

ORDINANCE No. 188, SERIES 2014

AN ORDINANCE AMENDING THE FOLLOWING SECTIONS OF CHAPTERS 1, 2, 4, 5, 7, 8, AND 10 OF THE LAND DEVELOPMENT CODE, AS MORE SPECIFICALLY SET FORTH IN EXHIBIT A BELOW, WHICH IS PART OF A CONTINUING EFFORT TO UPDATE THE ZONING REGULATIONS FOR LOUISVILLE METRO (CASE NO. 14AMEND1003).

SPONSORED BY: Councilman James Peden

WHEREAS, the Planning Commission held a public hearing on August 11, 2014 to consider a large number of amendments to various sections of the Land Development Code ("LDC") for the purposes of updating and improving 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 Planning Commission has recommended approval of the amendments itemized in each of the six reports as stated in the Planning Commission's minutes of August 11, 2014 and contained in the attachments for this Ordinance and as summarized in the Round Two LDC Text Amendments Index also contained in the attachments; and

WHEREAS, the Metro Council concurs in and adopts the findings and recommendations of the Planning Commission in Case No. 14AMEND1003 as reflected in the Planning Commission's minutes and records, and as more specifically set forth in Exhibit A attached hereto;

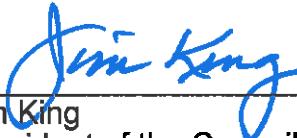
Now THEREFORE BE IT ORDAINED BY THE LEGISLATIVE COUNCIL OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT AS FOLLOWS:

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. 14AMEND1003, dated August 11, 2014, and as more specifically set forth in Exhibit A attached hereto.

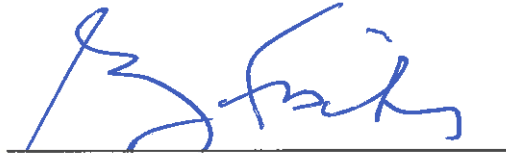
Section II: This Ordinance shall take effect upon its passage and approval.



H. Stephen Ott
Metro Council Clerk



Jim King
President of the Council



Greg Fischer
Mayor



Approval Date

APPROVED AS TO FORM AND LEGALITY:

Michael J. O'Connell
Jefferson County Attorney

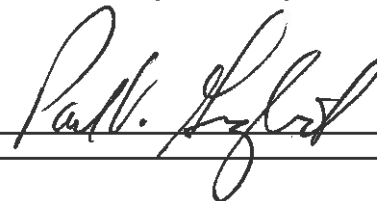
By: 



EXHIBIT A

MIS ITEM #2

1.2.2 Definitions

~~Assisted Living Residence/Community~~ – A residential development providing assistance to residents not including health services associated with “Health Facilities” as defined in KRS 216B.015.
Assisted-living residence/community means a series of living units on the same site certified by Commonwealth of Kentucky to provide services for five (5) or more adult persons not related within the third degree of consanguinity to the owner or manager.

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

Nursing Home - Any institution, however named, **licensed by the Commonwealth of Kentucky**, 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.

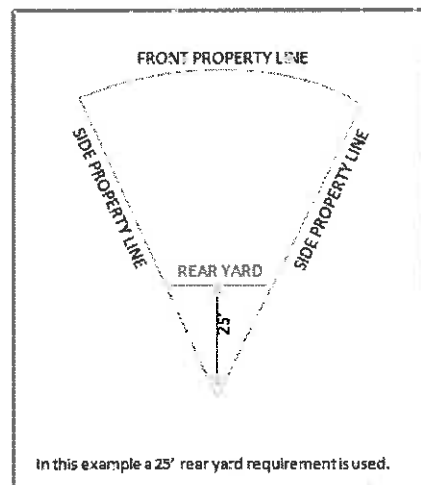
Community Residence - A residence licensed by the Commonwealth of Kentucky ~~Department for Human Resources~~, operated and maintained to provide a homelike setting for developmentally disabled individuals (see definition), having only one kitchen and only one dining area (both of which must be common to the residence), not adjacent to or part of an institutional campus, operated by a sponsoring agency or individual for individuals who shall participate in community activities and use community resources, where there are not more than eight persons who are not related to any other resident by blood, legal adoption or marriage.

