

**ORDINANCE NO. 038, SERIES 2015**

**AN ORDINANCE AMENDING SECTIONS 1.2.2, 2.4.3, 2.4.4, 2.5.1, 2.5.2, 4.2.28, 4.2.61, AND 4.2.62 OF THE LAND DEVELOPMENT CODE PERTAINING TO PERMITTED USES AND CONDITIONAL USES WHICH ARE ALL PART OF A CONTINUING EFFORT TO UPDATE THE ZONING REGULATIONS FOR LOUISVILLE METRO (CASE NO. 14AMEND1003).**

**SPONSORED BY: Councilman James Peden**

WHEREAS, the Planning Commission held a public hearing on August 11, 2014 to consider a large number of amendments to various sections of the Land Development Code ("LDC") for the purposes of updating and improving the LDC, resolving potential conflicts in the application of various LDC provisions and clarifying language that was determined to be potentially confusing on its face or in its application; and

WHEREAS, the Planning Commission has recommended approval of the amendments itemized in each of the six reports as stated in the Planning Commission's minutes of August 11, 2014 and contained in the attachments for this Ordinance and as summarized in the Round Two LDC Text Amendments Index also contained in the attachments; and


WHEREAS, the Metro Council concurs in and adopts the findings and recommendations of the Planning Commission in Case No. 14AMEND1003 as reflected in the Planning Commission's minutes and records, and as more specifically set forth in Exhibit A attached hereto;

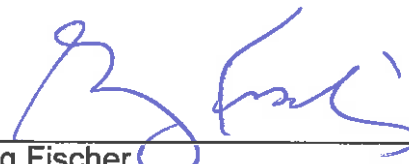
**Now THEREFORE BE IT ORDAINED BY THE LEGISLATIVE COUNCIL OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT AS FOLLOWS:**


**Section I:** The Metro Council hereby adopts the amendments to the Land Development Code as contained in the minutes and records of the Planning Commission in Case No. 14AMEND1003, dated August 11, 2014, and as more specifically set forth in Exhibit A attached hereto.

**Section II:** This Ordinance shall take effect upon its passage and approval.

  
\_\_\_\_\_  
H. Stephen Ott  
Metro Council Clerk

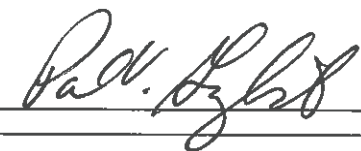
  
\_\_\_\_\_  
David Tandy  
President of the Council

  
\_\_\_\_\_  
Greg Fischer  
Mayor

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

**APPROVED AS TO FORM AND LEGALITY:**

Michael J. O'Connell  
Jefferson County Attorney

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

LOUISVILLE METRO COUNCIL  
READ AND PASSED  
March 26, 2015

---

EXHIBIT A

**PERMITTED / CONDITIONAL USES LDC SUB-COMMITTEE**  
**March 9, 2015 Metro Council LDC Adhoc Committee**

**PCUP ITEM #30**

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 #32**

1.2.2 Definitions

**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.**

**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.**

2.4.4 C-2 Commercial District

A. Permitted Uses:

Auction sales, **Indoor** items transported to site of auction

2.5.1 M-1 Industrial District

A. Permitted Uses:

**Auction Sales, Indoor**

2.5.2 M-2 Industrial District

A. Permitted Uses:

**Auction Sales, Outdoor**

**4.2.61 Auction Sales, Outdoor**

**Outdoor Auction Sales may be allowed in the C-3, C-M and M-1 zoning 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. Parking requirements to be determined by the Planning Director upon consultation with the Director of Public Works.**

**C. All auction activity shall be in compliance with the Metro Noise Ordinance (LMCO Chapter 99).**

- D. 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**

1.2.2 Definitions

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.

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.

2.4.4 C-2 Commercial District

- A. Permitted Uses:

Flea Market, Indoor

2.5.1 M-1 Industrial District

- A. Permitted Uses:

Flea Market, Indoor  
Flea Market, Outdoor

4.2.62 Flea Market, Outdoor

Outdoor Flea Markets may be allowed in the C-3 & C-M zoning 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. Parking requirements to be determined by the Planning Director upon consultation with the Director of Public Works.
- C. All activities shall be in compliance with the Metro Noise Ordinance (LMCO Chapter 99).

- D. 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 STAFF ITEM A**

2.4.4 C-2 Commercial District

A. Permitted Uses:

**Laser Tag**

2.5.1 M-1 Industrial District

A. Permitted Uses:

**Laser Tag**

**PCUP STAFF ITEM B**

2.4.3 C-1 Commercial District

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**;

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

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**.

4.2.40 Off-Street Parking Areas

- 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.

4.3.11 Day Care Centers in the M-1 Zoning District

- 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**.

4.3.17 Community Garden

- 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.

4.3.18 Market Garden

- 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.