

CITY OF HURSTBOURNE
ORDINANCE #25-02, SERIES 2025
AN ORDINANCE AMENDING THE REGULATIONS ON
LETTER OF COMPLIANCE REQUIREMENTS
AS WELL AS BUILDING DESIGN AND USE RESTRICTIONS

WHEREAS, the Commission of the City of Hurstbourne desires to update its building design guidelines to better inform and guide future development and renovation in the City, with the goal of encouraging better development and the preservation of property values in the City,

WHEREAS, the City of Hurstbourne has authority to regulate the design of buildings and lots under the general police powers of the City under KRS 82.082, under the specific authority of Kentucky Revised Statutes Chapter 198B allowing local enforcement of the Kentucky Building Code and the authority given the City under KRS 65.8801 to 65.8840 to enact regulations restricting nuisances,

WHEREAS, said regulation does not conflict with any other constitution or statute, because Hurstbourne has authority to regulate zoning under KRS Chapter 100, and KRS 67C.103(11) allows the City to pass ordinances that are more restrictive than the regulations of the Louisville Metro Consolidated Local Government,

NOW THEREFORE, be it ordained by the City of Hurstbourne that:

SECTION 1: Section 150.20(A) is amended to read as follows:

§ 150.20 BUILDING AND DEMOLITION PERMITS, LETTERS OF COMPLIANCE AND APPROVAL.

(A) Prior to the issuance of any building or demolition permit from Metro Louisville, the City of Hurstbourne shall be given the opportunity to review said permit application and plans to determine if the project (and its site) is in compliance with this building and design ordinance. The City shall evidence the determination as to whether the project complies with the City's building and design ordinance by issuance of a Letter of Compliance Notification form. It is a responsibility of the resident to make application and provide all needed information for the issuance of the letter of compliance. **The City Commission will make all decisions on Letters of Compliance, following review and recommendation from the supervising Commissioner and the City Administrative Officer under Chapter 35 of the Codified Ordinances.**

SECTION 2: Section 150.21(A), (B), (C), (D) & (E) are hereby repealed and replaced:

150.21 Design Standards.

(A) All new exterior construction in all zoning districts R-1 through R-5 (including any accessory structures), shall have building architecture in keeping with the general character of the existing architecture of the properties which are immediately adjacent to the subject property, in terms of style, type of materials, design and appearance, as is more particularly set out herein:

1. Roof lines, pitches and materials must be in keeping to the character of the neighborhood, in terms of style, type of material, height and design. **Roof lines on new additions shall never be higher than the principal structure.**
2. Exterior components must be brick or stone, with other material such as cement board, composite products and solid wood used only for accents that do not exceed 30% of any individual façade and the term façade includes the total surface of one side or a building for all levels. No vinyl siding is permitted anywhere on the exterior of a residential unit.
3. Residential drives or driveways shall be paved with concrete, asphalt, or brick pavers, and there shall be only one driveway per residence. Circular driveways are permitted, but are approved on a case to case basis by the City Commission, depending on the size of the circular driveway in proportion to the total lot size.
4. All fence and wall materials must match the general style and materials of the primary residence and those already existing in the neighborhood. Fence height is limited to 6 feet in height for all property zoned R-1 through R-5. The finished side of any fence must face adjacent property or have two finished faces. Fence material may be wood that is graded as Number 1 Common or better, metal or plastic, which must be of good quality. Fences and walls must not be installed in such a way as to obstruct drainage. Fences consisting of chain link, electric fencing, barbed wire, square fence sections, or “chicken wire” are not permitted in the city.
5. No detached garages are allowed. Attachment can be achieved via a breezeway structure attached to the primary structure on the lot, as long as the city has approved said attachment in writing. The entrance of said garage cannot be directly facing the front lot line and must be off-set and said orientation must be approved by the City of Hurstbourne and must be at an angle of 45 degrees off-set from the street. Garages shall match the general style and materials of the primary structures on the lots and must be in keeping with the general character of the neighborhood, in terms of style, type of material and design. No garage may be higher than the top roofline of the primary structure on the lot.
 - a. Size. One car garages shall not exceed 16 ft. x 24 ft.; two car garages shall not exceed 24 ft. x 24 ft.; three car garages shall not exceed 36 ft. x 24 ft.; four car garages shall not exceed 48 ft. x 24 ft.; five car garages shall not exceed 60 ft. x 24 ft.; and six car garages shall not exceed 70 ft. x 24 ft.

