

ORDINANCE NO. 076, SERIES 2017

**AN ORDINANCE AMENDING SECTION 5.12.2 OF THE LAND DEVELOPMENT CODE PERTAINING TO OUTDOOR AMENITIES/ FOCAL POINT(S) — APPLICABLE SECTIONS ARE MORE SPECIFICALLY SET FORTH BELOW IN EXHIBIT A (CASE NO. 16AMEND1003) (AS AMENDED).**

**SPONSORED BY: COUNCILMAN JAMES PEDEN**

**WHEREAS**, the Planning Commission approved a resolution on February 4, 2016, requesting Planning and Design Services staff to research and draft amendments to Section 5.12.2 of the Land Development Code (“LDC”) in order to more effectively address industrial developments; and

**WHEREAS**, the Planning Commission held a public hearing on March 17, 2016, to consider an amendment to LDC; and

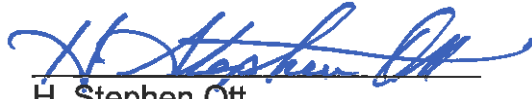
**WHEREAS**, the Planning Commission recommended approval of the amendments provided in the staff report as stated in the Planning Commission's minutes of March 17, 2016; and

**WHEREAS**, the Metro Council concurs in and adopts the findings and recommendations of the Planning Commission in Case No. 16AMEND1003 as reflected in the Planning Commission's minutes and records, and as more specifically set forth in Exhibit A attached hereto;

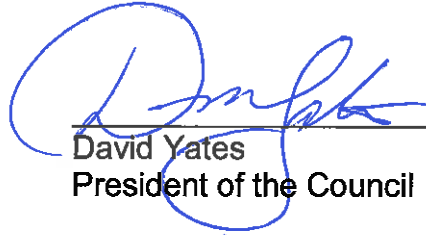
**NOW THEREFORE BE IT ORDAINED BY THE LEGISLATIVE COUNCIL OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT AS FOLLOWS:**

**SECTION I:** The Metro Council hereby adopts the amendments to the LDC as contained in the minutes and records of the Planning Commission in Case No. 16AMEND1003, dated March 17, 2016, and as more specifically set forth in Exhibit A attached hereto.

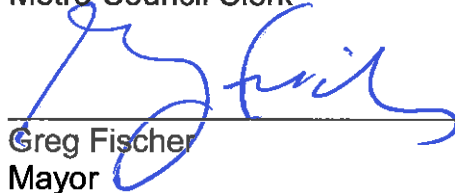
**SECTION II:** This Ordinance shall take effect upon its passage and approval.



H. Stephen Ott  
Metro Council Clerk



David Yates  
President of the Council



Greg Fischer  
Mayor

5/2/17

Approval Date

APPROVED AS TO FORM AND LEGALITY:

Michael J. O'Connell  
Jefferson County Attorney

By:



O-93-16 (pw)



## Exhibit A

### 5.12.2 Outdoor Amenities/Focal Point(s)

A. Developments in all form districts shall meet the following standard.

1. Retail, Office, ~~Industrial~~, and Mixed-Use developments that involve construction of a building or buildings with a total footprint greater than 60,000 square feet shall set aside an area equivalent to a minimum of 10% of the total building footprint for outdoor amenities. Outdoor amenities may be used as a way of fulfilling the focal point requirement for activity centers listed within the Cornerstone 2020 comprehensive plan. The applicant shall provide outdoor amenities that include any one or a combination of the following (Note: Final design of outdoor amenities shall require approval from the Planning Commission or designee):
  - a. Sidewalks, plaza or patio area, at least 15 feet wide and providing seating
  - b. Outdoor dining
  - c. Water feature
  - d. Landscaped green area with seating
  - e. Outdoor playground area
  - f. Multi-purpose trails/paths
- 2. Industrial developments that involve construction of a building or buildings with a total footprint greater than 60,000 square feet shall set aside an area equivalent to a minimum of 10% of the total office square footage for outdoor amenities, as described in paragraph 1 above.**
- 3. 2.** Any such areas shall be accessible by walkways linking with the various uses within the development and/or with adjacent development. Amenities may be centralized or dispersed, but shall be located no more than 600 feet (measurement based on the pedestrian walkways) from the buildings required to provide the amenities. Outdoor open space may contain food service areas. The outdoor space shall include seating at a rate of not less than 1 seat per 200 square feet of outdoor amenity. To enhance usability, at least 25% of the open space shall be shaded or used for landscaping.
- 4. 3.** As an applicant option to the requirements set forth above, a fee in lieu of the Outdoor Amenity/Focal Point requirements may be provided with approval of the Planning Commission or designee. **For applicable non-industrial developments, the fee in lieu shall be calculated based on the square footage required for the outdoor amenity area multiplied by \$5, the per square foot value of the parcel of land, as determined by its actual documented value at the time of development. For applicable industrial developments, the fee-in-lieu shall be calculated based on the square footage required for the outdoor amenity area, multiplied by \$10, the per square foot value of the parcel of land, as determined by its actual documented value at the time of development, multiplied by 75 percent.** This fee-in-lieu shall be calculated as part of the development review and payable at the time of building construction permitting. The fee shall be directed to the Louisville Public Space Art Fund. In June of every year, the Mayor's Commission on Public Art shall come before the Parks and Libraries Committee or other committee designed by the Metro Council President to provide information regarding the expenditure of funds from the Louisville Public Space Art Fund. Such presentation shall include information regarding the amount of money collected from the fee-in-lieu, and what percentage of such money was spent on the maintenance of existing art and the installation of new art.