

PLANNING COMMISSION MINUTES
September 16, 2021

PUBLIC HEARING

CASE NO. 21-LDC-0010

Request: Truck Parking LDC Amendments
Location: Louisville Metro
Applicant: Louisville Metro
Jurisdiction: Louisville Metro
Council District: All Council Districts
Case Manager: Joseph Haberman, AICP, Planning Manager

NOTE: COMMISSIONERS BROWN, SEITZ AND SISTRUNK LEFT AND DID NOT VOTE ON THIS CASE

The staff report prepared for this case was incorporated into the record. The Commissioners received this report in advance of the hearing, and this report was available to any interested party prior to the public hearing. (Staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5th Street.)

Agency Testimony:

04:29:50 Joseph Haberman discussed the case summary, standard of review and staff analysis from the staff report.

Deliberation

Planning Commission deliberation.

An audio/visual recording of the Planning Commission hearing related to this case is available on the Planning & Design Services website, or you may contact the Customer Service staff to view the recording or to obtain a copy.

An amendment to the Land Development Code (LDC) concerning regulations related to truck parking

PROPOSED AMENDMENTS Louisville Metro Land Development Code

Chapter 1 Part 2 Definitions

1.2.2 Definitions

For the purposes of Chapters 1 through 11 the following terms, phrases, words, and their derivations shall have the meaning contained herein, except where the context clearly requires otherwise.

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Loading Area/ Space (or Berth) - Designated areas where trucks may load and unload cargo. Said areas shall be at least 10 feet by 50 feet with a minimum height clearance of 14 feet and shall have appropriate means of access. Such spaces are considered "on-street" if they are located on a dedicated street right-of-way and are considered "off-street" if they are not.

Outdoor Storage – The keeping or stockpiling of any item(s) outside a building ~~in a non-residential zoning district~~ that is not directly accessible by the general public for more than twenty-four hours. The placement of moveable containers, including semi-trailers and containerized freight boxes, for the purpose of storage of inventory on a temporary basis (not to exceed two months in any calendar year) shall be considered outdoor storage.

Parking Area (or Lot) - An area of land reserved for the purpose of vehicular storage. Such areas shall include parking spaces and vehicular maneuvering area but shall not include outdoor display or sales areas or heavy truck storage areas.

Parking Space - An enclosed or unenclosed surfaced area permanently reserved for the temporary storage of one automobile/ motor vehicle and connected with a street or alley by a surfaced driveway which affords ingress and egress for automobiles/ motor vehicles. Such spaces are considered "on-street" if they are located on a dedicated street right-of-way and are considered "off-street" if they are not.

Truck - A motor vehicle which is designed primarily for the movement of property or special purpose equipment, or a motor vehicle that is designed to carry more than ten (10) persons. Truck includes vehicles commonly called trucks, pick-ups, delivery vans, buses, motor homes and other similar vehicles. Truck is intended to cover the vehicles defined as trucks and buses by the National Highway Traffic Safety Administration.

Trucks are divided into three (3) categories as follows:

(a) Light Truck. Light trucks are trucks and similar vehicles with single rear axles and single rear wheels.

(b) Medium Truck. Medium trucks are trucks and similar vehicles, other than truck trailers, with single rear axles and dual rear wheels. Truck tractors are in the Heavy Truck category.

(c) Heavy Truck. Heavy trucks are trucks, including truck tractors, and similar vehicles with two or more rear axles.

Utility Trailer – A vehicle designed to be pulled by a motor vehicle which is used to carry property, trash, or special equipment. Utility trailers less than or equal to sixteen (16) feet in length shall be regulated as medium trucks. Utility trailers in excess of 16 feet in length shall be considered industrial vehicles and are regulated as heavy trucks. Utility trailers shall be measured excluding the "tongue".

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Vehicle – Vehicles that have their own motive power and that are used for the transportation of people or goods on streets. Motor vehicle includes motorcycles, passenger vehicles, trucks, and recreational vehicles with motive power.

Vehicle, Disabled or Inoperable – Any vehicle which is physically or mechanically incapable of being, or legally not permitted to be, operated on the public streets.

Vehicle, Passenger – A motor vehicle designed to carry ten (10) persons or less including the driver. Passenger vehicle also includes motor vehicles designed to carry ten (10) persons or less that are constructed either on a truck chassis or with special features for occasional off-road use. Passenger vehicle includes vehicles commonly called cars, minivans, passenger vans, sports utility vehicles (SUVs) and jeeps. Passenger vehicle is intended to cover the vehicles defined as passenger cars and multipurpose passenger vehicles by the National Highway Traffic Safety Administration.