6. Recreational and ornamental structures such as pool houses, hot tub enclosures, outdoor hardscape areas, tennis courts, recreational structures, outdoor dining areas, in-ground swimming pools and other outdoor entertainment areas are allowed, if the improvements are consistent with the quality of construction, style, type of materials, design, and appearance of existing similar structures in the neighborhood. **If these additions include a roof, they must be attached to the principal structure. Gazebos are permitted in the rear yard of any residence.** All projects must be compliant with the Land Development Code. This includes any temporary or permanent covering over athletic courts. Any perimeter fencing (excluding fencing around tennis, pickleball, basketball, and other athletic sporting courts) must comply with the fencing regulations outlined in 150.21 (A)(4).
7. Decks extending from the second story of a residential unit may require siding to be installed from the edge of the bottom of the railing to the ground level. This siding shall keep with the general character of the existing architecture of the adjacent properties and/or other substantially similar structures and sites in the City, in terms of style, type of materials, design, and appearance. The following materials are prohibited from being considered as siding under these guidelines: Vinyl siding, transparent or translucent material such as netting, screens, tarps, and other similar material.
8. Appropriate, minimum landscaping is required on all residential lots. The landscaping must be in keeping with the general character of the neighborhood.
9. No applicant who is requesting a Letter of Compliance can receive approval if the applicant's property is otherwise in violation of the City's nuisance ordinance or if the property owner owes outstanding taxes or fees to the City of Hurstbourne.
- ~~10. Gazebos are permitted in the rear yard of any residence, once approved through the city's building permit process.~~
11. Shade structures that are fixed, permanent additions are permitted in the rear yard of any residence, once approved through the city's building permit process. Shade structures include, but are not limited to, retractable awnings, sails, and umbrellas.
- ~~12. Play structures that are 120 square feet or less are permitted in the rear yard of any residence, once approved through the city's building permit process. Play structures **must be** ~~can be~~ open air structures, consisting of traditional play equipment such as slides, monkey bars, swings, and other generally accepted equipment in similar fashion. **Enclosed play structures are prohibited.** ~~Play structures may also be enclosed, with proper exterior doors and windows, which constitute what is commonly known as a "playhouse". Playhouses that are 60 square feet or less with a maximum height of 6 feet (as measured from the base of the playhouse to the top of the roofline) are permitted in the rear yard of any resident, once approved through the city's building permit process. Any attempt to use a playhouse as permanent or temporary storage in the essence of a residential utility building will be in violation of 150.21(A)(14) and the structure will be subject to fines and removal.~~~~
13. Athletic lighting shall be permitted for use on athletic courts as they are permitted

in 150.21(A)(6), and all athletic lighting projects shall be compliant with the Land Development Code.

14. Greenhouses and residential utility buildings are prohibited from use on any residential lot. Residential utility buildings are defined as any open air or enclosed structure used for the storage of materials and equipment incidental to the residential use of the property.
15. Exterior painting of any residential structure must be approved through the city's building permit process if the paint color is different from what is currently on the structure, or if no paint exists on the structure. Paint swatches depicting the color must accompany the building permit. The city may ask to review a painted sample of the structure in person before approving any color. The city reserves the right to refuse any paint color that it determines is not keeping within the general aesthetic of the neighborhood. Any denial of a paint color will be made in writing (written or electronic) to the applicant. The applicant will have 14 calendar days from issuance of denial to appeal the decision to the City Commission. A request for appeal must be received in writing (written or electronic) to Hurstbourne City Hall by the end of the 14th day. The appeal will be heard at the next regularly scheduled Commission Meeting following the notice of appeal.
16. If any of the proposed construction disturbance takes place within 5 feet of an adjacent property line, the City shall require a staked survey to be completed as part of the application, or the Applicant may submit written proof that the adjacent property owner(s) has waived the staked survey requirement.
17. The City Commission understands that due to site-specific conditions, imposition of these standards may be inappropriate, or work an undue hardship. Therefore, the City Commission may waive any part of these standards on a case-by-case basis, but only for good cause shown by the property owner. Any structures that have been erected prior to the effective date of this ordinance shall be allowed to remain as grandfathered use. Any expansion, substantial construction, or reconstruction, moving, or replacement shall render such structure's grandfather status ineffective.

Section 2: Effective Date.

This ordinance shall take effect immediately upon its adoption, passage, and publication.

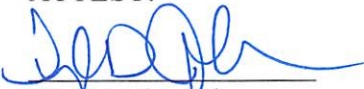
First Reading April 8, 2025

Second Reading April 22, 2025

Passed and approved this the 22 day of April, 2025.

Mary Masick
Mayor Mary Masick

ATTEST:


Clerk Tyler Johnson

Those in Favor 5

Those Opposed 0