

Land Development and Transportation Committee

Staff Report

January 28, 2016



Case No:	15area1001 & 15amend1001
Request:	Area-wide Change in Zoning and Text Amendment for the Old Louisville/Limerick TNZD
Project Name:	Old Louisville/Limerick Area-Wide Re-Zoning and Text Amendment
Location:	Multiple properties in the Old Louisville/Limerick TNZD
Owner:	Multiple Owners
Applicant:	Louisville Metro
Representative:	Louisville Metro
Jurisdiction:	Louisville Metro
Council District:	6 – David James
Case Manager:	Brian Mabry, AICP, Planning Coordinator

REQUEST

- Area-wide change in zoning for multiple properties within the Old Louisville / Limerick Traditional Neighborhood Zoning District
- Text amendment for Appendix 2B, Traditional Neighborhood Zoning District Land Use And Design Standards, and for Chapter 8, Sign Regulations, of the Land Development Code

CASE SUMMARY/BACKGROUND/SITE CONTEXT

In April 2015, Metro Council approved Resolution 040-2015, related to the Old Louisville / Limerick Traditional Neighborhood Zoning District (TNZD). The resolution directed Planning and Design Services staff to:

- Evaluate permitted uses in the TNZD as to whether the current land use listing should be expanded to include additional commercial uses
- Resolve any conflicts or confusion in regulations that pertain to signage on properties located within the TNZD
- Examine the current Neighborhood Center boundary on the TNZD Plan Map to determine whether it should be extended
- Hold a public hearing with the Planning Commission to consider proposed changes to the three items above

On the evenings of July 8th and August 11th, 2015, and January 12th, 2016, Staff held neighborhood meetings at the Old Louisville Neighborhood Information Center. The meetings were well attended, with 50 to 75 people present at each one. The purpose of these meetings was: to inform area stakeholders on zoning in general and on the current status of the TNZD regulations; to provide preliminary recommendations related to land uses, signs, and the TNZD map; and to provide a forum for stakeholders to educate Staff on Old Louisville's unique characteristics, problems, and assets.

At the August and January meetings, Staff presented further refined recommendations based on additional research and stakeholder comments, with the intent of providing a compromise between two generally distinct sets of stakeholders, those who prefer very modest change and those who prefer significant changes.

At the January meeting, Staff presented to the group several alternatives related to permitted uses and the TNZD zoning map. Staff's recommended alternatives are presented in this Staff report.

The Old Louisville / Limerick TNZD is generally bounded to the north by Kentucky Street, some places extending as far north as Breckenridge Street; to the west, generally, by S. 7th Street, some places extending as far west as S. 8th Street; to the south by Cardinal Boulevard; and to the east by Interstate 65. The Old Louisville Neighborhood Plan and the Limerick Action Plan was adopted in 1982. The current list of permitted uses within the TNZD was reviewed by various groups beginning in 1999 and formally amended in 2002. Few, if any amendments to the set of permitted uses in the TNZD have taken place since then.

Section 2.7.4 of the Land Development Code (LDC) states that the purpose of the TNZD, in part, is as follows:

The TNZD is designed to recognize historic or long-established traditional neighborhoods and to protect them as a distinct pattern of development... Traditional neighborhoods ... [have] an identifiable boundary, a predominance of residential uses and open space such as parks and playgrounds, a connected street and alley pattern, buildings that are close to or at the sidewalk, and, in some cases, a well-defined center or transition area that contains a mixture of uses.

The TNZD is designed to promote diversity and integration of uses and structures in an existing traditional neighborhood through flexible design standards that:

- a. Regulate the use of structures on a structure-by-structure basis which stabilizes and protects the urban residential character of the area;
- b. Maintain traditional neighborhoods that are livable, diverse, and sustainable;
- c. Promote uses of land that are appropriate to the distinctive characteristics of existing traditional neighborhoods;
- d. Respect and reinforce existing traditional neighborhoods, integrating new development with existing development to ensure compatibility;
- e. Provide flexibility to meet changing needs, technologies, economics, and consumer preferences;
- f. Promote development patterns and land uses which reduce transportation needs and which conserve energy and natural resources;
- g. Protect and enhance historic and natural resources;
- h. Encourage the provision of adequate parks and open spaces to serve the needs of residents of traditional neighborhoods.
- i. Encourage a variety of compatible architectural styles, building forms, and building relationships within existing traditional neighborhoods.

As directed by Resolution 040-2015, this project has two overall components: a proposed change in the text of the LDC (related to permitted uses and signs) and a proposed change to the TNZD zoning map. Staff made the decision to bring both components to the LD&T Committee, prior to Planning Commission hearing, rather than split them up, with proposed text amendments separately going to the Planning Committee. Staff will provide the Planning Commission with a draft ordinance to amend the LDC prior to its hearing on February 18th.

INTERESTED PARTY COMMENTS

See Attachment 11. Interested party comments are general split fairly evenly between those advocating for little change and those who prefer significant change in terms of permitted uses and changes to the zoning map. Interested party comments related to signs were relatively minor.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
Old Louisville/Limerick Neighborhood Plans (last amended 12/22/2000)

STANDARD OF REVIEW FOR REZONING

Criteria for granting the proposed rezoning: *KRS Chapter 100.213*

1. The proposed rezoning complies with the applicable guidelines and policies Cornerstone 2020; **OR**
2. The existing zoning classification is inappropriate and the proposed classification is appropriate; **OR**
3. There have been major changes of an economic, physical, or social nature within the area involved which were not anticipated in Cornerstone 2020 which have substantially altered the basic character of the area.

