

# Attachment #5: Summary of LDC Main Committee's Actions Related to Permitted/Conditional Use Sub-committee Report & Recommendations

Planning Commission Meeting Date: 8/11/14



<b>Case No:</b>	14AMEND1003
<b>Project Name:</b>	Permitted/Conditional Use Sub-committee Final Report
<b>Case Manager:</b>	Michael Hill, AICP, Planning Coordinator

**AT THEIR 8/11/14 MEETING THE PLANNING COMMISSION RECOMMENDED APPROVAL OF THE FOLLOWING OFFICIAL RECOMMENDATIONS (#1, 1A, 2, 4-25, 27, 28, 30, 32, 33 & 35) AND STAFF RECOMMENDATIONS (A-C & E) LISTED IN THIS REPORT. ITEM #26 & STAFF ITEM F WERE DELIBERATELY EXCLUDED FROM THE APPROVAL MOTION BY THE PLANNING COMMISSION**

**LDC MAIN COMMITTEE REVIEW & ACTION SUMMARY**

The recommendations of the Permitted/Conditional Use LDC Sub-committee were discussed at various LDC Main Committee meetings, the last one occurring on 3/25/14. Items #1, 1A, 2, 4-28, 30, 32, 33 & 35 listed below in this report have all been recommended for approval by the LDC Main Committee. Items #3, 29, 31 & 34 listed below were debated by the LDC Main Committee, but did not result in an official recommendation. Six staff recommendations are also included in this report.

## TASKS ASSIGNED TO THE PERMITTED/CONDITIONAL USE SUB-COMMITTEE

This sub-committee was charged with reviewing and discussing all of the Permitted Uses, Permitted Uses with Special Standards and Conditional Uses listed in the Land Development Code.

## PERMITTED/CONDITIONAL USE SUB-COMMITTEE BACKGROUND INFORMATION

Between June 6, 2012 and July 3, 2013 the Permitted/Conditional Use Sub-committee met 21 times. The meetings averaged six participants per meeting. The 29 individuals listed below participated in this sub-committee.

Steve Hendrix – Planning & Design Services	Gabe Fritz – The Housing Partnership, Inc.
Glenn Price – Frost Brown Todd	Ryan Madden – Planning & Design Services
Steve Porter – OPEN Louisville	Dustin Wallen – Economic Growth & Innovation
Kathy Linares – Mindel Scott & Associates	David Moon
Theresa Zawacki – Economic Growth & Innovation	Laura Humphrey – Planning & Design Services
David Proffitt – Planning Commission/BOZA	Joe Reverman – Planning & Design Services
John Torsky – Office of Metro Councilman James Peden	Michael Dean – Louisville Metro Government
James Peden – Metro Council	Lisa Chapman – The Rotunda Group
David Wagner – Planning & Design Services	Phil Bills – Planning & Design Services
Emily Liu – Planning & Design Services	Bill Friedlander
Bob Roos	Martina Kunnecke – Neighborhood Planning & Preservation
Bill Bardenwerper – Bardenwerper, Talbott & Roberts	Robert Kirchdorfer – Codes & Regulations
Matt Doyle – Planning & Design Services	Larry Osterhage – County Attorney's Office
Nick Pregliasco – Bardenwerper, Talbott & Roberts	Beau Baustien – Office of Metro Councilman Jim King
Jim Mims – Codes and Regulations	

## SUMMARY OF RECOMMENDATIONS

The 34 recommendations listed in this report are the result of the efforts of this sub-committee. All of these items involve either changes to current LDC text or insertions of new proposed text into the LDC. Each item has been acted on separately by the LDC Main Committee.

### **PERMITTED & CONDITIONAL USE LDC SUB-COMMITTEE** **FINAL RECOMMENDATIONS**

#### **OFFICIAL RECOMMENDATIONS**

The following LDC text amendments were recommended by the Permitted/Conditional Use LDC sub-committee and have been recommended for approval by the LDC Main Committee:

#### **PCUP ITEM #1 – Golf Course Listings (Approved on 11/5/13)**

Golf courses are currently regulated differently in the LDC depending on whether they are public or private. Public courses are allowed in almost all zones as a permitted use, while private courses are allowed in only a few zones after the granting of a conditional use permit. The sub-committee feels that the impact a golf course has on the surrounding area is the same whether the course is considered private or public. Therefore, the changes below are proposed to create consistency with how all golf courses should be regulated by the LDC, with no distinction between private courses and public courses. Golf courses will be a permitted use with special standards under Section 4.3.XX.

#### **Section 4.3.XX – Golf Courses**

**All golf courses may be permitted in any zoning district in accordance with the following special standards:**

- A. **Golf course must be a regulation 9-hole or 18-hole course (including Par-3 courses; excluding miniature golf courses).**
- B. **All buildings and structures shall be at least 30 feet from any property line.**
- C. **Protection of Adjacent Properties – Fences, plantings, or sufficient area shall be provided to insure the safety and protection of persons on all adjacent land. Any netting used for the protection of adjacent properties shall observe yard and height requirements of the district in which it is located.**
- D. **Signs – Except in districts where signs are allowed, one non-flashing sign, not to exceed 60 square feet in area and not to exceed 10 feet in height, may be provided at the major entrance.**
- E. **Lighting – All lighting fixtures must comply with applicable sections of the Land Development Code.**
- F. **Hours of Operation – Golfers may play the course only between dawn and dusk. Maintenance, cleaning and general upkeep of the golf course by employees or other authorized personnel is not required to be conducted during the aforementioned time period.**

Golf courses must also be removed from the permitted use listings in the following zones: R-R, R-E, R-1, R-2, R-3, R-4, R-5, R-5A, R-5B, R-6, R-7, R-8A, OR, OR-1, OR-2, OR-3, OTF, C-N, C-R, C-1, C-2, C-3, C-M, EZ-1 and PEC.

#### **PCUP ITEM #1 – VOTE**

Motion to approve PCUP Item #1 made by Steve Porter and seconded by David Proffitt at 11/5/13 meeting.

**YES:** John Torsky (alternate for James Peden), David Proffitt (2 votes; also alternate for Donnie Blake), Chuck Kavanaugh, Pat Dominik, Kathy Linares (2 votes; also alternate for Matt Meunier), Deborah Bilitski (2 votes; also alternate for Gabe Fritz), Cathy Hinko (alternate for Barbara Sinai), Steve Porter, Tom FitzGerald, Teena Halbig and Kevin Dunlap

**NO:** None

**ABSTAIN:** None

**ABSENT:** Jim King

**PCUP Item #1 recommended for approval by a vote of: 14 in favor, 0 opposed, 0 abstentions and 1 absent.**

## **PCUP ITEM #1A – Golf Courses with Food or Alcoholic Beverage Service Conditional Use Permit (Approved on 11/5/13 meeting)**

The following is a new conditional use permit section being created for golf courses that include food or alcoholic beverage service on the premises.

### **Section 4.2.27**

**Golf courses which have a retail food establishment permit or an ABC license and which serve food or alcoholic beverages to any person who is not a member (or guest of a member) of the ownership or operating entity of the golf course may be allowed in any zoning district upon the granting of a Conditional Use Permit and compliance with any conditions of approval imposed by the Board of Zoning Adjustment, which may include, but is not limited to, the following:**

- A. **Location and size of buildings and structures,**
- B. **Type of food permit or ABC license,**
- C. **Buffering of adjacent properties,**
- D. **Signage,**
- E. **Golf ball driving directions,**
- F. **Hours of operation,**
- G. **Lighting,**
- H. **Traffic considerations, and**
- I. **Environmental considerations**

## **PCUP ITEM #1A – VOTE**

Motion to approve PCUP Item #1A made by Steve Porter and seconded by Pat Dominik at 11/5/13 meeting.

**YES:** John Torsky (alternate for James Peden), David Proffitt (alternate for Donnie Blake), Chuck Kavanaugh, Pat Dominik, Deborah Bilitski (2 votes; also alternate for Gabe Fritz), Cathy Hinko (alternate for Barbara Sinai), Steve Porter, Teena Halbig and Kevin Dunlap

**NO:** Kathy Linares (2 votes; also alternate for Matt Meunier)

**ABSTAIN:** David Proffitt and Tom FitzGerald

**ABSENT:** Jim King

**PCUP Item #1A recommended for approval by a vote of: 10 in favor, 2 opposed, 2 abstentions and 1 absent.**

## **PCUP ITEM #2 – Elimination of Private Golf Course Conditional Use Permit (Approved on 11/5/13)**

Since PCUP Item #1 above allows all golf courses as a permitted use with special standards, the following section allowing private golf courses only in certain zones as a conditional use permit is no longer needed and should be eliminated from the LDC. The new language in PCUP Item #1A above will utilize this section number in the LDC, Section 4.2.27.

### **4.2.27 — ~~Privately Owned Golf Courses Operated for a Commercial Purpose~~**

~~Golf Driving Ranges, Miniature Golf Courses, and Privately Owned Golf Courses Operated for a Commercial Purpose may be allowed in the R-R, R-1, C-2, and C-M Districts upon the granting of a Conditional Use Permit and compliance with the listed requirements.~~

- ~~A. All buildings and structures shall be at least 30 feet from any property line.~~
- ~~B. Protection of Adjacent Properties – Fences, plantings, or sufficient area shall be provided to insure the safety and protection of persons on all adjacent land. Any netting used for the protection of adjacent properties shall observe yard and height requirements of the district in which it is located.~~
- ~~C. Signs – Except in districts where signs are allowed, one non-flashing sign, not to exceed 60 square feet in area and not to exceed 10 feet in height, may be provided at the major entrance.~~
- ~~D. Driving Directions – All golf ball driving directions shall be away from any street, highway or residential area.~~

## **PCUP ITEM #2 – VOTE**

Motion to approve PCUP Item #2 made by Tom FitzGerald and seconded by Steve Porter at 11/5/13 meeting.

**YES:** John Torsky (alternate for James Peden), David Proffitt (2 votes; also alternate for Donnie Blake), Chuck Kavanaugh, Pat Dominik, Kathy Linares (2 votes; also alternate for Matt Meunier), Deborah Bilitski (2 votes; also alternate for Gabe Fritz), Cathy Hinko (alternate for Barbara Sinai), Steve Porter, Tom FitzGerald, Teena Halbig and Kevin Dunlap

**NO:** None

**ABSTAIN:** None

**ABSENT:** Jim King

**PCUP Item #2 recommended for approval by a vote of: 14 in favor, 0 opposed, 0 abstentions and 1 absent.**

## **PCUP ITEM #4 – Wildlife Management Definition (Approved on 10/15/13)**

Wildlife Management is listed as a permitted use in the R-R Rural Residential zoning district, but the LDC does not have a definition for this term. The following definition is proposed to be added to Section 1.2.2 of the LDC.

### **Section 1.2.2 Definitions**

**Wildlife Management – The act of controlling, directing, manipulating or rehabilitating wildlife populations and/or their habitats. The goal of wildlife management facilities is usually to either increase, decrease or stabilize a particular wildlife population(s). Wildlife management facilities are required to obtain all applicable federal, state and local permits and licenses.**

## **PCUP ITEM #4 – VOTE**

Motion to approve PCUP Item #4 made by Steve Porter and seconded by Barbara Sinai at 10/15/13 meeting.

**YES:** John Torsky (alternate for James Peden), Donnie Blake, David Proffitt, Tara Brinkmoeller (alternate for Chuck Kavanaugh), Pat Dominik (2 votes; also alternate for Kathy Linares), Barbara Sinai, Steve Porter (2 votes; also alternate for Tom FitzGerald), Cathy Hinko (alternate for Kevin Dunlap), Gabe Fritz and Matt Meunier

**NO:** None

**ABSTAIN:** None

**ABSENT:** Jim King, Deborah Bilitski and Teena Halbig

**PCUP Item #4 recommended for approval by a vote of: 12 in favor, 0 opposed, 0 abstentions and 3 absent.**

## **PCUP ITEM #5 – Garage Sales Reference Eliminated (Approved on 10/15/13)**

Garage sales is listed in almost every zoning district as a permitted use, but since the LDC already has Section 4.4.4 Accessory Uses and Miscellaneous Standards that is very specific with regard to garage sales, including when and where and how often they may occur the sub-committee feels it is unnecessary to list garage sales as a permitted use in every zoning district. Therefore, it is proposed to remove the phrase "Garage or yard sales" from the permitted use lists in the following zoning districts: R-R, R-E, R-1, R-2, R-3, R-4, R-5, U-N, R-5A, R-6, R-7, R-8A, OR, OR-1, OR-2, OR-3, OTF, C-N, C-R, C-1, C-2, C-3, C-M, EZ-1 & PEC.

## **PCUP ITEM #5 – VOTE**

Motion to approve PCUP Item #5 made by Steve Porter and seconded by Barbara Sinai at 10/15/13 meeting.

