

**MINUTES OF THE MEETING
OF THE
LOUISVILLE METRO PLANNING COMMISSION MEETING
April 15, 2021**

A meeting of the Louisville Metro Planning Commission was held on Thursday, April 15, 2021 via Webex.

Commissioners present:

Lula Howard, Acting Chair
Jeff Brown (left at 5:45 p.m.)
Rich Carlson
Patricia Clare
Ruth Daniels (left at 5:00 p.m.)
Patricia Seitz
Rob Peterson
Jim Mims

Commissioners absent:

Marilyn Lewis, Chair
Te'Andre Sistrunk

Staff members present:

Emily Liu, Director, Planning & Design Services
Joe Reverman, Assistant Director, Planning & Design Services
Brian Davis, Planning & Design Manager
Julia Williams, Planning Supervisor
Dante St. Germain, Planner II
Joel Dock, Planner II
Travis Fiechter, Legal Counsel
Beth Stuber, Transportation Planning
Mark Sites, MSD
Anne Trout, attorney with MSD
Chris Cestaro, Management Assistant

The following matters were considered:

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APPROVAL OF MINUTES

Approval of the Minutes for the March 1, 2021 Planning Commission night hearing.

00:04:51 On a motion by Commissioner Brown, seconded by Commissioner Seitz, the following resolution was adopted:

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** the minutes of the Planning Commission night hearing conducted on March 1, 2021.

The vote was as follows:

YES: Commissioners Brown, Clare, Daniels, Seitz, and Peterson,

ABSTAIN: Commissioners Carlson, Mims, and Howard.

NOT PRESENT: Commissioners Lewis and Sistrunk.

Approval of the Minutes for the April 1, 2021 regular meeting of the Planning Commission.

00:06:22 On a motion by Commissioner Brown, seconded by Commissioner Seitz, the following resolution was adopted:

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** the minutes of the hearing conducted on April 1, 2021.

The vote was as follows:

YES: Commissioners Clare, Carlson, Mims, Seitz, Peterson, and Howard.

ABSTAIN: Commissioners Brown and Daniels.

NOT PRESENT: Commissioners Lewis and Sistrunk.

Approval of the Minutes for the April 5, 2021 Planning Commission night hearing.

00:07:52 On a motion by Commissioner Brown, seconded by Commissioner Carlson, the following resolution was adopted:

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** the minutes of the Planning Commission night hearing conducted on April 5, 2021.

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APPROVAL OF MINUTES

The vote was as follows:

YES: Commissioners Brown, Clare, Carlson, Daniels, Mims, Seitz, Peterson, and Howard.

NOT PRESENT: Commissioners Lewis and Sistrunk.

Approval of the Minutes for the April 12, 2021 Planning Commission night hearing.

00:09:03 On a motion by Commissioner Brown, seconded by Commissioner Seitz, the following resolution was adopted:

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** the minutes of the Planning Commission night hearing conducted on April 12, 2021.

The vote was as follows:

YES: Commissioners Brown, Clare, Carlson, Daniels, Mims, Seitz, and Howard.

ABSTAIN: Commissioner Peterson.

NOT PRESENT: Commissioners Lewis and Sistrunk.

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BUSINESS SESSION

CASE NO. 20-DDP-0045

Request: Revised Detailed District Development Plan for multi-family development, with associated Binding Elements and Waivers

Project Name: Providence Point

Location: 2020 Herr Lane

Owner: Providence Point LLC

Applicant: Providence Point LLC

Representative: Bardenwerper, Talbott & Roberts

Jurisdiction: Louisville Metro

Council District: 7 - Paula McCraney

Case Manager: Dante St. Germain, AICP, Planner II

Notices were sent by first class mail to those adjoining property owners whose names were supplied by the applicants.

The staff report prepared for this case was incorporated into the record. The Commissioners received this report in advance of the hearing, and this report was available to any interested party prior to the public hearing. (The staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5th Street.)

Agency Testimony:

00:10:10 Before discussion opened, Commissioner Howard noted that this case had already been heard at a public hearing with full evidence and testimony presented. The Commission then closed the public hearing after all testimony was heard, and today the case was to be opened for Commissioner deliberation and voting only. However, the Commission received a question from a citizen for an MSD representative, so Commissioner Howard referred the matter to the Planning Commission attorney to see if additional discussion/testimony can be heard today or not. Travis Fiechter, Assistant County Attorney for the Planning Commission, addressed the issue and said he recommended that this case be continued to the next Planning Commission public hearing for limited cross-examination of Mr. David Johnson of MSD.

00:14:45 Anne Trout, Assistant General Counsel with MSD, discussed the Planning Commission bylaws and how this issue relates to that (see recording for detailed discussion.)

The following spoke regarding this issue:

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BUSINESS SESSION

CASE NO. 20-DDP-0045

William Bardenwerper, Bardenwerper Talbott & Roberts, 1000 North Hurstbourne Parkway, Louisville, KY 40223 (applicant's representative)

Clarence Hixson, 1336 Hepburn Avenue, Louisville, KY 40204 (attorney for affected property owner)

Summary of testimony of those who spoke regarding this issue:

00:19:05 William Bardenwerper, the applicant's representative, discussed due process and procedural issues related to this request (see recording.)

00:20:39 Commissioner Seitz and Mr. Fiechter discussed how the Planning Commission could handle testimony (see recording.) May 6, 2021 is the next full Planning Commission public hearing.

00:25:12 Clarence Hixson, representing an affected property owner, Dennis Dolan, discussed due process, testimony, and cross-examination.

00:26:55 All attorneys and Commissioners discussed Planning Commission hearing dates, and whether Mr. Johnson, specifically, would have to appear to answer questions (it was decided that he would.)

00:31:33 Commissioner Brown asked Mr. Hixson if his cross-examination of Mr. Johnson would be related to the case they are hearing, or to the ongoing lawsuit between Mr. Dolan and MSD. Mr. Hixson said the cross-examination would be related to what Mr. Johnson said at the Planning Commission hearing regarding the importance of stormwater management methods.

An audio/visual recording of the Planning Commission hearing related to this case is available on the Planning & Design Services website, or you may contact the Customer Service staff to view the recording or to obtain a copy.

00:33:41 On a motion by Commissioner Brown, seconded by Commissioner Seitz, the following resolution was adopted:

RESOLVED, the Louisville Metro Planning Commission does hereby **CONTINUE** this case to the **May 20, 2021** Planning Commission public hearing to give David Johnson of

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BUSINESS SESSION

CASE NO. 20-DDP-0045

MSD an opportunity to be present for cross-examination regarding his testimony at the previous Planning Commission public hearing.

The vote was as follows:

YES: Commissioners Brown, Clare, Carlson, Daniels, Mims, Seitz, Peterson, and Howard.

NOT PRESENT: Commissioners Lewis and Sistrunk.

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BUSINESS SESSION

CASE NO. 21-FBH-0001

Request: Factory Built Housing
Project Name: Barricks Road Modular Home
Location: 10810 Barricks Road
Owner: Daniel Lee
Applicant: Daniel Lee
Representative: None
Jurisdiction: Louisville Metro
Council District: 13 - Mark Fox
Case Manager: Rachel Mandell, Planner I

Notice of this public hearing appeared in The Courier-Journal, a notice was posted on the property, and notices were sent by first class mail to those adjoining property owners whose names were supplied by the applicants.