Vehicle, Recreational – A vehicle with or without motive power, which is designed for sport or recreational use, or which is designed for human occupancy on an intermittent basis. Recreational vehicle is divided into two categories as follows:

A. Motor Home - Motor home includes motorized vehicles designed for human occupancy on an intermittent basis. A camper is considered a motor home when it is on the back of a pick-up or other truck. Motor homes are regulated as trucks unless the regulations specifically indicate otherwise.

B. Accessory Recreational Vehicle - Accessory recreational vehicle includes non-motorized vehicles designed for human occupancy on an intermittent basis such as vacation trailers and fifth wheel trailers. A camper is considered an accessory recreational vehicle when it is standing alone. ~~Accessory recreational vehicles also include vehicles designed for off-road use such as off-road vehicles, dune buggies, recreational boats, and trailers used to haul these vehicles.~~ Accessory recreational vehicles and the trailers used to haul them less than or equal to 25 feet in length shall be regulated as medium trucks. Accessory recreational vehicles and trailers used to haul them in excess of 25 feet in length shall be regulated as heavy trucks.

Chapter 2 Part 4 Commercial Zoning Districts

2.4.6 C-M Commercial Manufacturing District

A. Permitted Uses:

All uses permitted in the C-2 Commercial and M-1 Industrial Districts, except single family dwellings.

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Note: All M-1 uses are permitted, so medium and heavy truck storage would be permitted in C-M

2.5.1 M-1 Industrial District

A. Permitted Uses:

Medical laboratories
Heavy truck off-street parking and storage
Office buildings, as accessory uses only

2.5.2 M-2 Industrial District

A. Permitted Uses:

All uses permitted in the M-1 District

Heavy truck and other heavy motor driven vehicles: sales, rental, and repair **and storage**

NOTE: ALL M-1 USES ARE PERMITTED, SO MEDIUM AND HEAVY TRUCK STORAGE WOULD BE PERMITTED IN M-2

2.5.3 M-3 Industrial District

A. Permitted Uses:

All uses permitted in the M-2 **Industrial** District

Note: All M-1 uses are permitted, so medium and heavy truck storage would be permitted in M-3

2.6.1 EZ-1 Enterprise Zone

A. Permitted Uses:

All uses permitted in the C-2 Commercial and M-3 Industrial Districts except as follows:

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1. All uses other than uses permitted in the C-2 and M-1 districts shall observe a 200-foot setback from any residential use not zoned EZ-1 or to the first street intersection, whichever is less. The Planning Commission may amend this restriction if it finds, following a public hearing with notice to residential property owners within said distance, that the proposed use will conform to a general district development plan with binding elements and conforms to the Comprehensive Plan.

Note: All M-1 uses are permitted, so medium and heavy truck storage would be permitted in EZ-1

2.6.3 PEC Planned Employment Center District

A. Permitted Uses:

All uses permitted in the M-2 Industrial District

Note: All M-1 uses are permitted, so medium and heavy truck storage would be permitted in PEC

2.6.6 W-3 Waterfront District

A. Permitted Uses:

All industrial uses permitted or conditional in the M-3 zone (other than uses listed above) when relocating from a site in the Waterfront Development Review Overlay District. (Such uses must obtain a conditional use permit in accordance with Chapter 4 Part 2, if it is a use needing a conditional use permit to locate in the M-3 zone.) Uses allowed in the M-1 and M-2 zoning districts that are not dependent on bulk water or river transportation when a part of a larger development, the remaining parts or uses of which meet the requirements listed above or when necessary for the efficient operation of any of the uses listed above as permitted uses that are located within this district.

Note: All M-1 uses are permitted, so medium and heavy truck storage would be permitted in W-3 if the standards can be met

4.2.1 Intent and Applicability

[4.2.66](#) | [Heavy Truck Off-Street Parking and Storage \(C-2 and C-3 Districts\)](#)

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4.2.39 Off-Street Parking Areas

An Off-Street Parking Area may be permitted in a district where it is ordinarily prohibited, provided it serves a use in a building for which insufficient off-street parking space is provided, and where the provision of such parking space will materially relieve traffic congestion on the streets and when developed in compliance with the following listed requirements.

- A. The area shall be located within 200 feet of the property on which the building to be served is located measured by the shortest walking distance (using sidewalks and designated crosswalks).
- B. Walls, fences, or plantings shall be provided in a manner to provide protection for and be in harmony with surrounding residential property.
- C. The minimum front, street side, and side yards required in the district shall be maintained free of parking.
- D. The area shall be used exclusively for transient parking of motor vehicles belonging to invitees of the owner or lessee of said lot.
- E. The approval of all plans and specifications for the improvement, surfacing, and drainage for said parking area will be obtained from the appropriate Director of Works prior to use of the parking area.
- F. The approval of all plans and specifications for all entrances, exits, and lights shall be obtained from the department responsible for transportation planning prior to the public hearing on the Conditional Use Permit.
- G. Heavy truck parking/storage is not permitted under this section. This provision shall not be waived.