MIS ITEM #3

1.2.2 Definition

Yard, Rear -A yard extending across the rear of a lot, between the side lot lines, and being the minimum horizontal distance between the rear of the principal building or any projections thereof other than the projections of uncovered steps, uncovered balconies or uncovered

porches, to the rear lot line. On all corner lots the rear yard shall be at the opposite end of the lot from the front yard. If the side lot lines come to a point at the rear of the lot creating a lot without an actual rear property line, then the required setback area shall be measured from the rear point the distance required for a rear yard setback in that particular zoning/form district to the midpoint bisecting equally the two side property lines. See adjacent illustration.



MIS ITEM #4

1.2.2 Definitions

Building - Any permanent structures designed or built for the support, shelter or protection of persons, animals, chattel or property of any kind. This term includes mobile homes all forms of housing, but does not include awnings, canopies, or similar features structures. ~~In these regulations reference to buildings includes structures.~~

Structure - Anything constructed or erected, the use of which requires location on the ground, or attachment to something having a location on the ground, including walls or fences exceeding four (4) feet in height, buildings, and signs. ~~In these regulations reference to buildings includes structures and vice versa.~~

MIS ITEM #5

5.1.7 General Requirements

L. An accessory structure that is attached to a principal structure by an enclosure that includes a roof and walls shall be considered an extension of the principal structure and shall be subject to the same building setback requirements that apply to the principal structure. An accessory structure that is attached to a principal structure by a breezeway that is unenclosed without any walls shall not be considered an extension of the principal structure and shall be subject to the applicable accessory structure setback requirements.

MIS ITEM #6

1.2.2 Definitions

~~Blue Line Stream, Solid Stream, Perennial (Blue Line Stream, Solid)~~ - A stream defined and designated as such on 7 1/2 minute quadrangle topographic maps published by the U. S. Geologic Survey. **A stream or part of a stream that has flowing water year-round during a typical year. The water table is located above the streambed for most of the year. Groundwater is the primary source of water for stream flow. Runoff from rainfall is a supplemental source of water for stream flow. All streams designated with a solid blue line on the U.S.G.S. 7 1/2 minute quadrangle topographic maps are considered to be perennial, but may be determined in whole or part to be intermittent based on information provided by a qualified professional, the Kentucky Division of Water, or the U.S. Army Corps of Engineers. Additional perennial stream determinations shall be made on a case-by-case basis by a qualified professional with a background in stream hydrology and/or wetland biology. Information concerning an additional designation shall be solicited from the Kentucky Division of Water and the U.S. Army Corps of Engineers.**

~~Blue Line Stream, Intermittent Stream, Intermittent (Blue Line Stream, Intermittent)~~ - A stream defined and designated as such on 7 1/2 minute quadrangle topographic maps published by the U. S. Geologic Survey. **A stream or part of a stream that has flowing water during certain times of the year, when groundwater provides water for stream flow. During dry periods, intermittent streams may not have flowing water. Runoff from rainfall is a supplemental source of water for stream flow. All streams designated with a broken blue line on the U.S.G.S. 7 1/2 minute quadrangle topographic maps are considered to be intermittent, but may be determined in whole or part to be perennial or**

ephemeral based on information provided by a qualified professional, the Kentucky Division of Water, or the U.S. Army Corps of Engineers. Additional intermittent stream determinations shall be made on a case-by-case basis by a qualified professional with a background in stream hydrology and/or wetland biology. Information concerning an additional designation shall be solicited from the Kentucky Division of Water and the U.S. Army Corps of Engineers.

Local Regulatory Conveyance Zone - The channel of a river or ~~solid blue-line~~ **perennial** stream and the land adjacent to that river or stream which if unobstructed will discharge a local regulatory flood without cumulatively increasing the water surface elevation more than one tenth of one foot. The conveyance zone is determined by an equal loss of conveyance (at higher elevation) occurring on each side of the channel.

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:

- B. No activities shall take place on land within the required stream buffer of a ~~blue-line~~ **perennial** stream or wetland as specified in Chapter 4 Part 8; and

4.3.17 Community Gardens

This use may be permitted as a use with special standards within the R-R, R-E, R-1, R-2, R-3, R-4, R-5, R5-A, R5-B, R-6, R-7, R-8, R8-A, OR, OR-1, OR-2, OR-3, CN, C-1, and C-2 zoning districts in conformance with the following special standards.

- A. All structures located on the site shall comply with the location requirements of the form district regulations. Structures shall not exceed 15% of the total lot area. No activities shall take place within a required stream buffer of a ~~blue-line~~ **perennial** stream or wetland as specified in Chapter 4, Part 8. For purposes of calculating required open space, areas of the site devoted to garden use and not enclosed in a structure shall be included in the calculation of required yards. Trellises, raised beds, and frames used to assist in the growing of plants and shrubs shall not be considered as structures within the meaning of this section.