**YES:** John Torsky (alternate for James Peden), Donnie Blake, David Proffitt, Tara Brinkmoeller (alternate for Chuck Kavanaugh), Pat Dominik (2 votes; also alternate for Kathy Linares), Barbara Sinai, Steve Porter (2 votes; also alternate for Tom FitzGerald), Cathy Hinko (alternate for Kevin Dunlap), Gabe Fritz and Matt Meunier

**NO:** None

**ABSTAIN:** None

**ABSENT:** Jim King, Deborah Bilitski and Teena Halbig

**PCUP Item #5 recommended for approval by a vote of: 12 in favor, 0 opposed, 0 abstentions and 3 absent.**

## **PCUP ITEM #6 – Agricultural Use Description in the R-R Zoning District (Approved on 10/15/13)**

The use listing in the R-R district for agricultural use includes the full definition of the term as defined by KRS and the LDC in Chapter One. The sub-committee proposes to remove the defining language from the R-R permitted use list. "Agricultural uses" will remain, consistent with other zoning districts as well. See proposed changes below.

### **Section 2.2.1 R-R Rural Residential District**

This district shall include all land and water areas indicated on the Zoning District Map as R-R. The purpose of classifying land and water areas within this district is to regulate uses in rural, agricultural and environmentally sensitive areas.

The following provisions shall apply in the R-R Rural Residential District unless otherwise provided:

A. Permitted Uses:

1. General

~~Agricultural **uses** or horticultural crops, including but not limited to livestock, soybeans, tobacco production, timber, orchard fruits, vegetables, flowers or ornamental plants and also including sale of materials grown on the premises, including provision for dwellings for persons and their families who are engaged in the above agricultural use on the tract.~~

## **PCUP ITEM #6 – VOTE**

Motion to approve PCUP Item #6 made by Tara Brinkmoeller and seconded by Steve Porter at 10/15/13 meeting.

**YES:** John Torsky (alternate for James Peden), Donnie Blake, David Proffitt, Tara Brinkmoeller (alternate for Chuck Kavanaugh), Pat Dominik (2 votes; also alternate for Kathy Linares), Barbara Sinai, Steve Porter (2 votes; also alternate for Tom FitzGerald), Cathy Hinko (alternate for Kevin Dunlap), Gabe Fritz and Matt Meunier

**NO:** None

**ABSTAIN:** None

**ABSENT:** Jim King, Deborah Bilitski and Teena Halbig

**PCUP Item #6 recommended for approval by a vote of: 12 in favor, 0 opposed, 0 abstentions and 3 absent.**

## **PCUP ITEM #7 – Accessory Structures in R-R Zoning District (Approved on 10/15/13)**

The sub-committee feels that the language regarding accessory structures in the R-R zoning district could be phrased more efficiently. The following changes are shown below.

### **Section 2.2.1 R-R Rural Residential District**

This district shall include all land and water areas indicated on the Zoning District Map as R-R. The purpose of classifying land and water areas within this district is to regulate uses in rural, agricultural and environmentally sensitive areas.

The following provisions shall apply in the R-R Rural Residential District unless otherwise provided:

A. Permitted Uses:

2. The following uses are permitted provided that all structures **and their accessory structures or uses** observe a one hundred and fifty feet (150) front, street side, side and rear yard:

~~Accessory buildings or uses~~

Churches, parish halls, and temples

Colleges, schools, and institutions of learning (except training schools)

Commercial fishing lakes

Convents and monasteries

Garage or yard sales

Golf courses; except miniature courses, driving ranges, or privately owned golf courses operated for commercial purposes

Outdoor swimming clubs and outdoor tennis clubs/courts

Parks and playgrounds, and community centers

Private non-profit clubs or camps of a recreation nature (other than outdoor gun clubs)

## **PCUP ITEM #7 – VOTE**

Motion to approve PCUP Item #7 made by Steve Porter and seconded by Barbara Sinai at 10/15/13 meeting.

**YES:** John Torsky (alternate for James Peden), Donnie Blake, David Proffitt, Tara Brinkmoeller (alternate for Chuck Kavanaugh), Pat Dominik (2 votes; also alternate for Kathy Linares), Barbara Sinai, Steve Porter (2 votes; also alternate for Tom FitzGerald), Cathy Hinko (alternate for Kevin Dunlap), Gabe Fritz and Matt Meunier

**NO:** None

**ABSTAIN:** None

**ABSENT:** Jim King, Deborah Bilitski and Teena Halbig

**PCUP Item #7 recommended for approval by a vote of: 12 in favor, 0 opposed, 0 abstentions and 3 absent.**

## **PCUP ITEM #8 – Religious Building Terminology (Approved on 10/15/13)**

As a part of the Round One LDC text amendments a new definition for "religious building" has been added that includes buildings such as churches, temples, mosques, etc. Terminology throughout LDC should be made consistent with this definition. Therefore the references to "churches, parish halls and temples" in the permitted use listings will be changed to "religious buildings" for the following zoning districts: R-R, R-E, R-1, R-2, R-3, R-4, R-5, U-N, R-5A, R-6, R-7, R-8A, OR, OR-1, OR-2, OR-3, OTF, C-N, C-R, C-1, C-2, C-3, C-M, EZ-1, M-1, M-2, M-3, PRO & PEC.

## **PCUP ITEM #8 – VOTE**

Motion to approve PCUP Item #8 made by Steve Porter and seconded by Barbara Sinai at 10/15/13 meeting.

**YES:** John Torsky (alternate for James Peden), Donnie Blake, David Proffitt, Tara Brinkmoeller (alternate for Chuck Kavanaugh), Pat Dominik (2 votes; also alternate for Kathy Linares), Barbara Sinai, Steve Porter (2 votes; also alternate for Tom FitzGerald), Cathy Hinko (alternate for Kevin Dunlap), Gabe Fritz and Matt Meunier

**NO:** None

**ABSTAIN:** None

**ABSENT:** Jim King, Deborah Bilitski and Teena Halbig

**PCUP Item #8 recommended for approval by a vote of: 12 in favor, 0 opposed, 0 abstentions and 3 absent.**

## **PCUP ITEM #9 – Permitted Uses with Special Standards Listings Within Zoning Districts (Approved on 10/15/13)**

Permitted Uses with Special Standards is a fairly new category for land uses within the LDC. Every zoning district has a list of permitted uses with special standards that apply to it, similar to how every zoning district has a list of conditional uses that apply to it. In order to maintain consistency with how these uses are listed in each zoning district the sub-committee feels these two categories should be listed the same. Paragraph C below is an example. All zoning districts should include the language below in their permitted uses with special standards sections rather than list each of the uses individually.

### C. Permitted Uses With Special Standards

**Certain** ~~The following~~ uses are permitted in this district provided they meet the special standards and requirements listed for such uses in Chapter 4 Part 3.

1. ~~Temporary Activities~~
2. ~~Transitional Housing~~

## **PCUP ITEM #9 – VOTE**

Motion to approve PCUP Item #9 made by Steve Porter and seconded by Barbara Sinai at 10/15/13 meeting.

**YES:** John Torsky (alternate for James Peden), Donnie Blake, David Proffitt, Tara Brinkmoeller (alternate for Chuck Kavanaugh), Pat Dominik (2 votes; also alternate for Kathy Linares), Barbara Sinai, Steve Porter (2 votes; also alternate for Tom FitzGerald), Cathy Hinko (alternate for Kevin Dunlap), Gabe Fritz and Matt Meunier

**NO:** None

**ABSTAIN:** None

**ABSENT:** Jim King, Deborah Bilitski and Teena Halbig

**PCUP Item #9 recommended for approval by a vote of: 12 in favor, 0 opposed, 0 abstentions and 3 absent.**

## **PCUP ITEM #10 – Residential Care Facilities in R-E Zoning District (Approved on 10/15/13)**

Residential Care Facilities are allowed as a permitted use in all residential, office-residential and commercial zoning districts, except the R-E Residential Estate zoning district. The LDC defines Residential Care Facilities as a residence operated and maintained by a sponsoring private or governmental agency to provide services in a homelike setting for persons with disabilities. The sub-committee proposes adding Residential Care Facilities as a permitted use in the R-E zoning district.

### **PCUP ITEM #10 – VOTE**

Motion to approve PCUP Item #10 made by Steve Porter and seconded by Barbara Sinai at 10/15/13 meeting.

**YES:** John Torsky (alternate for James Peden), Donnie Blake, David Proffitt, Tara Brinkmoeller (alternate for Chuck Kavanaugh), Pat Dominik (2 votes; also alternate for Kathy Linares), Barbara Sinai, Steve Porter (2 votes; also alternate for Tom FitzGerald), Cathy Hinko (alternate for Kevin Dunlap), Gabe Fritz and Matt Meunier

**NO:** None

**ABSTAIN:** None

**ABSENT:** Jim King, Deborah Bilitski and Teena Halbig

***PCUP Item #10 recommended for approval by a vote of: 12 in favor, 0 opposed, 0 abstentions and 3 absent.***

## **PCUP ITEM #11 – Off-street Parking in Conservation Subdivisions (Approved on 10/15/13)**

The listing "Off-street parking permitted within a conservation subdivision (see Chapter 7, Part 11 for details)" is redundant in zones R-2, R-3, R-4 & R-5 because the permitted uses in these zones are based on the permitted uses in the R-1 zone, of which this is one of them. The sub-committee proposes removing "Off-street parking permitted within a conservation subdivision (see Chapter 7, Part 11 for details)" in the R-2, R-3, R-4 & R-5 zoning districts as shown below. R-2 shown below as example.

### **Section 2.2.4 R-2 Residential Single Family District**

The following provisions shall apply in the R-2 Residential Single Family District unless otherwise provided in these regulations:

A. Permitted Uses:

All uses permitted in the R-1 Residential Single Family District.

~~Off-street parking permitted within a conservation subdivision (see Chapter 7, Part 11 for details)~~

### **PCUP ITEM #11 – VOTE**

Motion to approve PCUP Item #11 made by Steve Porter and seconded by Barbara Sinai at 10/15/13 meeting.

**YES:** John Torsky (alternate for James Peden), Donnie Blake, David Proffitt, Tara Brinkmoeller (alternate for Chuck Kavanaugh), Pat Dominik (2 votes; also alternate for Kathy Linares), Barbara Sinai, Steve Porter (2 votes; also alternate for Tom FitzGerald), Cathy Hinko (alternate for Kevin Dunlap), Gabe Fritz and Matt Meunier

**NO:** None

**ABSTAIN:** None

**ABSENT:** Jim King, Deborah Bilitski and Teena Halbig

***PCUP Item #11 recommended for approval by a vote of: 12 in favor, 0 opposed, 0 abstentions and 3 absent.***

## **PCUP ITEM #12 – Two-Family Dwellings in R-5A and Other Zones must still meet density and FAR (Approved on 10/15/13)**

Two-Family Dwellings (or duplexes) are currently allowed as a permitted use in the following residential zoning districts: R-5A, R-5B, R-6, R-7 and R-8A, as well as the various Office/Residential and Commercial zones. R-5B is our only dedicated Two-Family Residential zoning district and the allowable density in R-5B is “two dwellings per lot.” So a duplex building will always be allowable on any R-5B zoned property as long as the minimum lot size is realized. This is a unique feature of the R-5B zone, which also does not allow multi-family residential (currently defined as three or more units).

There is potential for confusion within the other residential zoning districts listed above because while they also list Two-Family Residential among their lists of permitted uses, their density allowance is listed differently than R-5B (two dwellings per lot). For example, the density allowed in the R-5A district is 12.01 dwellings per acre. So then since Two-Family Residential is listed as a permitted use in R-5A are all R-5A zoned properties guaranteed the right to contain a duplex similar to R-5B zoned properties? The answer is no. In order to be issued a building permit for a duplex on an R-5A property, the property itself must be large enough to allow the two units on it without exceeding the 12.01 units per acre density regulation (as well as applicable FAR).

The main committee voted to recommend Option #2 as presented and discussed at the 10/15/13 meeting, which was to insert a clarifying statement in appropriate places in the LDC that explains that two-family and multi-family dwellings are only allowed in certain districts if the applicable density and floor area ratios are observed.

### **New text proposed in Section 2.1.3.F**

**F. Two-Family & Multi-Family Dwellings, Density & Floor Area Ratio Compliance – In zoning districts that allow Two-Family Dwellings as a permitted use the applicable density and floor area ratio requirements must be complied with in order for two dwelling units to be permissible on a given parcel. In zoning districts that allow Multi-Family Dwellings as a permitted use the applicable density and floor area ratio requirements must be complied with in order for three or more dwelling units to be permissible on a given parcel.**

## **PCUP ITEM #12 – VOTE**

Motion to approve PCUP Item #12 made by Donnie Blake and seconded by David Proffitt at 10/15/13 meeting.