4.2.51 Storage Yard and Contractor's Yard (C-2, M-1, and C-M Districts)

A Storage Yard and Contractor's Yard may be allowed in ~~the~~ a C-2, M-1, and C-M Districts upon the granting of a Conditional Use Permit and compliance with the following listed requirements, except that ~~a C.U.P. such a conditional use~~ shall not be permitted within the Traditional Neighborhood ~~and~~ or Traditional Marketplace Corridor Form Districts.

- A. Outdoor storage areas are prohibited within any form district transition zone.
- B. Stacked materials and equipment shall not exceed a height of five feet.
- C. Outdoor storage areas shall be screened from adjacent streets and properties.
- D. Storage of combustible materials shall conform to the requirements of NFPA Pamphlet 30 (information on NFPA pamphlet 30 may be obtained from local fire department).
- E. Medium trucks may be appropriately parked in compliant parking spaces or loading areas.

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Heavy truck storage is permitted in the M-1 and C-M districts. Heavy truck storage in the C-2 district must be permitted in accordance with Section 4.2.66 of this Land Development Code.

4.2.66 Heavy Truck Off-Street Parking and Storage (C-2 and C-3 Districts)

Heavy Truck Off-Street Parking and Storage may be allowed in a C-2 or C-3 district upon the granting of a Conditional Use Permit and compliance with the following listed requirements. This section does not apply to any parking or loading area that may otherwise be required or allowed for by this Land Development Code.

A. The conditional use shall not be permitted within any Downtown, Traditional Neighborhood, Neighborhood, or Village Form District.

B. Parking and storage is prohibited within any required setback and/or form district transition zone.

C. Utility trailers and semi-trailers may be stored on the property in an incidental and accessory manner to the truck storage. Unless otherwise permitted by the zoning district, trailers and semi-trailers allowed for under this section shall be not be used for the storage of other goods and materials.

D. Other vehicles, including light and medium trucks, may also be stored. All vehicles, utility trailers, and semi-trailers stored on the property shall be operable. The storage of disabled or inoperable vehicles or trailers is not permitted under this section.

E. Adverse impacts related to truck lights, noise, and emissions shall be mitigated. A solid fence or wall is required to screen truck headlights on any contiguous, residentially used property. Trucks shall not idle while parked.

F. The subject property shall be of sufficient size to accommodate the truck parking and associated ingress/egress and maneuverability.

G. The storage area shall be screened with a fence, wall, berm, and/or hedge of at least eight (8) feet in height and canopy trees as required in Chapter 10 of this Land Development Code.

H. Landscape areas shall be provided to break up large impervious areas to provide the opportunity to capture parking lot stormwater runoff.

I. Outdoor lighting must meet all requirements provided in Section 4.1.3 of this Land Development Code.

4.4.8 Outdoor Sales, Displays, and Storage

The intent of this Section is to provide for the appropriate location and design of outdoor sales, display, and storage areas and to mitigate any adverse impacts that such uses may have on adjacent properties and rights-of-way. This section does not apply to outdoor storage that is more specifically regulated in other sections of this Land Development Code, including but not limited to parking areas and medium and heavy truck storage.

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A. Definitions.

Outdoor Sales and Display and Outdoor Storage, ~~Outdoor, Screened from View,~~

B. Outdoor sales, display and storage shall be permitted in the C-1, C-2, C- M, EZ-1, M-2, M-3, PD and PEC zoning districts only when the requirements of this Section are met.

C. Outdoor sales, display and storage shall be permitted in the C-1, C-2 and C-M zoning districts as well as commercial uses permitted within the PDD, M-2, M-3, EZ-1, and PEC zoning districts only when the following standards are met.

1. Outdoor Sales and Display Standards:

a. Outdoor sales and display may be permitted within an area not greater than 800 square feet or 10% of the ground floor area of the building, whichever is greater, and shall be located at least 25 feet from any residentially used or zoned property.

b. When outdoor sales and display occurs within 25 feet of a public right-of-way, item(s) shall not exceed 5 feet in height and shall be screened from view from the public right-of-way.

c. Stacked items located less than 50 feet from a public right-of- way shall not exceed 5 feet in height. Any material within 3 feet of any building entry shall not exceed 3.5 feet in height. (see illustration, below)

d. Vending and ice machines shall be permitted outside of the building when located against and parallel to the building facade. These items shall count towards the total outdoor sales and display area permitted by this Section. Vending machines shall include newspaper, beverage, food, or snack dispensers. Public telephones and mailboxes are excluded from this regulation.

e. Outdoor sales and display of items shall be located on a "hard and durable" surface as defined by Metro Public Works Standards.