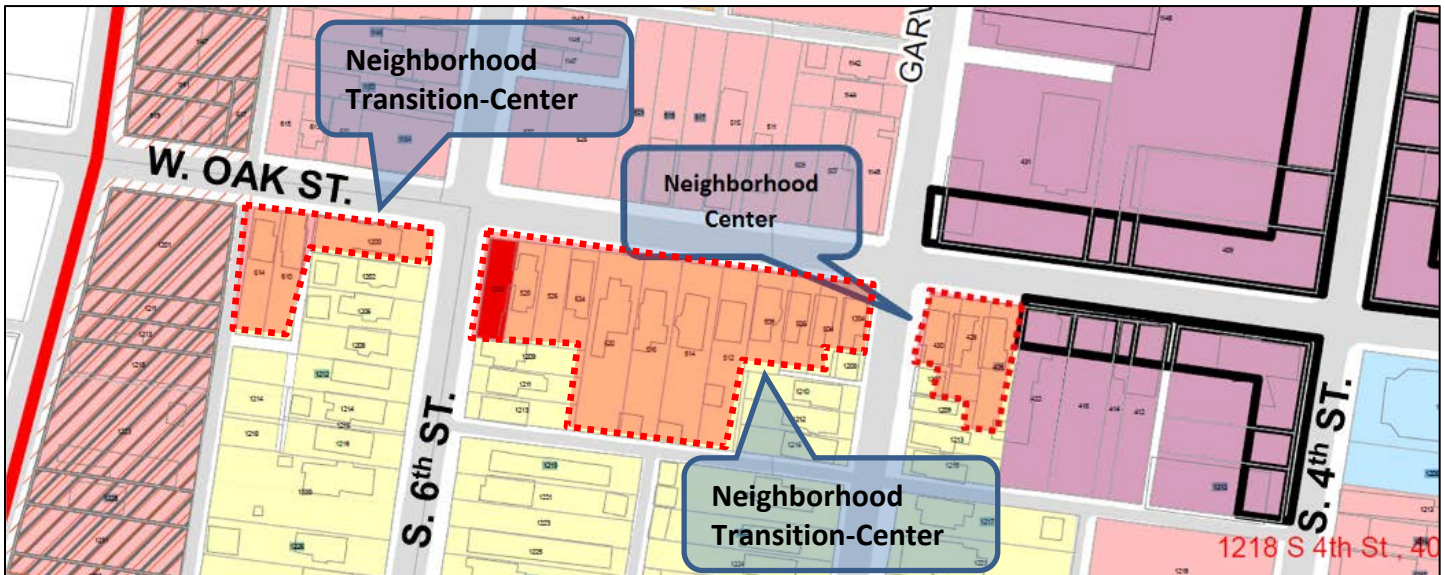
STAFF ANALYSIS FOR REZONING

The Staff recommendation related to the TNZD zoning map has four parts:

1. Expand the Neighborhood Center neighborhood type to a small set of properties just west of the current location of the Neighborhood Center properties. These properties are immediately west of the now defunct Rudyard Kipling.

In addition, rezone all properties with frontage on the eastbound side of W. Oak Street from Garvin Street to the alley east of S. 7th Street from the General neighborhood type to Neighborhood Transition-Center. If approved, the proposed map amendment would have the effect of making a wider variety of commercial uses available to the subject properties.

All current applicable standards of the Land Development Code and all Old Louisville / Limerick design review provisions remain in effect.



2. Rezone all properties with frontage on E. Oak Street from S. 1st Street to S. Floyd Street, excluding Toonerville Trolley Park, from the General neighborhood type to Neighborhood Transition-Center. If approved, the proposed map amendment would have the effect of making a wider variety of commercial uses available to the subject properties.

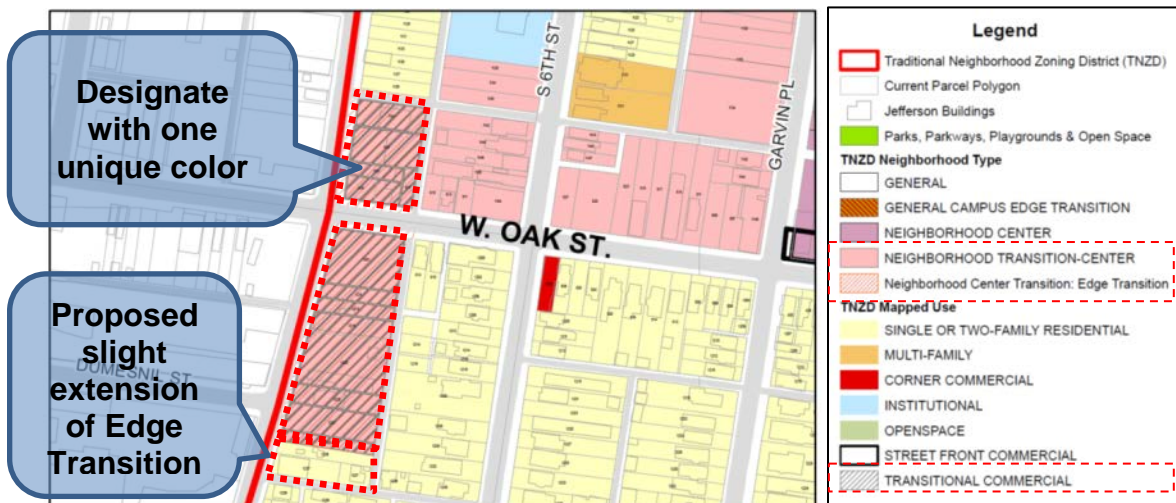
Some advocates for expansion eastward believe that the expansion should stop at S. Brook Street, while others believe that the expansion should continue to S. Floyd Street.

All current applicable standards of the Land Development Code and all Old Louisville / Limerick design review provisions remain in effect.



3. The Neighborhood Center Transition: Edge Transition properties at the northeast and southeast corners of W. Oak Street and S. 7th Street have three layers of designations on the TNZD zoning map: light pink, black hash marks and red hash marks. In order to clear up confusion about the designation of these properties on the map, Staff recommends providing these properties with their own unique color on the map and legend. In addition, the three property owners for these area believe that the Edge Transition neighborhood type should be extended two parcels southward so that the boundary of the neighborhood type is the alley that connects S. 6th Street with S. 7th Street. See Attachment 5 on page 25 of 35 for a letter requesting the extension. See also the graphic below.

More recommendations related to permitted uses for these properties are in the Staff Analysis for LDC Text Amendment section below.



4. A number of interior (non-corner) lots exist in the Old Louisville / Limerick TNZD with vacant commercial structures that are not eligible for Corner Commercial status on the map, as illustrated in the graphic at the top of the next page. In order to better enable the use of commercial structures on interior lots, Staff recommends changing the mapped use designation from “Corner Commercial” (dark red) to “Community Commercial.” This change in terminology would make it possible for individual property owners to request Community Commercial status for these interior lots and thus be given the

ability to use the structures for a commercial purpose. More recommendations related to permitted uses for Corner/Community Commercial are in the Staff Analysis for LDC Text Amendment section below.