**YES:** John Torsky (alternate for James Peden), Donnie Blake, David Proffitt, Tara Brinkmoeller (alternate for Chuck Kavanaugh), Pat Dominik (2 votes; also alternate for Kathy Linares), Barbara Sinai, Steve Porter (2 votes; also alternate for Tom FitzGerald), Cathy Hinko (alternate for Kevin Dunlap), Gabe Fritz and Matt Meunier

**NO:** None

**ABSTAIN:** None

**ABSENT:** Jim King, Deborah Bilitski and Teena Halbig

**PCUP Item #12 recommended for approval by a vote of: 12 in favor, 0 opposed, 0 abstentions and 3 absent.**

## **PCUP ITEM #13 – R-5B Residential Two-Family District Use Listings (Approved on 10/15/13)**

Permitted uses listed in R-5B zone are redundant since zone is based on R-1 permitted uses. The sub-committee suggests that the R-5B permitted use list should read, "All uses permitted in the R-1 Residential Single Family District, as well as the following uses: Carriage Houses, Semi-detached Dwellings, Two-Family Dwellings." See changes below.

### **Section 2.2.10 R-5B Residential Two-Family District**

The following provisions shall apply in the R-5B Residential Two-Family District unless otherwise provided in these regulations:

The Residential Two-Family District is intended to provide the opportunity for land in the medium density residential land development range to be used for single family dwellings, two-family dwellings, semi-detached dwellings and carriage houses.



A. Permitted Uses:

**All uses permitted in the R-1 Residential Single Family District, as well as the following use(s):**

**Carriage Houses**  
**Dwellings, Semi-detached**  
**Dwellings, Two-family**

~~Accessory buildings or uses  
Agricultural uses  
Carriage houses  
Churches, parish halls and temples  
Colleges, schools, and institutions of learning (except training schools)  
Country clubs  
Dwellings, Semi-detached  
Dwellings, Single-family  
Dwellings, Two-family  
Garage or yard sales  
Golf courses, except miniature courses, driving ranges, or privately owned golf courses operated for a commercial purpose  
Home occupations  
Libraries, museums, historical buildings and grounds, arboretums, aquariums, and art galleries  
Parks, playgrounds, and community centers  
Residential care facilities  
Temporary buildings, the uses of which are incidental to construction operations being conducted on the same or adjoining lot or tract, and which shall be removed upon completion or abandonment of such construction, or upon the expiration of a period of two years from the time of erection of such temporary buildings, whichever is sooner~~

**PCUP ITEM #13 – VOTE**

Motion to approve PCUP Item #13 made by Steve Porter and seconded by Barbara Sinai at 10/15/13 meeting.

**YES:** John Torsky (alternate for James Peden), Donnie Blake, David Proffitt, Tara Brinkmoeller (alternate for Chuck Kavanaugh), Pat Dominik (2 votes; also alternate for Kathy Linares), Barbara Sinai, Steve Porter (2 votes; also alternate for Tom FitzGerald), Cathy Hinko (alternate for Kevin Dunlap), Gabe Fritz and Matt Meunier

**NO:** None

**ABSTAIN:** None

**ABSENT:** Jim King, Deborah Bilitski and Teena Halbig

**PCUP Item #13 recommended for approval by a vote of: 12 in favor, 0 opposed, 0 abstentions and 3 absent.**

**PCUP ITEM #14 – Boarding & Lodging Houses in R-8A Zoning District (Approved on 10/15/13)**

Listing for "Boarding Houses" in R-8A zone should read "Boarding and Lodging Houses" for consistency throughout LDC. See change below.

**Section 2.2.13 R-8A Residential Multi-Family District**

The following provisions shall apply in the R-8A Residential Multi Family District unless otherwise provided in these regulations.

A. Permitted Uses:

All uses permitted in the R-1 Residential Single Family District, as well as the following use(s):  
Assisted living residence  
Bed and Breakfasts  
Boarding **and lodging** houses

Day care centers, day nurseries, nursery schools and kindergartens  
Dwellings, Multiple family  
Dwellings, Two-family  
Family care home (minihome)

## **PCUP ITEM #14 – VOTE**

Motion to approve PCUP Item #14 made by Pat Dominik and seconded by Steve Porter at 10/15/13 meeting.

**YES:** John Torsky (alternate for James Peden), Donnie Blake, David Proffitt, Tara Brinkmoeller (alternate for Chuck Kavanaugh), Pat Dominik (2 votes; also alternate for Kathy Linares), Barbara Sinai, Steve Porter (2 votes; also alternate for Tom FitzGerald), Cathy Hinko (alternate for Kevin Dunlap), Gabe Fritz and Matt Meunier

**NO:** None

**ABSTAIN:** None

**ABSENT:** Jim King, Deborah Bilitski and Teena Halbig

**PCUP Item #14 recommended for approval by a vote of: 12 in favor, 0 opposed, 0 abstentions and 3 absent.**

## **PCUP ITEM #15 – Removal of Redundant Listings in OR-2, OR-3 & OTF Zoning Districts (Approved on 10/15/13)**

It is redundant to list "Community Service Facility" as a permitted use in the OR-2, OR-3 & OTF zoning districts since it is already listed in the OR zone. The sub-committee suggests removing "Community Service Facility" as a permitted use from the OR-2, OR-3 & OTF zoning districts. Similar change proposed in OTF zone for libraries and museums listing. See changes below.

### **Section 2.3.3 OR-2 Office/Residential District**

The following provisions shall apply in the OR-2 Office/Residential District unless otherwise provided in these regulations:

A. Permitted Uses:

All uses permitted in the OR Office Residential District, as well as the following use(s):

Artist studios  
Assisted Living Residence  
Barbers/Cosmetologists/Hairdressers/Manicurists  
Boarding, lodging houses  
Community residences  
~~Community Service Facility~~  
Computer programming services  
Convents and monasteries  
Dwellings, Multiple-family  
Dwellings, Two-family  
Family care home (mini-home)

### **Section 2.3.5 OTF Office/Tourist Facility District**

The following provisions shall apply in the OTF Office/Tourist Facility District unless otherwise provided in these regulations:

Apartment, hotel and office building district, allowing businesses normally incidental to the primary uses located within the same building and allowing such incidental business uses to be accessible and evident from the outside of the building.

A. Permitted Uses:

All uses permitted in the OR Office Residential District, as well as the following use(s):

Apartment hotels  
Artist studios  
Assisted Living Residence  
Barbers/Cosmetologists/Hairdressers/Manicurists  
Boarding, lodging houses  
Business schools  
Clubs, private nonprofit  
Commercial business may be conducted in the structure of the primary use, provided that such business is customarily incidental to the primary use and for the convenience of the occupants  
Community residences  
~~Community Service Facility~~  
Computer programming services  
Convents and monasteries  
Dwellings, Multiple family  
Dwellings, Two-family  
Extended stay lodging  
Family care home (mini-home)  
Fraternalities, sororities, clubs and lodges excluding those the chief activity of which is a service customarily carried on as a business  
Hotels  
~~Libraries, museums, historical buildings and grounds, arboretums, aquariums and art galleries~~  
Medical laboratories, excluding for-profit blood collection centers  
Motels  
Photographic portrait studios  
Tourist homes

## **PCUP ITEM #15 – VOTE**

Motion to approve PCUP Item #15 made by Steve Porter and seconded by Barbara Sinai at 10/15/13 meeting.

**YES:** John Torsky (alternate for James Peden), Donnie Blake, David Proffitt, Tara Brinkmoeller (alternate for Chuck Kavanaugh), Pat Dominik (2 votes; also alternate for Kathy Linares), Barbara Sinai, Steve Porter (2 votes; also alternate for Tom FitzGerald), Gabe Fritz and Matt Meunier

**NO:** None

**ABSTAIN:** None

**ABSENT:** Jim King, Deborah Bilitski, Teena Halbig and Kevin Dunlap

**PCUP Item #15 recommended for approval by a vote of: 11 in favor, 0 opposed, 0 abstentions and 4 absent.**

## **PCUP ITEM #16 – Removal of Introductory Paragraph in OR-3 Zoning District (Approved on 10/15/13)**

Introductory paragraph to OR-3 zoning district is inconsistent with other OR zones and is unnecessary. The sub-committee suggests removing the paragraph shown below.

### **Section 2.3.4 OR-3 Office/Residential District**

The following provisions shall apply in the OR-3 Office/Residential District unless otherwise provided in these regulations:

~~An apartment and office building district allowing businesses normally incidental to the primary uses located within the same building, and not allowing such incidental business uses to be accessible and evident from the outside of the building.~~

**PCUP ITEM #16 – VOTE**

Motion to approve PCUP Item #16 made by Steve Porter and seconded by Barbara Sinai at 10/15/13 meeting.

**YES:** John Torsky (alternate for James Peden), Donnie Blake, David Proffitt, Tara Brinkmoeller (alternate for Chuck Kavanaugh), Pat Dominik (2 votes; also alternate for Kathy Linares), Barbara Sinai, Steve Porter (2 votes; also alternate for Tom FitzGerald), Gabe Fritz and Matt Meunier

**NO:** None

**ABSTAIN:** None

**ABSENT:** Jim King, Deborah Bilitski, Teena Halbig and Kevin Dunlap

**PCUP Item #16 recommended for approval by a vote of: 11 in favor, 0 opposed, 0 abstentions and 4 absent.**

**PCUP ITEM #17 – Title of Mixed-Use Section (Approved on 10/15/13)**

Title of this section in the OTF and OR-3 zones should be more accurately labeled as "Mixed Use Incentive". The sub-committee suggests replacing "Use Mix" with "Mixed Use Incentive". Also, add a cross reference to Section 5.5.3 (Mixed Use Development).

**Section 2.3.5 OTF Office/Tourist Facility District**

- E. Maximum Density and FAR
  - 1. Maximum Floor Area Ratio.....4.0
  - 2. Maximum Density:
    - a. For 0 bedroom dwelling units only.....435 dwellings per acre
    - b. For 1 bedroom dwelling units only.....217 dwellings per acre
    - c. For 2 or more bedroom dwelling units only...145 dwellings per acre
  - 3. ~~Use Mix~~ **Mixed Use Incentive:** When authorized by the form district regulations, the amount of office and residential uses situated above ground level uses specified in the applicable part of Chapter 5 shall be excluded from calculation of the site’s permissible floor area ratio. When specifically authorized by the form district regulations, calculation of permissible residential density shall be based on the net site area, regardless of the amount of non-residential floor area constructed on the site. **See Section 5.5.3 Mixed Use Development.**

**PCUP ITEM #17 – VOTE**

Motion to approve PCUP Item #17 made by David Proffitt and seconded by Steve Porter at 10/15/13 meeting.

**YES:** John Torsky (alternate for James Peden), Donnie Blake, David Proffitt, Tara Brinkmoeller (alternate for Chuck Kavanaugh), Pat Dominik (2 votes; also alternate for Kathy Linares), Barbara Sinai, Steve Porter (2 votes; also alternate for Tom FitzGerald), Gabe Fritz and Matt Meunier

**NO:** None

**ABSTAIN:** None

**ABSENT:** Jim King, Deborah Bilitski, Teena Halbig and Kevin Dunlap

**PCUP Item #17 recommended for approval by a vote of: 11 in favor, 0 opposed, 0 abstentions and 4 absent.**

**PCUP ITEM #18 – Micro-breweries & Micro-distilleries (Approved on 10/15/13)**

Micro-breweries and micro-distilleries have become a popular land use in recent years and our Land Development Code is not equipped to address them. Currently all breweries and distilleries, no matter their size, are required to obtain either the EZ-1, M-2, M-3 or PEC zoning classification, which are some of our most restrictive categories. Research on this emerging activity was conducted and the sub-committee suggests allowing micro-breweries and micro-distilleries of a limited size as permitted uses in the C-2 zoning district. See proposed changes below.

**Section 2.4.4 C-2 Commercial District**

The following provisions shall apply in the C-2 Commercial District unless otherwise provided in these regulations.

