

# Louisville Metro Land Development Code

## Part 1: LDC Definitions

**Assisted Living Residence** – A residential development providing assistance to residents not including health services associated with “Health Facilities” as defined in KRS 216B.015.

**Boarding and Lodging House** - Use of a residential structure by an occupant thereof to provide, for compensation and by prearrangement for definite periods, meals or lodging or both are provided for no more than 8 persons not members of the provider's family, and not constituting a bed and breakfast inn. (See "family".)

**Dwelling, Multi-family** - Any group of three or more dwelling units occupying a single lot, whether composed of one or more than one principal building. However, this term shall not include attached dwellings. This term shall include the following:

A. Efficiency Apartment - A dwelling unit consisting of not more than one habitable room together with kitchenette and sanitary facilities.

B. Studio Apartment - A dwelling unit consisting of not more than one habitable room together with kitchenette and sanitary facilities, but having a partial separation within the room for the sleeping area.

**Family Care Home (Mini-Home)** - A home licensed by the Commonwealth of Kentucky operated and maintained to provide 24 hour protection and personal care services for residential accommodations for three individuals or less who are not related within the third degree of consanguinity to the licensee and who because of impaired capacity for self care elect or require a protective environment but do not have an illness, injury, or disability for which constant medical care and skilled nursing services are required.

**Home for the Infirm and Aged** - Any institution, however named, maintained for the care or treatment of individuals unrelated to the owner or operator, who by reason of their age, infirmity, acute or chronic illness, or by reason of physical or mental handicap require more care than does a normal person.

**Hotel** - A building used for temporary fee-based occupancy of a room or suite of rooms and which contains no fewer than six (6) such separate rooms or suites and which has a registration desk.

**Motel** -An establishment consisting of a group of attached or detached lodging units having bathrooms, used as individual sleeping units for ten or more persons, designed primarily for transient automobile travelers, and providing for accessory off-street parking facilities convenient to the lodging

rooms and which may include one dwelling unit for a bona fide caretaker or operator. The term "motel" includes buildings designed as auto courts, tourist courts, motor lodges, autels, and similar terms.

**Nursing Home** -Any institution, however named, maintained for the care or treatment of two or more individuals unrelated to the owner or operator or their spouses, employing nursing services or procedures in the care for such residents, that require treatment, judgment, technical knowledge, and skills beyond that which the untrained person possesses, where there are more than five persons who are not related to any other resident by blood, legal adoption or marriage.

**Rehabilitation Home** - A building or group of buildings providing residence for persons recovering from the effects of drug or alcohol abuse, psychiatric disorders, or as a condition of their parole or probation. Such homes may provide counseling in educational, vocational, or other areas by a paid or volunteer staff and generally have 24-hour-a-day supervision. This definition does not apply to residential care facilities regulated by KRS 100.982.

**Residential Care Facility** - A residence operated and maintained by a sponsoring private or governmental agency to provide services in a homelike setting for persons with disabilities.

## **Part 2: Zoning Districts**

Single Family Residential Districts: R-R, R-E, R-1, R-2, R-3, R-4, R-5  
Multi-family Residential Districts: R-5A, R-5B (Duplex), R-6, R-7, R-8A  
Office-Residential Districts: OR, OR-1, OR-2, OR-3, OTF  
Commercial Districts: C-R, C-N, C-1, C-2, C-3  
Manufacturing Districts: C-M, M-1, M-2, M-3  
Multipurpose Districts: EZ-1, PEC, PRO, W-1, W-2, W-3

### Part 3: Use and Zoning Table

Use	Single Family Zones	Multi-Family Zones	Office-Residential Zones	Commercial Zones	Manufacturing Zones
Assisted Living Residence	CUP	P (CUP in R-5B)	P (CUP in OR)	P	CUP
Boarding and Lodging House	CUP	NP (P in R-7 and R-8A)	P (NP in OR)	P (NP in C-N)	NP
Dwelling, Multi-family	NP	P (NP in R-5B)	P (CUP in OR)	P	NP
Family Care Home	P (NP in R-R)	P (NP in R-5B)	P (NP in OR)	P (NP in C-R)	NP
Home for the Infirm and Aged	CUP	CUP	CUP	CUP	CUP
Hotel/Motel	NP	NP	NP P in OTF)	P (NP in C-N and C-R)	NP
Nursing Home	CUP	CUP	CUP	CUP	CUP
Rehabilitation Home	CUP	CUP	CUP	CUP	CUP
Residential Care Facility	P	P	P	P	NP

