

ORDINANCE No. 025, SERIES 2015

AN ORDINANCE AMENDING CHAPTERS 1, 2, AND 4 OF THE LAND DEVELOPMENT CODE PERTAINING TO PERMITTED USES, PERMITTED USES WITH SPECIAL STANDARDS AND CONDITIONAL USES—APPLICABLE SECTIONS ARE MORE SPECIFICALLY SET FORTH BELOW IN EXHIBIT A—WHICH IS 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;

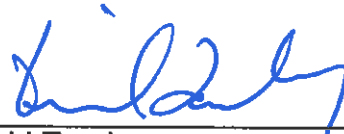
Now THEREFORE BE IT ORDAINED BY THE LEGISLATIVE COUNCIL OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT AS FOLLOWS:

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.

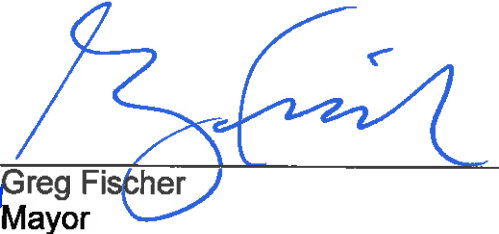
Section II: This Ordinance shall take effect upon its passage and approval.



H. Stephen Ott
Metro Council Clerk



David Tandy
President of the Council



Greg Fischer
Mayor

3/4/15

Approval Date

APPROVED AS TO FORM AND LEGALITY:

Michael J. O'Connell
Jefferson County Attorney

By: 



EXHIBIT A

PERMITTED / CONDITIONAL USES LDC SUB-COMMITTEE Approved by LDC Adhoc Committee on 2/9/15:

PCUP ITEM #1

4.3.9 Golf Courses

All golf courses may be permitted in any zoning district in accordance with the following special standards:

- A. Golf course must be 9-holes or more (including Par-3 courses; excluding miniature golf courses).
- B. All buildings and structures shall be at least 30 feet from any property line.
- C. Protection of Adjacent Properties – Fences, plantings, or sufficient area shall be provided to insure the safety and protection of persons on all adjacent land. Any netting used for the protection of adjacent properties shall observe yard and height requirements of the district in which it is located.
- D. Signs – Except in districts where signs are allowed, one non-flashing sign, not to exceed 60 square feet in area and not to exceed 10 feet in height, may be provided at the major entrance.
- E. Lighting – All lighting fixtures must comply with applicable sections of the Land Development Code.
- F. Hours of Operation – Golfers may play the course only between dawn and dusk. Maintenance, cleaning and general upkeep of the golf course by employees or other authorized personnel is not required to be conducted during the aforementioned time period.

2.2.1 R-R Rural Residential District

A. Permitted Uses:

- 2. The following uses are permitted provided that all structures observe a one hundred and fifty feet (150) front, street side, side and rear yard:

~~Golf courses; except miniature courses, driving ranges, or privately owned golf courses operated for commercial purposes~~

2.2.2 R-E Residential Estate District

A. Permitted Uses:

~~Golf courses; except miniature courses, driving ranges, or privately owned golf courses operated for commercial purposes~~

2.2.3 R-1 Residential Single Family District

A. Permitted Uses:

~~Golf courses; except miniature courses, driving ranges, or privately owned golf courses operated for commercial purposes~~

2.2.10 R-5B Residential Two-Family District

A. Permitted Uses:

~~Golf courses; except miniature courses, driving ranges, or privately owned golf courses operated for commercial purposes~~

2.3.1 OR Office/Residential District

A. Permitted Uses:

~~Golf courses; except miniature courses, driving ranges, or privately owned golf courses operated for commercial purposes~~

2.4.1 C-N Neighborhood Commercial District

A. Permitted Uses:

~~Golf courses; except miniature courses, driving ranges, or privately owned golf courses operated for commercial purposes~~

2.4.3 C-1 Commercial District

A. Permitted Uses:

~~Golf courses; except miniature courses, driving ranges, or privately owned golf courses operated for commercial purposes~~

PCUP ITEM #1A

4.2.27 Golf Courses with Food or Alcoholic Beverage Service

Golf courses which have a retail food establishment permit or an ABC license and which serve food or alcoholic beverages to any person who is not a member (or guest of a member) of the ownership or operating entity of the golf course may be allowed in any zoning district upon the granting of a Conditional Use Permit and compliance with any conditions of approval imposed by the Board of Zoning Adjustment, which may include, but is not limited to, the following:

- A. Location and size of buildings and structures,**
- B. Type of food permit or ABC license,**
- C. Buffering of adjacent properties,**
- D. Signage,**
- E. Golf ball driving directions,**
- F. Hours of operation,**
- G. Lighting,**
- H. Traffic considerations, and**
- I. Environmental considerations**

PCUP ITEM #2

~~4.2.27 Privately Owned Golf Courses Operated for a Commercial Purpose~~

~~Golf Driving Ranges, Miniature Golf Courses, and Privately Owned Golf Courses Operated for a Commercial Purpose may be allowed in the R-R, R-1, C-2, and C-M 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. Protection of Adjacent Properties—Fences, plantings, or sufficient area shall be provided to insure the safety and protection of persons on all adjacent land. Any netting used for the protection of adjacent properties shall observe yard and height requirements of the district in which it is located.~~
- ~~C. Signs—Except in districts where signs are allowed, one non-flashing sign, not to exceed 60 square feet in area and not to exceed 10 feet in height, may be provided at the major entrance.~~
- ~~D. Driving Directions—All golf ball driving directions shall be away from any street, highway or residential area.~~

PCUP ITEM #4

1.2.2 Definitions

Wildlife Management – The act of controlling, directing, manipulating or rehabilitating wildlife populations and/or their habitats. The goal of wildlife management facilities is usually to either increase, decrease or stabilize a particular wildlife population(s). Wildlife management facilities are required to obtain all applicable federal, state and local permits and licenses.

PCUP ITEM #5

2.2.1 R-R Rural Residential District

A. Permitted Uses:

2. The following uses are permitted provided that all structures observe a one hundred and fifty feet (150) front, street side, side and rear yard:

~~Garage or yard sales~~

2.2.2 R-E Residential Estate District

A. Permitted Uses:

~~Garage or yard sales~~

2.2.3 R-1 Residential Single Family District

A. Permitted Uses:

~~Garage or yard sales~~

2.2.8 U-N Urban Neighborhood District

A. Permitted Uses:

~~Garage or yard sales~~

2.2.10 R-5B Residential Two-Family District

A. Permitted Uses:

~~Garage or yard sales~~

2.3.1 OR Office/Residential District

- A. Permitted Uses:
~~Garage or yard sales~~

2.4.1 C-N Neighborhood Commercial District

- A. Permitted Uses:
~~Garage or yard sales~~

2.4.3 C-1 Commercial District

- A. Permitted Uses:
~~Garage or yard sales~~

PCUP ITEM #6

2.2.1 R-R Rural Residential District

- A. Permitted Uses:

- 1. General

~~Agricultural **uses** or horticultural crops, including but not limited to livestock, soybeans, tobacco production, timber, orchard fruits, vegetables, flowers or ornamental plants and also including sale of materials grown on the premises, including provision for dwellings for persons and their families who are engaged in the above agricultural use on the tract.~~

PCUP ITEM #7

2.2.1 R-R Rural Residential District

- A. Permitted Uses:

- 1. General

- 2. The following uses are permitted provided that all structures **and their accessory structures or uses** observe a one hundred and fifty feet (150) front, street side, side and rear yard:

~~Accessory buildings or uses~~

PCUP ITEM #8

2.2.1 R-R Rural Residential District

A. Permitted Uses:

2. The following uses are permitted provided that all structures observe a one hundred and fifty feet (150) front, street side, side and rear yard:

~~Churches, parish halls and temples~~
Religious buildings

2.2.2 R-E Residential Estate District

A. Permitted Uses:

~~Churches, parish halls and temples~~
Religious buildings

2.2.3 R-1 Residential Single Family District

A. Permitted Uses:

~~Churches, parish halls and temples~~
Religious buildings

2.2.8 U-N Urban Neighborhood District

A. Permitted Uses:

~~Churches, parish halls and temples~~
Religious buildings

2.2.10 R-5B Residential Two-Family District

A. Permitted Uses:

~~Churches, parish halls and temples~~
Religious buildings

2.3.1 OR Office/Residential District

A. Permitted Uses:

~~Churches, parish halls and temples~~
Religious buildings

2.4.1 C-N Neighborhood Commercial District

- A. Permitted Uses:
~~Churches, parish halls and temples~~
Religious buildings

2.4.3 C-1 Commercial District

- A. Permitted Uses:
~~Churches, parish halls and temples~~
Religious buildings

2.5.1 M-1 Industrial District

- A. Permitted Uses:
~~Churches, parish halls and temples~~
Religious buildings

PCUP ITEM #10

2.2.2 R-E Residential Estate District

- A. Permitted Uses:
Residential Care Facilities

PCUP ITEM 11

2.2.4 R-2 Residential Single Family District

- A. Permitted Uses:
~~Off-street parking permitted within a conservation-subdivision (see Chapter 7, Part 11 for details)~~

2.2.5 R-3 Residential Single Family District

- A. Permitted Uses:
~~Off-street parking permitted within a conservation-subdivision (see Chapter 7, Part 11 for details)~~

2.2.6 R-4 Residential Single Family District

- A. Permitted Uses:
~~Off-street parking permitted within a conservation-subdivision (see Chapter 7, Part 11 for details)~~

2.2.7 R-5 Residential Single Family District

A. Permitted Uses:

~~Off-street parking permitted within a conservation subdivision (see Chapter 7, Part 11 for details)~~

PCUP ITEM #13

2.2.10 R-5B Residential Two-Family District

A. Permitted Uses:

All uses permitted in the R-1 Residential Single Family District, as well as the following use(s):

~~Accessory buildings or uses—
Agricultural uses—
Carriage houses
Churches, parish halls and temples—
Colleges, schools, and institutions of learning (except training schools)—
Country clubs—
Dwellings, Semi detached
Dwellings, Single family
Dwellings, Two family
Garage or yard sales—
Golf courses, except miniature courses, driving ranges, or privately owned golf courses operated for a commercial purpose—
Home occupations—
Libraries, museums, historical buildings and grounds, arboretums, aquariums, and art galleries—
Parks, playgrounds, and community centers—
Residential care facilities—
Temporary buildings, the uses of which are incidental to construction operations being conducted on the same or adjoining lot or tract, and which shall be removed upon completion or abandonment of such construction, or upon the expiration of a period of two years from the time of erection of such temporary buildings, whichever is sooner~~

PCUP ITEM #15

2.3.3 OR-2 Office/Residential District

A. Permitted Uses:

~~Community Service Facility~~

- 2.3.4 OR-3 Office/Residential District
- A. Permitted Uses:
- ~~Community Service Facility~~

- 2.3.5 OTF Office/Tourist Facility District
- A. Permitted Uses:
- ~~Community Service Facility~~

PCUP ITEM #16

- 2.3.4 OR-3 Office/Residential District
- ~~An apartment and office building district allowing businesses normally incidental to the primary uses located within the same building, and not allowing such incidental business uses to be accessible and evident from the outside of the building.~~

PCUP ITEM #17

- 2.3.4 OR-3 Office/Residential District
- E. Maximum Density and FAR
3. ~~Use Mix~~ **Mixed Use Incentive**: When authorized by the form district regulations, the amount of office and residential uses situated above ground level uses specified in the applicable part of Chapter 5 shall be excluded from calculation of the site's permissible floor area ratio. When specifically authorized by the form district regulations, calculation of permissible residential density shall be based on the net site area, regardless of the amount of non-residential floor area constructed on the site. **See Section 5.5.3 Mixed Use Development.**

- 2.3.5 OTF Office/Tourist Facility District
- E. Maximum Density and FAR
3. ~~Use Mix~~ **Mixed Use Incentive**: When authorized by the form district regulations, the amount of office and residential uses situated above ground level uses specified in the applicable part of Chapter 5 shall be excluded

from calculation of the site's permissible floor area ratio. When specifically authorized by the form district regulations, calculation of permissible residential density shall be based on the net site area, regardless of the amount of non-residential floor area constructed on the site. **See Section 5.5.3 Mixed Use Development.**

PCUP ITEM #18

2.4.4 C-2 Commercial District

A. Permitted Uses:

Micro-breweries and micro-distilleries (where production activities occur indoors in a space 5,000 square feet or less)