4.3.18 Market Gardens

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

A. All structures, including greenhouses, hoop houses and high tunnels, located on the site shall comply with the location requirements of the form district regulations. No activities shall take place within a required stream buffer of a ~~blue-line~~ **perennial** stream or wetland as specified in Chapter 4, Part 8. For purposes of open space, areas of the site devoted to garden use and not enclosed in a structure shall be included in the calculation of required yards. Trellises, raised beds, and frames used to assist in the growing of plants and shrubs shall not be considered as structures within the meaning of this section.

7.8.20 Plat - The plat submitted under Section 8.10 hereof shall conform to the following requirements:

B. Content - The plat shall include the following:

11. The location of ~~solid blue-line~~ **perennial** streams as designated on topographic maps published by the U.S. Geological Survey.

10.2.9 Riparian Trees

A. Suburban Form Districts. A tree canopy bonus shall be given for tree plantings meeting the minimum requirements of chapter 10 of the LDC. These bonuses shall be given for plantings within the middle and outer areas of the waterway buffer required for ~~solid blue-line~~ **perennial** streams as outlined within Chapter 4, Part 8 of the LDC for buffers with little or no existing vegetation. The tree canopy bonuses are outlined below:

B. Traditional Form Districts. A tree canopy bonus of 10% may be obtained for additional tree plantings meeting the minimum requirements of Chapter 10 of the LDC and approved by MSD to occur within the 25 foot buffer required adjacent to ~~blue-line~~ **perennial** streams. This bonus is applicable to new plantings within buffer areas with little or no existing vegetation. New tree plantings within 100 feet of the top of bank of the ~~blue line~~ **perennial** stream and within an open space area may be approved at the discretion of the staff landscape architect for a 5% bonus for tree canopy calculations.

MIS ITEM #7

1.2.2 Definitions

~~**Mobile Home** - Any vehicle or similar portable structure used, or so constructed as to permit its being used as a conveyance upon the public streets or highways, and designed to permit occupancy thereof as a dwelling place for one or more persons, including camper or vacation trailers; or any structure fabricated in offsite manufacturing facility for~~

~~installation or assembly at the building site as a permanent structure with transport features removed, bearing a seal certifying that it is built in compliance with the federal Manufactured Housing Construction and Safety Standards Code as set forth in the Code of Federal Regulations, title 24, Part 3280, 3282, 3283, and 42 USC 5401, et seq., and as mandated by the United States of America and as administered by the United States Department of Housing and Urban Development and commonly referred to as the HUD Code, but not meeting the additional standards as required in Section 4.1.2, Factory Built Housing.~~

Mobile Home – As referenced in KRS 219.320 & 227.550. A mobile home is a structure manufactured prior to June 15, 1976, that was not required to be constructed in accordance with the Federal Manufactured Housing Construction in Safety Standards Act, that is transportable in one (1) or more sections, that, in the traveling mode is eight (8) body feet or more in width and forty (40) body feet or more in length, or when erected on site, four hundred (400) or more square feet, and that is built on a permanent chassis and designed to be used as a dwelling on a temporary or permanent foundation, when connected with permanent required utilities, including plumbing, heating, air conditioning, and electrical systems. A mobile home does not meet the additional standards as required in Section 4.1.2, Factory Built Housing.

Manufactured Home – As referenced in KRS 100.348. A manufactured home is a single-family residential dwelling constructed after June 15, 1976, in accordance with the Federal Manufactured Home Construction and Safety Standards Act of 1974, 42 U.S.C Section 5401, et. Seq., as amended, and designed to be used as a single-family residential dwelling with or without permanent foundation when connected to the required utilities, and which includes the plumbing, heating, air conditioning, and electrical systems contained therein.

4.2.36 Mobile Home Parks

Mobile Home Parks may be allowed in the R-6, R-7, R-8A, OR-2, OR-3, C-1, C-2, and CM Districts upon the granting of a Conditional Use Permit and compliance with the listed requirements.

H. Manufactured Homes may be located in approved mobile home parks, but must also comply with all applicable portions of Section 4.1.2 Factory Built Housing.

I. Other types of residential dwellings may be located in mobile home parks, but must also comply with all applicable portions of the Land Development Code.