2. Outdoor Storage Standards:

a. Outdoor storage may be permitted in areas that are designated for employees only and made inaccessible to the general public by means of a fence, wall or other permanent, secured enclosure or in areas that are set back a distance of not less than 50 feet from any public building entry, parking lot, pedestrian facility or similar publicly used area.

b. Outdoor storage shall not occur within 25 feet of any public right-of-way.

c. Outdoor storage shall be screened from view from any abutting property.

d. Moveable storage containers including semi-trailers and containerized freight boxes, for the purpose of storage of inventory on a temporary basis, shall meet the following requirements in addition to the other provisions of this Section:

i. Containers shall be allowed on the site only in accordance with a permit issued by the building permit issuing authority. A copy of the permit shall be kept on the site and shall be available for inspection.

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- ii. The use of containers on the site shall be allowed for no more than two months in any 12- month period.
- e. Outdoor storage of new or used tires shall meet the following standards:
 - i. Tires shall be stored in compliance with applicable public health regulations.
 - ii. Outdoor tire storage shall not occupy an area greater than 300 square feet, unless a **e** Conditional Use Permit (4.2.44) has been granted pursuant to Section 4.2.47 of this Land Development Code.
 - iii. Tires stored outside shall be neatly stacked; no stack shall be higher than 8 feet.
- f. All items stored outside shall be placed on a “hard and durable” surface as defined by Metro Public Works Standards.

D. The following uses are exempt from the requirements set forth in (C) of this Section as follows:

1. Areas designated for the outdoor sale, display or storage of plant material including live plants, fruits and vegetables and seasonal holiday related plant materials such as Christmas trees and pumpkins. This exemption does not include rock, mulch, pavers, landscape timbers and similar building materials.
2. Sale, display or storage areas for either automobile, boat and similar passenger or recreational vehicles or truck/trailer rentals which have met applicable vehicular use area screening and buffering requirements as set forth in Chapter 10 of the Land Development Code.
3. Retail operations that occur under a permanent canopy structure.

E. The following standards shall apply to all outdoor sales, display and storage.

1. Any area proposed to be used for outdoor sales, display or storage in accordance with this Section shall be accurately delineated on the applicable development plan.
2. No outdoor sales, display or storage shall be allowed in areas set aside, required, or designated for driving aisles, driveways, maneuvering areas, emergency access ways or vehicular parking necessary to meet the minimum number of off-street parking spaces as specified in this section and in Chapter 9 of the Land Development Code.
3. Outdoor sales, display or storage items, including newspaper boxes, may be located on sidewalks in the public right-of-way only if permitted by the Director of Works. Such items shall be permitted on privately owned walks or other areas intended for pedestrian movement provided an unobstructed, continuous path with a four-foot minimum width is maintained. Materials located at the edge of a pedestrian way adjacent to a driving aisle shall not extend along that edge a distance for more than ten feet without providing a break of not less than three feet in width to allow for access on to the pedestrian way.

NOTE: The 4-foot unobstructed path complies with current ADA standards

4. Items for outdoor sale, display or storage shall be screened from view from any abutting residentially zoned or used property. A property shall not be considered residentially used if the first floor is occupied by a nonresidential use or uses.

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5. No outdoor sales, storage or display areas shall be located in the sight distance triangle as defined in Chapter 5 Part 1 of the Land Development Code or located in any manner that would restrict or limit adequate sight distances for interior vehicular traffic movement as determined by the Works Department.
6. One additional parking space shall be required for each 500 square feet of outdoor sales and display area unless more specific parking requirements are provided in Chapter 9 Part 1 of the Land Development Code.
7. Any product located outdoors in a manner constituting a sign as defined in Chapter 1 of the Land Development Code must conform to the requirements set forth in Chapter 8.
8. No outdoor sales, display or storage shall be allowed within 30 feet of the right-of-way of any designated Parkway, Olmsted Parkway or Scenic Corridor or within any required parkway or scenic corridor buffer area.
9. Uses conducting outdoor sales, display, or storage in a manner not permitted by this Section may be cited in accordance with Chapter 11 (Enforcement) of the Land Development Code. If a use is cited for non-compliance and said use desires to continue outdoor sales, display or storage activities in compliance with the requirements of this Section, then a site plan showing areas in which outdoor sales, display or storage will be conducted on the site in accordance with this Section shall be required. The site plan shall be drawn to scale and shall indicate portions of the lot beyond which outdoor sales, display and storage shall not be conducted, and shall indicate the locations of permanent structures and other features to allow ready determination of adherence to the site plan. After the plan has received approval by the Planning Commission staff, the site plan shall be maintained at the business location and shall be available for review at time of inspection.
10. When the requirements of this Section differ from other provisions of the Land Development Code, the more stringent standard(s) shall apply.

