

ORDINANCE NO. _____, SERIES 2019

AN ORDINANCE AMENDING SECTION 6.2.6.B.1. OF THE LOUISVILLE METRO LAND DEVELOPMENT CODE RELATING TO SIDEWALK FEE IN LIEU (CASE NO. 19AMEND1002).

SPONSORED BY: COUNCILWOMAN MADONNA FLOOD

WHEREAS, the Louisville Metro Planning Commission held a public hearing on these amendments on February 7, 2019 and found these amendments comply with the applicable policies of Plan 2040; and

WHEREAS, the Council concurs in and adopts the recommendations of the Planning Commission as set out in the Planning Commission's minutes and record in Case No. 19AMEND1002.

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

SECTION I: The underlined amendments below to Section 6.2.6.B.1. of the Land Development Code are approved and adopted.

6.2.6 Requirements for Specific Types of Streets and Alleys

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B. Development activity that meets the thresholds in the form district for Street and Roadside Design and new streets shall provide sidewalks in accordance with Tables 6.2.1 and 6.2.2 subject to the following exceptions:

- Sidewalks shall not be required on lots that are five acres or greater in area and developed for single family residential uses unless they connect with existing sidewalks on both sides of the property.
- Lots within approved major subdivisions in which the sidewalk(s) were waived as part of the subdivision approval for the applicable street frontage shall not be required to provide sidewalks.
 1. Fee in Lieu Option - The Director of Works and the Director of Planning or designees may allow the payment in lieu of sidewalk construction upon a finding that construction of a sidewalk is not appropriate due to one of the following applicability requirements:

- Sidewalks construction is impracticable due to topographical conditions or site constraints. Site constraints may include, but are not limited to, steep slopes, utility infrastructure, or tree removal; or
- A determination by the Director of Works and the Director of Planning or designees that sidewalks do not exist in the area and there is not a likelihood for sidewalks to be constructed in the future, except for areas where sidewalks are recommended within a Planning Commission or legislatively adopted plan recommending sidewalk construction.
 - a. ~~Amount of fee shall be set by Metro Public Works based on average sidewalk construction.~~ The fee amount shall be calculated using the Metro Public Works primary contract for new sidewalks multiplied by the area of sidewalk. The area of sidewalk shall be calculated as follows:
 - Multi-family, non-residential and major subdivision developments shall be calculated based on the area of sidewalks required to be constructed per the LDC.
 - ~~The fee in lieu amount for s~~Single family residential property that is not part of a major subdivision plan shall be calculated based on the minimum lot frontage of the applicable zoning district or actual lot width, whichever is less.
 - b. All fees paid shall be used for sidewalk construction within the same Metro Council District. The sidewalk fee in lieu does not account for site constraints that may increase the cost of construction.
 - c. ~~It should be noted that p~~Payment of a fee in lieu of sidewalk construction is an option available to developers that must be approved by the Director of Works and the Director of Planning or designees. Applicants retain the right to request a sidewalk waiver (see B.2 below); ~~i~~n no case shall the Planning Commission or Director of Works require the payment of a fee in lieu of sidewalk construction.
 - d. ~~The fee in lieu option shall not be approved and the sidewalk shall be constructed~~ permitted when one of the following situations apply:
 - Where an existing sidewalk network can be completed or extended, except in locations where site constraints cause construction difficulties as determined by the Director of Works and the Director of Planning or designees.
 - The required sidewalk would provide a direct means of access to a lot that contains a pedestrian generator such as a school, church, library, community center or park.
 - e. A new fee in lieu or sidewalk shall not be required in the future for a street frontage in which a fee in lieu has already been approved and paid.

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

H. Stephen Ott
Metro Council Clerk

David James
President of the Council

Greg Fischer
Mayor

Approval Date

APPROVED AS TO FORM AND LEGALITY:

Michael J. O'Connell
Jefferson County Attorney

By: _____

Ordinances/Amend LDC Section 6.2.6 RE Sidewalk Fee In Lieu/O-075-19 - Amend LDC Section 6.2.6 RE Sidewalk Fee in Lieu (3-1-19).docx (jc)