The staff report prepared for this case was incorporated into the record. The Commissioners received this report in advance of the hearing, and this report was available to any interested party prior to the public hearing. (The staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5th Street.)

Agency Testimony:

00:35:37 Rachel Mandell gave a brief Power Point presentation (see recording for detailed presentation.)

00:41:46 In response to a question from Commissioner Mims, Ms. Mandell explained why this case needed to be referred to the Planning Commission (roof pitch did not conform with the standards listed in sub-section 4.1.2.C of the Land Development Code.)

00:42:28 In response to a question from Commissioner Carlson, Ms. Mandell said the structure is set back about 705 feet from Barricks Road.

00:43:00 In response to a question from Commissioner Peterson, Ms. Mandell said the applicant will comply with the building code as far as materials. After this process, the applicant will still be required to get building permits to construct the modular home.

00:43:38 Commissioners' deliberation.

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CASE NO. 21-FBH-0001

An audio/visual recording of the Planning Commission hearing related to this case is available on the Planning & Design Services website, or you may contact the Customer Service staff to view the recording or to obtain a copy.

00:43:54 On a motion by Commissioner Peterson, seconded by Commissioner Seitz, the following resolution, based on the Standard of Review and Staff Analysis, and evidence and testimony heard today, was adopted:

WHEREAS the Louisville Metro Planning Commission finds that a one-eighth mile buffer was applied to the subject site. There are two properties within the buffer with existing residential structures: 10800 Barricks Road and 10820 Barricks Road. Data and imagery provided by the PVA indicates that both residential units on these properties are factory-built housing. The surrounding area is used agriculturally with lot sizes ranging over 18 acres. Traditional housing styles with steep roof pitches would be out of character with the existing residential structures; and

WHEREAS, the Commission further finds that Guideline 1, Policy 4 strives to ensure new development and redevelopment are compatible with scale and site design of nearby existing development with the desired pattern of development within the Form district. The proposed modular home will not violate specific guidelines of Cornerstone 2040 as the proposal will allow for the residential use of the site in a manner that is appropriate for the form district and surrounding area. The structure will not allow an unreasonable circumvention of the regulations or cause a hazard to the public. Additionally, the Neighborhood Form District regulations state that the form district will contain diverse housing styles and types in order to provide housing choice for differing ages, incomes and abilities; now, therefore be it

RESOLVED, the Louisville Metro Planning Commission does hereby **APPROVE** the requested factory-built housing application that does not conform with one or more of the standards listed in sub-section 4.1.2.C of the Land Development Code.

The vote was as follows:

YES: Commissioners Brown, Clare, Carlson, Daniels, Mims, Seitz, Peterson, and Howard.

NOT PRESENT: Commissioners Lewis and Sistrunk.

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PUBLIC HEARING

CASE NO. 20-TNZD-0001

NOTE: This case will be continued to the May 6, 2021 Planning Commission meeting.

Request:	TNZD Map Amendment from General Neighborhood, Single or Two-Family to General Neighborhood, Multi-Family
Project Name:	TNZD Map Amendment
Location:	1801 & 1803 S 3rd Street
Owner:	Mansard LLC
Applicant:	Mansard LLC
Representative:	Bardenwerper, Talbott & Roberts
Jurisdiction:	Louisville Metro
Council District:	6 - David James
Case Manager:	Dante St. Germain, AICP, Planner II

Notices were sent by first class mail to those adjoining property owners whose names were supplied by the applicants.

The staff report prepared for this case was incorporated into the record. The Commissioners received this report in advance of the hearing, and this report was available to any interested party prior to the public hearing. (The staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5th Street.)

An audio/visual recording of the Planning Commission hearing related to this case is available on the Planning & Design Services website, or you may contact the Customer Service staff to view the recording or to obtain a copy.

00:46:18 On a motion by Commissioner Brown, seconded by Commissioner Carlson, the following resolution was adopted:

RESOLVED, the Louisville Metro Planning Commission does hereby **CONTINUE** this case to the **May 6, 2021** Planning Commission public hearing in order for the applicant to provide more information to the Planning Commission, at the applicant's request.

The vote was as follows:

YES: Commissioners Brown, Clare, Carlson, Daniels, Mims, Seitz, Peterson, and Howard.

NOT PRESENT: Commissioners Lewis and Sistrunk.

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PUBLIC HEARING

CASE NO. 19ZONE1016 AND 19ZONE1017

Request: Review of Elevations for Compliance with Binding Elements
Project Name: Langdon Place Rezoning Elevations
Location: 2813 Langdon Drive, 2816 Weissinger Road, 9121 Blossom Lane
Owner: Leigh Ann Properties LLC
Applicant: Leigh Ann Properties LLC
Representative: Nick Pregliasco - Bardenwerper Talbott & Roberts
Jurisdiction: Louisville Metro
Council District: 17 - Markus Winkler
Case Manager: Dante St. Germain, AICP, Planner II

Notices were sent by first class mail to those adjoining property owners whose names were supplied by the applicants.

The staff report prepared for this case was incorporated into the record. The Commissioners received this report in advance of the hearing, and this report was available to any interested party prior to the public hearing. (The staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5th Street.)

Agency Testimony:

00:47:47 Dante St. Germain presented the case and showed a Power Point presentation (see recording for detailed presentation.) She noted that these two zoning cases were heard together at a night hearing in October, 2020. They were heard again at the Development Review Committee (DRC) meeting on April 14, 2021. They are here before the full Planning Commission today because the DRC Committee could not reach a unanimous decision.

00:56:55 Commissioner Brown said he was present at DRC on April 14, 2021 when this case was heard, and he also reviewed the night hearing meeting minutes. The question was raised about the porches, and at that time the applicant said there was an error on the plan and that they would not be providing the front porch.

The following spoke in support of this request:

Nick Pregliasco, Bardenwerper Talbott & Roberts, 1000 North Hurstbourne Parkway, Louisville, KY 40223

Brent Likins, 1522 Goshen Lane, Goshen, KY 40026

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CASE NO. 19ZONE1016 AND 19ZONE1017

Summary of testimony of those in support:

00:57:47 Nick Pregliasco, the applicant's representative, presented the applicant's case and showed a Power Point presentation. His presentation included showing the new elevations and describing the new changes that have been made since the April 14, 2021 DRC meeting (see recording for detailed presentation.)

01:12:34 Commissioners Peterson and Seitz discussed the quoin corners on the center (all-brick) section and other size/design issues with Mr. Likins (see recording.)

01:19:21 Mr. Pregliasco requested that some design issues discussed today might be staff-approved on condition that the applicant submit revised elevations showing details about what the window would look like, and have staff make the determination if that fits with what has been discussed.

01:19:53 Commissioners Carlson and Seitz discussed features on the ends of the buildings (see recording.)

01:22:17 Ms. St. Germain, the Commissioners, and Brian Davis (Planning & Design Manager with Planning & Design Services) discussed the suggested condition/s of approval.

The following spoke in opposition to this request:

No one spoke.

01:22:17 Commissioners' deliberation.

