

**Planning Commission**

Staff Report

April 20, 2021



<b>Case No:</b>	21-LDC-0005
<b>Project Name:</b>	LDC Reform Amendments Phase I – Setback/Yards Amendment
<b>Applicant:</b>	Louisville Metro
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	All Council Districts
<b>Case Manager:</b>	Chris French, AICP, Planning and Design Supervisor

**REQUEST**

An amendment to Chapter 5, Parts 2 and 3 to reduce the minimum front and street side setbacks/yards in Neighborhood and Traditional Neighborhood Form Districts for non-infill development.

**SUMMARY/BACKGROUND**

The LDC Reform Report associated with this text amendment is attached to this agenda item for reference. This report outlines the equity review to this amendment and background research conducted. This amendment was developed from comments from the development community regarding ways to help reduce construction cost and therefore reduce the cost of new homes.

This amendment changes the requirements in Table 5.2.2 which is the residential setback requirements for the Traditional Neighborhood Form District and Table 5.3.1 which is the residential setback requirements for the Neighborhood Form District. These tables regulate new residential development and do not regulate infill development subject to LDC Section 5.1.12. This amendment reduces the front setback for R-1 and R-2 in the Traditional Neighborhood from 30 and 25 feet to 15 feet, respectively. This amendment reduces the front setback for the R-E and R-1 district from 75 feet to 15 feet and the street side setback from 25 feet to 15 feet. The amendment changes the front setback in the R-2, R-3, R-4 zones from 30 feet to 15 feet. The amendment also changes the front setbacks from the R-5, R-5A, and R-5B zones from 25 feet to 15 feet. All reduced setbacks include a requirement that front-loaded garages be setback 25 feet to accommodate at least one vehicle in the driveway. All front and street side setbacks subject to LDC Section 5.3.1.C.4 shall be required to provide the supplemental setbacks as provided for in this section.

**PLANNING COMMITTEE MEETING**

The Planning Committee held two meetings regarding the LDC Reform Phase 1 amendments; the first on February 8, 2021 and the second on March 22, 2021.

**STAFF ANALYSIS**

During the public meetings on the LDC Reform Phase One amendments and during the public comment period staff received comments regarding the reduction in front setback for the R-E and R-1 zoning districts. Property within these two zones makes up only 2.9% of the land area of Jefferson County, especially considering single family zoning makes up more than 75% of the land area. In addition, the impact of this change to development in existing neighborhoods would be greatly reduced because most of the infill development within existing neighborhoods would be subject to the infill setback requirements. The intent of the proposed changes to the front and street side setback is to provide greater flexibility for new construction within newer subdivisions. This reduction in front setbacks/yards will provide some construction cost reduction to help reduce the cost of new homes.

Staff did make one change to the draft amendment based on comments and information received since the last Planning Committee meeting. The proposed change to the subdivision regulations related to the overlap of easements/drainage basins within rear yards/setbacks was removed based on a resolution received from Metro Council specifically related to that section of the LDC. That amendment will follow its own text amendment process.

### **APPLICABLE PLANS AND POLICIES**

This amendment is consistent with recommendations made in the LDC Diagnosis report provided by Opticos Design by decreasing setbacks as needed to promote affordable housing and to provide flexibility in the design of housing. See weblink below for report:

<https://louisvilleky.gov/document/pdslldcdiagnosisfinal0720pdf>

This amendment to the LDC text is consistent with the following policy of Plan 2040:

Community Form Policy 2.18 - To encourage development and redevelopment in certain locations, implement innovative practices for land use regulations, such as form based coding and permissive zoning. Regularly review and update the Land Development Code to ensure best practices are followed.

### **NOTIFICATION**

Notice was published in accordance with KRS 100. In addition, email notice through the GovDelivery system was provided plus notifications through public and group meetings held by or attended by the staff of Planning and Design Services.

### **STAFF CONCLUSIONS**

The proposed amendment, as set forth in a Resolution (Attachment 1); staff recommends that the Planning Commission approve this resolution and forward it to the Louisville Metro Council and all other jurisdictions with zoning authority within Jefferson County.

