

Case No. 16AMEND1004

LDC Text Amendment – Operating Hours



Louisville Metro Ad Hoc Committee on LDC

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July 11, 2016

Request

Amend Section 4.1.6, Operating Hours, of the Land Development Code

Proposed change to Applicability only, not to the actual Operating Hours restrictions

Background

- LDC Section 4.1.6 sets limitations on
 - Collection of garbage and recyclables;
 - Loading operations; and
 - Exterior construction activity
- Where such activities occur near residential zoning districts or residential uses
- January 11, 2016 - BOZA upheld the Planning Director's Interpretation (Attachment 1 in Staff Report) that the applicability provisions of Section 4.1.6 apply only to a 100-foot inward "buffer" on the interior of a property that is subject to the Hours of Operation restriction, and that those restrictions do not apply to the entire site itself.

Background

- February 4, 2016 - Planning Commission passed a resolution (Attachment 2) directing Staff to research and draft revisions to Section 4.1.6 so that its wording more closely aligns with the upheld Director's Interpretation.
- April 28, 2016 - Planning Committee met and recommended approval of the proposed text amendment.

Current Regulations

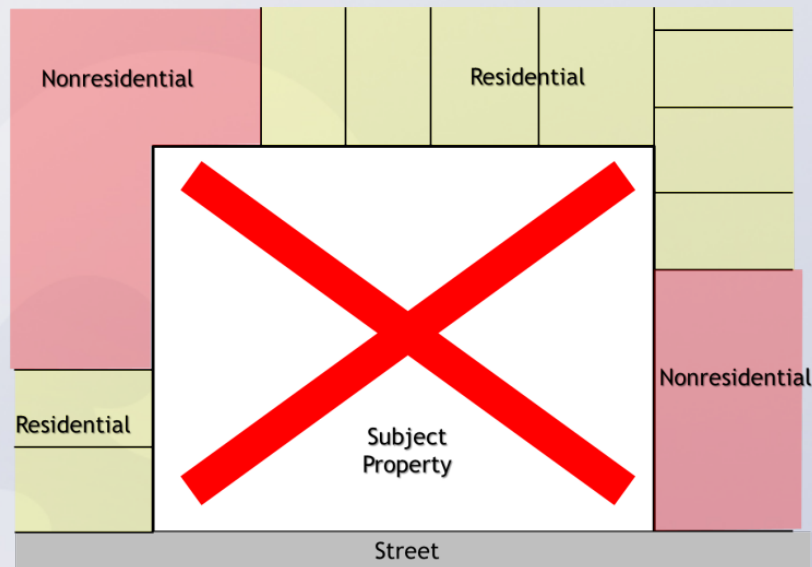
4.1.6 Operating Hours


The following operating hour restrictions shall apply to all uses that are within 100 feet of any property that is zoned residential, any solely residential use or any mixed use development that contains residential uses as measured from the closest property line of the proposed use. The most current version of the Louisville Metro Noise Ordinance shall also apply to all activities listed below.

- A. Collection of Garbage and Recyclables - No garbage or recyclables collection services shall be conducted between the hours of 10:00 p.m. and 6:00 a.m.
- B. Loading Operations - No loading or unloading operations shall be conducted between the hours of 10:00 p.m. and 7:00 a.m. This restriction shall also be applicable to the idling of any heavy or medium trucks on the site for the purpose of conducting loading or unloading operations regardless of whether said activities have already occurred or are scheduled to occur in the future.
- C. Exterior Construction Activity - No exterior construction activity shall be conducted between the hours of 9:00 p.m. and 7:00 a.m.

Current Regulations

- In its appeal, a neighborhood association asserted that the prohibition was more restrictive
- Claimed that limitations of 4.1.6 apply to entire site if any portion of the site is within 100 feet of a residential zoning district or residential use, as illustrated below
- BOZA upheld the Director's Interpretation



 = Operating Hour Restrictions Apply

Amendment Summary

- Attachment 4 - Full Amendment Text
- Proposed edits organize the existing language into Applicability and Restrictions
- No change to Restrictions, just clarification of Applicability
- Better delineate “uses” from “activities” so that it is clear that the restrictions apply to part of the property, not the entire site
- Clarify meaning of “residential districts” by referring to Ch 2, Pt 2
- Combine “Any solely residential use” and “Any mixed use development that contains residential uses” into “Any property that contains a residential use”
- Provide a more clear method for measuring where the Hours of Operation restrictions apply on a property
 - Inward measurement into the property, not outward
 - 100 feet

Applicable Plans and Policies

- These amendments to the LDC text are consistent with the following policies of Cornerstone 2020

Plan Reference	Content
Marketplace Strategy, Goal A1, Objective A1.2	Ensure that planning and zoning requirements are clear, consistent, and reasonable
Marketplace Strategy, Goal C1, Objective C1.1	Improve the efficiency and effectiveness of the development review, approval and permitting process

- The proposed LDC text amendment promotes clarity and consistent enforcement and facilitates development review by clarifying provisions that have previously been questioned and appealed by the public

Planning Commission Recommendation

At a public hearing on June 2, 2016, the Planning Commission voted unanimously to recommend approval of the text amendment as presented.