Staff makes these TNZD Zoning Map change recommendations in light of the following:

The proposed rezoning complies with the applicable guidelines and policies in “Amendments to the Old Louisville/Limerick Neighborhood Plans”. The Plan has the following recommendations:

- Revitalization of the commercial district at 4th and Oak Streets as a true neighborhood serving center;
- Appropriate commercial and retail amenities throughout the neighborhood; and
- Appropriate, inclusive zoning and rigorous code enforcement

The existing zoning classification is inappropriate and the proposed classification is appropriate for the following reasons:

- Oak Street is a Minor Arterial according to Cornerstone 2020 and minor arterials can generally support zoning districts of a greater intensity than currently exist along Oak; and
- As a result of the ongoing public review process, the recommended changes attempt to split the difference between those who favor very modest change and those who prefer significant changes.

Generally, those against expansion of commercial neighborhood types along Oak Street argue that such expansion would dilute an already underutilized area. There are already vacant Neighborhood Center and Neighborhood Transition-Center properties, and they question why even more properties would be given such designation. Those in favor of expansion argue that such expansion gives more commercial opportunities for more properties. This would result in more commercial activity along Oak Street and so it is beneficial to the area.

STAFF ANALYSIS FOR LDC TEXT AMENDMENT

Staff makes the following recommendations related to the LDC text amendment component of this project.

Permitted Uses

Make TNZD its Own Section, Rather Than An Attachment

Currently the regulations specific to the Old Louisville / Limerick TNZD reside in LDC Appendix 2B, “Traditional Neighborhood Zoning District Land Use And Design Standards.” Staff proposes to make these standards their own LDC Section and to incorporate relevant portions from other parts of the LDC into the new Old Louisville / Limerick TNZD Section. Staff makes this recommendation because, although they are administered as binding standards that must be followed, there is an argument that appendices to a Land Development Code are not bona fide regulations and may be treated as guidelines.

In addition, Staff proposes to reference the Historic Landmarks and Preservation Districts Commission’s General Design Guidelines where appropriate.

Neighborhood Center Uses: Carry Over C-2 with No Exclusions; Additional Permitted Uses

Staff recommends that the permitted uses for the Neighborhood Center neighborhood type, focused at S. 4th Street and W. Oak Street, be the same as the permitted uses for the C-2 zoning district, with no exclusions. In addition, Staff proposes to add the following uses, some of which are currently allowed in the Neighborhood Center, but not in C-2:

- | | |
|---|--|
| <ul style="list-style-type: none">• Assisted living residence*• Community or market garden (Permitted with Standards)• Entertainment activity, indoor or outdoor* | <ul style="list-style-type: none">• Garages and accessory residential units (carriage house)*• Live/Work Unit (Permitted with Standards) <p>* = Use permitted in Neighborhood Center, but not C-2</p> |
|---|--|

See Attachment 6, Page 26 of 35, for a list of new uses that would become permitted in Neighborhood Center if the C-2 listing is carried over with no exclusions.

Neighborhood Transition-Center Uses: Carry Over C-2 with Auto- and Boat-Related Exclusions; Additional Permitted Uses

Staff recommends that the permitted uses for the Neighborhood Transition-Center neighborhood type, which for the most part surrounds the Neighborhood Center type, be the same as the permitted uses for the C-2 zoning district, with exclusions related to auto- and boat-oriented uses. In addition, Staff proposes to add the following uses, some of which are currently allowed in the Neighborhood Transition-Center, but not in C-2:

- | | |
|--|--|
| <ul style="list-style-type: none">• Assisted living residence*• Bed & breakfast (Permitted with Standards)• Community or market garden (Permitted with Standards)• Entertainment activity, indoor only*• Garages and accessory residential units (Carriage House)*• Governmental buildings* | <ul style="list-style-type: none">• Institutional uses (where mapped)*• Live/work unit (Permitted with Standards)• Package liquor store (CUP)• Tavern, bar, saloon (CUP)• Trade, business or industrial school (where mapped)* <p>* = Use permitted in Neighborhood Transition-Center, but not C-2</p> |
|--|--|

See Attachment 7, Page 28 of 35, for a list of new uses that would become permitted in Neighborhood Transition-Center if the C-2 listing is carried over with the recommended exclusions.

Broaden Institutional Definition in TNZD

There is a definition for Institutional Uses (places of worship, schools, etc.) that is unique to the TNZD and a definition that applies to the remainder of the Land Development Code. Staff recommends combining the two definitions so that there will be one consistent definition for the whole Code, and in order to capture the greatest number of specific uses within the definition of Institutional Uses.

Allow Live/Work Units as Permitted Subject to Standards in All Neighborhood Types

Live/work units are defined in the LDC as:

A structure or structures held in single ownership and containing one of the following: (1) commercial or office use not to exceed more than 50 percent of the floor area and residential use which shall include the balance of the remaining floor area, or (2) residential use which utilizes up to 100 percent of the floor area. Regardless of the zoning district, Live/Work Units shall be considered a residential use.

Live/work units are structures geared toward craftspeople and artisans who wish to live in close proximity to each other and to where they do their work. Live/work units are currently not allowed in the TNZD. They are

permitted in the following conventional zoning and form districts: in Traditional Form Districts only, R-4, R-5, R5-A, R5-B; in all Form Districts, R-6, R-7, R- 8A, OR, M-1, M-2, M-3, and EZ-1.

Staff recommends that live/work units be permitted subject to the standards in Section 4.3.19 in all neighborhood types in the TNZD. The standards of that Section include, but are not limited to, the types of commercial uses allowed in a live/work unit, parking, and licensing. These standards, along with any other standards for uses permitted subject to standards, are not eligible for waivers or variances.

Allow Offices as Conditional Use in Neighborhood General

Offices (professional, business, and medical) are currently not allowed in the Neighborhood General neighborhood type of the TNZD. Staff recommends that they be allowed by Conditional Use Permit (CUP) in this neighborhood type, based on the CUP standards in Section 4.2.20 for doctor, dentist, and chiropractor offices which apply to the R-4, R-5, R-5A, R-5B, R-6, and R-7 zoning districts. Staff recommends that the maximum floor area be 1,000 square feet. Staff recommends relying on other existing standards in Section 4.2.20 pertaining to parking location, screening, and signs. Some stake holders are strongly against this recommendation, while others are in favor and want the maximum floor area to be increased to the square footage of the first floor of the residential structure.

