteria below are the only design standards within the Land Development Code that apply to off-premise signage.

- A. Unilluminated Outdoor Advertising Signs - An unilluminated outdoor advertising sign of less than seventy-two (72) square feet shall be allowed if:
 - 1. Located in a C-N, C-1, C-2, C-M, M-1, M-2 or M-3 District;

2. Set back at least fifteen (15) feet from the front or street side property lines if in a C-N, C-1, C-2 or C-M Districts;

Editor's note: *Outdoor advertising signs are prohibited in the city of Middletown*

3. Located not less than four hundred fifty (450) feet from any existing billboard of any size on the same side of the same street, and not less than nine hundred (900) feet from any existing billboard of any size on the same side of a controlled access highway or designated parkway*;

Editor's note: **"Designated parkways" as referenced in the section of Chapter 10, Part 3.*

4. Located not less than two hundred twenty five (225) feet from any existing billboard of any size on the opposite side of the same street (measured from the point of intersection on the same side of the street with the line from the existing sign perpendicular to the roadway), and not less than four hundred fifty (450) feet from any existing billboard of any size on the opposite side of the same controlled access highway or designated parkway (as so measured);
5. Located not less than seventy-five (75) feet from the centerline of an intersecting roadway;
6. In a C-N District, located not less than two hundred (200) feet measured radially from the nearest edge of a residentially zoned or residentially developed lot in the metropolitan area, in a C-1 through M-3 district, located not less than one hundred fifty (150) feet measured radially from the nearest edge of a residentially zoned or residentially developed lot in the metropolitan area, and located not less than six hundred (600) feet measured radially between the sign and the nearest edge of a residentially zoned or residentially developed lot in the non-metropolitan area;
7. Located not less than seventy five (75) feet from the nearest edge of the right-of-way of a controlled access highway or designated parkway passing through the metropolitan area and not less than six hundred sixty (660) feet from the nearest edge of a controlled access highway or designated parkway passing through the non-metropolitan area;
8. Placed so that the highest point of the advertising sign does not exceed sixteen (16) feet above ground;
9. Located not less than two hundred fifty (250) feet measured radially from any public park or any designated parkway or any landmark property or historic district designated as such by the Louisville Landmark's Commission or the Jefferson County Preservation Commission or from any property listed in the National Register of Historic Places.

- B. Illuminated Outdoor Advertising Signs - An illuminated or non-illuminated outdoor advertising sign of less than three hundred thirty (330) square feet shall be allowed if:
1. Located in a C-1, C-2, C-M, M-1, M-2 or M-3 District;
 2. Set back at least thirty (30) feet from the front or street side property lines if located in a C-1, C-2 or C-M District;
 3. Located along a major or minor arterial highway as designated in the Comprehensive Plan;
 4. Located not less than six hundred (600) feet from any existing billboard of any size on the same side of the same major or minor arterial highway and not less than twelve hundred (1,200) feet from any existing billboard of any size on the same side of a controlled access highway or designated parkway;
 5. Located not less than three hundred (300) feet from any existing billboard of any size on the opposite side of the same major or minor arterial highway (measured from the point of intersection on the same side of the major or minor arterial highway with the line from the existing sign perpendicular to the roadway), and not less than six hundred (600) feet from any existing billboard of any size on the opposite side of the same controlled access highway or designated parkway (as so measured);
 6. Located not less than seventy-five (75) feet from the centerline of an intersecting roadway;
 7. Located not less than three hundred (300) feet (measured radially) between the sign and the nearest edge of a residentially zoned or residentially developed lot in the metropolitan area and not less than six hundred (600) feet measured radially between the sign and the nearest edge of a residentially zoned or residentially developed lot in the non-metropolitan area;
 8. Located not less than one hundred fifty (150) feet from the nearest edge of the right-of-way of a controlled access highway or designated parkway passing through the metropolitan area and not less than six hundred sixty (660) feet from the nearest edge of the right-of-way of a controlled access highway or designated parkway passing through the non-metropolitan area;
 9. Constructed so the highest point of the sign (including embellishments shall not exceed forty (40) feet above the ground, except that for signs located in the C-1 District the highest point of the sign (including embellishments) shall not exceed thirty-five (35) feet above the ground;