- A. Permitted Uses:

All uses permitted in the C-1 Commercial District are allowed in the C-2 Commercial District as well as the following uses:

- ABC-licensed establishments, holding a license that allows consumption of alcoholic beverages on the premises.
- Auction sales, items transported to site of auction
- Automobile rental agencies
- Automobile repair garages
- Automobile sales agencies
- Billiard parlors; game rooms and similar entertainment uses
- Bingo halls and parlors
- Boat Sales and related storage
- Bookbinding
- Building materials, storage and sales provided all operations are totally enclosed in a building
- Cleaning, pressing, and dyeing establishments using non-flammable and non-explosive cleaning fluid
- Community Service Facility
- Contractor's shop, including but not limited to building, electrical, HVAC, landscape, and plumbing contractors, provided all operations are confined within a building
- Dance halls
- Engraving, watchmaking, and jewelry manufacturing, where products are sold on premises
- Equipment rental, where all activities are within a building
- Exposition building or center
- Flea market
- Fraternities, sororities, clubs and lodges excluding those where the chief activity of which is a service customarily carried on as a business.
- Furniture, storage
- Indoor paint ball ranges
- Micro-breweries and micro-distilleries (where production activities occur indoors in a space 5,000 square feet or less)**
- Monument sales
- Music and vocal instructions
- Plumbing, and heating shops, storage and sales provided all operations are totally enclosed in a building
- Printing, lithographing, or publishing establishments, if constructed to insure that there is no noise or vibration evident outside the walls of the buildings
- Public transportation passenger terminals
- Public utility buildings and facilities
- Refrigerated lockers
- Restaurants, where food and drink may be served or consumed, where dancing or entertainment is allowed, outside as well as inside a building, including drive-in restaurants where all or part of the service or consumption is inside a vehicle
- Retail or wholesale stores or businesses not involving any kind of manufacture, processing or treatment of products other than that which is clearly incidental to the business conducted on the premises, and provided that not more than fifty (50) percent of the floor area of the building is used in the manufacture, processing, or treatment of products, and that such operations or products are not objectionable due to noise, odor, dust, smoke, vibration, or other similar causes
- Rubber stamp manufacturing, where products are sold on premises
- Sign painting
- Skating rinks (ice or roller)
- Tattoo, body art, and piercing parlors
- Telephone exchanges
- Theaters, enclosed within a building
- Tourist homes
- Training School, provided all training activities are located within a building
- Upholstery and furniture repair shops
- Used car sales areas, provided that no repair or re-conditioning of automobiles or storage of parts shall be permitted except when enclosed in a building

Uses located totally within the caverns developed under a Conditional Use Permit for Underground Space shall be considered to meet the requirement of confinement within a building.

## **PCUP ITEM #18 – VOTE**

Motion to approve PCUP Item #18 made by Steve Porter and seconded by David Proffitt at 10/15/13 meeting.

**YES:** John Torsky (alternate for James Peden), Donnie Blake, David Proffitt, Tara Brinkmoeller (alternate for Chuck Kavanaugh), Pat Dominik (2 votes; also alternate for Kathy Linares), Barbara Sinai, Steve Porter (2 votes; also alternate for Tom FitzGerald), Gabe Fritz and Matt Meunier

**NO:** None

**ABSTAIN:** None

**ABSENT:** Jim King, Deborah Bilitski, Teena Halbig and Kevin Dunlap

**PCUP Item #18 recommended for approval by a vote of: 11 in favor, 0 opposed, 0 abstentions and 4 absent.**

## **PCUP ITEM #19 – Allow Tattoo Shops in C-1 Zoning District (Approved on 10/15/13)**

Tattoo shops are only allowed in C-2 as a permitted use. Recently during the review of a proposed tattoo shop the Land Development & Transportation committee suggested maybe there should be more flexibility in where tattoo shops are allowed. After reviewing this comment the sub-committee recommends allowing tattoo shops as permitted uses in the C-1 zone as well as the C-2 zone. See changes below.

### **Section 2.4.3 C-1 Commercial District**

The following provisions shall apply in the C-1 Commercial District unless otherwise provided in these regulations:

#### **A. Permitted Uses:**

Accessory buildings or uses: those uses which are subordinate, customary and incidental to the primary use, provided that, if a use is customary only in a less restrictive zone, and is of a magnitude that may generate significant impacts, it shall not be an accessory use

Agricultural uses

Antique shops

Art galleries

Athletic facilities

Audio/video recording studios, providing the building is sound proof

Automobile rental agencies with no more than 25 rental passenger vehicles stored on site, and no more than two service bays for cleaning or maintenance, and having no repair or storage/dispensing of fuel

Automobile parking areas, public and private

Automobile service stations with service bays for repair of no more than two vehicles (see definition of Automobile Service Station for the type of repairs permitted)

Bakeries, retail (all products produced to be sold on the premises only)

Banks, credit unions, savings and loans, check cashing services and similar financial institutions

Barber shops

Beauty shops

Bed and Breakfasts

Bicycle sales and service

Boarding and lodging houses

Bookstores

Bowling alleys, provided the building is sound proof

Car washes having prior approval by the agency responsible for traffic engineering

Catering kitchen/bakery preparing food and meals for sale or consumption elsewhere

Churches, parish halls, and temples

Clothing, dry goods and notions stores

Clubs, private, non-profit or proprietary

Colleges, schools and institutions of learning  
 Community residences  
 Community Service Facility  
 Computer sales (hardware and software) and programming services  
 Confectionery, ice cream or candy stores, retail; no more than 50% of the floor area shall be used for production of food items for off premises sale  
 Convenience groceries  
 Convents and monasteries  
 Country clubs  
 Dance Instruction (excludes adult entertainment uses as defined within LMCO Chapter 11)  
 Day care centers, day nurseries, nursery schools and kindergartens  
 Department stores  
 Dressmaking or millinery shops  
 Drug stores  
 Dry cleaning, dyeing, pressing, and laundry; distributing stations or retail business where no cleaning, dyeing, pressing or laundry is done for other distributing stations or cleaning establishments  
 Dwelling, Multiple family  
 Dwelling, Single-family  
 Dwelling, Two-family  
 Electric appliance stores  
 Establishments holding a retail malt beverage license, but that do not allow consumption on the premises.  
 Establishments holding a distilled spirits and wine retail package license, but holding no other ABC licenses that allow consumption on the premises.  
 Extended stay lodging  
 Family care home (mini-home)  
 Florist shops  
 Funeral homes  
 Furniture stores  
 Garage or yard sale  
 Golf courses, except miniature courses, driving ranges, or privately owned golf courses operated for commercial purposes  
 Grocery stores, including fruit, meat, fish, and vegetable  
 Hardware and paint stores  
 Health spas  
 Home occupations  
 Hotels and motels, including ancillary restaurants and lounges, enclosed in a structure, in which dancing and other entertainment (not including adult entertainment activities as defined in Section 4.4.1) may be provided. (not permitted within the City of Prospect)  
 Ice storage houses of not more than five (5) ton capacity  
 Interior decorating shops  
 Jewelry stores  
 Laundries or laundrettes, self-service  
 Laundering and dry cleaning pick-up shops and self-service laundries  
 Libraries, museums, historical buildings and grounds, arboretums, aquariums, and art galleries  
 Medical laboratories  
 Music stores  
 Nurseries, retail  
 Office, business, professional and governmental  
 Parks, playgrounds, and community centers  
 Pawn Shop  
 Pet grooming, obedience training and related pet activities, provided the operation is conducted within a soundproofed building, no animals are boarded, and there are no runs or pens outside of the building  
 Pet shops  
 Photocopying, duplicating, paper folding, mail processing and related services  
 Photographic shops

Photography studios  
Picture Framing  
Radio and television stores  
Rental businesses offering items whose sale is a permitted use in this district, videocassette and similar products, rental and sales but not constituting an adult video cassette rental center  
Residential care facilities  
Restaurants, tea rooms and cafes including:  
1) Restaurants with drive-through windows having prior approval by the agency responsible for traffic engineering;  
2) Restaurants, tea rooms and cafes where dancing and entertainment is excluded;  
3) Restaurant with outdoor seating where entertainment activity is excluded and no alcoholic beverages are served or consumed outside which is adequately screened and buffered from adjacent residential development.  
Shoe repair shops  
Shoe stores  
Stationery stores  
Tailor  
Tanning salons  
**Tattoo, body art, and piercing parlors**  
Temporary buildings, the uses of which are incidental to construction operations being conducted on the same or adjoining lot or tract, and which shall be removed upon completion or abandonment of such construction, or upon the expiration of a period of two years from the time of erection of such temporary buildings, whichever is sooner  
Tents, air structures and other temporary structures intended for occupancy by commercial activities including but not limited to sales, display, and food services, provided that applicable building and fire safety codes are met, and provided further that such structures may not be installed for a period (or periods totaling) more than ten (10) days during a calendar year.  
Toy and hobby stores  
Variety stores  
Veterinary hospital, provided the operation is conducted within a soundproofed building, no animals are boarded, and there are no runs or pens outside of the building  
Wearing apparel shops

## **PCUP ITEM #19 – VOTE**

Motion to approve PCUP Item #19 made by Steve Porter and seconded by Barbara Sinai at 10/15/13 meeting.

**YES:** John Torsky (alternate for James Peden), Donnie Blake, David Proffitt, Tara Brinkmoeller (alternate for Chuck Kavanaugh), Pat Dominik (2 votes; also alternate for Kathy Linares), Barbara Sinai, Steve Porter (2 votes; also alternate for Tom FitzGerald) and Gabe Fritz

**NO:** None

**ABSTAIN:** Matt Meunier

**ABSENT:** Jim King, Deborah Bilitski, Teena Halbig and Kevin Dunlap

**PCUP Item #19 recommended for approval by a vote of: 10 in favor, 0 opposed, 1 abstention and 4 absent.**

## **PCUP ITEM #20 – Allow Non-residential C-2 Permitted Uses in M-1 Zoning District (Approved on 11/5/13)**

For the most part our Land Development Code uses a hierarchical zoning district system, except for the industrial zoning districts. Office zones allow residential land uses. Commercial zones allow office and residential land uses. Logic would then suggest that the industrial zones would allow commercial, office and residential land uses, but that is not the case. The industrial zones are basically on an island by themselves. The sub-committee discussed this system. Research shows it was a popular trend across the country several decades ago to break apart the industrial zones from the other zones. That trend is reversing and it is more common today to find more flexible zoning codes that allow commercial land uses to occur in industrial zoning districts.



The sub-committee proposes amending the LDC to allow the C-2 Commercial District's *non-residential* permitted uses within the M-1 Industrial District. See proposed changes below.

### **Section 2.5.1 M-1 Industrial District**

The following provisions shall apply in the M-1 Industrial District unless otherwise provided in these regulations:

A. Permitted Uses:

**All non-residential uses permitted in the C-2 District**

Accessory uses or buildings: those uses allowed shall be subordinate, customary and incidental to the permitted primary uses, including retail sale, rental or repair of items manufactured or assembled on site. Any accessory structure must meet site and other requirements of this zone. Under no circumstances will uses appropriate only in the M-3 zone be allowed in this zone as accessory uses

Agricultural uses

Automobile parking areas, public and private

Auxiliary commercial uses: the following commercial uses shall be permitted only when subordinate and incidental to areas of existing industrial use:

Branch offices of banks, savings and loans and similar financial institutions

Convenience grocery stores

Credit unions

Restaurants as permitted in the C-1 District

Vehicle service stations or repair

Contractor's shop, including but not limited to building, electrical, HVAC, landscape, and plumbing contractors, provided all operations are confined within a building

Carting and light local deliveries

Churches, parish halls and temples

Dwellings, only in connection with bona fide agricultural operations, or as living quarters for bona fide caretakers and/or for watchmen and their families

Greenhouses, wholesale

Indoor paint ball ranges

Laboratories, research, experimental or testing, but not including combustion type motor-testing

Medical laboratories

Office buildings, as accessory uses only

Telecommunications hotels

Temporary buildings, the uses of which are incidental to construction operations being conducted on the same or adjoining lot or tract, and which shall be removed upon completion or abandonment of such construction, or upon the expiration of a period of two years from the time of erection of such temporary buildings, whichever is sooner

Warehouse, storage, including mini-warehouses

Wholesale houses and distributors, provided the operation is enclosed in a building

### **PCUP ITEM #20 – VOTE**

Motion to approve PCUP Item #20 made by David Proffitt and seconded by Kevin Dunlap at 11/5/13 meeting.

**YES:** John Torsky (alternate for James Peden), David Proffitt (2 votes; also alternate for Donnie Blake), Chuck Kavanaugh, Pat Dominik, Kathy Linares (2 votes; also alternate for Matt Meunier), Deborah Bilitski (2 votes; also alternate for Gabe Fritz), Cathy Hinko (alternate for Barbara Sinai), Steve Porter, Tom FitzGerald, Teena Halbig and Kevin Dunlap

**NO:** None

**ABSTAIN:** None

**ABSENT:** Jim King

**PCUP Item #20 recommended for approval by a vote of: 14 in favor, 0 opposed, 0 abstentions and 1 absent.**

## **PCUP ITEM #21 – Removal of Unnecessary Auxiliary Commercial Uses Section in the M-1 Zoning District (Approved on 11/5/13)**

If PCUP Item #20 is approved, then this auxiliary commercial uses section can be eliminated from M-1. See changes below.

