

16AMEND1007

Biodigester LDC Text Amendment



Louisville Metro Planning Commission
Brian Mabry, AICP, Planning & Design Supervisor

August 1, 2016

Requests

- Amendments to Chapter 1.2 of the Land Development Code (Definitions)
- Amendments to Chapter 4.2 (Conditional Uses)
- This request is not related to a specific site. It pertains to potential Metro-wide regulations in the Land Development Code that would dictate where biodigesters could be located in the future.

Case Summary / Background

Biodigester Functions

- Uses natural digestion processes to convert biodegradable materials including but not limited to food scraps, yard trimmings and spoiled or outdated food products into biogas, organic solids and liquids.
- Biogas can be cleaned for use as sustainably-produced natural gas or burned to produce electricity.
- Solid and liquid byproducts can be used as a fertilizer.
- Biodigesters may reduce the amount of food waste and other biodegradable materials that are placed in landfills.



Case Summary / Background

Existing Regulations

- Land Development Code (LDC) has no regulations specific to biodigesters.
- Stand-alone biodigesters are interpreted as Non-accessory Alternative Energy Systems (Sec. 4.2.37).
- Allowed with a Conditional Use Permit in the following 18 zoning districts: OR, OR-1, OTF, OR-2, OR-3, CN, C-1, C-2, C-3, C-M, M-1, M-2, M-3, EZ-1, PEC, PRO, W-1, and W-2.
- These uses have standards related to setbacks, Air Pollution Control District review, noise, and screening, all of which are carried over to the proposed biodigester draft amendments.

Zoning Classifications Eligible for Biodigesters with CUP Under Current Land Development Code Regulations