MIS ITEM #9

1.2.2 Definitions

Floor Area - Total area ~~within~~ **of all floors of** a building, measured from the **outside of the** exterior walls of the building, ~~and equal to the sum of the number of square feet on each of the floors of the building.~~ The number of square feet in an **finished** attic shall be counted to the extent that the height of the attic story is equal to or greater than seven feet; and the number of square feet in a finished basement shall be included, but the number of square feet in a basement other than a finished basement shall not be included (See "Basement, Finished".) Accessory portions of a building such as non-enclosed porches, garages, carports and uncovered steps or fire escapes are not included.

Attic, Finished – An attic (or a portion of an attic) in or for which the distance between the floor and the ceiling is at least seven feet; the floor, finished walls and ceilings is covered by wood, tile, brick, carpeting or other suitable materials; electrical wiring is provided and hidden from view such as by placement behind walls or above ceiling tiles; and is accessible by a conventional stairway or other access. An attic that can only be accessed from a ladder cannot be considered a finished attic.

MIS ITEM #10

1.2.2 Definitions

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. **A rehabilitation home is not transitional housing.** This definition does not apply to residential care facilities regulated by KRS 100.982.

MIS ITEM #11

1.2.2 Definitions

Tract - ~~A parcel of land greater than 40,000 square feet in area, the deed of which was recorded in the office of the Clerk of the Jefferson County Court.~~ See Lot.

Residual Tract Lot - Any portion ~~of five acres or more~~ of a tract lot to be subdivided which portion is not required to be surveyed.

MIS ITEM #15

2.1.3 The Use Of Land And Buildings:

E. Density Calculation

1. General Rule

When determining the number of dwelling units allowed on a particular parcel of land, the net land area (gross land area excluding areas dedicated for public rights-of-way) is divided by the minimum lot area per dwelling unit as required by the appropriate Form and Zoning District classifications. When this calculation yields a fraction of a dwelling unit, the fractional part may not be considered. (For example, a 5.1 acre or 221,400 square foot parcel, in a zone that requires a minimum lot area of 6,000 square feet per dwelling unit could accommodate 36.9 dwelling units (221,400 divided by 6,000). Thirty-six units would be allowed.)

MIS ITEM #16

Eliminate all text of Appendix 3C and replace with the following:

APPENDIX 3C

WATERFRONT REVIEW OVERLAY DISTRICT

[http://www.louisvilleky.gov/NR/rdonlyres/7F5819D5-7FB9-4B63-9F53-B7AD0A24E0B9/0/Wov
erlay.pdf](http://www.louisvilleky.gov/NR/rdonlyres/7F5819D5-7FB9-4B63-9F53-B7AD0A24E0B9/0/Wov
erlay.pdf)

MIS ITEM #17

4.1.3 Lighting

B. Regulations

2. Control of Glare – Luminaire Design Factors

c. Shielding

- i. ~~In the Neighborhood, Traditional Neighborhood or Village form districts, or within a form district transition zone related to the Neighborhood, Traditional Neighborhood or Village form districts, luminaires that emit more than 7,000 lumens shall be fully shielded luminaires so that they do not emit any direct light~~

~~above a horizontal plane through the lowest direct light-emitting part of the luminaire.~~

~~ii. In all other form districts or form district transition zones, luminaires that emit more than 7,000 lumens shall be shielded luminaires so that they do not emit more than 2.5 percent of the lamp lumens above the horizontal plane through the lowest direct light-emitting part of the luminaire.~~

i. **All light fixtures in all form districts that emit more than 3,500 lumens shall be fully-shielded luminaires.**

3. Exceptions to Control of Glare

~~a. Street lights, including all lights installed by or funded by government agencies shall be exempt from the provisions of this section.~~

b.a. All hazard warning luminaires required by Federal regulatory agencies are exempt from the requirements of this article, except that all luminaires must meet all Federal design standards and must be shown to be as close as possible to the Federally required minimum lumen output requirement for the specific task. Strobe lights shall be permitted only if there is no other federally approved hazard warning illumination technique.

~~c. Luminaires used primarily for sign illumination shall not extend more than one foot above the sign which they are lighting.~~

d.b. Decorative luminaires installed in public parks shall be shielded so as to not cause direct light from the luminaire to affect residential uses or to create glare perceptible to persons operating motor vehicles on public streets, ~~however these luminaires are not subject to the shielding requirements of paragraph 2.c, above.~~

e.c. Law Governing Conflicts. Where any provision of federal, state, county, or city statutes, codes, or laws conflicts with any provision of this code, the most restrictive shall govern unless otherwise regulated by law.