### **Section 2.5.1 M-1 Industrial District**

The following provisions shall apply in the M-1 Industrial District unless otherwise provided in these regulations:

A. Permitted Uses:

Accessory uses or buildings: those uses allowed shall be subordinate, customary and incidental to the permitted primary uses, including retail sale, rental or repair of items manufactured or assembled on site. Any accessory structure must meet site and other requirements of this zone. Under no circumstances will uses appropriate only in the M-3 zone be allowed in this zone as accessory uses

Agricultural uses

Automobile parking areas, public and private

~~Auxiliary commercial uses: the following commercial uses shall be permitted only when subordinate and incidental to areas of existing industrial use:~~

~~Branch offices of banks, savings and loans and similar financial institutions~~

~~Convenience grocery stores~~

~~Credit unions~~

~~Restaurants as permitted in the C-1 District~~

~~Vehicle service stations or repair~~

Contractor's shop, including but not limited to building, electrical, HVAC, landscape, and plumbing contractors, provided all operations are confined within a building

Carting and light local deliveries

Churches, parish halls and temples

Dwellings, only in connection with bona fide agricultural operations, or as living quarters for bona fide caretakers and/or for watchmen and their families

Greenhouses, wholesale

Indoor paint ball ranges

Laboratories, research, experimental or testing, but not including combustion type motor-testing

Medical laboratories

Office buildings, as accessory uses only

Telecommunications hotels

Temporary buildings, the uses of which are incidental to construction operations being conducted on the same or adjoining lot or tract, and which shall be removed upon completion or abandonment of such construction, or upon the expiration of a period of two years from the time of erection of such temporary buildings, whichever is sooner

Warehouse, storage, including mini-warehouses

Wholesale houses and distributors, provided the operation is enclosed in a building

## **PCUP ITEM #21 – VOTE**

Motion to approve PCUP Item #21 made by Steve Porter and seconded by David Proffitt at 11/5/13 meeting.

**YES:** John Torsky (alternate for James Peden), David Proffitt (2 votes; also alternate for Donnie Blake), Chuck Kavanaugh, Pat Dominik, Kathy Linares (2 votes; also alternate for Matt Meunier), Deborah Bilitski (2 votes; also alternate for Gabe Fritz), Cathy Hinko (alternate for Barbara Sinai), Steve Porter, Tom FitzGerald, Teena Halbig and Kevin Dunlap

**NO:** None

**ABSTAIN:** None

**ABSENT:** Jim King

**PCUP Item #21 recommended for approval by a vote of: 14 in favor, 0 opposed, 0 abstentions and 1 absent.**

## **PCUP ITEM #22 – Furniture Storage (Approved on 11/5/13)**

Furniture Storage is currently listed in the LDC as a permitted use in the following zones: C-2, C-3, CM, EZ-1, M-1, M-2, M-3, PRO & PEC. Staff and the sub-committee believe that this use is not needed in the LDC. If furniture storage occurs in conjunction with a furniture store, then it would be an accessory use and allowed in the same zones as furniture stores (C-1, C-2, C-3, CM, EZ-1 & PEC). A free-standing furniture storage operation (without associated retail sales) is similar enough to warehousing to be considered warehousing itself and should therefore be allowed in the zoning districts in which warehousing is a permitted use (CM, EZ-1, M-1, M-2, M-3, PRO & PEC).

The sub-committee recommends removing the term “Furniture Storage” from the Land Development Code.

## **PCUP ITEM #22 – VOTE**

Motion to approve PCUP Item #22 made by David Proffitt and seconded by Teena Halbig at 11/5/13 meeting.

**YES:** John Torsky (alternate for James Peden), David Proffitt (2 votes; also alternate for Donnie Blake), Chuck Kavanaugh, Pat Dominik, Kathy Linares (2 votes; also alternate for Matt Meunier), Deborah Bilitski (2 votes; also alternate for Gabe Fritz), Cathy Hinko (alternate for Barbara Sinai), Steve Porter, Tom FitzGerald, Teena Halbig and Kevin Dunlap

**NO:** None

**ABSTAIN:** None

**ABSENT:** Jim King

**PCUP Item #22 recommended for approval by a vote of: 14 in favor, 0 opposed, 0 abstentions and 1 absent.**

## **PCUP ITEM #23 – M-2 Two Ton Truck Weight Clarification (Approved on 11/19/13)**

Sales, repair and storage of trucks greater than two tons is limited to the M-2 zoning district. Additional clarification is suggested by the sub-committee regarding whether the two ton weight limit only applies to the truck itself, or to the truck plus its load. Staff and the sub-committee believe this weight indication is meant to refer to the truck weight only, but after further review staff proposes to remove the reference to two tons altogether. See changes below.

### **2.5.2 M-2 Industrial District**

The following provisions shall apply in the M-2 Industrial District unless otherwise provided in these regulations.

A. Permitted Uses:

Accessory uses or buildings: those uses allowed shall be subordinate, customary and incidental to the permitted primary uses, including retail sale, rental or repair of items manufactured or assembled on site. Any accessory structure must meet site and other requirements of this zone. Under no circumstances will uses appropriate only in the M-3 zone be allowed in this zone as accessory uses.

All uses permitted in the M-1 District

Building materials (cement, lime, sand, gravel, lumber, and the like), storage and sales

Bus garage and repair shop

Exposition building or center

Fairgrounds

Flea market

Lumber yards

Railroad freight terminals and yards

River terminals

Storage yard or contractor’s shop, including but not limited to building, electrical, HVAC, landscape, and plumbing contractors; outdoor storage of material and equipment permitted

Training schools (industrial and vocational) including combustion engine schools

Truck or transfer terminal, freight and motor freight and motor freight stations

**Heavy** Truck (~~greater than two tons~~) and other heavy motor driven vehicles: sales, rental, repair and storage

Warehouses, produce and storage

Waterfront shipping

Wholesale houses and distributors

Wholesale markets (goods not contained in totally enclosed buildings)

## **PCUP ITEM #23 – VOTE**

Motion to approve PCUP Item #23 made by Teena Halbig and seconded by Barbara Sinai at 11/19/13 meeting.

**YES:** John Torsky (alternate for James Peden), Donnie Blake, Chuck Kavanaugh, Pat Dominik, Kathy Linares, Mike Jones (alternate for Deborah Bilitski), Barbara Sinai, Steve Porter, Teena Halbig, Kevin Dunlap, Gabe Fritz and Matt Meunier

**NO:** None

**ABSTAIN:** David Proffitt

**ABSENT:** Jim King and Tom FitzGerald

***PCUP Item #23 recommended for approval by a vote of: 12 in favor, 0 opposed, 1 abstention and 2 absent.***

## **PCUP ITEM #24 – Government Owned Buildings/Uses in PRO & PEC Zones** **(Approved on 11/5/13)**

“Governmentally owned or operated buildings or uses” is unnecessarily listed as a permitted use in the PRO Planned Research/Office District and the PEC Planned Employment Center District. Government buildings and uses are exempt from local zoning regulations and are treated as permitted uses in any zoning district; therefore this use should be eliminated from the permitted use lists in the PRO and PEC zoning districts. PRO zone shown below.

### **Section 2.6.2 PRO Planned Research/Office District**

The following provisions shall apply in the PRO District unless otherwise provided in these regulations.

A. Permitted Uses:

All uses permitted in the M-1 Industrial District, all uses must be confined within a building, including storing (uses located totally within the caverns developed under a Conditional Use Permit for Underground Space shall be considered to meet the requirement of confinement within a building)

Clubs, private, non-profit

Colleges, schools and institutions of learning

Day care centers, day nurseries, nursery schools and kindergartens

Dwellings only in connection with bona fide agricultural operations, or as living quarters for bona fide caretakers and/or watchmen and their families

~~Governmentally owned or operated buildings or uses~~

Libraries, museums, historical buildings and grounds, arboretums, aquariums, and art galleries; not for profit

Office buildings

Parks, playgrounds and community centers, not for profit

Retail sales and consumer service establishments (not including warehouse sales) dealing primarily with employees and visitors of establishments permitted as principal uses, provided that such commercial uses shall not occupy more than 5 percent of the land area of the district in which it is located

Trade and business schools, not objectionable due to noise, odor, dust, smoke, vibration, or other reasons

## **PCUP ITEM #24 – VOTE**

Motion to approve PCUP Item #24 made by Steve Porter and seconded by David Proffitt at 11/5/13 meeting.

**YES:** John Torsky (alternate for James Peden), David Proffitt (2 votes; also alternate for Donnie Blake), Chuck Kavanaugh, Pat Dominik, Kathy Linares (2 votes; also alternate for Matt Meunier), Deborah Bilitski (2 votes; also alternate for Gabe Fritz), Cathy Hinko (alternate for Barbara Sinai), Steve Porter, Tom FitzGerald, Teena Halbig and Kevin Dunlap

**NO:** None

**ABSTAIN:** None

**ABSENT:** Jim King

***PCUP Item #24 recommended for approval by a vote of: 14 in favor, 0 opposed, 0 abstentions and 1 absent.***

## **PCUP ITEM #25 – Hybrid Zones; Permitted/Conditional Uses (Approved on 11/5/13)**

Certain hybrid zoning districts allow *permitted* uses from multiple other zoning districts, but do not allow the *conditional* uses from those same zoning districts. For example, the EZ-1 zone allows permitted uses from both the C-2 and M-3 zones, but does not allow the conditional uses allowed in the C-2 and M-3 zones. Other hybrid zone examples: C-3 allows OR-3 & C-2 permitted uses; C-M allows C-2 & M-1 permitted uses and PEC allows M-2 & C-1 permitted uses. This regulation can potentially cause unneeded zoning change requests in order for an applicant to be eligible to request a particular CUP. The sub-committee proposes to eliminate paragraph K below.

### **Section 4.2.2 General Provisions (Conditional Use Permits)**

~~K. Conditional uses are allowed in certain zoning districts. Zoning districts that contain permitted uses from other zoning districts do not allow the same conditional uses (e.g. C-2 zoning district conditional uses are only applicable in the C-2 zoning district, not within the C-M or EZ-1 zoning district). Always check the conditional use list in Chapter 4 Part 2 to determine whether the particular zoning district allows that conditional use.~~

## **PCUP ITEM #25 – VOTE**

Motion to approve PCUP Item #25 made by Cathy Hinko and seconded by David Proffitt at 11/5/13 meeting.

**YES:** John Torsky (alternate for James Peden), David Proffitt (2 votes; also alternate for Donnie Blake), Chuck Kavanaugh, Pat Dominik, Kathy Linares (2 votes; also alternate for Matt Meunier), Deborah Bilitski (2 votes; also alternate for Gabe Fritz), Cathy Hinko (alternate for Barbara Sinai), Steve Porter, Tom FitzGerald, Teena Halbig and Kevin Dunlap

**NO:** None

**ABSTAIN:** None

**ABSENT:** Jim King

**PCUP Item #25 recommended for approval by a vote of: 14 in favor, 0 opposed, 0 abstentions and 1 absent.**

## **PCUP ITEM #26 – Bed & Breakfast Conditional Use Permit (Approved on 11/5/13)**

Bed & Breakfasts are currently permitted uses in the following zones: R-7, R-8A, OR, OR-1, OR-2, OR-3, OTF, C-N, C-R, C-1, C-2, C-3, CM, EZ-1 & PEC; and conditional uses in these zones: R-R, R-1, R-2, R-3, R-4, R-5, UN, TNZD, R-5A, R-5B, R-6, M-1, PRO, PTD, PRD, W-1, W-2 & W-3.

The sub-committee recommends the following changes:

- Move R-5A, R-6, M-1 (and M-2 & M-3), PRO, PTD, PRD, W-1, W-2 & W-3 from the conditional use category to the permitted use category.
- Revision of paragraph D below regarding outdoor events.

### **Section 4.2.9 Bed and Breakfast Inns (Conditional Use Permits)**

Bed and Breakfast Inns may be allowed in the R-R, R-1, R-2, R-3, R-4, R-5, U-N, TNZD (in effect within Louisville Metro only), ~~R-5A, R-5B, R-6, M-1, PRO, PTD, PRD, W-1, W-2, and W-3~~ (Note: Revision proposed by Louisville Bed and Breakfast Association) Districts upon the granting of a Conditional Use Permit and compliance with the listed requirements.

- A. No more than nine (9) guest rooms shall be permitted, and a maximum of two adults shall be allowed per guest room. However, the Board of Zoning Adjustment may impose a lower limit on the number of guest rooms after considering the size of the building, the size of the property, the economics of the proposal, and the effect on surrounding properties.
- B. Guests are limited to a length of stay no more than 14 consecutive days. The resident innkeeper or owner shall keep a current guest register including names, permanent addresses, dates of occupancy, and motor vehicle license number of all guests.
- C. Bed and Breakfasts may provide food service or space for indoor meetings provided all applicable food service and capacity regulations are complied with. No food preparation is allowed in any guest bedroom.

- ~~D. Bed and Breakfast Inns in residential zoning districts shall be required to comply with the requirements of Section 4.3.7 and obtain a temporary activities permit for any outdoor activities and/or events that are attended by anyone that is not a current registered overnight guest of the Bed and Breakfast Inn. This provision shall not be altered or waived by the Board. **No outdoor event that is attended by anyone that is not a current registered overnight guest of the Bed and Breakfast Inn shall take place within 200 feet of a dwelling unit unless approval is obtained in writing from the owner(s) of the dwelling unit. No outdoor event shall exceed two days in duration. No more than twelve (12) outdoor events shall be permitted on the same property within a calendar year.**~~
- E. Any signage which identifies the use shall be in accordance with the underlying zoning and form district standards.
- F. The location of parking shall comply with the same parking standards as a single family detached dwelling unit, except any additional parking beyond what can be accommodated in a driveway no wider than to sufficiently park two (2) cars must be out of the required setback and yards as specified in the underlying Form District requirements. Parking for guests shall not be served by a separate driveway from that serving the principal residential structure.
- G. Conditional use permits for Bed and Breakfast Inns in residential zoning districts issued prior to the effective date of this ordinance (March 9, 2011) may continue to operate as authorized under the approved conditional use permit. Upon request by an applicant, such conditional use permits may be modified in any manner the Board determines, in its discretion to be appropriate.