10. Located not less than five hundred (500) feet measured radially from any public park or any designated parkway or any landmark property or historic district designated as such by the Louisville Landmark's Commission or the Jefferson County Preservation Commission or from any property listed in the National Register of Historic Places;
 11. Notwithstanding the provisions of subparagraph i. hereof the highest point of an outdoor advertising sign (including embellishments) located along an elevated section of a controlled access highway may be fifty (50) feet above the ground, provided that the lowest point of the sign shall be not less than ten (10) feet above the grade of the elevated controlled access highway;
- C. Illuminated/Non-Illuminated Outdoor Advertising Sign 330-750 Square Feet - An illuminated or non-illuminated outdoor advertising sign of greater than or equal to three hundred thirty (330) square feet but less than seven hundred fifty (750) square feet shall be allowed if:
1. Located in a C-2, C-M, M-1, M-2 or M-3 Districts;
 2. Set back at least sixty (60) feet from the front or street side property lines if in a C-2 or C-M District;
 3. Located along a major or minor arterial highway as designated in the Comprehensive Plan;
 4. Located not less than twelve hundred (1,200) feet from any existing billboard of any size on the same side of the same major or minor arterial highway and not less than fifteen hundred (1,500) feet from any existing billboard of any size on the same side of a controlled access highway or designated parkway;
 5. Located not less than six hundred (600) feet from any existing billboard of any size on the opposite side of the same major or minor arterial highway (measured from the point of intersection on the same side of the major or minor arterial highway with the line from the existing sign perpendicular to the roadway), and not less than nine hundred (900) feet from any existing billboard of any size on the opposite side of the same controlled access highway or designated parkway (as so measured);
 6. Located not less than seventy-five (75) feet from the centerline of an intersecting roadway;
 7. Located not less than four hundred (400) feet (measured radially) between the sign and the nearest edge of a residentially zoned or residentially developed lot in the metropolitan area and not less than six hundred (600) feet measured radially between the sign and the nearest edge of a residentially zoned or residentially developed lot in the non-metropolitan area;

8. Located not less than one hundred fifty (150) feet from the nearest edge of the right-of-way of a controlled access highway or designated parkway passing through the metropolitan area and not less than six hundred sixty (660) feet from the nearest edge of the right-of-way of a controlled access highway or designated parkway passing through the non-metropolitan area;
9. Constructed so the highest point of the sign (including embellishments) does not exceed forty (40) feet above the ground;
10. Located not less than five hundred (500) feet measured radially from any public park or any designated parkway or any landmark property or historic district designated as such by the Louisville Landmark's Commission or the Jefferson County Preservation Commission or from any property listed in the National Register of Historic Places;
11. Notwithstanding the provisions of subparagraph I. hereof the highest point of an outdoor advertising sign (including embellishments) located along an elevated section of a controlled access highway may be fifty (50) feet above the ground, provided that the lowest point of the sign shall be not less than ten (10) feet above the grade of the elevated controlled access highway;

D. Outdoor Advertising Signs Greater Than 750 Square Feet

No outdoor advertising sign greater than seven hundred fifty (750) square feet shall be allowed in any district.

E. Extensions and Embellishments for Outdoor Advertising Signs

1. Allowable Shapes for Outdoor Advertising Signs

Outdoor advertising signs of all sizes shall be rectangular in shape except that extensions are allowed if such extensions are not greater than five (5) feet at the top, two (2) feet at the sides and/or eighteen (18) inches at the bottom of the sign and comprise in the aggregate an area not more than 12.5 percent as great as the basic rectangular shape to which such extensions are attached. Such embellishments are included in the calculation of the sign area restrictions.

The prohibition of new billboards in certain form districts (Section 8.4.6 A) is not subject to the LDC waiver process.

2. Extension of Outdoor Advertising Signs

No attached outdoor advertising sign shall extend past the exterior wall of the building to which it is affixed.

3. Double-Faced/V-Type/Back to Back Outdoor Advertising Signs

Double-faced, V-type or back-to-back outdoor advertising signs shall be considered as one sign for spacing purposes.

F. Form District Specific Outdoor Advertising Sign Restrictions

New outdoor advertising signs shall not be permitted within the Neighborhood, Traditional Neighborhood, Traditional Marketplace Corridor, Traditional Workplace, Town Center, and Downtown Form Districts

4.3.13 Homeless Shelter – may be permitted within the R-5A, R-6, R-7, R-8A, OR, OR-1, OR-2, OR-3, OTF, C-R, C-N, C-1, C-2, C-3, C-M, EZ-1, PRO, PEC and TNZD (neighborhood center, neighborhood transition center and for multi-family residential where mapped areas) zoning districts