5. Canopy, Pavilion, or Drive-Through Bays Lighting

~~b. The following maximum illumination levels shall apply to canopy, pavilion or drive-through bay lighting:~~

~~i. The level of lighting shall not exceed 50 footcandles at any point beneath a canopy, pavilion, or drive-through bay located in the Neighborhood, Traditional Neighborhood, Traditional Workplace, Traditional Marketplace Corridor and Village form districts.~~

~~ii. In all other form districts, the level of lighting shall not exceed 70 footcandles at any point beneath a canopy, pavilion, or drive-through bay.~~

b. In all form districts, the level of lighting for canopies, pavilions and drive-through bays shall not exceed 50 footcandles at any point beneath a canopy, pavilion or drive-through bay.

7. Pedestrian Areas

b. Luminaires used only to illuminate pedestrian facilities shall not be mounted higher than 15 feet from the finished grade of the walking surface.

10. Architectural Lighting

a. The light source for architectural lighting shall be completely shielded from view from all adjacent properties and streets.

11. Light Trespass

a. The following provisions shall apply to light trespass:

i. The level of lighting resultant from luminaires installed on a subject site shall not exceed one-half (0.5 **0.25**) footcandles at any property border adjoining a low- to medium-density

residentially zoned or used¹ property border, and 1-0 0.5 footcandles on any high-density residentially zoned or used² property border, or public right of way parcel of land.

D. Enforcement and Penalty

1. The following standards shall be used when measuring and inspecting outdoor lighting complaints:
 - a. When inspecting light fixtures the inspector shall do a visual evaluation to determine whether the fixture meets the requirements established in this Regulation.
 - b. When inspecting light trespass complaints, the inspector shall use an approved instrument to take a footcandle reading to determine whether the light brightness exceeds the standards set in this regulation. The inspector shall stand at the property line (as mapped on PVA maps) and hold the detector approximately three (3) feet off the ground. The inspector shall take measurements on the horizontal plane to assure proper measurement of light at the property line. The average of the vertical and horizontal measurements shall be used to determine compliance with applicable standards. (not in effect within Louisville Metro)
 - b. When inspecting light trespass complaints, the inspector shall use an approved instrument to take a footcandle reading to determine whether the light brightness exceeds the standards set in this regulation. The inspector shall stand at the property line (as mapped on PVA maps) and hold the detector approximately three (3) feet off the ground. The inspector shall take measurements on the horizontal plane to assure proper measurement of light at the property line. ~~The average of the vertical and horizontal~~ Horizontal measurements shall be used to determine compliance with applicable standards. Measurement of light brightness under gasoline canopies shall be measured under the canopy at

¹ "Low- to medium-density residentially zoned" parcels include R-R, R-E, R-1, R-2, R-3, R-4, R-5, PRD, PVD R-5A, and R-5B.

² "High-density residentially zoned" parcels include TNZD, U-N, R-6, R-7, and R-8A.

a height of three (3) feet (in effect within **Louisville Metro**).

MIS ITEM #18

4.1.6 Operating Hours

The following operating hour restrictions shall apply to all uses that are within 100 feet of any property that is zoned residential, any solely residential use, or any mixed use development that contains residential uses ~~on the ground floor~~ as measured from the closest property line of the proposed use. **The most current version of the Louisville Metro Noise Ordinance shall also apply to all activities listed below.**

- A. Collection of Garbage and Recyclables - No garbage or recyclables collection services shall be conducted between the hours of 10:00 p.m. and ~~7:00~~ **6:00** a.m.

- C. **Exterior Construction Activity – No exterior construction activity shall be conducted between the hours of 9:00 p.m. and 7:00 a.m.**

MIS ITEM #19

4.4.3 FENCES, WALLS AND SIGNATURE ENTRANCES

- A. Fences and Walls
 - 2. ~~Fences and walls not located within a required yard shall be restricted by the maximum building height of that zoning district.~~ **For properties in zoning districts listed in Section 4.4.3.A.1.a: Fences and walls not located within the required yard shall be restricted by the maximum building height of that zoning district. For properties in zoning districts listed in Section 4.4.3.A.1.b: All fences and walls shall be restricted by the maximum building height of that zoning district.**

MIS ITEM #20

4.4.6 INACTIVE CEMETERIES

- A. Requirements:

A parcel of land on which an inactive cemetery is located or an adjacent parcel of land may be used as allowed by the site's zoning classification and other applicable regulations, with the following additional restrictions:

1. Preservation: All existing cemeteries and burial grounds shall be preserved and maintained in accordance with applicable Kentucky Revised Statutes, Kentucky Administrative Regulations, and federal laws and regulations state law. Relocation or removal of gravesites shall occur only as specified in applicable federal, state and local laws and regulations. The ~~Jefferson County~~ **Louisville Metro** Office of Historic Preservation and Archives shall be notified in writing by supplying to the office copies of all state and local applications and permits prior to the relocation procedure.
2. Notification: The applicant shall notify the ~~Jefferson County~~ **Louisville Metro** Office of Historic Preservation and Archives and the Kentucky Historical Society of the location of any cemetery or burial ground prior to development or subdivision of the parcel.
4. Building Setbacks
 - a. For cemeteries with defined boundaries (such as **parcel lines or historic parcel lines**, a wall or fence), all **pavement**, buildings and structures other than fences and walls shall be set back at least 30 feet from the perimeter. **Pavement shall be allowed within portions of the 30' buffer only upon the completion and submittal of an archeological survey demonstrating there are no grave sites within the area beneath the proposed pavement.** Land disturbance within 30 feet of the perimeter except as described in number 6 below shall not be allowed. Prior to initiating any site disturbing activities and for the duration of the site preparation and construction processes, the 30-foot buffer area shall be delineated by installation of temporary fencing so as to be readily identifiable.
 - b. For cemeteries with undefined boundaries, the Commission may require certification of a cemetery with undefined boundaries by an archaeologist (as defined in 36 CFR Part 61). Documentation of acceptance of the cemetery boundaries by the Historic Landmarks Commission or delegated staff persons shall be provided for Planning Commission and building permit agency files prior to initiation of any site

disturbance activities. After the boundary has been approved, all buildings and structures other than fences and walls shall be set back at least 30 feet, or another distance set by the Jefferson County Louisville Metro Historic Landmarks Commission.

5. Security: Existing cemetery fences and walls shall be maintained and repaired. The property owner or developer is required to erect a new permanent enclosure (if one does not exist) surrounding the cemetery. For cemeteries with undefined boundaries, the location of the fence shall be established in accordance with procedures acceptable to the Jefferson County Louisville Metro Historic Landmarks Commission. The new permanent fence shall be made of a material compatible with the character of the existing cemetery and surrounding residences. If a portion of an original wall or fence remains, and it is a compatible material (e.g. stone, brick, cast iron, wooden picket) the permanent fence or wall shall be properly repaired using the same material. If the existing fence is an inappropriate material (e.g. barbed wire or farm fence), it shall be replaced with a new fence of an appropriate material. Although the permanent fence must be erected as soon as practical, a temporary fence must be erected and maintained at all times during site development and construction. The Jefferson County Louisville Metro Historic Landmarks Commission shall be responsible for determining the appropriateness of materials.
6. Maintenance: Existing cemetery planting or foliage shall be pruned and generally left in its natural state. The Jefferson County Louisville Metro Historic Landmarks Commission shall be responsible for determining the appropriateness of landscaping used in and immediately surrounding all inactive cemeteries. Cemeteries shall be maintained both during site development and after construction is complete in accordance with Chapter 96 of the Jefferson County Code of Ordinances.
11. If human remains are discovered during the excavation or development of a site the applicant shall immediately cease excavation activities and notify the Jefferson County Coroner and the Jefferson County Louisville Metro Historic Landmarks Commission.

MIS ITEM #21

4.8.3 Establishment of Buffer Areas and their Boundaries

A. Applicability

Buffer Areas shall be established along Protected Waterways, which shall include the following waterways:

- 1a. 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~~ **Perennial streams are required to have either a Type A or Type B buffer area based on the applicable form district as listed in Table 4.8.1.**
- 1b. **For intermittent streams or rivers (or portions thereof), if the proposed development is covered by a Stormwater Construction General or individual Permit issued under the Kentucky Pollutant Discharge Elimination System (KPDES) program, a buffer area consistent with that required under such permit shall be maintained. For proposed developments not covered under such permit, appropriate storm water best management practices protective of the quality of the intermittent stream will be employed.**