Expand Corner/Community Commercial Permitted Uses

In keeping with the concept of increasing the opportunity for commercial uses in the Old Louisville / Limerick TNZD, Staff proposes expanding the set of uses permitted on Corner/Community Commercial properties on the TNZD map. See Attachment 8 on page 30 of 35 for a listing of these uses, as recommended by the Old Louisville Neighborhood Council.

Neighborhood Center-Transition: Edge Transition, Carry Over C-2 with No Exclusions

The three persons who own the properties with the Neighborhood Center-Transition: Edge Transition desire that their properties be allowed C-2 uses, with no exclusions. While part of the TNZD, these properties appear to not significantly contribute to the historic character of the area. Staff supports the request to allow C-2 uses on these properties. See the letter in Attachment 9 on page 32 of 35 requesting the C-2 uses. See also the related TNZD Map recommendation #3 above.

Signs

Allow Monument Signs and Expand Where Permitted

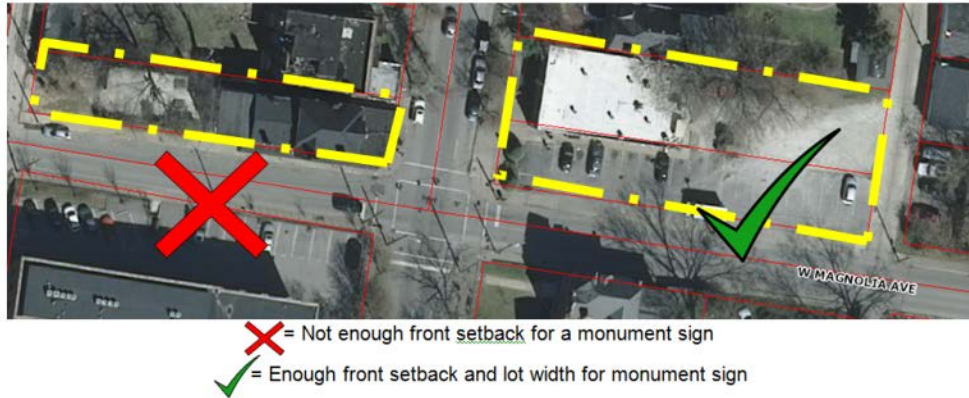
Currently freestanding signs are only allowed in association with offices and bed and breakfasts and they are limited to a maximum area of six square feet. Staff recommends that monument signs be allowed in association with any nonresidential and mixed use buildings that are not Corner/Community Commercial. The LDC defines monument signs, including the graphic to the left, as follows:

Monument Style Sign - A freestanding business sign with a base width of at least eighty percent (80%) of the width of the sign cabinet or sign face.



Staff recommends a maximum area of 24 square feet for a monument sign, which would be allowed in place of attached, awning, projecting or canopy signs. Staff also recommends: (1) a maximum overall height for a monument sign of four feet, (2) that a property must have a minimum front yard of 15' from right-of-way line to the front of the building, and (3) the sign must have a minimum side setback of 15 feet. The dimensional requirement of 24 square feet and four feet in overall height is comparable to the smallest sign allowed in the Traditional Neighborhood form district. The 15-foot setback requirements are the same as those that apply to the Bardstown Road / Baxter Avenue overlay zoning district. As with any freestanding sign, the sign must be completely on private property and not



within the public right-of-way. The setback requirements will preclude many properties from having a monument sign, as shown in the illustration below.



Require Opaque Background with Channel Letters for Freestanding Signs

Also in line with requirements for the Bardstown Road / Baxter Avenue overlay zoning district, Staff recommends that only the channel letters of a permitted monument sign be illuminated, not the entire face of the sign, as shown in the graphic below.



 = Proposed to be prohibited
 = Proposed to be permitted

Allow Signature Entrance Signs on Larger Properties

The LDC defines a signature entrance as:

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

The LDC allows a maximum of two signs, not exceeding 15 square feet in area each, to be attached to a signature entrance. Staff recommends carrying over into the TNZD the signature sign allowances found in Section 4.4.3 of the LDC on properties one-half acre in size or larger. Examples of properties that meet this size threshold include, but are not limited to, Walnut Street Baptist Church, Treyton Oak Towers, Puritan Apartments, and the former Winn-Dixie site.

Incorporate Director's Interpretation Allowing Internally Illuminated Window Signs

Staff recommends integrating into the LDC an existing Director's Interpretation (Attachment 10 on Page 33 of 35) that says a nonresidential use is allowed one small internally illuminated window sign per entrance to the

building (such as the traditional neon “OPEN” signs commonly seen in business windows). Such signs would have a maximum permitted area of five square feet.

Increase Maximum Area for B&Bs and Office Attached Signs

The current maximum area for an attached sign is six square feet for an office or a bed and breakfast. Based on stakeholder feedback, Staff recommends modestly increasing the maximum square footage to 12 square feet.

Allow an Attached Sign on One Side Façade for B&Bs, Office, and Corner/Community Commercial

Bed and breakfasts and offices are limited to one attached sign at the front of the building and corner commercial uses are limited to one attached sign per street frontage. In order to allow one more avenue for sign utilization, Staff recommends permitting an additional sign on a side façade of a bed and breakfast, office or corner commercial with a maximum sign area of 24 square feet. See example to the right.



Remove Conflict so that Freestanding and Marquee Signs are Clearly Allowed

It is difficult to discern from a literal reading of the TNZD standards and the general sign standards in Chapter 8, whether or not freestanding signs and marquee signs are allowed in the TNZD at all. Staff proposes an amendment making it clear that the two sign types are allowed in the TNZD, subject to applicable standards.

STAFF CONCLUSIONS

The proposal is set to go before the Planning Commission on February 18, 2016, at 6 PM, as Staff received a sign petition sufficient to grant an evening hearing for this case.