An audio/visual recording of the Planning Commission hearing related to this case is available on the Planning & Design Services website, or you may contact the Customer Service staff to view the recording or to obtain a copy.

Case No. 19ZONE1016 Review of Elevations

01:27:27 On a motion by Commissioner Seitz, seconded by Commissioner Peterson, the following resolution, based on the Standard of Review and Staff Analysis, and evidence and testimony heard today, was adopted:

RESOLVED, the Louisville Metro Planning Commission does hereby **APPROVE** the requested Review of Elevations for the duplex at Case No. 19ZONE1016, **SUBJECT** to

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CASE NO. 19ZONE1016 AND 19ZONE1017

staff approval of renderings putting a Spandrel window with shutters above the garage doors and to have the arch over it to match the other windows.

The vote was as follows:

YES: Commissioners Carlson, Daniels, Mims, Seitz, Peterson, and Howard.

NO: Commissioner Brown.

ABSTAIN: Commissioner Clare.

NOT PRESENT: Commissioners Lewis and Sistrunk.

Case No. 19ZONE1017 Review of Elevations

01:31:17 On a motion by Commissioner Seitz, seconded by Commissioner Peterson, the following resolution, based on the Standard of Review and Staff Analysis, and evidence and testimony heard today, was adopted:

RESOLVED, the Louisville Metro Planning Commission does hereby **APPROVE** the requested Review of Elevations for Case No. 19ZONE1017 for the six-plex and which includes review of materials, design, and brick color with the additions as stated at today's hearing, and on condition that quoining shall run to the full two stories in the center section on the front.

The vote was as follows:

YES: Commissioners Carlson, Daniels, Mims, Seitz, Peterson, and Howard.

NO: Commissioner Brown.

ABSTAIN: Commissioner Clare.

NOT PRESENT: Commissioners Lewis and Sistrunk.

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PUBLIC HEARING

CASE NO. 20-ZONE-0110

Request: Change in Zoning from R-5, single-family residential to OR, office-residential with detailed plan, waivers and variances
Project Name: Southall Professional Office
Location: 3506 Dutchmans Lane
Owner: Mapp Management, LLC
Applicant: Mapp Management, LLC
Representative: Cliff Ashburner - Dinsmore & Shohl, LLP
Jurisdiction: Louisville Metro
Council District: 26 - Brent Ackerson
Case Manager: Joel Dock, AICP, Planner II

Notice of this public hearing appeared in The Courier-Journal, a notice was posted on the property, and notices were sent by first class mail to those adjoining property owners whose names were supplied by the applicants.

The staff report prepared for this case was incorporated into the record. The Commissioners received this report in advance of the hearing, and this report was available to any interested party prior to the public hearing. (The staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5th Street.)

Agency Testimony:

01:32:50 Joel Dock presented the case and showed a Power Point presentation (see recording for detailed presentation.)

01:37:25 In response to a question from Commissioner Clare, Mr. Dock discussed the new parking on the site and the shared driveway access from Bowman. Once a vehicle enters the property, the access is no longer shared; there is no need for any shared access agreements between the two properties because the apron for the access is contained within the right-of-way.

The following spoke in support of this request:

Cliff Ashburner, Dinsmore & Shohl, 101 South Fifth Street, Louisville, KY 40202

Derek Triplett, Land Design & Development, 503 Washburn Avenue, Louisville, KY 40222

Summary of testimony of those in support:

01:39:32 Cliff Ashburner, the applicant's representative, presented the applicant's case and showed a Power Point presentation (see recording for detailed presentation.)

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01:47:17 Derek Triplett discussed landscaping and how that is intended to mitigate/screen the parking area (see recording.)

01:49:35 Mr. Ashburner resumed and concluded his presentation.

01:51:20 In response to a question from Commissioner Mims, Mr. Ashburner said no lighting study had been done yet but discussed some possible parking lot lighting. He also said there is no plan yet for signage, but whatever is decided upon will be a monument-style sign and will conform to the Land Development Code. Mr. Dock said the signage on this site would have to be monument or columnar style, because this site is in a Neighborhood form district.

01:56:00 In response to a question from Commissioner Brown, Mr. Ashburner said the applicant does not yet have a tenant and so cannot provide hours of operation. However, based on the square footage of the building, any business here would have to be a small office, usually with typical business hours.

01:56:47 In response to a question from Commissioner Howard, Mr. Ashburner confirmed that the land use directly across the street from the parking area is a funeral home parking lot.

The following spoke in opposition to this request:

No one spoke.

01:58:40 Commissioners' deliberation.

An audio/visual recording of the Planning Commission hearing related to this case is available on the Planning & Design Services website, or you may contact the Customer Service staff to view the recording or to obtain a copy.

Change-in-Zoning from R-5, single-family to OR, office-residential

02:05:27 On a motion by Commissioner Carlson, seconded by Commissioner Mims, the following resolution, based on the Plan 2040 Staff Analysis and evidence and testimony heard today, was adopted

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WHEREAS, the Louisville Metro Planning Commission finds that the request meets the intents of Community Form: Goal 1 because the proposed land use is located along an arterial roadway and does not encroach upon residential neighborhoods to the rear of the subject site which will remain residentially zoned. The district does not result in the displacement of residents, loss of affordable housing units, or create adverse impacts of traffic, parking, signs, lighting, noise, odor, or stormwater; the proposed land use is located along an arterial roadway with transit service which connects major arterials and activity centers to employment and populations; traffic would not appear to have a significant impact based on the roadway classification. Residential roadways are not used for access; and the OR district does not allow for uses that produce significant odors or noises; and

WHEREAS, the Commission further finds that the request meets the intents of Community Form: Goal 2 because the proposed district is the minimum necessary to allow for professional offices and is limited in intensity and density; the subject site is appropriately located for its intensity and density with transit service which connects major arterials and activity centers to employment and populations; the land use introduces supportive services to the area that are supported by population and employment centers in the area. The proposal is compact and uses the site efficiently to provision an office in the existing structure; the land use introduces supportive services to the area that are supported by population and employment centers in the area; all modes of transportation are supported by required improvements of the proposal; introduction of the land use enhances neighborhood vitality and sense of place given the location of the district providing a transition from the arterial to lower intensity and density to its rear; and the proposal results in the reuse of existing structures; and

WHEREAS, the Commission further finds that the proposal meets the intents of Community Form: Goal 3 because the site development will have a limited impact on natural features. All requirements of MSD will be satisfied by the proposed development plan and construction plans to minimize environmental degradation that may result from site development; no wet or highly permeable soils, severe, steep or unstable slopes appear to be present on site. MSD preliminary approval has been received; and no changes to flood-prone areas and other features vulnerable to natural disasters are impacted by the proposed district. The site is not located within the floodplain. MSD preliminary approval has been received; and

WHEREAS, the Commission further finds that the proposal meets the intents of Community Form: Goal 4 because the proposal results in the rehabilitation and reuse of existing structures; and

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WHEREAS, the Commission further finds that the proposal meets the intents of Mobility: Goal 1 because the proposed low intensity use is appropriately located for to transit-oriented development and an efficient public transportation system; and

WHEREAS, the Commission further finds that the proposal meets the intents of Mobility: Goal 2 because traffic would not appear to have a significant impact based on the roadway classification. Residential roadways are not used for access; and

