



OFFICE OF PLANNING & DESIGN SERVICES
DEVELOP LOUISVILLE
LOUISVILLE, KENTUCKY

GREG FISCHER
MAYOR

YU "EMILY" LIU, AICP
DIRECTOR

September 14, 2018

Bart L. Greenwald
Duncan, Galloway, Egan, and Greenwald, PLLC
9750 Ormsby Station Road, Suite 210
Louisville, KY 40223

Re: Determination of Agricultural Use – 4301 Mud Lane, Louisville, KY 40299

Dear Mr. Greenwald:

I received your request for an agricultural determination, dated August 29, 2018 on behalf of Rickey and Janice Conley, the owners of 4301 Mud Lane. The Louisville Metro Land Development Code (LDC) defines an agricultural use based on the definition in KRS Chapter 100 as:

Agricultural Use (KRS 100.111):

A. A tract of at least five (5) continuous acres for the production of agricultural or horticultural crops, including but not limited to livestock, livestock products, poultry, poultry products, grain, hay, pastures, soybeans, tobacco, timber, orchard fruits, vegetables, flowers, or ornamental plants, including provision for dwellings for persons and their families who are engaged in the agricultural use on the tract, but not including residential building development for sale or lease to the public;

B. Regardless of the size of the tract of land used, small wineries licensed under KRS 243.155, and farm wineries licensed under the provisions of KRS 243.156;

C. A tract of at least five (5) contiguous acres used for the following activities involving horse:

1. Riding lessons;
2. Rides;
3. Training;
4. Projects for educational purposes;
5. Boarding and related care; or
6. Shows, competitions, sporting events, and similar activities that are associated with youth and amateur programs, none of which are regulated by KRS Chapter 230, involving more than seventy (70) participants shall be subject to local applicable zoning regulations; or

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- D. A tract of land used for the following activities involving horses:
1. Riding lessons;
 2. Rides;
 3. Training;
 4. Projects for educational purposes;
 5. Boarding and related care; or
 6. Shows, competitions, sporting events, and similar activities that are associated with youth and amateur programs, none of which are regulated by KRS Chapter 230, involving seventy (70) or less participants. Shows, competitions, sporting events, and similar activities that are associated with youth and amateur programs, none of which are regulated by KRS 230, involving more than seventy (70) participants shall be subject to local applicable zoning regulations. This paragraph shall only apply to acreage that was being used for these activities before July 13, 2004.

Based on the details of the agricultural use and the previous inspections of the property by staff, I have determined that the 5+ acre property located at 4301 Mud Lane is currently operating agricultural activities that are similar to item A; the raising of livestock (cows) for sale, the raising of chickens for the sale of chickens and/or eggs, and the raising of fruit trees and plants for the sale of produce. In addition, I have determined that the location is operating agricultural activities that are similar to item C.5; the boarding of horses.

The use of the large accessory structure that exceeds the maximum size restriction in LDC Section 5.4.2.C.1 and previously approved for construction as an agricultural use related building and is the subject of an ongoing zoning enforcement case. Based on the description of the use of the structure in your request letter and from the photographs taken by staff during two site inspections of the property (May 4, 2018 and June 11, 2018), I have determined that the current use of the structure is agricultural and therefore is no longer in violation of the above-mentioned section of the LDC. Any proposed change of use of this structure should be submitted to the Planning Director for review to determine whether the proposed change would impact this determination.

If you have questions regarding this determination, please feel free to contact me at 574-6678 or email Emily.Liu@louisvilleky.gov if you have questions or need additional information.

Sincerely,

Yu "Emily" Liu, AICP
Director, Planning & Design Services

cc: Rickey and Janice Conley
Joe Haberman, AICP
Chris French, AICP

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