

Chapter 15.10 (Ord. 13-04)

BUILDING RESTRICTIONS & REQUIREMENTS

Sections:

- 15.10.010 Definitions
- 15.10.020 Primary Use
- 15.10.030 Restrictions That Run With The Land
- 15.10.040 Appearance
- 15.10.050 Square Footage
- 15.10.060 Levels and Height
- 15.10.070 Materials
- 15.10.080 Garages and Other Structures
- 15.10.090 Utilities
- 15.10.100 Construction Hours
- 15.10.110 Subdivision
- 15.10.150 Permits and Appeals

15.10.010 Definitions

"Attached structure" is defined as an adjacent structure of equivalent construction as the main structure, which connects to the main structure via a doorway, or via a structure of equivalent construction of no more than twenty (20) feet in length. In addition to being of equivalent construction, an attaching structure must be totally enclosed.

"Half story" is defined as a top finished floor level without a vertical exterior wall on the front of the building which contains less than 75% of the square footage that the building footprint would accommodate. The exterior front wall of such level would consist of sloped roofing which may or may not contain window dormers. A half story is also defined as a basement or crawl space with an exterior front wall vertical exposure that is between eighteen inches and four feet above finished grade.

"Immediate area" as used in this chapter is defined to include all lots with any portion thereof within 1500 feet of any point on the proposed building's lot.

"Neutral color" is defined to mean white, shades from white to medium grey, medium brown, or medium green, shades that match the natural color of brick, and other colors that are generally recognized as earth tones reflective of natural building materials. Colors that are bright, attract attention, or not in harmony with surroundings are not neutral colors.

"Square footage" of a building shall be calculated using the exterior measurements of the building at each finished floor level, including only finished spaces that are usable year-round. Exclude the square footage of any space that is not finished or heated like the main body of the house. Exclude garage space even if finished and/or heated. Exclude finished basement areas.

"Zoning", except as may be specifically defined elsewhere in this code, means the zoning classification as set forth in the Zoning District Map for Jefferson County, Kentucky; and zoning classification requirements and restrictions as set forth in the Land Development Code; both of which may be found in the offices of the Planning and Zoning Commission of Metro Louisville/Jefferson County, Kentucky.

15.10.020 Primary Use

A. No lot shall be used for any purpose other than that allowed by the zoning for Jefferson County, Kentucky as described in the Land Development Code, latest addition.

B. No structure of a temporary character shall be permitted on any lot except temporary tool sheds or field offices used by a builder or developer, which shall be removed within thirty (30) days from the time when construction or development is completed.

C. No outbuilding, trailer, basement, tent, shack, garage, barn or structure other than the main residence erected on a lot shall be used as a residence, temporarily or permanently.

15.10.030 Restrictions That Run With The Land

A. Nearly all properties within the City are covered by and were developed in accordance with deeds of restrictions that are recorded in the office of the County Clerk of Jefferson County, Kentucky. The City reiterates and declares to be in full force and effect all such regulations and restrictions on land use, buildings, planning and subdivision of lots.

B. As part of all applications for a building permit, it shall be the responsibility of the applicant to provide an affidavit certifying that the proposed construction is in accordance with all deed restrictions on file with the County Clerk of Jefferson County, Kentucky. Such affidavit shall include reference to the Deed book and page number of the deed of restrictions.

C. The City shall not knowingly issue a permit for any type of construction, re-construction, remodeling, or subdivision that is inconsistent with or violates a recorded deed restriction.

D. In any instance where a deed restriction and a City requirement are not the same, the more restrictive requirement shall take precedence.

15.10.040 Appearance

A. No building shall be constructed within the boundaries of the City unless the character, style, and construction thereof shall be equal to and consistent with the existing residences in the immediate area of proposed building and unless the proposed building is suitable to the site and in harmony with the surroundings. This provision includes grading, landscaping, planting, trees, driveways, walks, screenings, and fences.

B. Unless prevented by weather, the front and side yards of every lot shall be finish graded and sodded prior to occupancy. When weather prevents timely completion, this work shall be completed at the first available opportunity. An appropriate portion of any construction bond may be withheld until this work is completed, regardless of the issuance of a certificate of occupancy.

C. Upon construction of a new, primary building, where sidewalks adjacent and parallel to the street exist on an abutting lot, a connecting sidewalk of matching size and construction shall be provided on all streets which abut the lot for the width of the lot.

15.10.050 Square Footage

The square footage of any proposed residence shall be equal to or greater than the square footage of the smallest residential structure within the immediate area. The maximum square footage of any proposed building may be restricted by the requirements of Section 15.10.040 regards suitability to the site and surroundings. The maximum square footage may also be restricted by the applicable zoning classification's maximum Floor Area Ratio (FAR = total building square footage divided by total lot square footage).