### **ATTACHMENTS**

1. LDC Reform Setbacks/Yards Resolution

Attachment 1.

**PLANNING COMMISSION RESOLUTION 21-LDC-0005**

**A RESOLUTION BY THE PLANNING COMMISSION RECOMMENDING APPROVAL OF LAND DEVELOPMENT CODE TEXT AMENDMENTS TO SECTIONS 5.2.2.C AND 5.3.1.C REGARDING FRONT AND STREET SIDE SETBACKS TO THE LOUISVILLE METRO COUNCIL AND OTHER JURISDICTIONS WITH ZONING AUTHORITY.**

**WHEREAS**, the Louisville Metro Council adopted a resolution on August 20, 2020 directing the Planning Commission to review the Land Development Code and develop recommendations for more equitable and inclusive development; and

**WHEREAS**, the Louisville Metro Planning Commission adopted a resolution on August 25, 2020 directing Planning and Design Services staff review the Land Development Code and develop recommendations for more equitable and inclusive development; and

**WHEREAS**, the Land Development Code (LDC) Diagnosis with Housing Focus was completed by Opticos Design in July 2020, as part of this analysis it was recommended that reduced setbacks could enable a broader range of housing choices; and

**WHEREAS**, the LDC Diagnosis also stated that large minimum front setbacks such as a 30-foot front setback/yard rules out compact, traditional neighborhoods within certain zoning districts like the R-4 zone; and

**WHEREAS**, the comprehensive plan, Plan 2040, includes Community Form Policy 2.18 which recommends that the Land Development Code be reviewed periodically for ensure that the code follows best practices; the proposed amendment follows best practices as outlined within the LDC Diagnosis; and

**WHEREAS**, the Planning Commission finds that the proposed text amendments to the LDC meet the goals, objectives, and policies of the comprehensive plan, Plan 2040.

**NOW, THEREFORE, BE IT RESOLVED BY THE LOUISVILLE METRO PLANNING COMMISSION AS FOLLOWS:**

Additions

Deletions

**SECTION I:** Chapter 5 of the LDC, Section 5.2.2.C, is amended as follows:

**Table 5.2.2 Dimensional Standards – Traditional Neighborhood**

Density Category	Zoning District	Minimum Lot Area	Min. Lot Width	Min. Front and Street Side Yard Setback	Max. Front Setback	Minimum Side Yards (Each)	Minimum Rear Yard Setback	Maximum Building Height
Low Density	R-1	40,000 sf	100 ft	30 15 ft***	NA	15 ft.	5 ft.	35 ft
	R-2	20,000 sf	75 ft	25 15 ft***	NA	10 ft	5 ft.	35 ft
	R-3	12,000 sf	60 ft	15 ft***	NA	6 ft	5 ft.	35 ft
	R-4	9000 sf	60 ft	15 ft***	25 ft	5 ft.	5 ft.	35 ft
Med. Density /Intensity	R-5	6,000 sf	35 ft.	FY 15 ft. *** SSSY 3 ft.	FY 25 ft.	3 ft	5 ft.	45 ft
	R5-A R5-B R-6 OR OR-1	4,500 sf	35 ft	FY 15 ft*** SSSY 3 ft	FY 25 ft	3 ft 0 ft if attached	5 ft	45 ft
	PRD	1,500sf	0ft	0ft	0ft	0ft	0ft	35ft
	U-N	2500 sf 1500 sf if SF attached or as specified within design guidelines	25 ft. 18 ft. if SF attached	FY 15 ft. *** SSSY 3 ft.	FY 25 ft*	3 ft 0 ft. if attached	5 ft.	45 ft
	CN	6,000 sf.	None	FY 15 ft. *** SSSY 3 ft.*	FY 25 ft.*	None Unless adjacent to SF residential – 5 ft.	5 ft.	45 ft.
High Density/ Intensity	R-7, R-8A OR-2	4500 sf	25 ft.	FY15 ft. *** and * SSSY 3 ft.	FY25 ft.*	None unless adjacent to SF residential – 5 ft.	5 ft.	45 ft or three stories.** (See Note)
	CR C-1 C-2, C-3 W-1, W-2	NA	None	FY15 ft.* and ***SSSY 3 ft.	FY 25 ft.*	None unless adjacent to SF residential – 5 ft.	5 ft.	45 ft. or three stories.** (See Note)
	C-M OR-3 OTF M-1 M-2, M-3 W-3, EZ-1	NA	50 ft.	FY15 ft.* and ***SSSY 3	FY 25 ft*	10 ft.	15 ft	45 ft. or three stories.** (See Note)
Note: TNZD dimensional requirements located within applicable TNZD plan report. PD District based on applicable zoning district uses permitted by the PD District as listed in Table 2.8.2.								
*Mixed use and non-residential structures on corner lots may have a zero front yard and street side yard setback/build-to lines in these zoning districts.								
**Additional height is allowed, if all required yards are increased five feet for each story or each additional ten feet of building height over 3 stories/45 feet.								
*** Garages with doors facing the street shall have a minimum setback of 25 feet.								