WHEREAS, the Commission further finds that the proposal meets the intents of Mobility: Goal 3 because the land use introduces supportive services to the area that are supported by population and activity centers in the area; all improvements to public ways required by the LDC and Transportation Planning will be addressed or mitigated. The addition of this land use may reduce vehicle miles travel by encouraging a mix of land uses; all improvements to public ways required by the LDC and Transportation Planning will be addressed or mitigated. The district supports transit and pedestrian use by locating additional services along transit routes; and all improvements to public ways required by the LDC and Transportation Planning will be addressed or mitigated. Pedestrian connections will be made, and improvements will occur with the approval of DPW; and

WHEREAS, the Commission further finds that the proposal meets the intents of Community Facilities: Goal 2 because utilities appear to be available to serve the proposed land use; an adequate supply of potable water and water for fire-fighting purposes will be available; and adequate means of sewage treatment and disposal to protect public health and to protect water quality in lakes and streams will be provided as approved by MSD; now, therefore be it

RESOLVED, the Louisville Metro Planning Commission does hereby **RECOMMEND** to the Louisville Metro Council that the proposed change in zoning from R-5, single-family to OR Office Residential be **APPROVED**.

The vote was as follows:

YES: Commissioners Brown, Clare, Carlson, Daniels, Mims, Seitz, Peterson, and Howard.

NOT PRESENT: Commissioners Lewis and Sistrunk.

Variances from Land Development Code (LDC), section 5.3.2 to reduce the street side setback from 10' to 5' and the rear setback from 15' to 3'

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CASE NO. 20-ZONE-0110

02:06:42 On a motion by Commissioner Carlson, seconded by Commissioner Daniels, the following resolution, based on the Standard of Review and Staff Analysis, and evidence and testimony heard today, was adopted:

WHEREAS, the Louisville Metro Planning Commission finds that the requested variance will not adversely affect the public health, safety or welfare as the encroachment into the required setback on Bowman Avenue and at the rear of the property does not impede the safe movement of pedestrians or vehicles, and does not encroach upon neighboring properties; and

WHEREAS, the Commission further finds that the requested variance will not alter the essential character of the general vicinity as the parking lot will be screened from rights-of-way and adjacent property; and

WHEREAS, the Commission further finds that the requested variance will not cause a hazard or nuisance to the public as the setback does not impede the safe movement of pedestrians or vehicles and does not encroach upon neighboring properties; and

WHEREAS, the Commission further finds that the requested variance will not allow an unreasonable circumvention of the zoning regulations as the parking lot with associated encroachments are the minimum necessary to provision 4 off-street parking spaces on this corner lot; and

WHEREAS, the Commission further finds that the requested variance arises from special circumstances which do not generally apply to land in the general vicinity or the same zone as the Bowman Area Neighborhood Plan supports the conversion of the existing homes along Dutchmans Lane for office purposes, and these lots are not originally intended to be used non-residentially; and

WHEREAS, the Commission further finds that the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land as the proposal complies with Plan 2040 as demonstrated in the Plan 2040 Staff Analysis for zoning change; and

WHEREAS, the Commission further finds that the circumstances are not the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought as no development has occurred; now, therefore be it

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RESOLVED, the Louisville Metro Planning Commission does hereby **APPROVE** the requested Variances from Land Development Code (LDC), section 5.3.2 to reduce the street side setback from 10 feet to 5 feet and the rear setback from 15 feet to 3 feet.

The vote was as follows:

YES: Commissioners Brown, Clare, Carlson, Daniels, Mims, Seitz, Peterson, and Howard.

NOT PRESENT: Commissioners Lewis and Sistrunk.

Waivers:

Waiver #1 of LDC, section 10.2.4 to reduce the Landscape Buffer Area (LBA) where existing structures are present and to omit the screening requirement in areas of encroachment only

Waiver#2 of LDC, section 10.2.4 to reduce the LBA along the rear property line

02:07:46 On a motion by Commissioner Carlson, seconded by Commissioner Daniels, the following resolution, based on the Standard of Review and Staff Analysis, and evidence and testimony heard today, was adopted:

(Waiver #1) WHEREAS, the Louisville Metro Planning Commission finds that the waiver will not adversely affect adjacent property owners as all required plantings and screening will be provided, except in areas where structures provide adequate screening; and

WHEREAS, the Commission further finds that Guideline 3, Policy 9 of Cornerstone 2020 calls for the protection of the character of residential areas, roadway corridors and public spaces from visual intrusions and mitigate when appropriate. Guideline 13, Policy 4 calls for ensuring appropriate landscape design standards for different land uses within urbanized, suburban, and rural areas. The proposed development will provide all required planting materials to protect the residences from visual intrusions, except that no planting will be provided where existing structures currently provide screening; and

WHEREAS, the Commission further finds that the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant as existing structures are present; and

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WHEREAS, the Commission further finds that the strict application of the provisions of the regulation would create an unnecessary hardship on the applicant as the development potential is substantially restricted with the full application of the buffer on each property line and structures are present; and

(Waiver #2) WHEREAS, the Commission further finds that the waiver will not adversely affect adjacent property owners as all required plantings and screening will be provided; and

WHEREAS, the Commission further finds that Guideline 3, Policy 9 of Cornerstone 2020 calls for the protection of the character of residential areas, roadway corridors and public spaces from visual intrusions and mitigate when appropriate. Guideline 13, Policy 4 calls for ensuring appropriate landscape design standards for different land uses within urbanized, suburban, and rural areas. The proposed development will provide all required planting materials to protect the residences from visual intrusions. The area of encroachment is adjacent to a driveway leading to the rear yard of the adjacent home; and

WHEREAS, the Commission further finds that the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant as the site is recommended for office conversion and was not intended for non- residential use; and

WHEREAS, the Commission further finds that the strict application of the provisions of the regulation would create an unnecessary hardship on the applicant as the encroachment allows for the provisioning of walks and ADA access, as well as a small parking lot; now, therefore be it

RESOLVED, the Louisville Metro Planning Commission does hereby **APPROVE** the requested Waiver #1 of LDC, section 10.2.4 to reduce the Landscape Buffer Area (LBA) where existing structures are present and to omit the screening requirement in areas of encroachment only; and Waiver#2 of LDC, section 10.2.4 to reduce the LBA along the rear property line.

The vote was as follows:

YES: Commissioners Brown, Clare, Carlson, Daniels, Mims, Seitz, Peterson, and Howard.

NOT PRESENT: Commissioners Lewis and Sistrunk.

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CASE NO. 20-ZONE-0110

Detailed District Development Plan

02:09:14 Before a motion was made, In response to a question from Commissioner Carlson regarding a binding element, Mr. Dock said a proposed binding element would read:

Freestanding signage on-site shall not exceed six feet in height, 60 square feet in area.

