

ORDINANCE No. 212, SERIES 2014

AN ORDINANCE AMENDING SECTIONS 5.1.7, 5.1.10, 5.5.1 and 5.7.1 OF CHAPTER 5 OF THE LAND DEVELOPMENT CODE AS 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
H. Stephen Ott
Metro Council Clerk

Jim King / Vicki Aubrey Welch
Jim King
President of the Council
PRO - TEM

Greg Fischer
Greg Fischer
Mayor

1/2/15
Approval Date

APPROVED AS TO FORM AND LEGALITY:

Michael J. O'Connell
Jefferson County Attorney

By: Eamonn P. Mulvihill

LOUISVILLE METRO COUNCIL
READ AND PASSED
December 18, 2014

Exhibit A

FORM ITEM #1

5.1.7 General Requirements

- E. ~~Yard Requirement—This~~**The following noise requirements are** is applicable to property in the non-metropolitan area as delineated in ~~Chapter 8~~ **Chapter 1** which is in proximity to expressways, as designated on Core Graphic 10.

4. On land in any zoning and form district, which is subject to the provisions in (E.1, 2 or 3) above, residential structures and noise sensitive community facilities may be allowed where the following conditions are met and agreed to by the Planning Commission.

- a. **A noise impact study, performed by an individual or firm with expertise and experience in the field of traffic noise, is submitted to the Planning Commission. The study must be based upon projected future traffic data provided by the Planning Commission, and**
- b. **The study indicates that the noise levels, at the site of proposed construction is or is capable of being reduced to levels less than 65 dBA (in the form of equivalent sound level, Leq.), by the presence of natural barriers or use of man made barriers; and**
- c. **If man made barriers are proposed, the Planning Commission finds that:**
- i. **provision has been made for maintenance of any barrier structure in a condition that is safe and effective for noise mitigation, for the duration of the residential use; and**
- ii. **the proposed barrier does not create adverse environmental impacts or detract from unique natural areas and areas with significant landscape features; and**

- iii. the proposed barrier is constructed of masonry, synthetic or other long lived materials; wood sound walls are not permissible.
- d. A plan is submitted to and accepted by the Planning Commission incorporating the elements set forth in the study above referenced; and
- e. Schools, libraries and nursing homes may be allowed if it can be demonstrated that sound-proofing measures incorporated in the structure will yield interior noise levels within applicable federal standards. Exterior activities (athletic fields, etc.) associated with the above non-residential uses must comply with the 65 dBA limitation listed above in this section.

5.1.7 General Requirements

- ~~F. On land in any zoning and form district, which is subject to the provisions in (E.1, 2 or 3) above, residential structures and noise sensitive community facilities may be allowed where the following conditions are met and agreed to by the Planning Commission:~~
 - ~~1. A noise impact study, performed by an individual or firm with expertise and experience in the field of traffic noise, is submitted to the Planning Commission. The study must be based upon projected future traffic data provided by the Planning Commission, and~~
 - ~~2. The study indicates that the noise levels, at the site of proposed construction is or is capable of being reduced to levels less than 65 dBA (in the form of equivalent sound level, Leq.), by the presence of natural barriers or use of man made barriers; and~~
 - ~~3. If man made barriers are proposed, the Planning Commission finds that:

 - ~~a. provision has been made for maintenance of any barrier structure in a condition that is safe and effective for noise mitigation, for the duration of the residential use; and~~~~

- b. ~~the proposed barrier does not create adverse environmental impacts or detract from unique natural areas and areas with significant landscape features; and~~
 - c. ~~the proposed barrier is constructed of masonry, synthetic or other long lived materials; wood sound walls are not permissible.~~
4. ~~A plan is submitted to and accepted by the Planning Commission incorporating the elements set forth in the study above referenced; and~~
 5. ~~Schools, libraries and nursing homes may be allowed if it can be demonstrated that sound-proofing measures incorporated in the structure will yield interior noise levels within applicable federal standards. Exterior activities (athletic fields, etc.) associated with the above non-residential uses must comply with the 65 dBA limitation listed above in this section.~~

FORM ITEM #2

5.1.7 General Requirements

- J. ~~When front or street side yards are required in a district in which automobile service stations are permitted, gGasoline pump islands and pumps may be placed on the premises provided they are **shall be setback** at least 15 feet from the right-of-way line, **or shall comply with the setback requirement listed for the applicable form/zoning districts, whichever is greater.** Where no front or street side yards are required, gasoline pumps and pump islands shall be at least 10 feet from the right-of-way line.~~

FORM ITEM #4

5.1.10 Exceptions

- G. In cases where a zoning district boundary line is not located on a property line, there shall not be required setback areas applied along either side of the zoning district boundary line. Transition zone requirements found in Chapter 5 Part 7 may still be applicable in the vicinity of a form district boundary line whether it is located on a property line or not.

FORM ITEM #5

Table 5.3.2 Dimensional Standards: Non-Residential Uses

Maximum Building Footprint	Min Front and Street Side Setback	Max Front and Street Side Setback	Non-Res to Res Setback (No Loading)	Non-Res to Res Setback (Loading)	Max Building Height	Max Building Height Residential Top Floor
Up To 5,000 SF	10 ft	80 ft*	15 ft	25 ft	25 ft	35 ft
5,001 to 30,000 SF	10 ft	80 ft*	30 ft	50 ft	30 ft	40 ft
30,001 to 80,000 SF	10 ft	150 ft	50 ft	75 ft	35 ft	45 ft

*** The maximum front and street side setback requirement for non-residential uses shall be 95 feet when the subject property is located on a parkway, as designated within Chapter 10 of this Land Development Code.**

FORM ITEM #6

5.7.1 Transition Standards

B. Generally Applicable Transitional Design Standards

2. **Setback** - The front and street side setback within a Transition Zone shall equal the setback of adjacent properties (based on the appropriate setback table listed within the applicable form district) that are within the Group A form district when sites in different form districts share a common street frontage (common street frontage refers to properties on the same side of the street). Where sites in different form districts share a common rear property line or are separated by an alley, the rear yard setback of the adjacent property within the Group A form district shall apply. **If the non-transition zone setback requirements found in a separate section of this Land Development Code are more restrictive than the transition zone setback requirements as specified by this section, then the more restrictive requirements shall apply.**

FORM ITEM #8

5.5.1 Traditional Form District Design Standards

A. General Site Design Standards (Downtown Form District excluded)

2. **Corner Lots.** On corner lots, the building shall be constructed **at the no more than five feet away from the** right-of-way line along both of the streets. Lots with more than one street

corner shall build to the corner that contains frontage on the primary street. Additional buildings on the multi-corner lot shall be built to the secondary corner. The intersection of a street with an alley shall not be considered a street corner.

Exceptions: 1) if a principal building or tenant entrance is at the corner, the angular façade containing the entrance may be recessed a maximum of 15 feet from the intersection of the two right-of-ways lines; 2) if the sidewalk abutting the corner property is less than the sidewalk width required by the applicable form district, the building may set back to permit the construction of the required sidewalk.