



Louisville Metro Government

Legislation Details (With Text)

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Title: AN ORDINANCE AMENDING CHAPTERS 2 AND 4 OF THE LAND DEVELOPMENT CODE PERTAINING TO MAXIMUM PERMITTED DENSITY (CASE NO. 15908). (Action Required By: August 2014)
 [Status]: In Committee - Held / Reintroduced - February 21, 2014 / New Action Required By August 2014; Reintroduced - August 8, 2013 / New Action Required By February 2014
 Reintroduced - February, 27, 2014 / New Action Required by August 2014

Sponsors: James Peden (R-23), Rick Blackwell (D-12), Jim King (D-10)

Indexes:

Code sections:

Attachments: 1. O-20--13 ATTACH CASE 15908, 2. 15908 PC Minutes, 3. 15908 Staff Report, 4. 15908 ATTACH RES 72 series 2010, 5. 15908 PPP

Date	Ver.	Action By	Action	Result
8/11/2014	1	Ad Hoc Committee on Land Development Code	held	
5/5/2014	1	Ad Hoc Committee on Land Development Code		
4/23/2014	1	Ad Hoc Committee on Land Development Code		
4/7/2014	1	Ad Hoc Committee on Land Development Code	held	

Ordinance No. _____, Series 2014
AN ORDINANCE AMENDING CHAPTERS 2 AND 4 OF THE LAND DEVELOPMENT CODE PERTAINING TO MAXIMUM PERMITTED DENSITY (CASE NO. 15908).

Sponsored by: Councilman James Peden
Councilman Rick Blackwell
Councilman Jim King

WHEREAS, the Planning Commission held a public hearing on June 2, 2011, to consider certain amendments to Chapters 2 and 4 of the Land Development Code, pertaining to maximum permitted density in a variety of zoning districts, and made a recommendation on said amendments to the Metro Council; and

WHEREAS, the Metro Council does not agree with the findings and recommendation of the

Planning Commission with respect to said amendments and, instead, adopts the amendments to Chapter 2 of the Land Development Code set forth herein;

NOW THEREFORE BE IT RESOLVED BY THE LOUISVILLE METRO COUNCIL

Section I: The Metro Council hereby adopts the amendments to Chapters 2 and 4 of the Land Development Code as contained in the minutes and records of the Planning Commission in Case No. 15908, except as revised in Sections II hereof.

Section II: The Metro Council hereby adopts the amendments to Section 2.4.3 of the Land Development Code set forth in Exhibit A, attached hereto and incorporated herein by reference.

Section III: This ordinance shall take effect upon its passage and approval.

_____ H.	_____ Jim
Stephen Ott Metro Council Clerk	King 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

**Land Development Code
2.4.3 C-1 Commercial District**

The following provisions shall apply in the C-1 Commercial District unless otherwise provided in these regulations:

A. Permitted Uses:

Accessory buildings or uses: those uses which are subordinate,

customary and incidental to the primary use, provided that, if a use is customary only in a less restrictive zone, and is of a magnitude that may generate significant impacts, it shall not be an accessory use

- Agricultural uses
- Antique shops
- Art galleries
- Athletic facilities
- Audio/video recording studios, providing the building is sound proof
- Automobile rental agencies with no more than 25 rental passenger vehicles stored on site, and no more than two service bays for cleaning or maintenance, and having no repair or storage/dispensing of fuel
- Automobile parking areas, public and private
- Automobile service stations with service bays for repair of no more than two vehicles (see definition of Automobile Service Station for the type of repairs permitted)
- Bakeries, retail (all products produced to be sold on the premises only)
- Banks, credit unions, savings and loans, check cashing services and similar financial institutions
- Barber shops
- Beauty shops
- Bed and Breakfasts
- Bicycle sales and service
- Boarding and lodging houses
- Bookstores
- Bowling alleys, provided the building is sound proof
- Car washes having prior approval by the agency responsible for traffic engineering
- Catering kitchen/bakery preparing food and meals for sale or consumption elsewhere
- Churches, parish halls, and temples
- Clothing, dry goods and notions stores
- Clubs, private, non-profit or proprietary
- Colleges, schools and institutions of learning
- Community residences
- Community Service Facility
- Computer sales (hardware and software) and programming services
- Confectionery, ice cream or candy stores, retail; no more than 50% of the floor area shall be used for production of food items for off premises sale
- Convenience groceries
- Convents and monasteries
- Country clubs
- Dance Instruction (excludes adult entertainment uses as defined within LMCO Chapter 11)
- Day care centers, day nurseries, nursery schools and kindergartens
- Department stores
- Dressmaking or millinery shops