Working Draft



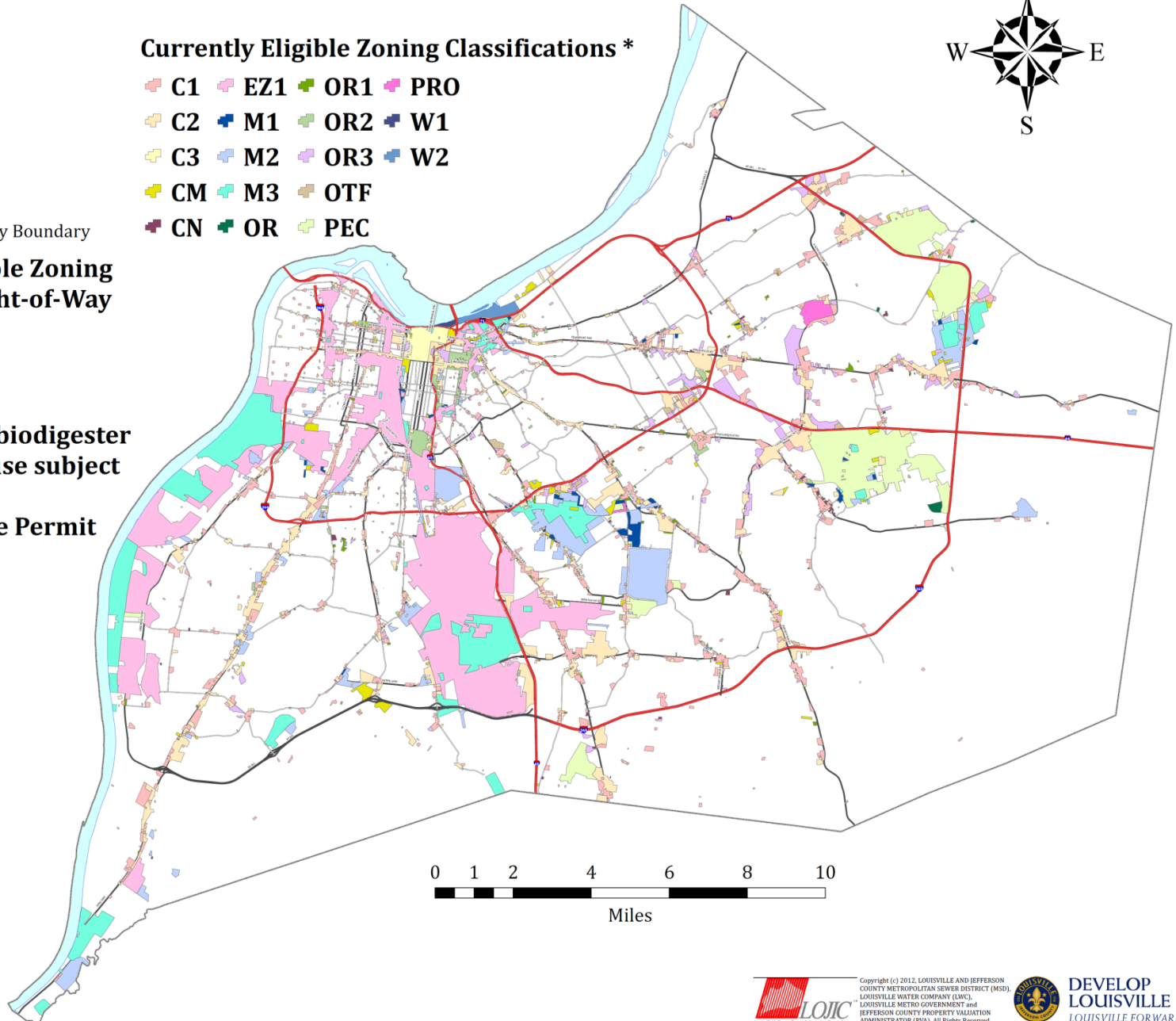
Legend

- Ohio River
- Expressway
- Major Arterial
- Minor Arterial
- Jefferson County Boundary
- Non-Eligible Zoning and Right-of-Way

Currently Eligible Zoning Classifications *

- C1
- EZ1
- OR1
- PRO
- C2
- M1
- OR2
- W1
- C3
- M2
- OR3
- W2
- CM
- M3
- OTF
- CN
- OR
- PEC

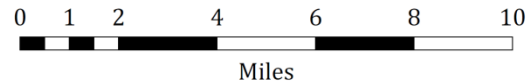
*** Eligible for a biodigester as a principal use subject to an approved Conditional Use Permit**



Data Source: Eligible Sites - derived from zoning district boundary data (Planning & Design Services) / County Boundary, and Roadways (LOJIC).

Note: This map was created by Planning & Design Services (PDS) and is intended to show areas where biodigesters could be permitted in Jefferson County under the Land Development Code section 4.2.37, Non-emergency Generator and Non-accessory Alternative Energy System.

Last Edited: July 26, 2016



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DEVELOP LOUISVILLE
LOUISVILLE FORWARD

Case Summary / Background

Metro Council passed an ordinance in February 2016 that:

- Recognized a need for zoning regulations specific to biodigesters;
- Imposed a temporary ban on biodigesters; and
- Requested Planning & Design Staff to research regulations from other communities, produce a draft set of regulations for biodigesters, and hold a public hearing with the Planning Commission.

Research

- Contents
 - Summary Table
 - General Information / Planning Documents
 - Regulations
 - Specific Cases
- Difficult to find regulations and information on specific cases for comparable cities
- Generally, allowed in Industrial zoning districts, with a Conditional Use Permit (CUP), setbacks, buffering, and separation requirements
- Separation ranged from 500' to 4,000' from residential uses and some public uses

Community Forums












- July 25 - 27
 - California Community Center (49 attendees)
 - Southwest Library (22)
 - S. Central Government Ctr (11)
 - Beechmont Community Ctr (23)
 - East Government Center (13)
 - Newburg Library (68)
- Provided Draft Regulations, Comment Sheets, and Frequently Asked Questions
- Provided opportunity for local community members to provide input and ask questions of Staff