## **PCUP ITEM #26 – VOTE**

Motion to approve PCUP Item #26 made by David Proffitt and seconded by Steve Porter at 11/5/13 meeting.

**YES:** John Torsky (alternate for James Peden), David Proffitt (2 votes; also alternate for Donnie Blake), Chuck Kavanaugh, Pat Dominik, Kathy Linares (2 votes; also alternate for Matt Meunier), Deborah Bilitski (2 votes; also alternate for Gabe Fritz), Cathy Hinko (alternate for Barbara Sinai), Steve Porter, Tom FitzGerald, Teena Halbig and Kevin Dunlap

**NO:** None

**ABSTAIN:** None

**ABSENT:** Jim King

**PCUP Item #26 recommended for approval by a vote of: 14 in favor, 0 opposed, 0 abstentions and 1 absent.**

## **PCUP ITEM #27 – Medical Professionals Conditional Use Permit (Approved on 11/5/13)**

The following changes are proposed to the medical professional's conditional use permit section.

### **Section 4.2.20 Doctor, Dentist, ~~or~~ Chiropractor or Other Approved Medical Professionals Office**

One office for one medical doctor, dentist, ~~or~~ chiropractor **or other approved medical professionals licensed by the Commonwealth of Kentucky** may be allowed on a lot in the R-4, R-5, R-5A, R-5B, R-6, and R-7 districts where the premises abuts ~~a major or minor~~ **an** arterial **or collector level street as** designated in the Comprehensive Plan for all of Jefferson County, Kentucky, upon the granting of a Conditional Use Permit and compliance with the listed requirements

- A. Floor Area - The maximum floor area for the office use is ~~800~~ **1,000** square feet.
- B. Parking Areas - parking spaces shall be provided off of the street in an area to the rear of the premises, so that the off-street parking area shall not be between a street and the building. Said parking area must be paved by asphalt or concrete and shall be screened by a dense evergreen shrub screen with a minimum height of five feet, or a wall constructed of brick, stone or wood with a minimum height of five feet.
- C. Signs - There shall be allowed one non-illuminated identification sign indicating the name and occupation, which sign shall be limited in size to four square feet and placed on the building.
- D. Exterior Design - The building shall remain or shall be constructed so that the exterior design and ornamentation is of residential character in keeping with the immediate neighborhood, so that there is no evidence from the street that the use is other than residential (except for the sign).
- E. **Number of Employees – No more than four total employees, including the medical professional, shall be permitted.**

## **PCUP ITEM #27 – VOTE**

Motion to approve PCUP Item #27 made by David Proffitt and seconded by Steve Porter at 11/5/13 meeting.

**YES:** John Torsky (alternate for James Peden), David Proffitt (2 votes; also alternate for Donnie Blake), Chuck Kavanaugh, Pat Dominik, Deborah Bilitski (2 votes; also alternate for Gabe Fritz), Cathy Hinko (alternate for Barbara Sinai), Steve Porter, Tom FitzGerald, Teena Halbig and Kevin Dunlap

**NO:** None

**ABSTAIN:** Kathy Linares (2 votes; also alternate for Matt Meunier)

**ABSENT:** Jim King

**PCUP Item #27 recommended for approval by a vote of: 12 in favor, 0 opposed, 2 abstentions and 1 absent.**

## **PCUP ITEM #28 – Funeral Home Conditional Use Permit (Approved on 11/5/13)**

The signage allowed for a funeral home with a CUP in the OR-1, OR-2, OR-3, OTF and C-R zones is too small. Code allows one sign (free-standing or attached) 15 SF in area and 10 feet tall. Increase sign allowance to 48 SF, but only allow maximum 6' tall. Also, a change is proposed to allow this conditional use on collector level streets in addition to arterials. See changes below. LDC Main Committee changed signage requirement (B below) at 11/5/13 meeting.

### **Section 4.2.26 Funeral Homes**

Funeral Homes may be allowed in the OR-1, OR-2, OR-3, OTF, and C-R Districts upon the granting of a Conditional Use Permit and compliance with the listed requirements:

- A. Funeral homes shall abut on a ~~major or minor~~ arterial **or collector level street** as designated in the Comprehensive Plan for all of Jefferson County, Kentucky.
- B. Signs - ~~One non-flashing identification sign, not to exceed 15 ~~48~~ square feet in area and not to exceed 10 ~~six~~ feet in height, may be allowed, provided such sign is not in or over a required yard.~~ **All proposed signage must comply with applicable sections of the Land Development Code.**
- C. The main building shall be located at least 30 feet from any property line.

## **PCUP ITEM #28 – VOTE**

Motion to approve PCUP Item #28 made by David Proffitt and seconded by Steve Porter at 11/5/13 meeting.

**YES:** John Torsky (alternate for James Peden), David Proffitt (2 votes; also alternate for Donnie Blake), Chuck Kavanaugh, Pat Dominik, Kathy Linares (2 votes; also alternate for Matt Meunier), Deborah Bilitski (2 votes; also alternate for Gabe Fritz), Cathy Hinko (alternate for Barbara Sinai), Steve Porter (2 votes; also alternate for Tom FitzGerald), Teena Halbig and Kevin Dunlap

**NO:** None

**ABSTAIN:** None

**ABSENT:** Jim King

**PCUP Item #28 recommended for approval by a vote of: 14 in favor, 0 opposed, 0 abstentions and 1 absent.**

## **PCUP ITEM #30 – Scrap Metal Processing/Junkyards Conditional Use Permit (Approved on 11/5/13)**

The changes below involve referencing the correct chapters of Louisville Metro Code of Ordinances for these particular land uses.

### **Section 4.2.48 Scrap Metal Processing Facilities and Junkyards**

Scrap Metal Processing Facilities and Junkyards as defined in the ~~Jefferson County~~ **Louisville Metro** Code of Ordinances may be allowed in the M-3 District upon the granting of a Conditional Use Permit and compliance with the listed requirements:

- A. Scrap Metal Operations shall be prohibited in all primary groundwater recharge areas.
- B. Operations shall be required to provide a detailed plan approved by the Metropolitan Sewer District illustrating measures taken to ensure the protection of surface and groundwater sources.

Contamination of any domestic water supply, or surface run-off from the site onto any adjoining land, surface water body or wetland shall be mitigated by use of holding tanks, settling ponds or other necessary devices.

- C. All evidence of the Scrap Metal Operations shall be removed by the property owner promptly after its discontinuance as a business enterprise.
- D. The screening, buffering, security and operating standards shall comply with the requirements set forth in ~~Jefferson County~~ Louisville Metro Code of Ordinances, Chapter 114 for Scrap Metal Processing Facilities and Chapter 51 for Junkyards.

### **PCUP ITEM #30 – VOTE**

Motion to approve PCUP Item #30 made by Steve Porter and seconded by Deborah Bilitski 11/5/13 meeting.

**YES:** John Torsky (alternate for James Peden), David Proffitt (2 votes; also alternate for Donnie Blake), Kathy Linares (2 votes; also alternate for Matt Meunier), Deborah Bilitski (2 votes; also alternate for Gabe Fritz), Cathy Hinko (alternate for Barbara Sinai), Steve Porter (2 votes; also alternate for Tom FitzGerald), Teena Halbig and Kevin Dunlap

**NO:** None

**ABSTAIN:** None

**ABSENT:** Jim King, Chuck Kavanaugh and Pat Dominik

**PCUP Item #30 recommended for approval by a vote of: 12 in favor, 0 opposed, 0 abstentions and 3 absent.**

### **PCUP ITEM #32 –Auction Sales (Approved on 11/19/13)**

The Land Development Code currently allows auction sales (no distinction between indoor and outdoor) as a permitted use in the C-2, C-3, CM & EZ-1 zoning districts however there is no definition to explain exactly what auction sales means. The sub-committee reviewed this land use and proposes the following changes:

1. New definition – Auction Sales, Indoor – An operation in which the public sale of goods, wares, merchandise or equipment to the highest bidder occurs entirely within a building or portion of a building. This definition excludes the sale of animals and tobacco. The goods, wares, merchandise or equipment to be auctioned may be staged, stored, or displayed outdoors in accordance with applicable Land Development Code requirements. The auction activity shall be in compliance with the Metro Noise Ordinance and no outside sound amplification of the auction shall be allowed. If the property abuts a residential property, any indoor sound amplification speakers shall be directed towards the building interior.
2. New definition – Auction Sales, Outdoor – An outdoor area or areas on a particular piece of property used for the public sale of goods, wares, merchandise, or equipment to the highest bidder. This definition excludes the sale of animals and tobacco.
3. Allow Indoor Auction Sales as a permitted use in the C-2, C-3, CM, EZ-1, M-1, M-2 & M-3 zones.
4. Allow Outdoor Auction Sales as a permitted use in the M-2 & M-3 zones and as a conditional use in the C-2, C-3, CM & M-1 zones.
5. New section for Outdoor Auction Sales conditional use permit shown below:
  - a. Outdoor Auction Sales may be allowed in the C-2, C-3, C-M and M-1 zoning districts upon the granting of a Conditional Use Permit and compliance with the listed requirements.
    - i. All buildings and structures shall be at least 30 feet from any property line.
    - ii. Parking requirements to be determined by the Planning Director upon consultation with the Director of Public Works.
    - iii. All auction activity shall be in compliance with the Metro Noise Ordinance (LMCO Chapter 99).
    - iv. The Board may require additional and more restrictive requirements than those listed above based on the conditions of the specific location and the characteristics of the specific auction sales operation.



## **PCUP ITEM #32 – VOTE**

Motion to approve PCUP Item #32 made by Teena Halbig and seconded by Kevin Dunlap at 11/19/13 meeting.

**YES:** James Peden, Donnie Blake, David Proffitt, Chuck Kavanaugh, Pat Dominik, Kathy Linares, Mike Jones (alternate for Deborah Bilitski), Barbara Sinai, Steve Porter, Tom FitzGerald, Teena Halbig, Kevin Dunlap, Gabe Fritz and Matt Meunier

**NO:** None

**ABSTAIN:** None

**ABSENT:** Jim King

***PCUP Item #32 recommended for approval by a vote of: 12 in favor, 0 opposed, 1 abstention and 2 absent.***

## **PCUP ITEM #33 – Flea Markets (Approved on 11/19/13)**

The Land Development Code currently allows flea markets (no distinction between indoor and outdoor) as a permitted use in the C-2, C-3, CM, EZ-1, M-2, M-3 & PEC zoning districts however there is no definition to explain exactly what a flea market technically is. The sub-committee reviewed this land use and proposes the following changes:

1. New definition – Flea Market, Indoor – Involves the setting up of two or more booths, tables, platforms, racks or similar display areas for the purpose of selling, buying, or trading merchandise, goods, materials, products, or other items offered for sale entirely within an enclosed building.
2. New definition – Flea Market, Outdoor – Involves the setting up of two or more booths, tables, platforms, racks or similar display areas for the purpose of selling, buying, or trading merchandise, goods, materials, products, or other items offered for sale outdoors and not within an enclosed building.
3. Allow Indoor Flea Markets as a permitted use in the C-1, C-2, C-3, CM, EZ-1, M-1, M-2, M-3 & PEC zones.
4. Allow Outdoor Flea Markets as a permitted use in the EZ-1, M-1, M-2, M-3 & PEC zones.
5. Allow Outdoor Flea Markets as a conditional use in the C-1, C-2, C-3 & CM zones.
6. New section for Outdoor Flea Market conditional use permit shown below:
  - a. Outdoor Flea Markets may be allowed in the C-1, C-2, C-3 & C-M zoning districts upon the granting of a Conditional Use Permit and compliance with the listed requirements.
    - i. All buildings and structures shall be at least 30 feet from any property line.
    - ii. Parking requirements to be determined by the Planning Director upon consultation with the Director of Public Works.
    - iii. All activities shall be in compliance with the Metro Noise Ordinance (LMCO Chapter 99).
    - iv. The Board may require additional and more restrictive requirements than those listed above based on the conditions of the specific location and the characteristics of the specific auction sales operation.

## **PCUP ITEM #33 – VOTE**

Motion to approve PCUP Item #33 made by Barbara Sinai and seconded by Kevin Dunlap at 11/19/13 meeting.

