

ORDINANCE NO. _____, SERIES 2016

AN ORDINANCE AMENDING SECTION 4.1.6 OF THE LAND DEVELOPMENT CODE PERTAINING TO OPERATING HOURS — APPLICABLE SECTIONS ARE MORE SPECIFICALLY SET FORTH BELOW IN EXHIBIT A (CASE NO. 16AMEND1004).

SPONSORED BY: Councilman James Peden

WHEREAS, an interested party in October 2015 appealed to the Board of Zoning Adjustment an interpretation of the Planning Director for Section 4.1.6 of the Land Development Code (“LDC”), related to requirements that certain nonresidential activities be separated from residential uses and districts; and

WHEREAS, the Board of Zoning Adjustment affirmed the interpretation of the Planning Director; and

WHEREAS, the Planning Commission, recognizing the need to clarify Section 4.1.6 so that its wording more closely aligns with the decision of the Board of Zoning Adjustment, approved a resolution on February 4, 2016, requesting Planning and Design Services staff to research and draft amendments to Section 4.1.6 of the LDC; and

WHEREAS, the Planning Commission held a public hearing on June 2, 2016, to consider an amendment to LDC; and

WHEREAS, the Planning Commission recommended approval of the amendments provided in the staff report as stated in the Planning Commission's minutes of June 2, 2016; and

WHEREAS, the Metro Council concurs in and adopts the findings and recommendations of the Planning Commission in Case No. 16AMEND1004 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 LDC as contained in the minutes and records of the Planning Commission in Case No. 16AMEND1004, dated June 2, 2016, 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 Yates
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

4.1.6 Operating Hours

A. Applicability

- 1.** The following operating hour restrictions shall apply to ~~all uses~~ **all activities listed in subsection B. below** that are within 100 feet of:
 - a.** Any property that is zoned residential, **as established in Chapter 2, Part 2, of this LDC; or**
 - b.** Any ~~solely property that contains a~~ residential use, ~~or~~ **Any mixed use development that contains residential uses**
- 2.** **The activity area that is subject to the restrictions shall be as** measured **inwardly** from ~~the closest any~~ property line of the proposed use **that is adjacent to a property described in subsection A.1. above.** The most current version of the Louisville Metro Noise Ordinance shall also apply to all activities listed below.

B. Restrictions

- 1.** **A.**—Collection of Garbage and Recyclables - No garbage or recyclables collection services shall be conducted between the hours of 10:00 p.m. and 6:00 a.m.
- 2.** **B.** Loading Operations - No loading or unloading operations shall be conducted between the hours of 10:00 p.m. and 7:00 a.m. This restriction shall also be applicable to the idling of any heavy or medium trucks on the site for the purpose of conducting loading or unloading operations regardless of whether said activities have already occurred or are scheduled to occur in the future.
- 3.** **C.** Exterior Construction Activity - No exterior construction activity shall be conducted between the hours of 9:00 p.m. and 7:00 a.m.