Draft Regulations



Legend

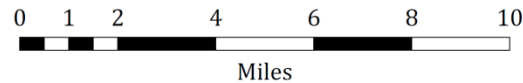
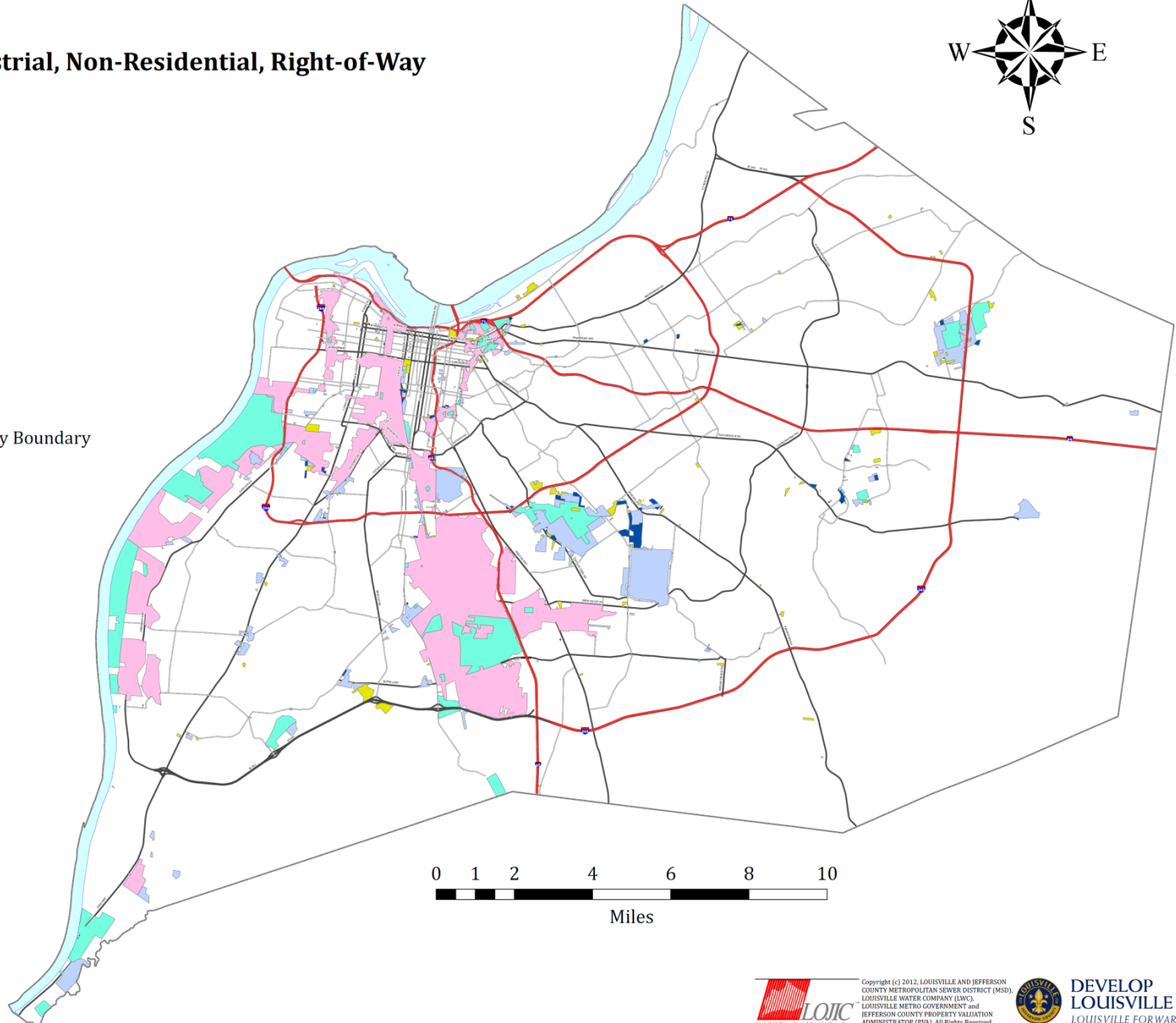
-  Non-Industrial, Non-Residential, Right-of-Way
-  CM
-  M1
-  M2
-  M3
-  EZ1
-  Ohio River
-  Expressway
-  Major Arterial
-  Minor Arterial
-  Jefferson County Boundary



Data Source: Potential Eligible Sites - derived from zoning district boundary data (Planning & Design Services); land use, school, and religious building data (Property Valuation Administrator); park property and community center data (LOJIC) / County Boundary, Metro Council Districts and Roadways (LOJIC).