**YES:** Donnie Blake, David Proffitt, Chuck Kavanaugh, Pat Dominik, Kathy Linares, Mike Jones (alternate for Deborah Bilitski), Barbara Sinai, Steve Porter, Tom FitzGerald, Teena Halbig, Kevin Dunlap, Gabe Fritz and Matt Meunier

**NO:** James Peden

**ABSTAIN:** None

**ABSENT:** Jim King

***PCUP Item #33 recommended for approval by a vote of: 13 in favor, 1 opposed, 0 abstentions and 1 absent.***

## **PCUP ITEM #35 – Duplex Dwelling Units Conditional Use Permit (Approved on 3/25/14; similar accessory apartment CUP proposal rejected on 11/19/13, See PCUP ITEM #34)**

This is a new conditional use permit category that may be requested for residential dwellings that were originally designed as duplex structures, but may not have legal non-conforming use status, as long as certain conditions can be met.

**New Conditional Use Permit Section 4.2.XX Duplex Dwelling Units**

Two dwelling units in a building, each of which have (i) a separate entrance from the exterior, or (ii) a separate entrance from a common foyer having access from the exterior, may be allowed in the R-R, R-E, R-1, R-2, R-3, R-4, R-5, and U-N districts upon the granting of a conditional use permit and compliance with the listed requirements provided that (a) a qualified design professional has verified that the building was constructed as a duplex, and (b) use of the building as a duplex was permitted in the zoning district at the time of construction. Upon receiving a conditional use permit, the building may be owned by a non-resident of the building.

**A. Sites having duplex dwelling units shall provide off-street parking as follows:**

1. Neighborhood Form District – at least three off-street spaces provided on the lot, nor more than two spaces outdoors.
2. ~~Traditional Neighborhood District – at least one off-street space provided on the lot.~~ *Amended by Planning Commission on 8/11/14.*
3. Other form districts – at least two off-street spaces provided on the lot; the Board may require additional parking spaces as appropriate.

**PCUP ITEM #35 – VOTE**

Motion to approve PCUP Item #35 made by Deborah Bilitski and seconded by Donnie Blake at 3/25/14 meeting.

**YES:** Donnie Blake (2 votes; also alternate for David Proffitt), Tara Brinkmoeller (alternate for Chuck Kavanaugh), Kelli Jones (alternate for Pat Dominik), Kathy Linares (2 votes; also alternate for Matt Meunier), Deborah Bilitski, Steve Porter (2 votes; also alternate for Tom FitzGerald), and Gabe Fritz

**NO:** Barbara Sinai and Teena Halbig

**ABSTAIN:** None

**ABSENT:** Jim King, James Peden and Kevin Dunlap

***PCUP Item #35 recommended for approval by a vote of: 10 in favor, 2 opposed, 0 abstentions and 3 absent.***

**NON-RECOMMENDATIONS**

***Items below were discussed, but proposed changes were either rejected or not voted on and did not achieve official recommendation status.***

**PCUP ITEM #3 – Private Club (No action needed)**

The LDC Main Committee decided at their 11/5/13 meeting not to make any changes to the private club land use listings.

**PCUP ITEM #29 – Allow Mini-warehouses as Conditional Use Permit in C-1 (Motion to approve change failed on 11/5/13)**

The sub-committee feels that mini-warehouses should be allowed in the C-1 Commercial zoning district as well as the C-2 zone with the granting of a Conditional Use Permit. See changes below.

**Section 4.2.35 Mini-warehouses**

Mini-warehouses may be allowed in the C-1 or C-2 Districts where the premises abut on a roadway classified as a collector or major or minor arterial as designated in the Comprehensive Plan for all of Jefferson County, Kentucky, upon the granting of a Conditional Use Permit and compliance with the listed requirements.

- A. The property shall be landscaped so as to blend in with the surrounding area and shall be screened and buffered from adjacent uses of a non-industrial nature.
- B. No building, structure or pavement shall be located closer than 30 feet to side property lines or property lines abutting residential areas. This area is reserved as a landscape buffer area.
- C. No outside storage shall be allowed on the property.
- D. No storage of toxic or hazardous materials shall be allowed on the property.
- E. There shall be no retail or wholesale sales or distributing activities on site.

- F. Loading doors and vehicle maneuvering areas shall be located away from the exterior of the property.
- G. No structure on the site shall be taller than one story and shall not exceed 15 feet in height (except for one freestanding sign as allowed in H below).
- H. Signs - Only one freestanding sign shall be allowed and shall conform to limits established for the form district in which the sign is located.

## **PCUP ITEM #29 – VOTE**

Motion to approve PCUP Item #29 made by Deborah Bilitski and seconded by Kathy Linares at 11/5/13 meeting.

**YES:** Kathy Linares and Deborah Bilitski

**NO:** John Torsky (alternate for James Peden), David Proffitt (2 votes; also alternate for Donnie Blake), Steve Porter, Teena Halbig and Kevin Dunlap

**ABSTAIN:** Kathy Linares (alternate for Matt Meunier), Deborah Bilitski (alternate for Gabe Fritz), Cathy Hinko (alternate for Barbara Sinai) and Steve Porter (alternate for Tom FitzGerald)

**ABSENT:** Jim King, Chuck Kavanaugh and Pat Dominik

**Motion to approve PCUP Item #29 rejected by a vote of: 2 in favor, 6 opposed, 4 abstentions and 3 absent. No further motions were made.**

## **PCUP ITEM #31 – Proposed Event and Conference Venue Conditional Use Permit (Motion to reject item passed on 11/5/13)**

Currently, the Land Development Code requires special events and conference venues either to be located in a commercial zoning district, or in some cases special temporary permits have been issued for similar activities. The sub-committee believes it is appropriate to create a conditional use permit opportunity for events and conference venues. The following conditional use permit proposal could be requested in any zoning district with conditions related to parking, noise, hours of operation, etc. attached to the conditional use permit by the Board of Zoning Adjustments.

### **Definitions**

**Event and conference venue –** A property, consisting of one or more lots (the “venue”), on which people gather for a common educational, cultural, religious or celebratory purpose (including but not limited to weddings and wedding receptions), or where lectures, discussions, workshops, meditation or contemplation occurs.

**Event –** Any single gathering of people for a common purpose.

### **Proposed Text**

An event and conference venue shall be permitted in any district upon the granting of a Conditional Use Permit, provided it complies with the following listed requirements:

- A. The required number of off-street parking spaces and the location, design and surface of off-street parking spaces shall be determined by the Planning Director or his or her designee based upon information provided by the applicant and based upon the recommendation of the Department of Public Works and Assets.
- B. Amplified sound shall conform to applicable noise ordinances and laws. The volume of amplified sound shall not be set at an unreasonably loud, harsh or excessive volume which disturbs the peace, quiet and comfort of neighboring property owners. The Board may impose reasonable operating hour limitations or require other measures to prevent sound nuisances from occurring in residential neighborhoods.
- C. Vehicle ingress and egress to the site shall be approved by the Director of Works and Assets or his or her designee. Gravel or other measures may be required to accommodate vehicles and prevent tracking of mud onto the public right-of-way.

## **PCUP ITEM #31 – VOTE**

Motion to reject PCUP Item #31 made by Deborah Bilitski and seconded by Teena Halbig at 11/5/13 meeting.

**YES:** Kathy Linares (2 votes; also alternate for Matt Meunier), Deborah Bilitski, Teena Halbig and Kevin Dunlap

**NO:** John Torsky (alternate for James Peden), Cathy Hinko (alternate for Barbara Sinai) and Steve Porter (2 votes; also alternate for Tom FitzGerald)

**ABSTAIN:** David Proffitt (2 votes; also alternate for Donnie Blake) and Deborah Bilitski (alternate for Gabe Fritz)

**ABSENT:** Jim King, Chuck Kavanaugh and Pat Dominik

**Motion to reject PCUP Item #31 passed by a vote of: 5 in favor, 4 opposed, 3 abstentions and 3 absent. No further motions were made.**

**PCUP ITEM #34 – Accessory Apartments Conditional Use Permit (Proposal rejected on 11/19/13; alternate proposal approved on 3/25/14 See PCUP ITEM #35)**

The changes shown in paragraph A below will allow for additional flexibility in the ownership requirements for accessory apartments.

**Section 4.2.3 Accessory Apartments**

Accessory Apartments may be allowed in the R-R, R-E, R-1, R-2, R-3, R-4, R-5 and U-N districts upon the granting of a conditional use permit and compliance with the listed requirements.

- A. The principal and accessory dwellings shall be owned by the same person(s). Occupancy of the accessory unit shall occur only while the property owner(s) resides in the principal dwelling on the premises. **However, this listed requirement A shall not apply if at the time of application submittal for the conditional use permit and for the life of the conditional use permit (i) the principal and accessory dwellings are located in the same building, and (ii) at the time of the application submittal for the conditional use permit the principal and accessory dwellings each shall have a separate entrance.**
- B. The accessory apartment shall be no greater than 650 sq ft or 30% of the floor area of the principal residence, whichever is greater.
- C. If the accessory apartment is located in a freestanding structure, it shall not exceed the height of the principal residence. In the TNFD, permissible height shall be as allowed by the form district regulation, unless the Board approves a differing height. In all other form districts, if the freestanding structure is located within 25 feet of a property line, the height of the structure shall not exceed the average height of accessory structures on abutting parcels or 15 feet, whichever is greater, unless the Board finds that a different height limit is appropriate.
- D. Sites having accessory apartments shall provide off-street parking for the principal and accessory apartment as follows:
  - 1. Neighborhood Form District - at least three off-street spaces provided on the lot, no more than two spaces outdoors;
  - 2. Traditional Neighborhood - at least one off-street space provided on the lot; and
  - 3. Other form districts - at least two off-street spaces provided on the lot; the Board may require additional parking spaces as appropriate.

**PCUP ITEM #34 – VOTE**

Motion to reject PCUP Item #34 made by Tom FitzGerald and seconded by Gabe Fritz at 11/19/13 meeting.

**YES:** John Torsky (alternate for James Peden), Donnie Blake, David Proffitt, Chuck Kavanaugh, Pat Dominik, Kathy Linares, Mike Jones (alternate for Deborah Bilitski), Barbara Sinai, Steve Porter, Tom FitzGerald, Teena Halbig, Kevin Dunlap, Gabe Fritz and Matt Meunier

**NO:** None

**ABSTAIN:** None

**ABSENT:** Jim King

**Motion to reject PCUP Item #34 passed by a vote of: 14 in favor, 0 opposed, 0 abstentions and 1 absent. No further motions were made.**

## **STAFF RECOMMENDATIONS**

### **PCUP STAFF ITEM A – Add Laser Tag as a Permitted Use in C-2 & M-1 Zones**

Staff proposes adding Laser Tag to the list of permitted uses in the C-2 and M-1 zones since this activity is very similar to Indoor Paint Ball Ranges which is already a permitted use in C-2 and M-1. See changes below (only C-2 shown).

#### **Section 2.4.4 C-2 Commercial District**

The following provisions shall apply in the C-2 Commercial District unless otherwise provided in these regulations.

##### **A. Permitted Uses:**

All uses permitted in the C-1 Commercial District are allowed in the C-2 Commercial District as well as the following uses:

ABC-licensed establishments, holding a license that allows consumption of alcoholic beverages on the premises.

Auction sales, items transported to site of auction

Automobile rental agencies

Automobile repair garages

Automobile sales agencies

Billiard parlors; game rooms and similar entertainment uses

Bingo halls and parlors

Boat Sales and related storage

Bookbinding

Building materials, storage and sales provided all operations are totally enclosed in a building

Cleaning, pressing, and dyeing establishments using non-flammable and non-explosive cleaning fluid

Community Service Facility

Contractor's shop, including but not limited to building, electrical, HVAC, landscape, and plumbing contractors, provided all operations are confined within a building

Dance halls

Engraving, watchmaking, and jewelry manufacturing, where products are sold on premises

Equipment rental, where all activities are within a building

Exposition building or center

Flea market

Fraternities, sororities, clubs and lodges excluding those where the chief activity of which is a service customarily carried on as a business.

Furniture, storage

Indoor paint ball ranges

**Laser Tag**

Monument sales

Music and vocal instructions

Plumbing, and heating shops, storage and sales provided all operations are totally enclosed in a building

Printing, lithographing, or publishing establishments, if constructed to insure that there is no noise or vibration evident outside the walls of the buildings

Public transportation passenger terminals

Public utility buildings and facilities

Refrigerated lockers

Restaurants, where food and drink may be served or consumed, where dancing or entertainment is allowed, outside as well as inside a building, including drive-in restaurants where all or part of the service or consumption is inside a vehicle

Retail or wholesale stores or businesses not involving any kind of manufacture, processing or treatment of products other than that which is clearly incidental to the business conducted on the premises, and provided that not more than fifty (50) percent of the floor area of the building is

used in the manufacture, processing, or treatment of products, and that such operations or products are not objectionable due to noise, odor, dust, smoke, vibration, or other similar causes

- Rubber stamp manufacturing, where products are sold on premises
- Sign painting
- Skating rinks (ice or roller)
- Tattoo, body art, and piercing parlors
- Telephone exchanges
- Theaters, enclosed within a building
- Tourist homes
- Training School, provided all training activities are located within a building
- Upholstery and furniture repair shops
- Used car sales areas, provided that no repair or re-conditioning of automobiles or storage of parts shall be permitted except when enclosed in a building
- Uses located totally within the caverns developed under a Conditional Use Permit for Underground Space shall be considered to meet the requirement of confinement within a building.