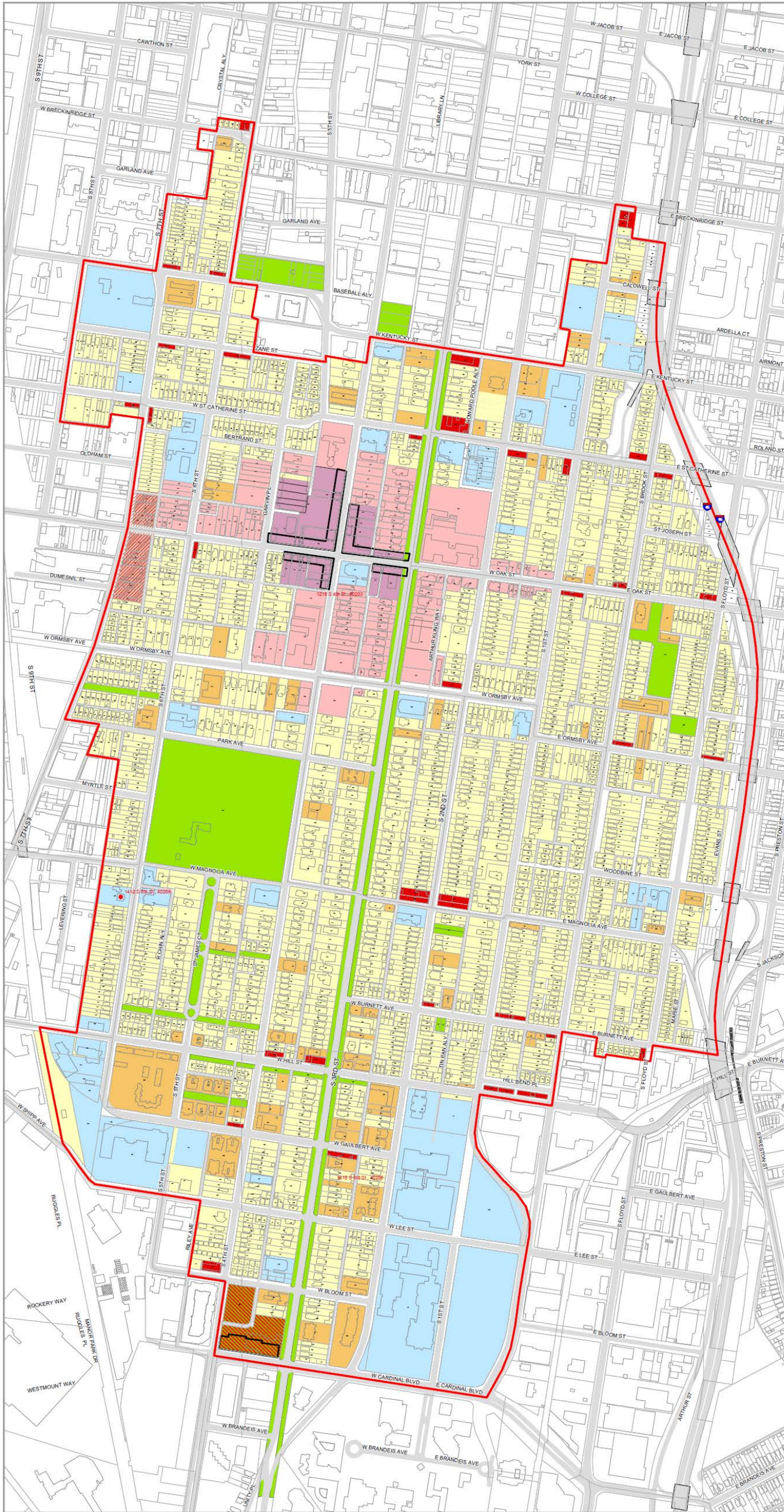
NOTIFICATION

Date	Purpose of Notice	Recipients
6/25/15	1 st and 2 nd Neighborhood Meetings	TNZD Property owners, 1 st Tier Owners, 2 nd Tier Owners
12/18/15	3 rd Neighborhood Meeting, LD&T Meeting, Planning Commission Hearing	TNZD Property owners, 1st Tier Owners, 2nd Tier Owners

ATTACHMENTS

1. TNZD Zoning Map
2. List of Properties Proposed to be Rezoned From General to Neighborhood Center
3. List of Properties Proposed to be Rezoned From General to Neighborhood Transition-Center
4. List of Properties Proposed to be Rezoned From General to Neighborhood Center Transition: Edge Transition
5. Letter Requesting Extension of Neighborhood Center Transition: Edge Transition
6. Neighborhood Center C-2 Uses
7. Neighborhood Transition-Center C-2 Uses
8. Proposed Corner/Community Commercial Uses
9. Letter Requesting C-2 Uses in Neighborhood Center Transition: Edge Transition
10. Director’s Interpretation – Neon Signs in Old Louisville Preservation District
11. Interested Party Comments

1. **TNZZ Zoning Map**



Old Louisville/ Limerick

Traditional Neighborhood Zoning District (TNZZ)

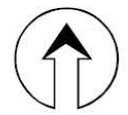
Map Amendment Approved
3/30/2010
Ordinance 62 Series 2010

Legend




- Traditional Neighborhood Zoning District (TNZZ)
- Current Parcel Polygon
- Jefferson Buildings
- Parks, Parkways, Playgrounds & Open Space
- TNZZ Neighborhood Type**
- GENERAL
- GENERAL CAMPUS EDGE TRANSITION
- NEIGHBORHOOD CENTER
- NEIGHBORHOOD TRANSITION-CENTER
- Neighborhood Center Transition: Edge Transition
- TNZZ Mapped Use**
- SINGLE OR TWO-FAMILY RESIDENTIAL
- MULTI-FAMILY
- CORNER COMMERCIAL
- INSTITUTIONAL
- OPENSACE
- STREET FRONT COMMERCIAL
- TRANSITIONAL COMMERCIAL



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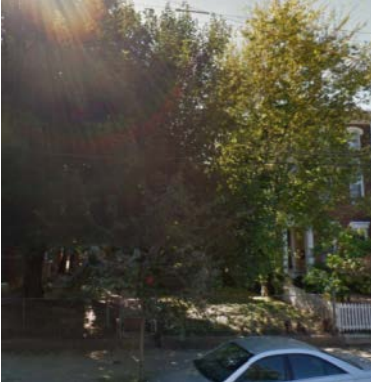





2. List of Properties Proposed to be Rezoned From General to Neighborhood Center

PARCELID	PROPERTY ADDRESS	IMAGE
032A01050000	430 W. Oak St.	
032A00590000	428 W. Oak St.	
032A00600000	426 W. Oak St.	