Disclaimer: This map was created by Planning & Design Services (PDS) and is intended to show areas where biodigesters could be permitted in Jefferson County under proposed regulations currently being considered. Due to limited data regarding the location of protected uses as defined in the proposed regulations, this map is not entirely accurate. Sites identified on this map as are only eligible for application. Upon further evaluation of a proposed site, it may be found ineligible or eligible following a review of additional information related to the presence of nearby protected uses (including but not limited to a residence, college, school, institution of learning, religious building, park, playground, community center, nursing home/assisted living center, or hospital). Please contact PDS with any questions regarding the proposed regulations and eligibility thereunder.

Last Edited: July 18, 2016



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DEVELOP LOUISVILLE
LOUISVILLE FORWARD

Locations Potentially Eligible for Biodigesters

Working Draft

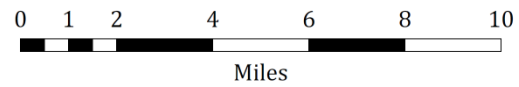
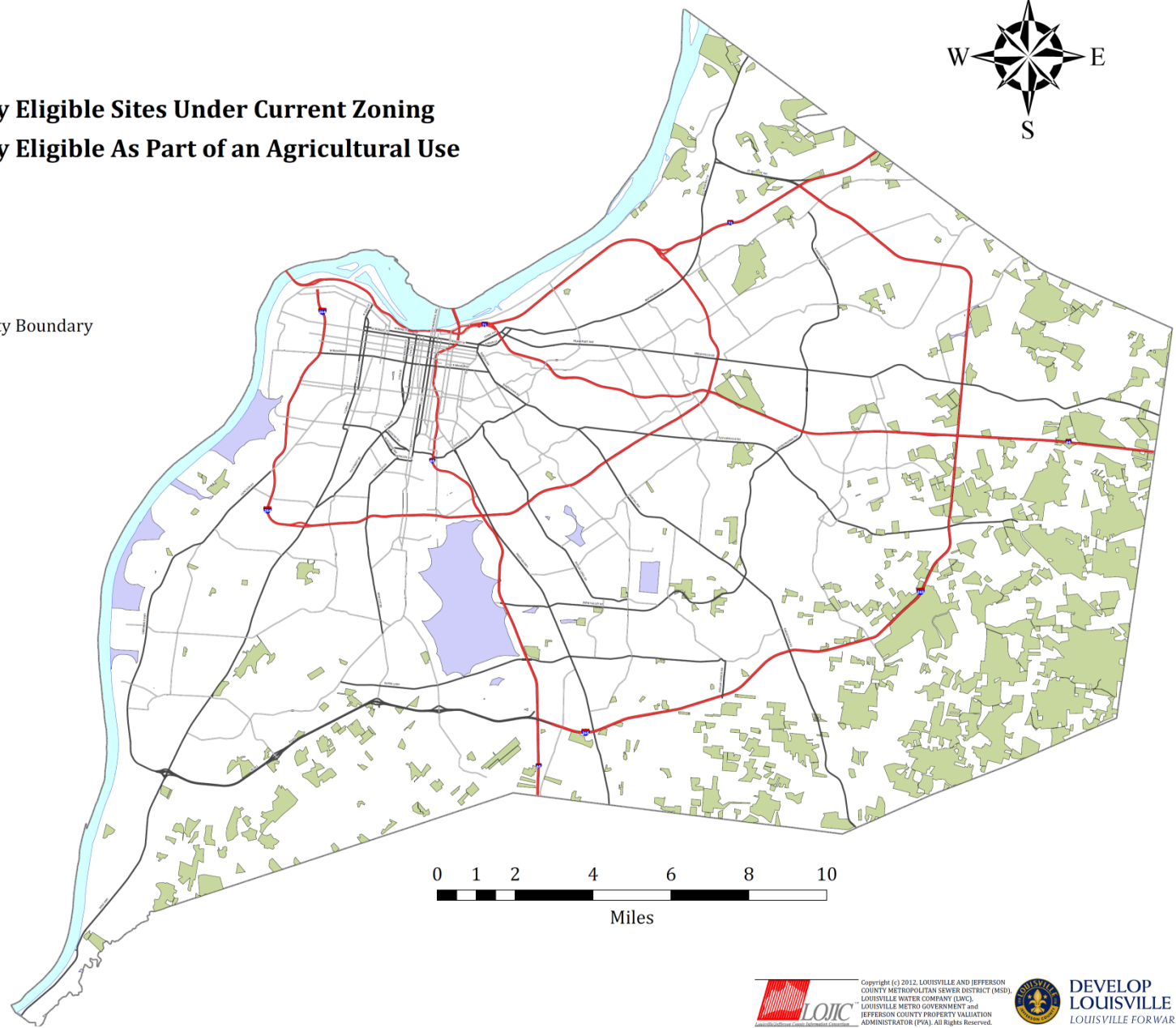
Legend