C. The minimum Buffer Area requirements established by this Part for water bodies other than wetlands are either:

1. The minimum width as set forth in Table 4.8.1 below. Type A Buffer Areas and the Streamside Zone of Type B Buffer Areas are measured from the top of the bank of the protected stream. **Specific and final buffer area boundary delineations shall be determined by the Planning Director, or designee. Input regarding specific top of bank locations shall be provided to the Planning Director, or designee, by Army Corps of Engineers (U.S.A.C.E), United States Geological Survey, Kentucky Division of Water, the Metropolitan Sewer District, the Natural Resources Conservation Service or other informed parties.**

D. **Required stream buffers shall apply to all areas within the buffer width as described in this Part, whether the protected water body is on the subject property or on an adjacent property.**

MIS ITEM #23

8.1.4 Nonconforming Signs

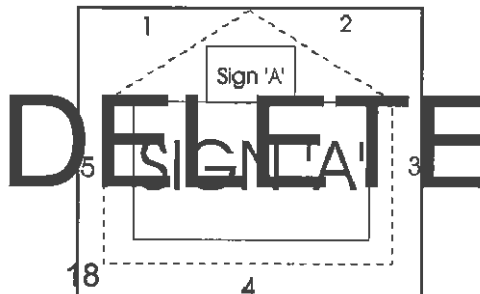
- B. At such time as any structural element of a nonconforming sign is replaced, the sign must be brought into compliance with the requirements of current regulations, ~~except that a nonconforming on-premises sign may be replaced by another nonconforming on-premises sign (exception, this provision does not apply to incidental and temporary on-premises signs), provided that all nonconformance in area, height, size, and setback is reduced by fifty percent (50%) of the difference between the existing nonconforming sign and what the regulation allows.~~ Exception: No reduction in nonconformance shall be required for the replacement of signs, awnings, canopies and marquees that were damaged by a weather event or accident (i.e. vehicular accident) unless the damage results from neglect of maintenance or other willful act of the property owner. Replacement of structural elements in this context means the disassembly and subsequent re-assembly or the substantial alteration of the pole, base, or frame. For awnings and canopies any change to the frame shall be considered as a structural change. The replacement of material covers shall not be considered a structural change.

***NOTE:** The 50% compliance standard does not exempt signage from compliance with other relevant sections of this chapter (e.g. location, lighting, style, etc.).*

MIS ITEM #24

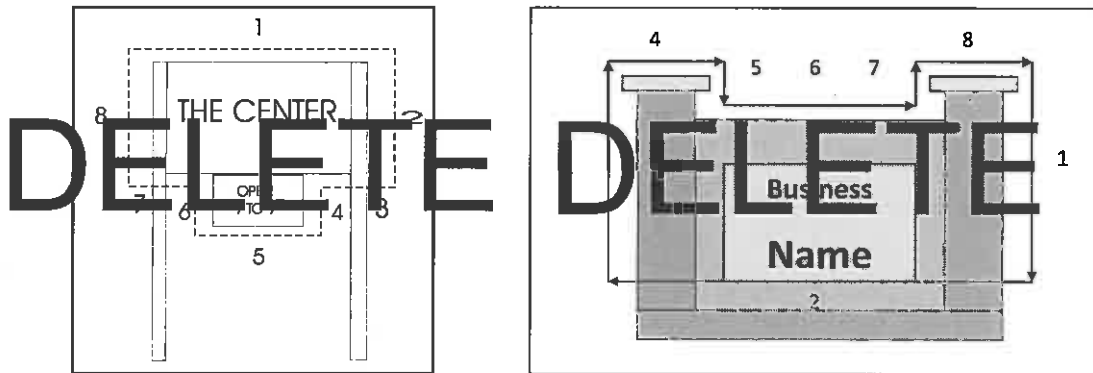
8.3.1 Sign Calculation

- A. Attached Signs
1. The maximum allowed area for all signs other than freestanding on-premises signs shall be determined by drawing ~~five or fewer~~ straight lines encompassing the extremities of the sign within the smallest possible area.
 2. A composite group of signs integrated into one framed unit or compact structure constitutes one sign.



B. Freestanding Signs

1. The maximum allowed area for freestanding on-premises signs shall be measured by drawing eight (8) or fewer straight lines encompassing the extremities of the sign within the smallest possible area, provided, however, that the area of a freestanding sign shall not include the structural framework (e.g. poles, supports, columns or other structures) which is solely for support and as long as the structural framework is clearly incidental to the display itself and does not contain any advertising. The area of a freestanding sign shall not include the space between the business identification portion of a freestanding business sign and the reader board/changeable copy portion.