02:10:41 On a motion by Commissioner Carlson, seconded by Commissioner Seitz, the following resolution, based on the Standard of Review and Staff Analysis, and evidence and testimony heard today, was adopted:

WHEREAS, the Louisville Metro Planning Commission finds that the conservation of natural resources on the property proposed for development, including: trees and other living vegetation, steep slopes, water courses, flood plains, soils, air quality, scenic views, and historic sites will be provided. All tree canopy required by the Land development code will be provided, no karst features were noted on the plan, and MSD preliminary plan approval has been received to reduce degradation that may be caused by storm events and run-off; and

WHEREAS, the Commission further finds that provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community will be provided. The site is along Transit in an area with public sidewalks; and

WHEREAS, the Commission further finds that the proposal is not required to provide open space. All tree canopy and detention will be provided as required; and

WHEREAS, the Commission further finds that the Metropolitan Sewer District has approved the preliminary development plan and will ensure the provisions of adequate drainage facilities on the subject site in order to prevent drainage problems from occurring on the subject site or within the community; and

WHEREAS, the Commission further finds that the proposal does not significantly impact the character of the area as the existing home will be reused and parking areas screened from roads and homes. The Bowman Area Neighborhood Plan calls for proposal such as the one proposed; and

WHEREAS, the Commission further finds that the proposed development plan conforms to the Comprehensive Plan and all relief requested from the Land Development Code appears to be adequately justified; now, therefore be it

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PUBLIC HEARING

CASE NO. 20-ZONE-0110

RESOLVED, the Louisville Metro Planning Commission does hereby **APPROVE** the requested Detailed District Development Plan, **SUBJECT** to the following binding elements:

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. Before any permit (including but not limited to building, parking lot, change of use, site disturbance) is requested:
 - a. The development plan must receive full construction approval from Louisville Metro Construction Review, Louisville Metro Public Works and the Metropolitan Sewer District.
 - b. Encroachment permits must be obtained from the Kentucky Transportation Cabinet, Bureau of Highways.
 - c. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
3. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.
4. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors; and assignees,

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contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.

5. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
6. Signage shall be limited to monument or columnar style not to exceed 60 square feet and 6 feet in height.

The vote was as follows:

YES: Commissioners Brown, Clare, Carlson, Daniels, Mims, Seitz, Peterson, and Howard.

NOT PRESENT: Commissioners Lewis and Sistrunk.

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PUBLIC HEARING

CASE NO. 21-LDC-0001

***NOTE: This case began at 3:27 p.m.**

Request: Amend the Land Development Code (LDC) concerning
boarding and group housing regulations
Project Name: Boarding and Group Housing Amendments
Jurisdiction: Louisville Metro and All Suburban Cities with Zoning
Authority
Case Manager: Joseph Haberman, AICP, Planning Manager

Notice of this public hearing appeared in **The Courier Journal**.

The staff report prepared for this case was incorporated into the record. The Commissioners received this report in advance of the hearing, and this report was available to any interested party prior to the public hearing. (Staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5th Street.)

Agency Testimony:

02:13:44 Joseph Haberman discussed the case summary via a PowerPoint presentation (see video for full presentation). Louisville Metro Council has directed staff at the Office of Planning & Design Services to review the LDC regarding temporary housing in residential zoning districts and consider additional standards to improve the compatibility of these uses within residential areas. In addition, Metro Council requested recommendations that will aid in the enforcement of the regulations to ensure compliance. As defined in the resolution, temporary housing, often referred to as group housing, includes Boarding and Lodging Houses, Homeless Shelters, Rehabilitation Houses, Residential Care Facilities, and Transitional Housing.

Haberman provided an overview of the various changes to the Land Development Code that are being requested. The changes pertain to Boarding & lodging houses, Homeless shelters, Rehabilitation homes, Residential care facilities, Transitional housing, and Recovery housing. Planning & Design staff developed these proposed amendments after a number of meetings with local and state agencies, elected officials, stakeholders, community groups, advocates, and members of the public.

02:38:21 The Planning Commissioners asked questions of staff.

Commissioner Carlson asked if the Louisville Metro Code of Ordinances (LMCO) are consistent with building code regulations in regards to bedroom size. Joseph Haberman said the LMCO section only applies to single-family uses, which these uses would not fall under, and that he is not familiar enough with building code to give an adequate answer.

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02:41:47 Commissioner Mims stated Louisville Metro has to be in line with Kentucky Residential Code and Kentucky Commercial Code, and that you cannot install provisions more restrictive than these codes. Commissioner Mims also said enforcement of boarding & lodging homes is difficult because of the amount of time it takes. Mims also stated the definition, or lack thereof, of family unit adds to that enforcement difficulty.

02:53:39 Commissioner Daniels commented on the issue of clustering of boarding & lodging homes in certain areas. Joseph Haberman said there were concerns about establishing a cap based on geographic areas, thus the 1000-foot rule that was added to the proposed amendments.

The following spoke regarding the request:

Katheryn Higgins, 2605 W. Chestnut Street, Louisville, KY 40211
Steve Porter, 2406 Tucker Station Road, Louisville, KY 40299
Paul Whitty, 1000 N. Hurstbourne Parkway, Louisville, KY 40223

Summary of testimony regarding the request:

03:08:48 Katheryn Higgins spoke regarding the matter. Her neighborhood has seen a problem with the clustering of boarding & lodging homes. Sometimes these people do not respect the neighborhood and it can create problems.

03:11:19 Commissioner Carlson asked about non-conforming status for any uses that may be in existence and how enforcement may be initiated in the future. Joseph Haberman stated many will not meet the non-conforming rights requirements.

03:23:29 Steve Porter spoke on the matter. Porter stated there are lot of enforcement issues throughout the Land Development Code, not just boarding & lodging houses, so he hopes Metro Council can find some funds to help give Planning & Design what they need in order to properly enforce.

03:28:46 Paul Whitty spoke on the matter. He reaffirmed that the dispersal of these types of units is an issue. There needs to be some kind of subsidy system or something to help facilities overcome the economic challenges of opening in other parts of the community.

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Deliberation

03:38:57 Planning Commission deliberation.

An audio/visual recording of the Planning Commission hearing related to this case is available on the Planning & Design Services website, or you may contact the Customer Service staff to view the recording or to obtain a copy.

Boarding and Group Housing Amendments

03:39:31 On a motion by Commissioner Carlson, seconded by Commissioner Seitz, the following resolution based on the staff report and the testimony heard today was adopted.

RESOLVED, that the Louisville Metro Planning Commission does hereby **RECOMMEND** to Metro Council and all other cities with zoning authority the amendments to the Land Development Code related to boarding and group housing as identified in the attached document which includes amendments to:

Chapter 1 Part 2 Definitions,
Chapter 2 Part 2 Residential Zoning Districts,
Chapter 2 Part 3 Office/Residential Zoning Districts,
Chapter 2 Part 4 Commercial Zoning Districts,
Chapter 2 Part 7 Planned Village Development,
Chapter 4 Part 2 Conditional Use Permits,
Chapter 4 Part 3 Permitted Uses with Special Standards,
Table 9.1.3B Minimum and Maximum Motor Vehicle Parking Based on Use,

be **APPROVED**.

The vote was as follows:

YES: Commissioners Daniels, Clare, Carlson, Brown, Seitz, Mims, Peterson and Howard.

NO: None

NOT PRESENT AND NOT VOTING: Commissioners Sistrunk and Lewis

Louisville Metro Code of Ordinances Recommendations

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03:41:29 On a motion by Commissioner Carlson, seconded by Commissioner Clare, the following resolution based on the staff report and the testimony heard today was adopted.

