

ORDINANCE No. _____, SERIES 2016

AN ORDINANCE IMPOSING A TEMPORARY MORATORIUM ON THE ISSUANCE OF PERMITS FOR ANAEROBIC DIGESTION FACILITIES FOR BIODEGRADABLE MATERIALS, ALSO KNOWN AS BIODIGESTERS, THROUGHOUT METRO LOUISVILLE.

SPONSORED BY: COUNCIL MEMBERS JAMES, SHANKLIN AND WOOLRIDGE

WHEREAS, the Legislative Council of the Louisville/Jefferson County Metro Government (“Council”) hereby acknowledges that facilities utilizing the anaerobic digestion of wastes in order to generate biogas, also known as biodigesters (hereinafter “anaerobic digestion facilities”), can be of benefit in diverting wastes from land disposal and generating natural gas or electricity through conversion of waste materials; and

WHEREAS, the Council finds that anaerobic digestion facilities, if not properly sited and buffered, have the potential to significantly and negatively affect nearby properties in terms of visual, odor, noise, traffic, environmental, and other impacts;

WHEREAS, the Council finds that the process of bio-digestion may produce not only biogas, but also may produce digestate and wastewater which may have an impact upon the ~~environment~~environment if not appropriately handled or processed;

WHEREAS, Louisville Metro Planning & Design has heretofore classified anaerobic digestion facilities under the general categories of waste reduction and fertilizer manufacturing, which are allowed as a conditional use in the M-3 Industrial zoning district; however, there are no regulations in the Land Development Code pertaining specifically to such facilities; and

WHEREAS, the Council finds that a comprehensive study of the zoning regulations is necessary to clearly define anaerobic digestion facilities and specifically address the unique characteristics of such facilities to ensure that any negative visual,

noise, odor, traffic, environmental and other impacts related to the operation and associated transportation of materials to and from such facilities are properly mitigated, and that the potential locations of said facilities within Metro Louisville are appropriate and compatible with other surrounding land uses; and

WHEREAS, it is anticipated that such a study will take approximately six months to initiate and complete; and

WHEREAS, during the pendency of such study, the Council desires to preserve the status quo by preventing the construction or establishment of anaerobic digestion facilities;

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

Section I: There is hereby imposed a moratorium on the acceptance and further processing by Louisville Metro Planning & Design Services, Louisville Metro Codes & Regulations, Louisville Metro Planning Commission, and Louisville Metro Board of Zoning Adjustment of any application involving an anaerobic digestion facility.

Section II: There is hereby imposed a moratorium on the issuance by Louisville Metro Codes and Regulations of permits for the construction or establishment of anaerobic digestion facilities.

Section III: This Ordinance shall take effect upon passage and approval and shall remain in effect for a period of one hundred eighty (180) calendar days after its effective date unless repealed or extended.

H. Stephen Ott
Metro Council Clerk

David Yates
President of the Council

Greg Fischer
Mayor

Approval Date

APPROVED AS TO FORM AND LEGALITY:

Michael J. O'Connell
Jefferson County Attorney

BY: _____