-  Potentially Eligible Sites Under Current Zoning
-  Potentially Eligible As Part of an Agricultural Use
-  Ohio River
-  Expressway
-  Major Arterial
-  Minor Arterial
-  Jefferson County Boundary



Data Source: Potential Eligible Sites - derived from zoning district boundary data (Planning & Design Services); land use, school, and religious building data (Property Valuation Administrator); park property and community center data (LOJIC) / County Boundary, Metro Council Districts and Roadways (LOJIC).

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Last Edited: July 18, 2016

Planning Committee

- Met July 28, 2016
- Points to Consider
 - Remove C-M from permitted zoning districts
 - Remove EZ-1 from permitted zoning districts
 - Remove all but M-3 from permitted zoning districts
 - Change separation requirement from ¼ mile to ½ mile
 - Make screening more specific
 - Explicitly require a fence around the property
 - Require annual report or update to odor mitigation “ongoing plan”
 - Prohibit waiver ability for any separation requirement regardless of district
 - Add Fire Department to Metro Safe Provisions
 - Require approval rather than just review by appropriate agencies for odor plans and emergency plans

Applicable Plans and Policies

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

- Traditional and Workplace Form Districts, Goal G4, Site Design, G4.3 Buffers and Compatibility. “Utilize buffer, landscape, lighting and noise and similar performance standards and guidelines to ensure compatibility between uses and buildings within workplaces.”

Applicable Plans and Policies

- Traditional Neighborhood, Neighborhood and Village Form Districts. Goal C4, Site Design, C4.6 Buffers and Compatibility. “Ensure compatibility of new developments with the existing blockface and with abutting uses by high quality design and compatibility of building types. When these measures afford insufficient protection for abutting uses, provide buffering, screening or other techniques to mitigate any nuisance which may reasonably be foreseen from the proposed development.”

Applicable Plans and Policies

- Community Forum / Land Use, Guideline 3 Compatibility, Policy A.5. Odor and Air Quality Emissions “Consider prevailing meteorological conditions and the potential to transport noxious odors, particulates and emissions when residential areas may be impacted.”
- Community Forum / Land Use, Guideline 3 Compatibility, Policy A.6 Traffic “Mitigate adverse impacts of traffic from proposed development on nearby existing communities.”

Applicable Plans and Policies

- Community Forum / Land Use, Guideline 3 Compatibility, Policy A.7. Noise “Mitigate adverse impacts of noise from proposed development on existing communities.”

These amendments to the LDC text are consistent with the following policies of Sustain Louisville.

- 2.4 Waste, Goal 8. “Divert 50% of solid waste away from the landfill by 2025 and 90% by 2042.”

Staff Conclusion / Findings

The proposed amendments, as set forth in **Attachment 5**, would allow biodigesters to be located in certain zoning districts in Louisville Metro, provide minimum separation requirements, and establish standards related to setbacks, screening, noise, odor, safety and traffic.

Staff makes these LDC text amendment recommendations related to biodigester provisions in light of the following:

WHEREAS, the Planning Commission finds that the proposed amendments related to biodigesters comply with the applicable guidelines and policies of Cornerstone 2020 and Sustain Louisville.

WHEREAS, the following parts of Cornerstone 2020 recommend many of the measures found in the biodigester draft regulations: G4.3 and C4.6 “Buffers and Compatibility” and Community Form / Land Use, Guideline 3, Policy A.5 through A.7, related to Odor and Air Quality Emissions, Traffic, and Noise.

WHEREAS, Section 2.4 Waste, Goal 8, of Sustain Louisville recommends a 50% reduction in solid waste sent to the landfill. Regulations that enable biodigesters to be established in safe and appropriate locations will help to reduce the amount of solid waste going to the landfill.

Required Actions

Recommend approval, approval with modifications, or denial of the draft regulations to Metro Council