

ORDINANCE NO. 21, SERIES 2008

**AN ORDINANCE AMENDING ORDINANCE 4, SERIES 2007, AS AMENDED, EXTENDING THE PORTLAND NEIGHBORHOOD CATEGORY 3 REVIEW PROCESS (AS AMENDED).**

**SPONSORED BY: COUNCILWOMAN CHERI BRYANT HAMILTON**

**WHEREAS**, the Legislative Council of the Louisville/Jefferson County Metro Government (the "Council") hereby finds that the Portland Neighborhood is deteriorating because of lack of maintenance by property owners, encroachment of mixed land uses, development that is inconsistent with the historic and traditional pattern of the neighborhood, lack of well-maintained community facilities, increased crime and problems related thereto; and that the gradual decay and deterioration has affected the once-attractive and well-maintained residential areas and previously prosperous industrial and commercial areas of the Portland Neighborhood;

**WHEREAS**, the Council finds and declares that the preservation, protection, rehabilitation, perpetuation, and use of the Portland Neighborhood is necessary to preserve and enhance the quality of life for all residents of the Louisville/Jefferson County metropolitan area;

**WHEREAS**, the Council finds that the Planning Commission has developed and recommended for approval a new neighborhood plan for the Portland Neighborhood pursuant to Chapter 161 of the Louisville/Jefferson County Metro Code of Ordinances to assist in the protection, preservation, and revitalization of the Portland Neighborhood; specifically, to promote infill development that is compatible with the historic and traditional character of the area, to facilitate the provision of neighborhood services which are currently lacking in Portland, to recommend area-wide zoning changes so

that land use patterns will be consistent with the traditional neighborhood character of the area as opposed to a destabilizing factor, to protect the historic significance of the neighborhood, and to address and resolve problems caused by the predominance of defective and inadequate street layout, faulty lot layout in relation to size, adequacy, accessibility, and usefulness, deterioration of site improvements, inappropriate and incompatible land use patterns, diversity of ownership, unsanitary and unsafe conditions, and infill development that is not in character with the strong historic and traditional pattern of development in the neighborhood;

**WHEREAS**, pending the adoption of the new Portland Neighborhood Plan and the subsequent process of implementing the plan by adopting any changes in zoning or other legislative enactments recommended therein, the Council desires that all proposed development and subdivisions in the Portland Neighborhood continue to undergo a Category 3 level of review as set forth in the Land Development Code, which requires notification of adjoining property owners, allows for public input in the development review process, and requires review and approval by the Planning Commission or an authorized committee thereof; and

**WHEREAS**, this Ordinance was first introduced by the Council in Ordinance No. 8, Series 2004 and amended by Ordinance No. 16, Series 2006; and Ordinance No. 4, Series 2007; and,

**WHEREAS**, the current Ordinance, requiring all proposed development and subdivisions in the Portland Neighborhood undergo a Category 3 level of review, is due to expire on February 9, 2008; and

**WHEREAS**, an additional extension of time for the Category 3 approval process may be necessary to complete the adoption and implementation of all land use recommendations pertaining to zoning contained in the Portland Neighborhood Plan,

**BE IT ORDAINED BY THE LEGISLATIVE COUNCIL OF THE LOUISVILLE/JEFFERSON COUNTY METROPOLITAN GOVERNMENT AS FOLLOWS:**

**Section I:** That all new building construction, expansions to existing structures, and interior alterations resulting in an increase in the number of dwelling units in the Portland Neighborhood, regardless of the size of the building or expansion or the number of units proposed, shall be required to go through a Category 3 review as set forth in the Land Development Code prior to issuance of permits by the Louisville Metro Department of Inspections, Permits, and Licenses.

**Section II:** This Ordinance shall not apply to any building permit requested for the construction of an accessory structure for a single family home or to the expansion of an existing residential structure, provided the construction or expansion does not result in any additional dwelling units. Further, this Ordinance shall not apply to structural changes to existing buildings or interior renovations that do not ~~enlarge or~~ result in a change in use or number of dwelling units of the building.