RESOLVED, that the Louisville Metro Planning Commission does hereby **RECOMMEND** to Metro Council the amendments to the Louisville Metro Code of Ordinances as identified in the attached document be **APPROVED**.

The vote was as follows:

YES: Commissioners Daniels, Clare, Carlson, Brown, Seitz, Mims, Peterson and Howard.

NO: None

NOT PRESENT AND NOT VOTING: Commissioners Sistrunk and Lewis

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Louisville Metro Land Development Code

Chapter 1 Part 2 Definitions

1.2.2 Definitions

For the purposes of Chapters 1 through 11 the following terms, phrases, words, and their derivations shall have the meaning contained herein, except where the context clearly requires otherwise.

Assisted Living Residence/Community – ~~Assisted living residence/community means a~~ A series of living units on the same site certified by Commonwealth of Kentucky under KRS Section 194A.707 to provide services for five (5) or more adult persons not related within the third degree of consanguinity to the owner or manager. Assisted living communities are further regulated by the Commonwealth of Kentucky pursuant to KRS Chapter 194A.

Bed and Breakfast Inn - The use of a residential structure as a small inn which provides no more than nine (9) guest rooms for hire to short term guests in which the only meal served to guests is breakfast, unless the ~~b~~ Bed and Breakfast Inn has an additional food service license which allows other meals to be served. The innkeeper resides on the premises or property immediately adjacent to it during periods of occupancy, and the facility has a permit from the Kentucky Cabinet for Health and Family Services to operate as a ~~Bed and Breakfast Inn~~ bed and breakfast establishment. This term does not include hotels, motels, extended stay lodgings, short term rentals or boarding and lodging houses. A Bed and Breakfast Inn is not an Extended Stay Lodging facility, Hotel, Motel, Short Term Rental, or any other transient use more specifically defined in this Land Development Code. Bed and breakfast establishments are further regulated by the Commonwealth of Kentucky pursuant to KRS Chapter 219.

Boarder - A resident of a Boarding Home or Boarding House who does not require supervision or assistance related to medication, activities of daily living, or a supervised plan of care.

Boarding Home – As defined in KRS Section 216B.300, any home, facility, institution, lodging, or other establishment, however named, which accommodates three (3) or more adults not related by blood or marriage to the owner, operator, or manager, and which offers or holds itself out to offer room and board on a 24-hour basis for hire or compensation. It shall not include any facility which is otherwise licensed and regulated by the cabinet or any hotel as defined in KRS Section 219.011(3). Boarding Homes are further regulated by the Commonwealth of Kentucky

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pursuant to KRS Chapter 216B. A Boarding Home as regulated by the Commonwealth of Kentucky may or may not be a **Boarding House** as regulated in this Land Development Code.

~~Boarding and Lodging House - A dwelling unit where for compensation and by prearrangement rooms are provided for no more than eight people. Meals may or may not be provided, but there exists one common kitchen facility. This term does not include hotels, motels, extended stay lodgings, short term rentals, nursing homes, or assisted living residences.~~
A dwelling unit in which a room(s) is rented to a **Boarder(s)** who is not a member of the **Family** for compensation. A Boarding House is not a **Family Care Home, Homeless Shelter, Rehabilitation Home, Residential Care Facility, Transitional Housing,** or any other use more specifically defined in this Land Development Code. There are two classifications of Boarding Houses:

A. **Residential Lodging House** - A single-family dwelling where one or more occupants are primarily permanent in nature, and rent is paid for guestrooms. A Residential Lodging House is a Boarding House that is owner-occupied and has five (5) or fewer guestrooms.

B. **Commercial Boarding House** - A building arranged or used for lodging for compensation, with or without meals, and not occupied as a single-family dwelling. A Commercial Boarding House is a Boarding House that is either a) not owner-occupied or b) owner-occupied and contains more than five (5) guestrooms.

BOZA – Louisville Metro Board of Zoning Adjustment.

Commercial Boarding House – See **Boarding House.**

~~**Community Residence**—A residence licensed by the Commonwealth of Kentucky, operated and maintained to provide a homelike setting for developmentally disabled individuals (see definition), having only one kitchen and only one dining area (both of which must be common to the residence), not adjacent to or part of an institutional campus, operated by a sponsoring agency or individual for individuals who shall participate in community activities and use community resources, where there are not more than eight persons who are not related to any other resident by blood, legal adoption or marriage.~~

~~**Developmentally Disabled Individual**—An individual having a disability attributable to mental retardation, cerebral palsy, epilepsy, autism (or dyslexia resulting from these), or to any other conditions closely related to mental retardation in terms of intellectual and adaptive problems.~~

Dwelling - A building or portion thereof designed and used exclusively for residential occupancy. ~~This term does not include hotels, motels or extended stay lodgings.~~

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Dwelling Unit - Either a single room or two (2) or more connected rooms used exclusively as a single unit and intended for occupancy for no less than ~~thirty (30)~~ consecutive days or more by one (1) ~~family~~ **Family**, and providing complete, independent living facilities (which at a minimum includes permanent provisions for living, sleeping, eating, cooking, and sanitation which are accessed independently). Notwithstanding the provisions of this definition, where permitted, short term rentals may be occupied by more than one family and for less than 30 consecutive days. This term does not include ~~h~~ **H**otel or ~~m~~ **M**otel rooms, ~~e~~ **E**xtended ~~s~~ **S**tay ~~l~~ **L**odging facilities, ~~n~~ **N**ursing ~~h~~ **H**ome rooms, or ~~a~~ **A**ssisted ~~l~~ **L**iving ~~r~~ **R**esidence units, or any other use more specifically defined in this Land Development Code.

Extended Stay Lodging - Accommodations for persons away from their permanent place of residence, which are available on a daily or weekly basis and may include kitchen facilities. ~~This term does not include short term rentals, boarding and lodging houses, nursing homes or assisted living residences.~~ Extended Stay Lodging is not a **Bed and Breakfast Inn, Hotel, Motel, Short Term Rental**, or any other transient use more specifically defined in this Land Development Code.

Family - One (1) or more persons occupying premises and living as one (1) housekeeping unit, ~~and distinguished from a group occupying a boarding and lodging house, fraternity or sorority house, a club, hotel, or motel.~~

Family Care Home (Mini-Home) - A home licensed by the Commonwealth of Kentucky operated and maintained to provide 24 hour protection and personal care services for residential accommodations for three (3) individuals or less who are not related within the third degree of consanguinity to the licensee and who because of impaired capacity for self-care elect or require a protective environment but do not have an illness, injury, or disability for which constant medical care and skilled nursing services are required. Family Care Homes are further regulated by the Commonwealth of Kentucky pursuant to KRS Chapter 216.

Home for the Infirm and Aged - Any institution, however named, maintained for the care or treatment of individuals unrelated to the owner or operator, who by reason of their age, infirmity, acute, or chronic illness, or by reason of physical or mental handicap require more care than does a normal person.

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Homeless Shelter - Any facility the primary purpose of which is to provide temporary shelter and living quarters for the homeless. The facility provides overnight sleeping accommodations with or without charge; and may provide meals and/or ancillary social, educational, or health services. The facility is staffed.