5.5.4 Form District Specific Compatibility Standards

B. Suburban Workplace Form District Compatibility Standards

1. Industrial uses, including structures, loading and heavy truck parking areas, and outdoor storage located within 200 feet of and having a common lot line with residentially used or zoned parcels shall include a 50 foot landscape buffer area with a 6 foot screen (e.g. fence, hedge, berm, wall, etc.) and canopy trees as required by Chapter 10, Part 2.

Chapter 9 Part 1 Motor Vehicle Parking Standards

9.1.15 Parking in Residential Areas Zoning Districts

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The following regulations shall apply to accessory outdoor parking ~~for all~~ in a residential zoning districts ~~located in allowed parking area and~~ in the Neighborhood, Traditional Neighborhood, or ~~and~~ Village Form Districts.

A. Parking of Passenger Vehicles and Light Trucks. Passenger vehicles and light trucks may be parked in any allowed parking area to the extent that the number of vehicles being parked does not exceed the maximum permitted in Table 9.1.3B.

B. Parking of Medium and Heavy Trucks.

1. The parking of medium trucks shall count against the maximum number of vehicles allowed in Table 9.1.3B and shall be permitted as follows:

No more than one medium truck per dwelling unit may be parked outdoors on a lot that is less than 20,000 square feet in size.

No more than two medium trucks per dwelling unit may be parked outdoors s on a lot that is greater than or equal to 20,000 square feet in size.

2. The parking of heavy trucks and equipment is prohibited.

C. Buses, Utility Trailers, and Recreational Vehicles. Buses, utility trailers, recreational vehicles, and trailers used to haul recreational vehicles may be parked in required parking spaces as specified in B above but shall not be parked between the street and façade of the principal structure on the lot. These vehicles shall count toward the maximum number of vehicles permitted on a lot. For purposes of this regulation a recreational vehicle on a trailer shall be considered as one vehicle.

Exception: Those located within multi-family developments that consist of six (6) or more apartment units shall be parked in areas set aside for such parking and shall be screened using a continuous vegetative hedge at least three (3) feet in height.

10.2.17 Form District Specific Landscape Requirements

The following form district specific landscape requirements apply regardless of the applicability of general chapter 10 requirements.

B. Per Chapter 5 Part 5 regardless of the applicability of Chapter 10 requirements the following shall apply. When a property is located in the Suburban Workplace Form District. Industrial uses, including structures, loading and heavy truck parking areas, and outdoor storage located within 200 feet of and having a common lot line with residentially used or zoned parcels shall include a 50-foot landscape buffer area with a 6-foot screen (e.g. fence, hedge, berm, wall, etc.) and canopy trees as required by planting density 1.

On a motion by Commissioner Carlson, seconded by Commissioner Howard, the following resolution based on the Standard of Review and Staff Analysis and testimony heard today was adopted.

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RESOLVED, that the Louisville Metro Planning Commission does hereby **RECOMMEND** that the Louisville Metro Council **APPROVE** an amendment to the Land Development Code (LDC) concerning regulations related to truck parking with the following addition: Trucks that are required by the United States Department of Transportation Regulations to display a hazardous material placard shall not be parked within 200 feet of a building used for the purposes listed below, except when intended for loading and unloading purposes. Those uses are as follows:

Daycare Centers

Day Nurseries

Nursery Schools and Kindergartens

Dwellings - Multiple Family, Single Family, Two-Family

Religious Buildings with more than 50 occupants

Residential Care Facilities

Restaurants and Delicatessens, excluding drive-thru facilities

Entertainment Activity (indoor alcohol sales and consumption only with proper ABC license)

(Boarding Lodging Houses, Hospitals, Nursing Homes, Convents and Monasteries, Hotels and Motels, Bingo Halls and Parlors, Billiard Parlors, Dance Halls, Restaurants with more than 50 occupants, Taverns, Bars and Saloons, Schools (Elementary and Secondary) and Sports Arenas)

The vote was as follows:

YES: Commissioners Carlson, Clare, Howard, Peterson and Lewis

NOT PRESENT AND NOT VOTING: Commissioners Brown, Daniels, Mims, Seitz and Sistrunk