**Section III:** That all proposed subdivisions in the Portland Neighborhood, regardless of the number of lots, shall be required to go through a Category 3 review as set forth in the Land Development Code prior to approval by the Louisville Metro Planning Commission, or authorized designee thereof.

**Section IV:** This Ordinance shall apply to any building permit application and to any major or minor subdivision application received after the effective date of this

Ordinance, to any pending building permit application received prior to the effective date which has not been approved by the Louisville Department of Inspections, Permits, and Licenses, and to any major or minor subdivision application received prior to the effective date which has not received approval by the Louisville Metro Planning Commission by the effective date.

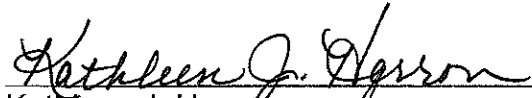
**Section V:** This Ordinance shall not apply to any applications for permits or subdivision approval, whether received before or after the effective date of this Ordinance, made pursuant to a development plan approved by the Planning Commission or committee thereof prior to the effective date of this Ordinance.

**Section VI:** For purposes of this Ordinance, the Portland Neighborhood is the area bounded as follows: Beginning at a point where Market Street intersects the railroad track between 13<sup>th</sup> and 15<sup>th</sup> Streets, then proceeding west along Market Street to 38<sup>th</sup> Street, then proceeding north along 38<sup>th</sup> Street (including parcels on both sides of 38<sup>th</sup> Street) to its intersection with Bank Street, then proceeding west along Bank Street (including parcels on both sides of Bank Street) to its intersection with Northwestern Parkway, then continuing east and then north along the boundary of Shawnee Park to the south bank of the Ohio River, then proceeding eastwardly along the south bank of the Ohio River to a point where the aforementioned railroad track would intersect the Ohio River, then proceeding south along said railroad track to the point of beginning, as shown on the map attached hereto as Exhibit A.

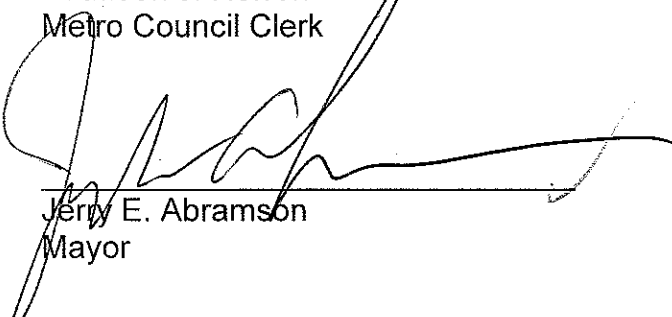
**Section VII:** This Ordinance shall take effect upon passage and approval and shall remain effective until all land use recommendations pertaining to zoning contained

in the Executive Summary of the Portland Neighborhood Plan pertaining to zoning are adopted by Metro Council and implemented, unless repealed or extended.

**Section VIII:** The effective date of this Ordinance is hereby extended and shall take effect upon passage and approval and shall continue to remain in effect unless repealed, extended or until all land use recommendations pertaining to zoning contained in the Executive Summary of the Portland Neighborhood Plan are adopted by Metro Council and implemented. Planning and Design Services shall report to the Council in six (6) months on the status of the land use recommendations pertaining to zoning contained in the Portland Neighborhood Plan and the Category 3 review process in Portland.

  
Kathleen J. Herron  
Metro Council Clerk

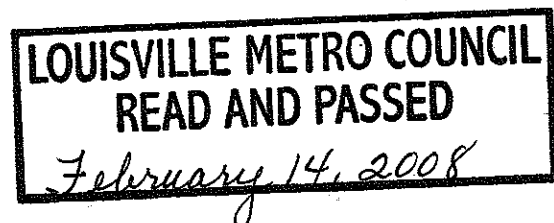
  
Jim King  
President of the Council

  
Jerry E. Abramson  
Mayor

2-18-08  
Approval Date

**APPROVED AS TO FORM AND LEGALITY:**

Irv Maze  
Jefferson County Attorney



By: 