Drug stores
Dry cleaning, dyeing, pressing, and laundry; distributing stations or retail business where no cleaning, dyeing, pressing or laundry is done for other distributing stations or cleaning establishments
Dwelling, Multiple family (See Section E.2. below for permitted density)
Dwelling, Single-family
Dwelling, Two-family
Electric appliance stores
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.
Extended stay lodging
Family care home (mini-home)
Florist shops
Funeral homes
Furniture stores
Garage or yard sale
Golf courses, except miniature courses, driving ranges, or privately owned golf courses operated for commercial purposes
Grocery stores, including fruit, meat, fish, and vegetable
Hardware and paint stores
Health spas
Home occupations
Hotels and motels, including ancillary restaurants and lounges, enclosed in a structure, in which dancing and other entertainment (not including adult entertainment activities as defined in Section 4.4.1) may be provided. (not permitted within the City of Prospect)
Ice storage houses of not more than five (5) ton capacity
Interior decorating shops
Jewelry stores
Laundries or laundrettes, self-service
Laundering and dry cleaning pick-up shops and self-service laundries
Libraries, museums, historical buildings and grounds, arboretums, aquariums, and art galleries
Medical laboratories
Music stores
Nurseries, retail
Office, business, professional and governmental
Parks, playgrounds, and community centers
Pawn Shop
Pet grooming, obedience training and related pet activities, provided the operation is conducted within a soundproofed building, no animals are boarded, and there are no runs or pens outside of the building
Pet shops
Photocopying, duplicating, paper folding, mail processing and related services
Photographic shops

Photography studios

Picture Framing

Radio and television stores

Rental businesses offering items whose sale is a permitted use in this district, videocassette and similar products, rental and sales but not constituting an adult video cassette rental center

Residential care facilities

Restaurants, tea rooms and cafes including:

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.

Shoe repair shops

Shoe stores

Stationery stores

Tailor

Tanning salons

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

Tents, air structures and other temporary structures intended for occupancy by commercial activities including but not limited to sales, display, and food services, provided that applicable building and fire safety codes are met, and provided further that such structures may not be installed for a period (or periods totaling) more than ten (10) days during a calendar year.

Toy and hobby stores

Variety stores

Veterinary hospital, provided the operation is conducted within a soundproofed building, no animals are boarded, and there are no runs or pens outside of the building

Wearing apparel shops

B. Conditional Uses:

Certain uses may be permitted in this district upon the granting of a Conditional Use Permit by the Board of Zoning Adjustment. Refer to Chapter 4 Part 2 for a listing of uses and requirements that apply to specific uses.

C. Permitted Uses With Special Standards*

The following uses are permitted in this district provided they meet the special standards and requirements listed for such uses in Chapter 4 Part 3.

1. Drive-in Restaurants
2. Temporary Activities
3. Off-premises signs (i.e. outdoor advertising signs) as permitted by Chapter 4, Part 3 of the LDC.
4. Transitional Housing
5. Homeless Shelter

D. Property Development Regulations

Refer to the applicable Form District regulations in Chapter 5 for lot size, setback, building height and other restrictions.

E. Maximum Density And Far

1. Maximum Floor Area Ratio:1.0

2. Maximum Density:34.84 dwellings per acre, when the for all properties subject to Plan Certain Development requirements (Section 11.4.7) and, as of the effective date of this regulation, for all previously-approved and pending development applications for properties not subject to Plan Certain Development requirements (Pre-Plan Certain Development Plans).

.....34.84 dwellings per acre, for all proposed applications filed after the effective date of this regulation that are not subject to Plan Certain Development requirements, when the multi-family residential use is incorporated as part of a mixed use development where at least 50% of the proposed square footage of the development consists of non-residential use(s).* In the event the development contains no non-residential uses, the maximum permitted density shall be 12.01 dwellings per acre.

.....12.01 dwellings per acre, for all proposed applications filed after the effective date of this regulation that are not subject to Plan Certain Development requirements, when the multi-family residential use is incorporated as part of a mixed use development where less than 50% of the proposed square footage of the development consists of non-residential use(s), including when the development contains no non-residential uses.

* The requirement to incorporate 50% non-residential use is subject to waiver by the Louisville Metro Council pursuant to Chapter 11, Part 8. In cases in which a waiver is requested of the 50% non-residential use requirement, the Louisville Metro Council shall assume the authority and responsibilities of the Planning Commission set forth in Chapter 11, Part 8 to take final action on such waivers, and the Planning Commission or designated committee thereof shall review such waiver requests and make a recommendation to the Louisville Metro Council.

Use Mix - - Office and Residential Uses - When authorized by the form district regulations, a specified percentage of any development site may be allocated to residential development without any

corresponding decrease in the maximum allowable square footage or intensity of non-residential uses allowed in the underlying zone district, provided that all other development standards set forth in this code are complied with. In addition, when authorized by the form district regulations, office and residential uses situated above ground level retail uses are permitted and 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.