P = Permitted

CUP = Conditional Use Permit

NP = Not Permitted

## **Part 4: Conditional Use Permit**

### **Intent and Applicability**

Certain land uses due to their extent, nature of operation, limited application, or relationship to natural resources are considered as exceptional cases. The uses listed in this Part may be permitted in certain districts by Conditional Use Permit following a public hearing before the Board of Zoning Adjustment provided such uses will not have an adverse effect on neighboring property, are not in conflict with the goals and plan elements of the Comprehensive Plan, the proposed uses are essential to or will promote the public health, safety, and the general welfare in one or more zones, and are in compliance with the listed standards and requirements.

### **General Provisions**

All Conditional Uses shall meet the following standards in addition to requirements listed for each section:

A. **Additional Requirements** - Where the Board finds that the conditions or circumstances relating to a particular application warrant more requirements in addition to those listed in connection with the particular use applied for, the Board may attach additional conditions; refer to 11.5.A.

B. **Relief From Listed Requirements** - The Board may decrease or waive listed requirements, either permanently or on a temporary basis; refer to 11.5.A.

C. **Compliance With Listed Requirements and Attached Conditions** - The Board shall have the power to revoke Conditional Use Permits for noncompliance with listed requirements or attached conditions. Furthermore, the Board shall have a right of action to compel the removal of offending structures or uses at the cost of the violator and may have judgment in personam for such cost.

D. **Drives and Parking Areas** - All drives and parking areas (except landscaping areas) shall be surfaced with a hard and durable material and properly drained. Gravel drives and parking areas, as well as drives and parking areas constructed with semi-pervious materials approved by the Board, may be permitted.

E. **Compatibility** - Conditional Uses shall comply with all applicable standards of the Land Development Code, including the form district regulations, form district transition standards, and landscaping. Additional standards may be included in the listed requirements for a

particular use.

F. Off-Street Parking Requirements - Off-street parking spaces shall be provided in accordance with Chapter 9, Parking Regulations unless otherwise listed. The Board may establish additional parking requirements

G. Lighting Requirements – Outdoor lighting shall conform to the design, light glare, and light trespass standards as stated in Chapter 4 Part 1, Outdoor Lighting Regulations.

H. Setbacks and Required Yards - All buildings, structures and facilities, whether permanent or temporary shall observe setbacks and yards in accordance with the appropriate Form District standards. Additional standards may be included in the listed requirements for that use.

I. Request For A Conditional Use Permit - Application Procedures for Conditional Uses are listed in Chapter 11, Development Review Procedures; of the Land Development Code. Additional requirements for applications may be included in the listed requirements for that use.

J. The Board of Zoning Adjustment shall have jurisdiction to waive any of the General Provisions and shall have jurisdiction to determine the scope, intensity, and activities included on a property.

K. Conditional uses are allowed in certain zoning districts. Zoning districts that contain permitted uses from other zoning districts do not allow the same conditional uses (e.g. C-2 zoning district conditional uses are only applicable in the C-2 zoning district, not within the C-M or EZ-1 zoning district). Always check the conditional use list in Chapter 4 Part 2 to determine whether the particular zoning district allows that conditional use.

L. Before the Board shall release any bond or other assurances given by the applicant for a conditional use permit as provided in this section, the applicant shall file with the Board the following:

1. Sworn statement of the holder of the conditional use permit that all the requirements, conditions, and assurances which were included in the application have been met.

2. If the approval of a conditional use permit included or referred to any surveys, drawings, plans, or specifications which showed the existing, proposed, and ultimate development of the conditional use, the applicant shall file with the Board a written opinion, certified by a professional engineer registered in Kentucky, that all

work, improvements and developments have been constructed or installed in conformity with the plans filed with the conditional use application. Copies of this information shall be forwarded to the Director of Public Works for his/her review and recommendation to the Board. In case of a conditional use permit allowing excavation and filling operations, there shall be filed with the Board a survey, certified by a professional engineer registered in Kentucky, showing the finished surface and indications showing the layer of clean earth which was installed and compacted over the fill when the surface was brought to finished grade, in conformance with the approved plan. The indications shall be based on test hole borings taken no farther than 100 feet apart, starting no more than five feet inside and along the edges or boundaries of the fill.

3. A letter of recommendation to the Board from the Director of Works that all work, improvements or development are in conformity with his/her requirements, including a statement that he/she has reviewed the opinion of the engineer.