**SECTION II:** Chapter 5 of the LDC, Section 5.3.1.C, is amended as follows:

Table 5.3.1 Dimensional Standards: Residential Development

Zoning District	Minimum Lot Area	Min. Lot Width	Min. Front and Side Street Yard Setback	Minimum Side Yards (Each)	Minimum Rear Yard Setback	Maximum Building Height
RR	5 Acres	150 ft	30 ft	15 ft	50 ft	35 ft
RE*	105,000 sf	150 ft	90 ft (front); 60 ft (street side)	20 ft minimum, 50 ft total	50 ft	35 ft
R-E, R-1	40,000 sf	150 ft	<del>75 ft (front); 25 ft (street side)</del> 15 ft.****	15 ft minimum, 45 ft total	25 ft.	35 ft
R-2	20,000 sf	100 ft	<del>30 ft</del> 15 ft.****	10 ft minimum, 30 ft total	25 ft.	35 ft
R-3	12,000 sf	75 ft	<del>30 ft</del> 15 ft.****	7.5 ft minimum, 22.5 total	25 ft.	35 ft
R-4	9,000 sf	60 ft	<del>30 ft</del> 15 ft.****	**	25 ft.	35 ft
R-5	6,000 sf	50 ft	<del>25 ft</del> 15 ft.****	5 ft	25 ft.	35 ft
PRD	1500 sf	0 ft.	0 ft.	0 ft.	0 ft.	35 ft.
R-5A	6,000 sf	50 ft	<del>20 ft</del> 15 ft.****	5 ft	25 ft.	35 ft
R-5B	6,000 sf	30 ft	<del>20 ft</del> 15 ft.****	3 ft	25 ft.	35 ft
R-6, OR	6,000 sf	25 ft	15 ft****	3 ft	25 ft.	35 ft
U-N	2,500 sf 1500 sf if attached	18 ft	15 ft****	3 ft	6 ft.	35 ft
R-7, OR-1	6,000 sf	25 ft	15 ft****	3 ft	15 ft	45 ft (see footnote)***
R-8A, OR-2, CR, CN	6,000 sf	25 ft	15 ft****	3 ft	15 ft	45 ft (see footnote)***
OR-3, OTF, C-1, C-2	5,000 sf	None	None	None	15 ft	45 ft (see footnote)***
Note: The PDD shall use the dimensional standards of the zoning district uses as listed in Table 2.8.2.						
* as in effect in Anchorage, Douglass Hills and Shively; for standards in effect in other jurisdictions, refer to next line of table.						
**For lots created prior to August 22, 2000, and lots shown on preliminary plans approved prior to that date, the side yards shall be minimum 6', total of 18'; for lots created or shown on preliminary plans approved after that date, the side yards shall be 5' on each side.						
*** Additional height is allowed, if all required setbacks are increased five feet for each additional ten feet of building height, or fraction thereof, over 45 feet. This extra setback does not apply to off-street parking and maneuvering areas. Non-residential uses are subject to building height limits as established in Table 5.3.2						
**** Garages with doors facing the street shall have a minimum setback of 25 feet.						

**SECTION III:** This resolution shall take effect upon its passage and approval.

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Chair