

ORDINANCE No. 053, SERIES 2015

AN ORDINANCE AMENDING SECTIONS 1.2.2, 2.4.1, 2.4.2, 2.4.3, 2.4.4, 2.5.1, 2.6.4, AND 2.6.5 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.

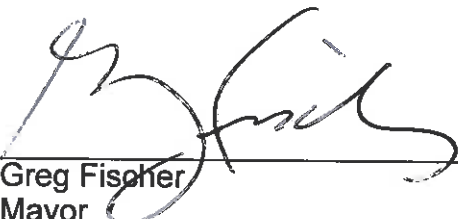
Section II: This Ordinance shall take effect upon its passage and approval.



H. Stephen Ott
Metro Council Clerk



David W. Tandy
President of the Council



Greg Fischer
Mayor



Approval Date

APPROVED AS TO FORM AND LEGALITY:

Michael J. O'Connell
Jefferson County Attorney

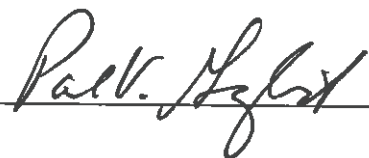
By: _____



EXHIBIT A

PERMITTED / CONDITIONAL USES APPROVED by LDC Adhoc Committee on 3/23/15

PCUP STAFF ITEM C

1.2.2 Definitions

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.**

2.4.1 C-N Neighborhood Commercial District

A. Permitted Uses:

Restaurants and delicatessens excluding drive-in facilities, **and entertainment activity and outdoor alcohol sales and consumption (Indoor alcohol sales and consumption only with proper ABC license)**

2.4.2 C-R Commercial Residential District

A. Permitted Uses:

Restaurants and delicatessens excluding drive-in facilities, **and entertainment activity and outdoor alcohol sales and consumption (Indoor alcohol sales and consumption only with proper ABC license)**

2.4.3 C-1 Commercial District

A. Permitted Uses:

~~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~~

Restaurants, tea rooms and cafes including: excluding dancing and entertainment activity (Indoor alcohol sales and consumption only with proper ABC license)

- 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.~~

Package Liquor Stores (no on-site alcohol consumption allowed)

2.4.4 C-2 Commercial District

A. Permitted Uses:

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

~~Restaurants, where food and drink may be served or consumed, where dancing or entertainment is allowed, outside as well as inside a building, and including drive-in restaurants where all or part of the service or consumption is inside a vehicle (Indoor and outdoor alcohol sales and consumption with proper ABC license)~~

Package Liquor Stores (on-site alcohol consumption allowed with proper ABC license)

Tavern, Bar, Saloon

2.6.4 W-1 Waterfront District

A. Permitted Uses:

~~Restaurants (including restaurants with indoor and outdoor seating with alcohol sales and consumption is permitted with proper ABC license) (Indoor and outdoor alcohol sales and consumption with proper ABC license)~~

2.6.5 W-2 Waterfront District

A. Permitted Uses:

~~Restaurants; including accessory decking facilities (also including restaurants with indoor and outdoor seating with alcohol sales and consumption is permitted with proper ABC license) (Indoor and outdoor alcohol sales and consumption with proper ABC license)~~

PCUP STAFF ITEM E

2.4.4 C-2 Commercial District

A. Permitted Uses:

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)

2.5.1 M-1 Industrial District

A. Permitted Uses:

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)