Those uses which are more similar in appearance and intensity to the above list of uses than to uses listed elsewhere in these regulations.

## **PCUP STAFF ITEM B – Corrected Terminology – Traffic Engineering**

Metro’s Transportation Planning staff suggests changing the following references from traffic engineering to transportation planning. See changes below.

### **Section 2.4.3 C-1 Commercial District**

The following provisions shall apply in the C-1 Commercial District unless otherwise provided in these regulations:

A. Permitted Uses:

Car washes having prior approval by the agency responsible for ~~traffic engineering~~ **transportation planning**

Restaurants, tea rooms and cafes including:

1. Restaurants with drive-through windows having prior approval by the agency responsible for ~~traffic engineering~~ **transportation planning**;

### **Section 4.2.19 Day Care Facilities (providing care for more than 6 children)**

Day Care Facilities may be allowed in the R-R, R-E, R-1, R-2, R-3, U-N, R-5A, R-5B, R-6, and R-7 districts upon the granting of a Conditional Use Permit and in compliance with the listed requirements.

- D. On-Site Drop-off and Pick-up Area - An on-site area shall be provided where passengers from automobiles may safely exit the automobile and enter the building and vice versa. The design of this area must be approved by the appropriate agency responsible for ~~traffic engineering~~ **transportation planning**.
- E. Parking Spaces - The appropriate number of parking spaces shall be provided for members of the day care center staff. The number of parking spaces required pursuant to this section shall be determined by the Board of Zoning Adjustment, and may thereafter be modified by the Board of Zoning Adjustment by petition from the owner of the premises granted a Conditional Use Permit or upon recommendation from the zoning inspector or other authorized personnel after an annual inspection of the premises or other such inspection. The parking layout must be approved by the appropriate agency responsible for ~~traffic engineering~~ **transportation planning**.

### **Section 4.2.40 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 listed requirements.

- F. The approval of all plans and specifications for all entrances, exits, and lights shall be obtained from the department responsible for ~~traffic engineering~~ **transportation planning** prior to the public hearing on the Conditional Use Permit.

#### Section 4.3.11 Day Care Centers in the M-1 Zoning District

A single day care center may be permitted within the M-1 Industrial District provided the operation is in accordance with the following standards:

- E. On-site Drop-off and Pick-up Area. An on-site area shall be provided where passengers from automobiles may safely exit the automobile and enter the building and vice versa. The design of this area must be approved by the agency responsible for ~~traffic engineering~~ **transportation planning**.
- F. The appropriate number of parking spaces shall be provided for members of the day care center staff. The number of parking spaces required pursuant to this section shall be in accordance with Chapter 9, Part 1 of the LDC. The parking layout must be approved by the appropriate agency responsible for ~~traffic engineering~~ **transportation planning**.

#### Section 4.3.17 Community Garden

This use may be permitted as a use with special standards within the R-R, R-E, R-1, R-2, R-3, R-4, R-5, R5-A, R5-B, R-6, R-7, R-8, R8-A, OR, OR-1, OR-2, OR-3, CN, C-1, and C-2 zoning districts in conformance with the following special standards.

- C. One parking space per four community garden plots shall be provided, either on the site or on the adjacent street. The location of parking lots shall be in accordance with form district regulations and parking provisions, including design, must be approved by the appropriate agency responsible for ~~traffic engineering~~ **transportation planning**. If parking will be provided on the site, permeable materials such as gravel are highly recommended to provide a surface for parking but are not required.

#### Section 4.3.18 Market Garden

This use may be permitted as a use with special standards within the OR, OR-1, OR-2, OR-3, CN, C-1, C-2, CM, M-1, M-2, M-3 and EZ-1 zoning districts in conformance with the following special standards.

- B. One parking space per employee working on the site shall be provided either on the site or on the adjacent street. If sales of food and/or non-food crops are being conducted on the site, additional parking spaces shall be provided in accordance with Chapter 9 of the Land Development Code. The location of parking lots shall be in accordance with form district regulations and parking provisions, including design, must be approved by the appropriate agency responsible for ~~traffic engineering~~ **transportation planning**. If parking will be provided on the site, permeable materials such as gravel are highly recommended to provide a surface for parking but are not required.

### **PCUP STAFF ITEM C – Alcohol Sales & Consumption – Restaurants, Taverns, Package Liquor Stores – Terminology Clarifications**

The following changes are intended to clarify which zoning districts alcohol sales and consumption as associated with restaurants, taverns and package liquor stores would be permitted within.

1. The following land use listings will be removed from the LDC:
  - a) ~~ABC licensed establishments, holding a license that allows consumption of alcoholic beverages on the premises (Permitted use in C-2, C-3, CM & EZ-1)~~
  - b) ~~Establishments holding a retail malt beverage license, but that do not allow consumption on the premises (Permitted use in C-2, C-3, CM, EZ-1 & PEC)~~
  - c) ~~Establishments holding a distilled spirits and wine retail package license, but holding no other ABC licenses that allow consumption on the premises (Permitted use in C-1, C-2, C-3, CM, EZ-1 & PEC)~~
2. The following land use listings will remain in the LDC with amendments shown in **bold/underline font**. New language will be inserted into the applicable zoning district sections listed below.
  - a) Restaurants **(Indoor alcohol sales and consumption only with proper ABC license)**
    - i. Permitted Use in: C-N, C-R, C-1, C-2, C-3, C-M, EZ-1, W-1 & W-2
  - b) Restaurants **(Indoor and outdoor alcohol sales and consumption with proper ABC license)**

- ii. Permitted Use in: C-2, C-3, C-M, EZ-1, W-1 & W-2
  - c) Tavern, Bar, Saloon
    - iii. Permitted Use in: C-2, C-3, C-M & EZ-1
  - d) Package Liquor Stores (**no on-site alcohol consumption allowed**)
    - iv. Permitted Use in: C-1, C-2, C-3, C-M, EZ-1 & PEC
  - e) Package Liquor Stores (**on-site alcohol consumption allowed with proper ABC license**)
    - v. Permitted Use in: C-2, C-3, C-M, EZ-1 & PEC
3. LDC Definitions
- a) **Restaurant** - Commercial establishments, the main business of which is serving food, which may include the sale of alcoholic beverages; **provided, however, that a place wherein both food and alcoholic beverages are sold for consumption on premises and within which the total receipts from the sale of alcoholic beverages exceed the total receipts from the sale of food shall be a tavern.**
  - b) **Tavern** - A commercial establishment wherein alcoholic beverages are sold for consumption on the premises; a bar, a saloon; provided, however, that a place wherein both food and alcoholic beverages are sold for consumption on premises and within which the total receipts from the sale of food exceed the total receipts from the sale of alcoholic beverages shall be a restaurant. *(No change to tavern definition proposed; included for comparison with restaurant definition.)*

## **PCUP STAFF ITEM D – Concept of Multiple Tavern LDC Listings**

Recently, Metro Council asked Planning & Design Services staff to consider the idea of breaking the current single tavern LDC listing into multiple listings (i.e.-Tavern 1, Tavern 2, Tavern 3). The distinction between the three levels would be based on the hours of the day alcohol service would be permitted. For example, Tavern 1 would be the least intense listing and would only allow taverns that serve alcohol until midnight. Tavern 2 would allow alcohol service until 2:00 am, while Tavern 3 would allow alcohol service until 4:00 am. The current LDC listing for tavern has no restrictions on hours that alcohol may be served.

PDS staff confirmed with Metro Alcohol & Beverage Control (ABC) staff that all ABC licenses allow alcohol service until midnight by default. A business owner may choose to pay additional fees if they would like to have alcohol service until 2:00 am or 4:00 am.

PDS staff has further researched this concept and has failed to find any examples from other cities across the country that within a zoning ordinance regulate taverns or bars based on the hours that alcohol service is allowed. It seems to be common practice for local/state Alcohol & Beverage Control agencies to be the governmental agency responsible for restricting the hours that alcohol may be served at establishments in conjunction with the issuance of ABC licenses.

Research did however discover that it is not uncommon for zoning ordinances across the country to include multiple listings of a particular land use *based on square footage*. For example: Retail up to 5,000 square feet may be permitted in the C-1 zoning district, while retail between 5,000 – 50,000 square feet may be permitted in the C-2 zoning district and retail greater than 50,000 square feet may be permitted in the C-3 zoning district.

Based on the results of the research conducted by PDS staff into this concept of multiple tavern listings within the zoning code based on hours of alcohol service allowed, PDS staff has no recommendation related to this idea at this particular time. The Planning Commission and legislative bodies may consider this new concept if they desire to, or they may request staff to research the issue further.

## **PCUP STAFF ITEM E – Contractor’s Shop, Materials Stored Inside**

This staff recommendation clears up confusion regarding where materials may be stored at a Contractor’s Shop. In the C-2, C-3, C-M & EZ-1 zoning districts a contractor’s shop is a permitted use, but all operations and storage of materials must be within a building. Section 4.4.8 allows the outdoor storage of materials in these same zones as long as several conditions are complied with, but this conflicts with the requirements for all operations and storage at a contractor’s shop to be contained within a building. The clarifying language shown below is proposed to be added to the contractor’s shop listings in Section 2.4.4 and 2.5.1 to eliminate any confusion as to whether outdoor storage of materials is allowed in conjunction with a contractor’s shop.



Sections 2.4.4 (C-2) & 2.5.1 (M-1) shown below.

Contractor's shop, including but not limited to building, electrical, HVAC, landscape, and plumbing contractors, provided all operations are confined within a building (**Outdoor sales, display and storage as referenced in Section 4.4.8 is not permitted in association with a contractor's shop in this zoning district**)

## **PCUP STAFF ITEM F – Boarding & Lodging House – Changes to Zoning Districts Allowed Within and Clarification to Definition**

There has been a significant amount of discussion in the community lately with regard to where boarding and lodging houses are allowed to be located. Currently, these are permitted uses in the following zoning districts: R-7, R-8A, OR-1, OR-2, OR-3, OTF, C-1, C-2, C-3 & C-M, and conditional uses in the following zoning districts: R-R, R-E, R-1, R-2, R-3, R-4, R-5 & R-6. There seems to be a concern about allowing boarding houses too often as permitted uses so this proposal converts the R-7 & R-8A zoning districts from the permitted use category to the conditional use category. With this change all boarding houses in all residential zoning districts will be regulated the same way by the LDC. Additionally, a local licensing requirement with annual renewal for boarding houses appears to be desirable in this community. While a reference has been added below to the CUP language regarding licensing requirements, the actual licensing provisions must be drafted and adopted by Louisville Metro Council.

PDS staff is also taking this opportunity to address a conflict within the definitions of "Boarding and Lodging Houses" and "Dwelling Unit". The definition of dwelling unit specifically excludes boarding houses from being considered dwelling units, while the definition of boarding houses refers to them as dwelling units. Staff proposes replacing "dwelling unit" with "building" in the boarding and lodging house definition shown below.

### **Section 4.2.11 Boarding Homes (ONLY APPLICABLE TO CONDITIONAL USE PERMITS)**

Boarding Homes may be allowed in the R-R, R-E, R-1, R-2, R-3, R-4, R-5, and R-6, **R-7 & R-8A** districts upon the granting of a Conditional Use Permit and compliance with the following requirements.

A. Boarding Homes located in R-E, R-R, R-1, R-2, R-3, R-4 and R-5 single-family districts shall have a maximum of 3 boarders in addition to resident family members of the boarding house keeper. Those Boarding Homes located in other districts shall have a maximum of 8 boarders.

B. All boarding homes shall comply with the administrative and maintenance requirements established in 902 KAR 20:350.

C. Boarding Homes shall not have any signage which identifies the use.

**D. Shall be certified as compliant with any licensing provisions adopted in the Louisville Metro Code of Ordinances. New facilities must obtain certification within one year of land use approval. All facilities must remain in compliant status with the licensing provisions while in operation.**

**E. Parking Requirements: Minimum: 1 space for manager plus 0.5 space per boarder  
Maximum: 1 space for manager plus 1.0 space per boarder**

*(Also, parking requirements in Table 9.1.2A for boarding houses needs to be amended.)*

### **Section 1.2.2 Definitions**

**Boarding and Lodging House** - A ~~dwelling unit~~ **building** where for compensation and by prearrangement rooms are provided for no more than eight people. Meals may or may not be provided, but there exists one common kitchen facility. This term does not include hotel, motel, extended stay lodging facilities, nursing home rooms, or assisted living units.