MIS ITEM #25

1.2.2 Definitions

Projecting Banner Sign – A permanent non-illuminated double sided sign that uses a printed material fabric background for images, messages, or logos and is supported with brackets or a framework that enables it to project from the sides of a building or structure. The material or fabric background area of the sign can have a maximum width of 18" and a sign may have a total supported projection of 24" 25" from the face of a building or structure. The maximum allowable signage area for a projecting banner sign excluding the area of support brackets or framework shall not exceed 12' 24' square feet in total area for each side of the sign.

8.3.3 Permanent On-premises Signs for Non-residential Uses

A. Attached, Awning, Canopy and Marquee Signs

6. Projecting Signs or Projecting Banner Signs : Buildings on lots which contain no permanent freestanding on-premises sign (other than incidental signs) may not have more than one sign which projects perpendicularly from the façade (but not the roof) of the building providing that the sign does not exceed thirty-two (32) square feet in area, does not extend below nine (9) feet above the ground or sidewalk, or more than (8) feet from the façade of the building, or closer than two feet to the abutting roadway. **EXCEPTION: projecting banner signs are limited to a maximum width of 18", may have a total supported projection of 24" 25", and a maximum allowable area of signage not to exceed 12' 24 square feet in total area of each side of the projecting banner sign.** The area of the projecting sign or **projecting banner sign** shall be part of the total allowable signage allowed on any one façade of the building as listed in Table 8.3.2. Multiple use buildings may have one projecting sign or **projecting banner sign** for each business, subject to the total maximum sign area permitted in Table 8.3.2. **EXCEPTION:** Buildings within the Downtown Form District are not restricted by the number of projecting sign limit(s) or the 32 square foot limit listed above, however these buildings are subject to the overall attached sign allowance as listed in Table 8.3.2.

MIS ITEM #27

4.4.1 ADULT ENTERTAINMENT ACTIVITIES

- A. Adult entertainment activity may be permitted in the M-3 Industrial zoning district provided it is in conformance with all applicable federal, state, and local laws and regulations, including the provisions of this Land Development Code, and the following requirements:
 1. The public entrance to an establishment engaging in adult entertainment activity shall not be located within ~~4,000~~ **500** feet of any building containing a public or private elementary, middle, or secondary school, institution of higher education or business college, or any park-mall or park-like area of open space under the control of a governmental agency, or any building used for a place of religious worship, or any building used for a

governmental function or public library. Such distance shall be measured along a straight line from the nearest property line of the property on which the building or public park-like area is located to the entrance to such establishment engaging in adult entertainment activity.

NOTE: Persons engaging in or intending to engage in the business of conducting an adult entertainment activity are advised to consult the applicable ordinance of the jurisdiction regulating such activity to ascertain the extent of zoning and licensing regulations of such activities and whether

2. The public entrance to an establishment engaging in adult entertainment activity shall not be located within ~~1,000~~ **500** feet of any area zoned R-R, R-E, R-1, R-2, R-3, R-4, R-5, R-5A, R-5B, R-6, R-7, R-8A, UN, OR, OR-1, OR-2, OR-3, OTF, TNZD, PRD, PVD, PD or any property used for residential purposes. Such distance shall be measured along a straight line from the boundary line of the nearest area zoned R-R, R-E, R-1, R-2, R-3, R-4, R-5, R-5A, R-5B, R-6, R-7, R-8A, UN, OR, OR-1, OR-2, OR-3, OTF, TNZD, PRD, PVD, PDD or used for residential purposes to the entrance to such establishment engaging in adult entertainment activity.
3. The public entrance to an establishment engaging in adult entertainment activity shall not be located within ~~1,000~~ **500** feet of the public entrance of another adult entertainment activity establishment.
4. The public entrance to an establishment engaging in adult entertainment activity shall not be located within ~~1,000~~ **500** feet of the public entrance of an establishment licensed to serve alcoholic beverages.

MIS ITEM #28

1.2.2 Definitions

Pedway – A pedestrian walkway, tunnel, ground level concourse, or bridge that connects buildings and/or public spaces.

MIS ITEM #29

4.4.3 FENCES, WALLS AND SIGNATURE ENTRANCES

B. Signature Entrances

1. Definition:

Signature entrance: Any wall(s), fence(s), guard house, or similar structures exceeding 4 feet in height, constructed at an entrance to a major ~~single-family-subdivision~~ **residential subdivision**, or to a multi-family complex of ten units or more, **or a non-residential subdivision.**