

**CITY OF JEFFERSONTOWN  
JEFFERSON COUNTY, KENTUCKY**

**ORDINANCE NO. 1311, SERIES 2014**

**AN ORDINANCE AMENDING ORDINANCE NO. 1185, SERIES 2004,  
CODIFIED AS SECTION 150.16 OF THE JEFFERSONTOWN,  
KENTUCKY CODE OF ORDINANCES TO ADD A PROVISION  
PERMITTING A FEE IN LIEU OF OPTION FOR SIDEWALK  
CONSTRUCTION**

**WHEREAS**, the City of Jeffersontown, Kentucky desires to promote public health, welfare and safety; and,

**WHEREAS**, the City desires to address those circumstances where sidewalks cannot be reasonably built in certain locations due to topography, existing site conditions or mobility requirements; and,

**WHEREAS**, allowing property owners the option of paying a fee in lieu of construction will in certain circumstances better provide for comprehensive strategies of pedestrian mobility enhancements and public safety,

**NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE CITY COUNCIL OF JEFFERSONTOWN, KENTUCKY, AS FOLLOWS:**

**Section I.** Ordinance No. 1185, Series 2004, codified as Section 150.16 of the Jeffersontown, Kentucky Code of Ordinances, is hereby amended as follows:

1. Sidewalks shall not be required on lots that are 5 acres or greater in area and developed for single-family residential uses unless they connect with existing sidewalks.

~~Fee in Lieu Option—The Director of Works or designee may allow the payment in lieu of sidewalk construction upon a finding that construction of a sidewalk is not appropriate due to 1 of the following: 1. Sidewalks construction is impracticable due to topographical conditions or narrow right-of-way; or 2. A determination by the Director of Works or designee that sidewalks do not exist in the area and there is not a likelihood for sidewalks to be constructed in the future. Amount of fee shall be set by Metro Public Works based on average sidewalk construction. All fees paid shall be used for sidewalk construction within the same Metro Council District. It should be noted that payment of a fee in lieu of sidewalk construction is an option available to developers that must be approved by the Director of Works. Applicants retain the right to request a sidewalk waiver; in no case shall the Planning Commission or Director of Works require the payment of a fee in lieu of sidewalk construction.~~

2. Fee in Lieu Option - The Director of Works and the Director of Planning or designees may allow the payment in lieu of sidewalk construction upon a finding that construction of a sidewalk is not appropriate due to one of the following applicability requirements:

Sidewalks construction is impracticable due to topographical conditions or site constraints; or a determination by the Director of Works and the Director of Planning or designees that sidewalks do not exist in the area and there is not a likelihood for sidewalks to be constructed in the future, except for areas where sidewalks are recommended within a Planning Commission or legislatively adopted plan recommending sidewalk construction.

a. The amount of the fee shall be set by the City based on average new sidewalk construction. The fee in lieu amount for single family residential property that is not part of a major subdivision plan shall be calculated based on the cost of new sidewalk construction taking into account mobility standards, applied to the minimum lot frontage of the applicable zoning district or actual lot width, whichever is less. All fees paid shall be used for sidewalk construction within the City or pursuant to an approved Inter-local Agreement where the construction is part of a project materially benefitting the City.

b. The payment of a fee in lieu of sidewalk construction is an option available to developers that must be approved by the Director of Works and the Director of Planning or designees. Applicants retain the right to request a sidewalk waiver. In no case shall the City require the payment of a fee in lieu of sidewalk construction. The fee in lieu option shall not be approved and the sidewalk shall be constructed when one of the following situations apply:

Where an existing sidewalk network can be completed or extended, except in locations where site constraints cause construction difficulties as determined by the Director of Works and the Director of Planning or designees. The required sidewalk would provide a direct means of access to a lot that contains a pedestrian generator such as a school, church, library, community center or park.

c. A new fee in lieu or sidewalk shall not be required in the future for a street frontage in which a fee in lieu has already been approved and paid.

**Section II.** This Ordinance shall take effect immediately upon passage and publication.

**INTRODUCED AND READ AT A MEETING OF THE CITY COUNCIL OF THE CITY OF JEFFERSONTOWN, KENTUCKY AT A MEETING HELD ON THE 6<sup>th</sup> DAY OF MAY, 2014.**

**READ, PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF JEFFERSONTOWN, KENTUCKY AT A MEETING HELD ON THE 20<sup>th</sup> DAY OF MAY, 2014.**

**VETOED:**

\_\_\_\_\_  
**BILL DIERUF, MAYOR**

DATE: \_\_\_\_\_

**ATTEST:**

*Bill Fox*  
\_\_\_\_\_  
**BILL FOX, CITY CLERK**

**APPROVED:**

  
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**BILL DIERUF, MAYOR**

DATE: 5/21/14