A. Special Standards – General – All Zoning Districts

1. Density – The maximum density (number of beds) for homeless shelters shall be based on the density of the applicable zoning district multiplied by the average family size obtained from the most recent decennial census for Jefferson County, Kentucky rounded to the nearest whole number. (*Example: The R-5A zoning district has a maximum density of 12.01 units per acre, multiply the 12.01 by 3 (average family size established by the 2000 census was 2.97) and that will give you the maximum beds per acre as 36.03*). Exception: Within single family zoning districts the number of beds permitted is limited to three or less. In the OR-3, OTF, C-2, C-3, C-M and EZ-1 zoning districts the density shall be no more than 400 beds per acre.
2. Parking spaces shall be determined by the planning director based on the number of employees, the number of residents with a motor vehicle and the potential number of visitors to the site as described by the applicant in a parking study of similar uses.
3. Signage for homeless shelters within a multifamily residential zoning district shall be limited to a 12 square foot freestanding sign not to exceed six (6) feet in height unless within the Downtown form district in which case a 12 square foot attached sign shall be allowed. If located within any other zoning district all signs shall be in accordance with the requirements of chapter 8 of the Land Development Code for non-residential signage.
4. Shall be certified as compliant with any licensing provisions adopted in the Louisville Metro Code of Ordinances. New facilities must obtain certification within one year of land use approval. All facilities must remain in compliant status with the licensing provisions while in operation.
5. All applicable land development code requirements including but not limited to floor area ratio, building setback, landscape buffers and building heights shall be maintained.
6. Emergencies/White Flag Days – During white flag days and other emergency situations additional occupants beyond the bed capacity established by the maximum density shall be permitted for the duration of the emergency or white flag event as long as all safety standards (e.g. Fire Code) are maintained.

4.3.14 Transitional Housing – may be permitted within the R-R, R-E, R-1, R-2, R-3, R-4, R-5, R-5B, UN, R-5A, R-6, R-7, R-8A, OR, OR-1, OR-2, OR-3, OTF, C-R, C-N, C-1, C-2, C-3, C-M, EZ-1, PRO, PEC, TNZD (All areas where residential use is permitted) zoning districts

A. Special Standards – General – All Zoning Districts

1. Density – Transitional housing facilities constructed as dwelling units shall have a maximum density based on the density of the applicable zoning district (dwelling units per acre). The maximum density for transitional housing facilities (not constructed as dwelling units) shall be based on the density of the applicable zoning district multiplied by the average family size obtained from the most recent decennial census for Jefferson County, Kentucky rounded to the nearest whole number. The resulting number would be the maximum number of beds for a facility. *(Example: The R-5A zoning district has a maximum density of 12.01 units per acre, multiply the 12.01 by 3 (average family size established by the 2000 census was 2.97) and that will give you the maximum beds per acre as 36.03).* Exception: Within single family zoning districts the number of beds permitted is limited to three or less. In the OR-3, OTF, C-2, C-3, C-M and EZ-1 zoning districts the density shall be no more than 400 beds per acre.
2. Parking spaces shall be determined by the planning director based on the number of employees, the number of residents with a motor vehicle and the potential number of visitors to the site as described by the applicant in a parking study of similar uses.
3. Signage for transitional housing within a single family residential or multifamily residential zoning district shall be limited to a 12 square foot freestanding sign not to exceed six (6) feet in height unless within the Downtown form district in which case a 12 square foot attached sign shall be allowed. If located within any other zoning district all signs shall be in accordance with the requirements of chapter 8 of the Land Development Code.
4. Shall be certified as compliant with any licensing provisions adopted in the Louisville Metro Code of Ordinances. New facilities must obtain certification within one year of land use approval. All facilities must remain in compliant status with the licensing provisions while in operation.
5. All applicable land development code requirements including but not limited to floor area ratio, building setback, landscape buffers and building heights shall be maintained.

B. Special Standards – Single Family Residential Districts Only

1. Signs - There shall be allowed one non-illuminated sign identifying the name and use, which sign shall be limited in size to four square feet and be placed on the building.
2. Residential Structure - The structure shall remain or shall be constructed so that the exterior design and ornamentation is residential in character and compatible with the immediate neighborhood, so that there is no evidence from the street that the use is other than residential.
3. Alterations or Improvements to the Structure - Where such a use is permitted in a structure which has been used as a residence, the permittee shall make no substantial alterations or improvements to the structure which would impair the structure's use as a residence at a later time.
4. Off-street parking not located within a drive-way shall be located to the side or rear of the building(s).

4.3.15 Indoor Ranges for Shotgun, Rifle, Pistol, Air Rifle, Air Pistol or Other Firearms

This use may be permitted as a use with special standards within the C-2, C-M, M-1, M-2, M-3, PEC, and EZ-1 zoning districts in conformance with the following special standards.

- A. Indoor target ranges shall have sufficient sound proofing to prevent the sound of firearm discharge from being heard outside the walls of the range facilities.
- B. Building facades that face public streets shall be in conformance with the building design standards of the applicable form district.

4.3.16 Accessory Alternative Energy Systems

This use may be permitted as a use with special standards within any zoning district in conformance with the following special standards.

- A. Attached (Principal or Accessory structure)
 - 1. In residential districts the system may not exceed ten feet above the maximum height within the underlying form district.
 - 2. In non-residential districts, the system may not exceed 20 feet above the maximum height within the underlying form district.
 - 3. In residential districts no system shall be attached to the wall or side of a structure.
- B. Freestanding
 - 1. The proposed system shall not exceed the maximum building height of the underlying form district.
 - 2. No more than 25% of the lot area may be covered with alternative energy systems and related equipment.