3. List of Properties Proposed to be Rezoned From General to Neighborhood Transition-Center

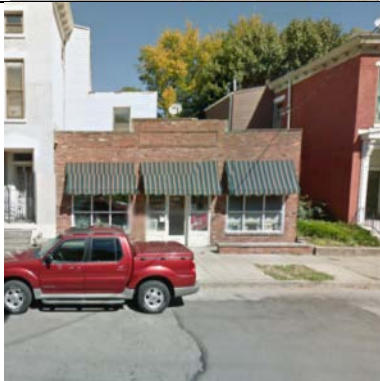
PARCELID	PROPERTY ADDRESS	IMAGE
West of Garvin Street		
032A00390000	500 W. Oak St.	
032A00380000	504 W. Oak St.	
032A00370000	506 W. Oak St.	
032A00360000	508 W. Oak St.	





PARCELID	PROPERTY ADDRESS	IMAGE
032A00350000	512 W. Oak St.	
032A00340000	514 W. Oak St.	
032A00330000	516 W. Oak St.	
032A00320000	520 W. Oak St.	

PARCELID	PROPERTY ADDRESS	IMAGE
032A00310000	524 W. Oak St.	
032A00300000	526 W. Oak St.	
032A00290000	528 W. Oak St.	
032A00280000	530 W. Oak St.	

PARCELID	PROPERTY ADDRESS	IMAGE
East of S. 1st Street, West of S. Brook St.		
032B01040000	102 E. Oak St.	
032N00K10000	112 E. Oak St.	
032N00K60000	118 E. Oak St.	
032B01350000	120 E. Oak St.	

PARCELID	PROPERTY ADDRESS		IMAGE
032N00K20000	122 E. Oak St.		
032N00K40000	124 E. Oak St.		
032N00K50000	128 E. Oak St.		
032N00K30000	130 E. Oak St.		

PARCELID	PROPERTY ADDRESS	IMAGE
030J01080000	1164 S. Brook St.	
030J01370000	125 E. Oak St.	
032N00K70000	123 E. Oak St.	
030J01060000	121A E. Oak St.	




PARCELID	PROPERTY ADDRESS	IMAGE
030J01060000	121B E. Oak St.	
030J01050000	113 E. Oak St.	
030J00850000	101 E. Oak St.	
East of S. Brook Street, West of S. Floyd St.		
032C02130000	1201 S. Brook St.	

PARCELID	PROPERTY ADDRESS	IMAGE
032C02140000	216 E. Oak St.	
032C00550000	222 E. Oak St.	
032C00560000	224 E. Oak St.	
032C00570000	226 E. Oak St.	



PARCELID	PROPERTY ADDRESS	IMAGE
032C00580000	228 E. Oak St.	
032C00590000	230 E. Oak St.	
032C00600000	234 E. Oak St.	
032C00610000	236 E. Oak St.	
032C00620000	238 E. Oak St.	

PARCELID	PROPERTY ADDRESS	IMAGE
030K00340000	1154 S. Floyd St.	
030K00330000	231 E. Oak St.	
030K00100000	227 E. Oak St.	
030K00090000	225 E. Oak St.	

PARCELID	PROPERTY ADDRESS	IMAGE
030K00080000	223 E. Oak St.	
030K00070000	219 E. Oak St.	
030K00060000	217 E. Oak St.	
030K00040000	211 E. Oak St.	

PARCELID	PROPERTY ADDRESS	IMAGE
030K00030000	207 E. Oak St.	
030K00020000	205 E. Oak St.	
030K00010000	201 E. Oak St.	

**4. List of Properties Proposed to be Rezoned From General to Neighborhood Center Transition:
Edge Transition**

PARCELID	PROPERTY ADDRESS	IMAGE
031D00420000	1235 S. 7 th St.	
031D00410000	1237 S. 7 th St.	

5. Letter Requesting Extension of Neighborhood Center Transition: Edge Transition



B. C. plumbing company

Licensed Master Plumber

1215 South 7th Street

Louisville, KY 40203

Phone: (502) 634-9725

Fax: (502) 635-7473

www.bcplumbing.net

Email: bcplumbing@bcplumbing.net

January 18, 2016

Brian Mabry

In our meeting on Wednesday the 13th I noticed the boundaries of TNZD Transitional Edge fell short of the alley parallel to Ormsby joining seventh just north of Ormsby. I was surprised as I believed the southern boundaries of TNZD Transitional Edge to be this alley. Please consider re-mapping Edge to make its southern boundaries this alley. This small parcel of land has no residential houses and would be better served in Edge as opposed to Neighbor General.

Thank you for your consideration

Bruce Cohen



6. Neighborhood Center C-2 Uses

Staff recommends carrying over C-2 permitted uses with no exclusions and with the following additional uses, some of which would become prohibited if relied only on C-2

- Assisted Living Residence
- Community & market garden (permitted with standards)
- Entertainment Activity, indoor or outdoor
- Garages and Accessory Residential Units (Carriage House)
- Live/work unit (permitted with standards)

With that, the following additional uses that are not already permitted would become permitted in Neighborhood Center:

