

**ORDINANCE NO. \_\_\_\_\_, SERIES 2020**

**AN ORDINANCE AMENDING SECTION 1.2.2 AND CREATING SECTION 4.3.24 OF THE LOUISVILLE METRO LAND DEVELOPMENT CODE (“LDC”) REGARDING SMOKING RETAIL STORES (CASE NO. 20-LDC-0003).**

**SPONSORED BY: COUNCIL MEMBER COAN**

**WHEREAS**, the Louisville Metro Planning Commission (“Planning Commission”) adopted a resolution on October 31, 2019 requesting that Planning and Design Services (“PDS”) research and proposed amendments to the LDC related to tobacco businesses and electronic smoking retail stores; and

**WHEREAS**, the Planning Committee of the Planning Commission reviewed PDS’s proposed amendments on May 15, 2020 and unanimously voted to send them to the full Planning Commission for a public hearing; and

**WHEREAS**, the Planning Commission held a public hearing on those amendments on August 20, 2020; and

**WHEREAS**, the Planning Commission considered the record and testimony relative to those amendments and recommended the approval of such amendments to the Legislative Council of the Louisville/Jefferson County Metro Government (“Council”); and

**WHEREAS**, the Council approves and accepts the recommendation of the Planning Commission as set forth in Planning Commission Resolution 20-LDC-0003.

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

**SECTION I:** Chapter 1 of the LDC, Section 1.2.2 – Definitions is hereby amended to add the following definition:

Smoking Retail Store – a store defined by Chapter 90 of the Louisville Metro Code of Ordinances (LMCO) as a Smoking Retail Store and required to obtain a retail license for sale of tobacco, tobacco products and/or electronic smoking devices in accordance with chapter 90 of the LMCO.

**SECTION II:** Chapter 4 of the LDC, Part 3 – Permitted Uses with Standards, is hereby amended to add the following:

4.3.24 Smoking Retail Store

In the C-1, C-2, C-3, C-M, EZ-1, and PEC zoning districts, Smoking Retail Stores may be permitted in accordance with the following special standards:

- A. No Smoking Retail Store shall be located within one thousand (1,000) feet of the boundary of any parcel occupied by any of the following uses (as measured in a straight line from parcel boundary to parcel boundary):
  - 1. Public or private early childhood, elementary, middle or high school
  - 2. Park
  - 3. Public playground
  - 4. Recreation (Use), Outdoor
  - 5. Community Center
  - 6. Day Care Center
  - 7. Athletic Facility, Indoor and Outdoor
- B. No Smoking Retail Store shall be located within six hundred (600) feet of a site occupied by another Smoking Retail Store, as measured in a straight line from parcel boundary to parcel boundary. This separation requirement is eligible for a waiver in accordance with Chapter 11, Part 8 of the LDC.
- C. The hours of operation for a Smoking Retail Store shall be no earlier than six (6) A.M. and no later than ten (10) P.M., seven (7) days a week. The hours of operation requirement is eligible for a waiver in accordance with Chapter 11, Part 8 of the LDC.

**SECTION III:** This Ordinance shall take effect upon its passage and approval.

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Sonya Harward  
Metro Council Clerk

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David James  
President of the Council

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Greg Fischer  
Mayor

\_\_\_\_\_  
Approval Date

**APPROVED AS TO FORM AND LEGALITY:**

Michael J. O'Connell  
Jefferson County Attorney

By: \_\_\_\_\_

O-405-20 Amend LDC 1.2.2 and Create Section 4.3.24 Re Smoking Retail Stores.docx (TF)