



DEPARTMENT OF CODES & REGULATIONS
DIVISION OF PLANNING & DESIGN SERVICES

LOUISVILLE, KENTUCKY

JERRY E. ABRAMSON
MAYOR

WILLIAM P. SCHRECK
DIRECTOR

June 25, 2008

Mr. James K. Murphy
Lynch, Cox, Gilman & Mahan PSC
500 West Jefferson Street, Suite 2100
Louisville, KY 40202-2812

Re: Interpretation of Section 4.3.7 of the Land Development Code

Dear Mr. Murphy:

The purpose of this letter is to respond to your request for interpretation of "event" as it relates to Section 4.3.7 Temporary Activities of the adopted Land Development Code for Louisville Metro. Under this section temporary activities or events may be permitted under certain circumstances on property not specifically zoned for such use. Your question relates to the application of the term "event" within this section of the regulation.

When an interpretation is requested, staff must first look to the adopted Land Development Code (LDC). In this case, the LDC does not specifically define "event." Therefore, Section 1.2.1 provides the following direction:

"Interpretation of Undefined Terms -Terms not otherwise defined herein shall be interpreted first by reference to the adopted Comprehensive Plan, if specifically defined therein; secondly, by reference to generally accepted engineering, planning, or other and otherwise according to common usage, unless the context clearly indicates otherwise."

In reviewing common usage dictionary definitions of the word "event," most sources use very similar terminology as is represented in the following citation¹:

e-vent n.

1.

- a. Something that takes place; an occurrence.
- b. A significant occurrence or happening. See Synonyms at occurrence.
- c. A social gathering or activity.

¹ "event." *The American Heritage® Dictionary of the English Language, Fourth Edition*. Houghton Mifflin Company, 2004. 25 Jun. 2008. <Dictionary.com <http://dictionary.reference.com/browse/event>>.

LDC Section 4.3.7.D states:

"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."

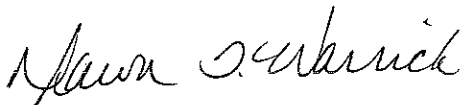
Using residentially zoned property as an example, staff has interpreted this section to allow one event to span 10 days. Related activities within the described scope of the event may be conducted intermittently during that time and could result in the use of the subject property for the same temporary activity over two consecutive weekends. This may take the form of a haunted house that is open certain days during the defined event timeline (10 calendar days) or one continuous 10 day long event.

This same interpretation would apply to a site that may serve periodically as an event facility. This could take the form of a "wedding week" twice per year with several ceremonies and possibly other related activities during the 10 day event timeframe. As stated above, a description of the event and all related activities to be conducted on the site during the event must be provided and demonstrated (as applicable) on the required site plan for review by staff in order to determine whether the required standards are being met to approve a requested temporary activity permit.

Another example may be a craft fair that has certain hours during the event timeframe that the facility is open to the public. Events may also be single days in duration. In the instance that an event is conducted in fewer than 10 days, that event still counts toward the allowance of no more than two events annually regardless of the number of days utilized for the event.

Should you have any questions or require additional information regarding this interpretation, please do not hesitate to contact me.

Sincerely,



Dawn T. Warrick, AICP
Assistant Director

Cc: Charles Cash
Theresa Senninger
Chris French

LYNCH, COX, GILMAN & MAHAN P.S.C.
500 WEST JEFFERSON STREET, SUITE 2100
LOUISVILLE, KENTUCKY 40202-2812
(502) 589-4215
Fax (502) 589-4994
E-mail: jmurphy@legandm.com

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JAMES K. MURPHY

INDIANA OFFICE:
521 E. 7TH STREET
JEFFERSONVILLE, INDIANA 47130
TELEPHONE
(812) 283-7838

June 16, 2008

Ms. Dawn Warrick
Assistant Director
Department of Codes & Regulations
Division of Planning & Design Services
Metro Development Center
444 South Fifth Street
Suite 300
Louisville, KY 40202

Re: Interpretation of Section 4.3.7 of the Land Development Code

Dear Ms. Warrick:

On behalf of my client, James King, we are requesting an interpretation of the term "event" as described in Section 4.3.7 Temporary Activities, Section D which states as follows:

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:

...

**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.**

Please provide the Department's interpretation of the term "event" including duration, number of activities, types of activities and whatever else the Department has interpreted the term to mean.

Thank you very much for your assistance in this matter. If you have any questions, please contact me at the above-address.

Very truly yours,

LYNCH, COX, GILMAN & MAHAN, P.S.C.

LETTER TO DAWN WARRICK

JUNE 16, 2008

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LYNCH, COX, GILMAN & MAHAN, P.S.C.

A handwritten signature in black ink, appearing to read 'JKM', is written over the printed name 'James K. Murphy'. The signature is stylized and somewhat cursive.

James K. Murphy