Hotel - A building used for temporary fee-based occupancy of a room or suite of rooms and which contains no fewer than six (6) such separate rooms or suites and which has a registration desk. ~~This term does not include short term rentals, boarding and lodging houses, nursing homes or assisted living residences.~~ A Hotel is not a Bed and Breakfast Inn, Extended Stay Lodging facility, Motel, Short Term Rental, or any other transient use more specifically defined in this Land Development Code.

KAR – Kentucky Administrative Regulations.

KRS – Kentucky Revised Statutes.

LMCO – Louisville Metro Code of Ordinances.

Motel -An establishment consisting of a group of attached or detached lodging units having bathrooms, used as individual sleeping units for ~~ten~~ 10 or more persons, designed primarily for transient automobile travelers, and providing for accessory off-street parking facilities convenient to the lodging rooms and which may include one dwelling unit for a bona fide caretaker or operator. The term includes buildings designed as auto courts, tourist courts, motor lodges, autels, and similar terms. ~~This term does not include short term rentals, boarding and lodging houses, nursing homes or assisted living residences.~~ A Motel is not a Bed and Breakfast Inn, Extended Stay Lodging facility, Hotel, Short Term Rental, or any other transient use more specifically defined in this Land Development Code.

Nursing Home -Any institution, however named, licensed by the Commonwealth of Kentucky, maintained for the care or treatment of two (2) or more individuals unrelated to the owner or operator or their spouses, employing nursing services or procedures in the care for such residents, that require treatment, judgment, technical knowledge, and skills beyond that which the untrained person possesses, where there are more than five (5) persons who are not related to any other resident by blood, legal adoption, or marriage.

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Person with a Disability - A person with a physical, emotional, or mental disability, including but not limited, ~~to mental retardation~~ an intellectual disability, cerebral palsy, epilepsy, autism, deafness or hard of hearing, sight impairments, and orthopedic impairments, but not including convicted felons or misdemeanants on probation or parole or receiving supervision or rehabilitation services as a result of their prior conviction, or mentally ill persons who have ~~pleaded~~ pled guilty but mentally ill to a crime or not guilty by reason of insanity to a crime. "Person with a Disability" does not include persons with current, illegal use of ~~or addiction to~~ alcohol or any controlled substance as regulated under KRS Chapter 218A.

Rehabilitation Home - A building or group of buildings providing residence for persons ~~recovering from the effects of~~ receiving supervised medical or professional care for drug or alcohol abuse, ~~or~~ psychiatric disorders ~~and/or~~ required to stay at the subject facility as a condition of their parole ~~or probation~~ for a past conviction. Such homes may provide counseling in educational, vocational, or other areas by a paid or volunteer staff and ~~generally~~ have 24-hour-a-day supervision. A ~~r~~ Rehabilitation h Home is not ~~transitional housing~~ a Boarding House, Family Care Home, Homeless Shelter, Residential Care Facility, Transitional Housing, or any other use more specifically defined in this Land Development Code. ~~This definition does not apply to residential care facilities regulated by KRS 100.982. This~~ In addition, this term does not include uses that provide medical care that are more specifically defined in this Land Development Code, such as ~~hospitals and medical clinics,~~ a Hospital, Medical Clinic, or Nursing Home.

Residential Lodging House – See **Boarding House**.

Residential Care Facility - A residence, authorized or licensed by the Commonwealth of Kentucky, operated and maintained by a sponsoring private or governmental agency to provide services in a homelike setting for persons with disabilities. Residential Care Facilities are further regulated by KRS Sections 100.982 to 100.984.

Residential Use – Uses associated with permanent residential occupancy in the form of a dwelling unit (permanent means for at least 30 days in duration). ~~Specific uses such as bed and breakfasts, boarding and lodging houses, hotels, motels, and extended stay facilities~~ Bed and Breakfast Inns, Hotels, Motels, and Extended Stay Lodging facilities, where stays can be less than 30 days in duration, shall be considered commercial uses.

Short Term Rental - A ~~d~~ Dwelling-u Unit that is rented, leased or otherwise assigned for a tenancy of less than 30 consecutive days duration, where no meals are served. ~~This term does not include hotel or motel rooms, extended stay lodging facilities, bed and breakfast inns or boarding and lodging house rooms.~~ A Short Term Rental is not a Bed and Breakfast Inn, Extended Stay

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Lodging facility, Hotel, Motel, or any other transient use more specifically defined in this Land Development Code.

Transitional Housing - A temporary residential living arrangement for persons participating in a program that provides supportive services (such as counseling, education, training, etc.) to help ~~persons~~ them achieve personal independence. Staff is available as needed. Transitional ~~h~~ Housing is not a ~~rehabilitation home~~ a Boarding House, Family Care Home, Homeless Shelter, Rehabilitation Home, Residential Care Facility, or any other use more specifically defined in this Land Development Code. These facilities are not subject to the Uniform Residential Landlord and Tenant Act as set forth in KRS Chapter 383 (~~KRS 383.500 et seq.~~).

Chapter 2 Part 2 Residential Zoning Districts

2.3.2 R-E Residential Estate District

A. Permitted Uses:

~~Community residences~~

2.2.3 R-1 Residential Single Family District

A. Permitted Uses:

~~Community residences~~

2.2.8 U-N Urban Neighborhood District

A. Permitted Uses:

~~Community residences~~

Chapter 2 Part 3 Office/Residential Zoning Districts

2.3.2 OR-1 Office/Residential District

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A. Permitted Uses:

~~Boarding and lodging houses~~

~~Community residences~~

2.3.3 OR-2 Office/Residential District

A. Permitted Uses:

~~Boarding and lodging houses~~

~~Community residences~~

2.3.4 OR-3 Office/Residential District

A. Permitted Uses:

~~Boarding and lodging houses~~

~~Community residences~~

2.3.5 OTF Office/Tourist Facility District

A. Permitted Uses:

~~Boarding and lodging houses~~

~~Community residences~~

Chapter 2 Part 4 Commercial Zoning Districts

2.4.1 C-N Neighborhood Commercial District

A. Permitted Uses:

~~Community residences~~

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2.4.3 C-1 Commercial District

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

A. Permitted Uses:

~~Boarding and lodging houses~~

~~Community residences~~

Note: C-1 Uses are permitted in C-2, C-3, C-M, EZ-1, PEC, PVD (Village Center), Old Louisville/Limerick TNZD (Neighborhood Transition Center, Neighborhood Center, and Neighborhood Center Transition: Edge Transition)

Chapter 2 Part 7 Planning Village Development

2.7.1 Planned Village Development (PVD) District

C. Development Guidelines and Standards.

4. Land Use.

The table below (Table 2.7.1) lists the uses permitted within a village. P means the use is permitted, subject to design standards and location standards where noted. L means the use is limited. Limited uses must be approved by the Planning Commission at the time of approval of the Master Plan. Subsequent requests for limited uses shall require amendment of the Master Plan and shall be reviewed according to D.2. of this Section. PSS means the use may be permitted with special standards pursuant to Chapter 4, Part 3 of ~~the~~ this Land Development Code. X means the use is not permitted. ~~No~~ A permitted use or limited use shall not be required to secure a conditional use permit. For others listed in Chapter 4, Part 2 of ~~the~~ this Land Development Code as Conditional Uses, an applicant may apply for and obtain a conditional use permit ~~provided the private covenants, declarations or restriction of the association of property owners do not forbid the conditional use applied for.~~

Table 2.7.1.

