26-LDC-0004

Planning Commission
Staff Report
July 16, 2026

Text Amendment to the City of Shively Land Development Code – Fencing

Location:	Shively
Applicant:	City of Shively
Representative:	n/a
Jurisdiction:	Shively
Council District:	3- Shameka Parrish-Wright
Case Manager:	Jude Mattingly, Planner II

REQUESTS & RECOMMENDED ACTIONS

1. Text Amendment to the Shively Land Development Code (LDC) related to fencing.
   - Staff find the text amendment is in keeping with Plan 2040 and recommend that the Planning Commission **RECOMMEND** that the City of Shively **APPROVE** the text amendment

CASE SUMMARY

The Shively City Council adopted Municipal Order No. 4, Series 2026 directing the Planning Commission and Office of Planning staff to review the City of Shively's Land Development Code (LDC) and return recommendations related to materials identified as not suitable in the construction of fencing.

Specifically, the City Council has some concern with solid sheet metal panels, corrugated metal roofing panels, and other similar materials being used as they have identified negative aesthetic and appearance effects on neighborhoods, and safety concerns that are inconsistent with their character and development standards. Currently, Section 4.4.3 of the City of Shively LDC does not explicitly prohibit any specific material, but rather is in-line with Louisville Metro's LDC which allows for fences constructed of a solid material (masonry, wood) with an opacity of at least 80% and up to 8 ft in height to be located in required side and rear yards and fences with an opacity of less than 80% (e.g. chain link) and up to 6 ft in the side and rear yards.

Staff have also discovered a conflict with the City of Shively Code of Ordinances and Land Development Code that could be addressed in any amendment. A Shively ordinance does not allow fences to be installed in the front yard.

In summary, the amendment:

- Revises the definition of “fences” to not include solid sheet metal or corrugated metal roofing materials as appropriate
- Resolves contradictions with Shively Code of Ordinances about fencing in the front yard
- Prohibits the use of solid sheet metal and corrugated metal roofing panels as fencing material

The full text of this amendment is included as Attachment 1 at the end of this report.

TECHNICAL REVIEW

Local Zoning Requirements:

The following is a summary of the existing Shively LDC provisions:
- Materials are only mentioned in relation to height restrictions.

Shively Code of Ordinances Requirements:

- Shively Code of Ordinances 96.46 prohibits fences from being constructed in the front yard which contradicts the Shively LDC. Staff recommend lining up the two.

State Requirements:

The State provisions do not regulate design materials as they are generally dictated by local regulations and ordinances.

Peer City/County Review:

City	Similar Regulation	Special Notes
Lexington, KY	No	No specifically prohibited materials to be used for fencing.
Indianapolis, IN	Yes	Scrap or waste materials are only permitted if they have been recycled or reprocessed into building material for sale to the public
Cincinnati, OH	Yes	Materials do not appear to be specifically prohibited; however it appears a zoning administrator has discretion to deny materials deemed inappropriate.
Memphis, TN	Yes	Permissible materials that does not include solid sheet metal or corrugated metal roofing panels are listed.
Nashville, TN	Yes	Requires any metal materials to be manufactured and/or

		treated in a manner to prevent rust or corrosion.
Dallas, TX	Yes	Sheet metal and corrugated metal explicitly prohibited.

Recommendation Analysis:

The peer cities that staff reviewed that did contain restrictions or outright prohibitions on acceptable fencing materials enacted these regulations in the relatively recent past. Indicating that the use of solid sheet metal panels or corrugated metal roofing panels as fencing materials may be a more recent trend.

Concerns indicated by other peer cities have included the durability and safety of these materials as they appear to have a short life span and are more susceptible to weather events that can lead to damage of surrounding properties, negative impacts to the character and appearance of neighborhoods, and environmental concerns related to heat generation.

By incorporating the proposed text amendments, the contradiction between Shively Code of Ordinances and Shively Land Development Code will be eliminated, and a measure that promotes quality design and building materials to encourage the growth of neighborhoods is instituted.

STANDARD OF REVIEW FOR TEXT AMENDMENTS

Content of zoning regulations: *KRS 100.203*

Procedure for amending the text of regulation: *KRS Chapter 100.211*

STAFF ANALYSIS FOR TEXT AMENDMENT

The following is staff's analysis of the proposed amendment against the Guidelines and Policies of Plan 2040.

The amendment advances the following Goals, Objectives, and Policies of Plan 2040:

- **Community Form Goal 1:** Guide the form and design of development to respond to distinctive physical, historic and cultural qualities. This goal calls for quality design and building materials be promoted to enhance compatibility of development and redevelopment projects.

STAFF FINDING: The proposed amendments advance goals, objectives, and policies of Plan 2040, as well as its CHASE principles by promoting quality design and materials are promoted.