- Automobile parking areas, public and private
- Automobile rental agencies
- Automobile rental agencies with no more than 25 rental passenger vehicles stored on site, and no more than two service bays for cleaning or maintenance, and having no repair or storage/dispensing of fuel
- Automobile repair garages
- Automobile sales agencies
- Billiard parlors; game rooms and similar entertainment uses
- Bingo halls and parlors
- Boarding and lodging houses
- Boat Sales and related storage
- Bowling alleys, provided the building is sound proof
- Car washes having prior approval by the agency responsible for transportation planning
- Catering kitchen/bakery preparing food and meals for sale or consumption elsewhere
- Clubs, private, non-profit or proprietary
- Colleges, schools and institutions of learning
- Community residences
- Contractor's shop, including but not limited to building, electrical, HVAC, landscape, and plumbing contractors, provided all operations are confined within a building (Outdoor sales, display and storage as referenced in Section 4.4.8 is not permitted in association with a contractor's shop in this zoning district)
- Convenience groceries
- Convents and monasteries
- Country clubs
- Dance halls
- Day care centers, day nurseries, nursery schools and kindergartens
- Exposition building or center
- Flea market, Indoor
- Fraternities, sororities, clubs and lodges excluding those where the chief activity of which is a service customarily carried on as a business.
- Ice storage houses of not more than five (5) ton capacity
- Indoor paint ball ranges
- Laser Tag
- Micro-breweries and micro-distilleries (where production activities occur indoors in a space 5,000 square feet or less)
- Pawn Shop
- Pet grooming, obedience training and related pet activities, provided the operation is conducted within a soundproofed building, no animals are boarded, and there are no runs or pens outside of the building
- Plumbing, and heating shops, storage and sales provided all operations are totally enclosed in a building
- Public utility buildings and facilities
- Refrigerated lockers

- Rental businesses offering items whose sale is a permitted use in this district, videocassette and similar products, rental and sales but not constituting an adult video cassette rental center
- Skating rinks (ice or roller)
- Tanning salons
- Tattoo, body art, and piercing parlors
- Those uses which are more similar in appearance and intensity to the above list of uses than to uses listed elsewhere in these regulations.
- Tourist homes
- Training School, provided all training activities are located within a building
- Transitional housing
- Upholstery and furniture repair shops
- Used car sales areas, provided that no repair or reconditioning of automobiles or storage of parts shall be permitted except when enclosed in a building
- Uses located totally within the caverns developed under a Conditional Use Permit for Underground Space shall be considered to meet the requirement of confinement within a building.

7. Neighborhood Transition-Center C-2 Uses

Staff recommends carrying over C-2 permitted uses with these exclusions:

- Automobile rental agencies with no more than 25 rental passenger vehicles stored on site, and no more than two service bays for cleaning or maintenance, and having no repair or storage/dispensing of fuel
- Automobile repair garages
- Automobile sales agencies
- Boat Sales and related storage
- Car washes having prior approval by the agency responsible for transportation planning
- Outdoor entertainment
- Used car sales areas, provided that no repair or reconditioning of automobiles or storage of parts shall be permitted except when enclosed in a building

With the addition of these uses, some of which are already permitted in Neighborhood Center-Transition and that would become prohibited if we relied only on C-2:

- Assisted living residence
- Bed & breakfast (Permitted with Standards)
- Community or market garden (permitted with standards)
- Entertainment activity, indoor only
- Garages and Accessory Residential Units Carriage House
- Governmental buildings
- Institutional uses (where mapped)
- Live/work unit (Permitted with Standards)
- Package liquor store (CUP)
- Tavern, bar, saloon (CUP)
- Trade, business or industrial school (where mapped)

With that, the following additional uses that are not already permitted would become permitted in Neighborhood Transition-Center:

- Billiard parlors; game rooms and similar entertainment uses
- Bingo halls and parlors
- Boarding and lodging houses
- Bowling alleys, provided the building is sound proof
- Catering kitchen/bakery preparing food and meals for sale or consumption elsewhere
- Clubs, private, non-profit or proprietary
- Colleges, schools and institutions of learning
- Community residences
- Contractor's shop, including but not limited to building, electrical, HVAC, landscape, and plumbing contractors, provided all operations are confined within a building (Outdoor sales, display and storage as referenced in Section 4.4.8 is not permitted in association with a contractor's shop in this zoning district)
- Convenience groceries
- Convents and monasteries
- Country clubs
- Dance halls
- Day care centers, day nurseries, nursery schools and kindergartens
- Exposition building or center
- Flea market, Indoor
- Fraternities, sororities, clubs and lodges excluding those where the chief activity of which is a service customarily carried on as a business.
- Ice storage houses of not more than five (5) ton capacity
- Indoor paint ball ranges
- Laser Tag

- Micro-breweries and micro-distilleries (where production activities occur indoors in a space 5,000 square feet or less)
- Pawn Shop
- Pet grooming, obedience training and related pet activities, provided the operation is conducted within a soundproofed building, no animals are boarded, and there are no runs or pens outside of the building
- Plumbing, and heating shops, storage and sales provided all operations are totally enclosed in a building
- Public utility buildings and facilities
- Refrigerated lockers
- Rental businesses offering items whose sale is a permitted use in this district, videocassette and similar products, rental and sales but not constituting an adult video cassette rental center
- Skating rinks (ice or roller)
- Tanning salons
- Tattoo, body art, and piercing parlors
- Those uses which are more similar in appearance and intensity to the above list of uses than to uses listed elsewhere in these regulations.
- Tourist homes
- Training School, provided all training activities are located within a building
- Transitional housing
- Upholstery and furniture repair shops
- Uses located totally within the caverns developed under a Conditional Use Permit for Underground Space shall be considered to meet the requirement of confinement within a building.

8. **Proposed Corner/Community Commercial Uses**

* = Uses currently permitted for Corner Commercial Uses

- Antique shops*
- Art galleries*
- Art supply stores and crafts shop*
- Athletic facilities (indoor only)
- Audio/video recording studios, provided the building is sound proof*
- Bakeries retail sales only*
- Banks, credit unions, and savings and loans
- Barber shops*
- Beauty shops*
- Bed and breakfast
- Bicycle sales and service
- Billiard parlors; game rooms and similar entertainment uses
- Book stores*
- Clothing, dry goods and notions stores
- Collectibles shops
- Colleges, schools and institutions of learning
- Computer sales and services, (hardware and software), and programming services
- Confectionery, ice cream, or candy stores, retail only*
- Convenience groceries* (Indoor malt beverage sales only with proper ABC license)
- Dance Instruction (excludes adult entertainment uses as defined within LMCO Chapter 11)
- Day care centers, day nurseries, nursery schools and kindergartens
- Delicatessens, retail only*
- Department stores
- Dressmaking or millinery shops
- Drug stores (Indoor malt beverage, distilled spirits and wine sales only with proper ABC license)
- Dry cleaning, dyeing, pressing, and laundry; distributing stations or retail business where no cleaning, dyeing, pressing or laundry is done for other distributing stations or cleaning establishments*
- Electric appliance stores
- Engraving, watchmaking and jewelry manufacturing, where products sold on premises
- Entertainment activity (as defined by LDC and is not considered adult entertainment as further defined by LDC) – indoor only.
- Equipment rental, where all activities are within a building
- Florists shops
- Furniture stores
- Grocery stores, including fruit, meat, fish, and/or vegetable. (Indoor malt beverage sales only with proper ABC license)
- Hardware and paint stores
- Health spas
- Interior decorating shops*
- Jewelry stores
- Laundry and dry cleaning pick-up shops and self-service laundries
- Laundries or laundrettes, self-service*
- Libraries, museums, historical buildings and grounds, arboretums, aquariums, and art galleries
- Micro-breweries and micro-distilleries (where production activities occur indoors in a space 5,000 square feet or less)
- Monument sales, provided that all activities are within a building
- Music stores*
- Music and vocal instructions where all activities are within a building, providing the building is sound proof