15.10.060 Levels and Height

A. No building shall exceed 2 1/2 stories, or 35 feet in height. Height shall be measured from the level of the lowest finished grade on the entire perimeter of the building to the highest roof peak.

B. Any building level below the first floor and on, or wholly or partially below, the finished grade level (e.g., a basement or crawl space) shall not be counted as a story provided its exterior wall wherever it appears at the front of the building does not extend more than 18 inches above the finished grade there. If its exterior wall extends more than 18 inches above the finished grade at the front of the building, but less than 4 feet above the finished grade, it shall be counted as a half story. If its exterior wall extends more than 4 feet above the finished grade at the front of the building, it shall be counted as a story.

15.10.070 Materials

A. The exterior walls of all buildings shall extend to ground level and shall be composed of at least 80% brick, stone, brick veneer, stone veneer, finished stucco, or a combination thereof. Wood, wood products, metal, and plastic based materials shall be limited to trim for decorative effect, and shall not consist of more than 20% of the building exterior materials.

B. The dominant color of exterior walls will generally be that of the material used, i.e., brick or stone. In the case of painted brick or stucco, the color used shall be neutral. The color(s) used for trim shall be complimentary to that of the dominant color and not incongruous, gaudy, or distracting.

C. Driveway pavement shall be of asphalt, concrete, or other durable, hard surface material in general use for such purpose.

15.10.080 Garages and Other Structures

A. Garages and outbuildings shall be for the sole use of occupants of the lot, and not for any commercial or other purpose.

B. Attached garages shall have vehicular entrances opening only to the side or rear yard, and shall be sized for not more than three vehicles.

C. Detached garages and outbuildings, where not prohibited by deed restrictions, and shall be positioned or screened so as to preclude or mitigate viewing from the street. They shall be of a scale and construction type equal to and consistent with the existing structures in the immediate area, suited for the site, and in harmony with the surroundings.

15.10.090 Utilities

A. For new construction, all utilities, telephony, and cable TV facilities shall be placed underground from the service providers' connection points to the building.

B. On the occasion of any addition or renovation which requires the replacement or relocation of a service entrance, all replaced or relocated utilities, telephony, or cable TV facilities shall be placed underground from the service providers' connection points to the building, unless not technically feasible or cost prohibitive.

C. No storm water drains, roof down spouts, ground water or runoff shall be introduced into the sanitary sewage system. No roof down spots, ground water, or runoff shall be introduced directly into the storm water drains without the written permission of The Louisville & Jefferson County Metropolitan Sewer District (MSD).

15.10.100 Construction Hours

A. Permissible hours during which construction activities may occur are as follows:

Monday through Friday	7:30am through 6:00pm
Saturday	7:30am through 3:00pm
Sunday	None

B. Construction hours apply to any work that may impose light, noise, airborne particulate matter or dust, or vapors on the surrounding properties, or any activity which infringes upon the use and enjoyment of surrounding property, residences, streets, sidewalks, or parks.

C. It is recognized that some interior work does not impose on surrounding properties as described in Part B above, and such work is permitted outside of "permissible construction hours".

D. Any construction work that infringes on the use of surrounding properties that must necessarily be done outside of "permissible construction hours" may be permitted with the prior approval of the Director of Public Works provided the activities and outside allowable hours are clearly defined. In such case the Director shall advise the Police Department of the scope and timing of this activity.

E. The construction hours restrictions set forth in this section shall not apply to a property owner doing work on his or her own property provided the property owner is physically doing the work him or herself and not overseeing the compensated work of others, either by themselves or with his or her assistance.

15.10.110 Subdivision

A. No existing lot may be subdivided or its lines altered without prior approval of the City Council, which approval shall be by ordinance.

B. Every lot resulting from the subdivision of an existing lot shall be no smaller than the average size of all lots abutting the lot being subdivided.

C. Once a lot is subdivided, the resulting lots cannot be subdivided again for a minimum of ten (10) years.

15.10.150 Permits and Appeals

A. Building permits shall be issued by the Director of Public Works per Chapter 15.08 when the submitted plans are found to be in compliance with all applicable deed restrictions, City ordinances, and Jefferson County and Commonwealth of Kentucky building requirements. A building permit shall not be issued by the Director of Public Works if plans are found to not be in compliance with any of these restrictions and regulations.

B. In the event a permit is denied by the Director of Public Works and the applicant believes a permit should be issued, the applicant may bring the case for a permit to the City Council for final determination. The Council will not ignore any deed restriction and cannot override any County or State requirement, however it will provide a final judgment as to a plan's compliance with City ordinance requirements.

C. An appeal of a permit denial must be delivered to the Mayor or City Clerk within 45 days of the permit's denial. If the appeal is not delivered within this period and the applicant still wants to pursue a permit, a new permit must be applied for and will be subject to analysis and issuance or denial based on its merits.