In the event that a fence is proposed that incorporates these materials, an applicant would still be able to request a waiver that would be reviewed by the Planning Commission.

NOTIFICATION

DATE	PURPOSE OF NOTICE	RECIPIENTS
7/8/2026	Planning Commission Public Hearing	Registered Neighborhood Groups for all Council District 3
6/25/2026	Planning Commission Public Hearing	Legal Advertisement in the Courier-Journal

ATTACHMENTS

1. Proposed Text Amendments
2. Proposed Findings for the Planning Commission

1. Proposed Text Amendment

The Planning Commission must make a recommendation to the legislative body of the City of Shively to approve, approve with modifications, or deny the LDC text amendments. The proposed changes are presented as specific amendments to the City of Shively version of the LDC.

Shively Land Development Code

Chapter 1, Part 2 Definitions

Fence: Any construction of wood, metal, wire mesh, masonry, or other material but not including solid sheet metal panels, corrugated metal roofing panels, or any other metal material with an opacity of more than 80%, erected for the purpose of assuring privacy and protection, but excluding shrubbery and plantings.

Chapter 4 Part 4 Accessory Uses and Miscellaneous Standards

4.4.3 Fences, Walls, and Signature Entrances

A. Fences and Walls

1. Height and Location:

> **NOTE**: *If a fence is mandared by the Land Development Code the finished side of the fence must face the lower intensity use. Sec Section 10.4.9*

a. In the R-R, R-E, R-1, R-3, R-4, R-5, PRD, U-N, R-5A, R-5B, TNZD, R-6, R-7, R-8A, OR, OR-1, OR-2, OR-3, PD (residential use) and OTF Districts:

i. Fences and Walls, up to 48 inches in height in the suburban form districts and 42 inches in the traditional form districts, may be located within the required ~~front and~~ street side yards except as provided in Figure 4.4.1.

ii. Fences and Walls up to 8 feet in height and constructed of a solid material (masonry, wood) with an opacity of at least 80% may be located within required side and rear yards. Fences and walls with an opacity less than 80% (e.g. chain link fences) up to 6 feet in height may be located within required side and rear yards. Exception: Wrought iron fences up to 8 feet in height may be located within the required side and rear yards.

NOTE: *Refer to Chapter 5 part 4 for design standards applicable to fences in traditional form districts.*

iii. The following materials are prohibited for the construction of a fence
(a) Solid Sheet Metal Panels
(b) Corrugated Metal Roofing Panels

~~iii.~~ iv. The height of fences or walls located in a required side or rear yard shall be measured from the lowest grade within a distance of one foot on either side of the fence to the highest point of any portion of the fence.

NOTE: *Retaining walls shall be subject to the height and setback requirements of this section*

~~iv~~. v. The total height of fences within 5 feet of a public sidewalk or roadway pavements shall be measured by adding the height of the fence and the height of the change of grade. The total height of fences more than 5 feet from a public sidewalk or roadway pavements shall be measured by measuring the height of the fence only. Refer to Figure 4.4.2 for an example of the correct method of measuring fence heights.

~~v~~. vi. On double frontage lots, where one of the required front yards adjoins a major arterial, minor arterial or collector roadway, and where access is prohibited, a fence or wall may be constructed within that yard up to a height of 8 feet.

b. In all other zoning districts:
i. Fences and walls in all other zoning districts shall be restricted by the maximum building height of that district except when abutting R-R, R-E, R-1, R-2, R-3, R-4, R-5, PRD, U-N, R-5A, R-6, R-7, R-8A, OR-1, OR-2, OR-3, PD (residential use) and the OTF Districts in which case a i), ii), ~~and~~ iii), and iv) above shall apply.

NOTE: *It is important to check a property's deed for restrictions on fences (location materials and general permissibility).*

Chapter 5.4.1 Traditional Form Districts (except for DFD)

B. Public Realm Area (see figure 5.4.1)

1. Encroachments/accessory structures. Encroachments and accessory structures are not permitted in the Public Realm except:

a. Fences and walls that are no more than 42 inches in height may be located within the required ~~front and~~ street side yards and fences must be either painted or stained. Pickets must be vertical and spaced no less than 4 inches apart.

2. Proposed Findings for the Planning Commission

WHEREAS, the Commission finds that the City of Shively passed Municipal Order No. 4, Series 2026 requesting that staff review the Land Development Code (LDC) and develop recommended changes related to fencing; and

WHEREAS, the Commission finds that the amendments advance the Goals, Objectives, and Policies of Plan 2040, as well as its CHASE principles; and

WHEREAS, the Commission finds that regulating fencing is in compliance with Community Form Goal 1, in order to guide the form and design of development to respond to distinctive physical, historic and cultural qualities. This goal calls for quality design and building materials be promoted to enhance compatibility of development and redevelopment projects.