

ORDINANCE NO. 129, SERIES 2015

**AN ORDINANCE AMENDING CHAPTER 75 OF THE LOUISVILLE METRO CODE OF ORDINANCES RELATING TO ENFORCEMENT OF DRIVEWAY PERMITS.**

**Sponsored By:** Councilmember Owen

**WHEREAS**, the Council finds that certain provisions in Chapter 75 of the Louisville Metro Code of Ordinances are in need of clarification; and

**WHEREAS**, the Council further wishes to classify violations of Chapter 75 of the Louisville Metro Code of Ordinances as a civil offense enforceable through the Code Enforcement Board as provided in §§ 32.275 – 32.291.

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

**SECTION I:** Section 75.01 of the Louisville Metro Code of Ordinances is hereby amended to read as follows:

**§ 75.01 APPLICATION FOR DRIVEWAY PERMITS.**

(A) This section shall apply to all driveways abutting upon a street under the jurisdiction of the Louisville/Jefferson County Metro Government ("Metro Government").

(B) No person, firm, partnership, corporation or other legal entity shall install or modify a driveway without first obtaining approval from Metro Government in accordance with this chapter. Plans drawn for any new driveway or any modifications to an existing driveway shall be submitted to the Departments of Public Works and of Inspections, Permits, and Licenses ("IPL") for approval, except those for single- or two-family dwellings currently under construction in bonded subdivisions, which only require Department of IPL approval. Those plans shall show the site location and design of the proposed driveways and any other such information required by the Departments. This may include, but not be limited to: property boundaries; existing structures, location of all existing driveways on both sides of street and on adjacent properties; proposed driveway geometrics; pavement design; grades; and storm drainage. If the proposed or modified driveway is being located in conjunction with off-street parking or

loading and unloading facilities, then the plans shall also show the parking and off-street loading or unloading areas.

**SECTION II:** Section 75.02 of the Louisville Metro Code of Ordinances is hereby amended to read as follows:

**§ 75.02 DRIVEWAY DESIGN AND PLACEMENT REQUIREMENTS FOR EXISTING AND PROPOSED DRIVEWAYS SUBJECT TO APPROVAL.**

(A) All driveways subject to approval pursuant to this chapter shall conform to general standards as set forth in the Land Development Code, within form district specifications, parking regulations, Access Management Design Manual, as well as the Department of Public Works' Design Standards.

(B) The standards referenced herein may be applied to a driveway in existence before the effective date of this chapter, if a qualified traffic engineer/planner determines there exists a safety or capacity problem related to that driveway.

(C) Sight distance at driveway approaches must be located and designed in conformance with appropriate American Association of State Highway Transportation Officials ("AASHTO"), Institute of Transportation Engineers ("ITE"), or other applicable standards.

(D) The granting of any required permits may be conditioned upon payment of the appropriate permit fee, and also may require bonding in accordance with the policies of the Departments of Public Works and/or Inspections, Permits and Licenses, based upon the individual circumstances surrounding the application.

(E) Parking pads and parking areas within the public right-of-way or abutting a roadway are prohibited along all classifications of roads maintained by Metro Government.


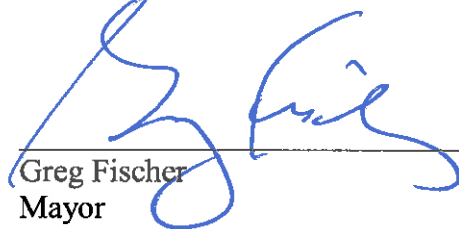
**SECTION III:** A new Section 75.99 of the Louisville Metro Code of Ordinances is hereby adopted to read as follows:

**§ 75.99 VIOLATIONS AND PENALTIES**

Any violation of this chapter shall be classified as a civil offense and shall be enforced through the Code Enforcement Board as provided in §§ 32.275 – 32.291, or as it may be amended. The civil penalty for violations shall be \$250.00. Each day of such violation(s) shall constitute a separate offense. In addition to any penalties imposed, any driveway, parking pad, or parking area installed or modified in violation of this chapter which does not receive the approval of Metro Government shall be removed by the owner of the subject property. Any driveway, parking pad, or parking not so removed by the owner shall be subject to removal by Metro Government. Metro Government shall possess a lien on the subject property for all civil penalties assessed for the violation and for all costs

and fees incurred by Metro Government in connection with the enforcement of this chapter.

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

 H. Stephen Ott Metro Council Clerk	PRO - TEM	 David W. Tandy President of the Council
 Greg Fischer Mayor		8/17/15 Approval Date

**APPROVED AS TO FORM AND LEGALITY:**

Michael J. O'Connell  
Jefferson County Attorney

LOUISVILLE METRO COUNCIL  
READ AND PASSED  
August 13, 2015

BY: 