- Nurseries, retail only
- Pawn Shop
- Pet grooming, obedience training and related pet activities, provided the operation is conducted within a soundproofed building, no animals are boarded, and there are no runs or pens outside of the building
- Pet shops
- Pharmacies*
- Photographic shops*
- Photography studios*
- Picture framing
- Rental businesses offering items whose sale is a permitted use in this district, videocassette and similar products, rental and sales but not constituting an adult video rental center
- Restaurants, tea rooms and cafes excluding dancing and entertainment activity (Indoor alcohol sales and consumption only with proper ABC license) (no drive-through service permitted)*
- Shoe repair shops
- Shoe stores
- Stationery stores*
- Tailor
- Tanning salons
- Tattoo, body art, and piercing parlors
- Theaters, enclosed within a building
- Toy and hobby stores*
- Upholstery and furniture repair shops

9. Letter Requesting C-2 Uses in Neighborhood Center Transition: Edge Transition



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January 8, 2016

Brian Mabry

Concerning the upcoming and ongoing discussion on zoning in TNZD "Neighborhood center" and "Neighborhood center transition". I live and work in Old Louisville, and support the expansion and redefining of uses to parallel existing C-2 zoning.

However "TNZD Transition Edge on the east side of Seventh Street, North and South of Oak Street no mention?? When the TNZD was exacted this One block section of Seventh Street, all commercial was zoned C-2. By moving the boundaries of TNZD from the alley between Sixth and Seventh Streets to the center of Seventh Street, the zoning was change to TNZD Transitional Edge. TNZD Transition Edge was formed through negotiations to prevent a law suit.

Yet no mention of Transitional Edge in any correspondence, I would like TNZD Transition Edge included in any zoning discussion.

I am on the Old Louisville Neighborhood council, president of the Old Louisville Edge Neighborhood Association. I was present and voted at our meeting concerning the effort to make Louisville more business friendly. I have firsthand knowledge of all that has transpired.

I support the proposal to expand TNZD Neighborhood Center and Neighborhood Center Transition, and redefining uses to parallel C-2 zoning. Also TNZD Transition Edge to return to its Pre TNZD zoning of C-2, or redefine uses to parallel C-2

Thank you for consideration

Bruce Cohen
President of BC Plumbing Co.



10. Director's Interpretation – Neon Signs in Old Louisville Preservation District



DEPARTMENT OF CODES & REGULATIONS
DIVISION OF PLANNING & DESIGN SERVICES
LOUISVILLE, KENTUCKY

GREG FISCHER
MAYOR

YU "EMILY" LIU, AICP
DIRECTOR

January 24, 2014

The Honorable David James
Metro Council District 6
601 W. Jefferson Street
Louisville, KY 40202

**IN RE: Director's Interp – Neon Signs
Old Louisville Preservation District**

Dear Councilman James:

At our meeting on January 10, 2014, a concern was raised regarding several recent citations issued for neon "Open" signs in the Old Louisville Preservation District (OLPD). I was asked to provide a Director's Interpretation on whether these small neon signs are permitted in the OLPD based on the current Land Development Code and Historic Preservation District Sign Design Guidelines.

The OLPD is zoned as a Traditional Neighborhood Zoning District (TNZD) and each property is "mapped" for certain uses. A number of commercial uses have installed small neon signs in their windows that state "Open." The TNZD is quite specific and clear that internally illuminated signs are not permitted in the TNZD. Chapter 2.9 G (Attachment A) states that:

All lighted signs shall only be externally illuminated.

As a result of this clear requirement in the code, several citations were issued, which led to objections and a request for the "Open" signs to be exempted from this provision of the Land Development Code. In the Land Development Code Chapter 8 (Attachment B) there is a definition for an "incidental sign." The definition is:

Incidental sign: Any on-premises sign that has a purpose secondary to other on-premises signs on a lot. Incidental signs shall only be located adjacent to building entrances, vehicular and/or pedestrian/bicycle access points or public gathering spaces on a lot. Incidental signs may be freestanding or attached to a building. Incidental signs may be illuminated and shall not exceed five square feet in area for non-residential uses and two square feet in area for residential uses. Attached incidental signs shall not exceed a mounting height of 20 feet on a building facade. Freestanding incidental signs shall not exceed a height of three feet.

It seems to me that an "Open" sign (five square feet or less) would be considered an incidental sign under this definition.

Old Louisville is in a Historic Preservation District, and the general guidelines for signage in preservation districts permits neon signs (Attachment C), with the following "guideline" to be used for review:

SG13: When using neon, use it sparingly and judiciously.

In my opinion, a small incidental "Open" sign would be a sparing and judicious use of neon in a historic preservation district.

www.louisvilleky.gov

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Based on the review of the above relevant sections of the Land Development Code and Historic Preservation District Sign Design Guidelines, it is my interpretation that these small neon "Open" signs shall be permitted in the OLPD as long as the following three standards are met:

1. No more than one such sign per entrance may be permitted;
2. The size of the signs shall not exceed five (5) square feet in area;
3. Signs shall not be flashing, scrolling or moving.

Please feel free to contact me if you have any questions about the above information, and if anyone disagrees with this interpretation, he or she can appeal to Louisville Metro Board of Zoning Adjustment.

Sincerely,



Yu "Emily" Liu, Director
Planning & Design Services

Attachments

cc: Dave Marchal
April Robbins
Bob Keesaer

11. Interested Party Comments

See the following attached pages.