	Village Edge	Village General	Village Center
RESIDENTIAL USE			

Detached dwelling	P	P	P
Semi-detached dwelling	X	P	P
Attached dwelling	X	P	P
Two-family dwelling	X	P	P
Multi-family dwelling	X	P	P
Accessory apartment	P	P*	P

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Live/work unit	X	L**	P
<u>Boarding House</u> (Residential Lodging House and Commercial Boarding House)	<u>L</u>	<u>L</u>	<u>L</u>
<u>Residential Care Facility</u>	<u>P</u>	<u>P</u>	<u>P</u>
Short term rental	PSS	PSS	PSS
LODGING USE			
Bed and breakfast inn	L	L	P
Hotel	X	X	P

CIVIC USE			

Community residence	L	L	L
Convents and monasteries	L	L	L

Family care home	P	P	P
Nursing homes and homes for the infirm and aged	L	L	L

2.7.2 Planned Transit Development (PTD) District

E. Development Standards

2. Land Use

a. PTD District Land Use Table. The following table below lists the uses permitted within a PTD. P means the use is permitted, subject to design standards and location standards where noted. L means the use is limited. Limited uses must be approved by the Planning Commission at the time of approval of the Detailed Development Plan. PSS means the use may be permitted with special standards pursuant to Chapter 4, Part 3 of the this Land Development Code. X means the use is not permitted. ~~No~~ A permitted use or limited use shall not be required to secure a conditional use permit. For others listed in Chapter 4, Part 2 of this Land Development Code as Conditional Uses, an applicant may apply for and obtain a conditional use permit. Hours of operation of proposed uses shall be established in the Master Plan.

PTD District Land Use Table

“PTD” Permitted Uses	Transit District Center	Transit District Transition
RESIDENTIAL		
<u>Duplex / Two-family dwellings</u> Dwellings, two family	X	P
Multiple <u>Multi-family dwellings</u>	P	P
Single family dwelling	X	X
<u>Boarding House (Residential Lodging House and Commercial Boarding House)</u>	<u>X</u>	<u>L</u>
<u>Residential Care Facility</u>	<u>P</u>	<u>P</u>
Short Term Rental	PSS	PSS
<u>Transitional Housing</u>	<u>PSS/CUP</u>	<u>PSS/CUP</u>
LODGING USE		

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Boarding and Lodging Houses	X	L
Extended stay lodging		
Hotel	P	P

CIVIC USE		
Churches, parish halls, synagogues, temples, convents, and monasteries	L	P

Community residence	P	P

Family care home (mini-home)	<u>P</u>	<u>P</u>

Nursing homes and homes for the infirm and aged	X	P

Homes for the infirm and aged	X	P

2.7.4 Traditional Neighborhood Zoning District – General Provisions

B. Development Guidelines and Standards

2. TNZD Components.

TNZD Land Use Table

The following table lists the uses permitted within TNZD. “P” means the use is permitted, subject to design standards and location standards where noted. “P/M” means the use is permitted where mapped. Mapped uses recognize historic uses of lots or, in the case of vacant development sites, an appropriate compatible use. “X” means the use is not permitted. PS means the use is permitted with special standards in accordance with Chapter 4, Part 3 of this Land Development Code. P/CU means the use may be permitted = Permitted as a Conditional Use in accordance with Chapter 4, Part 2 of this Land Development Code. No ~~permitted~~-use listed as P or PM use permitted where mapped shall be required to secure a conditional use permit.

Land Use Category	Neighborhood General	Neighborhood Transition-Center	Neighborhood Center
<i>Residential Uses</i>			
<u>Dwellings</u> , Single Family Residential – One dwelling unit per lot*	P	P	X
<u>Dwellings</u> , Two-family Residential *	P	P	P
<u>Dwellings</u> , Multi-family Residential	P/M	P	P
Garages and Accessory Residential	P	P	P

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Units (Carriage Houses)			

Residential Lodging House (4 or Fewer Boarders)	PS	PS	PS
Boarding House - Residential Lodging House (5 or more Boarders) and Commercial Boarding House	X	PS	PS
Homeless Shelter	P/CU	PS or P/CU	PS or P/CU
Rehabilitation Home	P/CU	P/CU	P/CU
Residential Care Facility	P	P	P
Short Term Rental	P/CU	P/CU	P/CU
Transitional Housing	PS or P/CU	PS or P/CU	PS or P/CU

<i>Institutional Uses</i>			

Fraternities and Sororities	X	X	X

<i>Other Uses</i>			
Bed and Breakfast Inn Establishments	P/CU	P/CU	P/CU

2.7.5 Traditional Neighborhood Zoning District – Old Louisville/Limerick

A. TNZD Land Use Tables

Symbol	Meaning
P	The described use is permitted, subject to design and location standards where noted.
P/M	The described use is permitted where mapped. Mapped uses recognize traditional uses of structures existing on each lot pursuant to KRS 100.201(3) or, in the case of vacant development sites, appropriate compatible uses.
NP	The use is not permitted.
P/CU	The use is <u>may be</u> permitted as a Conditional Use in accordance with Chapter 11 Part 5A <u>Chapter 4, Part 2</u> of the LDC <u>this Land Development Code</u> .
PS	The use is permitted with special standards in accordance with Chapter 4, Part 3 or Chapter 11 <u>Part 3</u> of the LDC <u>this Land Development Code</u> .
NA	Not applicable, since commercial uses are permitted in the Neighborhood Transition-Center, Neighborhood Center, Neighborhood Center Transition: Edge Transition, and Neighborhood General Campus Edge Transition.
P/M or P/CU	The use is permitted where mapped but newly established uses are permitted as a Conditional Use.
*	Plus one dwelling unit in the accessory structure area.


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**	Uses are permitted at ground level facing the street only where shown as Street Front Commercial on the TNZD Plan Map. These uses shall not exceed 25% of the total area mapped as Street Front Commercial.
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Table 2.7.4 2.7.5: Table 1 Old Louisville/Limerick TNZD Land Uses – General

TNZD Land Use Category	Neighborhood General	Neighborhood Transition-Center	Neighborhood Center	Neighborhood Center Transition: Edge Transition	Neighborhood General Campus Edge Transition	LDC Section Providing Special or Conditional Use Standards
<i>Residential Uses</i>						
Dwellings, single family – one dwelling unit per lot*	P	P	NP	P	NP	n/a
Dwellings, two-family*	P	P	P	P	NP	n/a
Dwellings, multi-family	P/M	P	P	P	P	n/a
Residential Lodging House (4 or fewer Boarders)	PSS	PSS	PSS	PSS	PSS	4.3.24
Boarding House - Residential Lodging House (5 or more Boarders) and Commercial Boarding House	NP	P/CU	P/CU	NP	NP	4.2.11
Garages and accessory residential units (Carriage Houses)	P	P	P	P	NP	n/a
Home occupations	PS	PS	PS	PS	NP	4.4.5
Homeless shelters	P/CU	PS or P/CU	PS or P/CU	P/CU	P/CU	4.2.56 & 4.3.13
Live / work units	NP	PS	PS	PS	PS	4.3.19
Rehabilitation Home	P/CU	P/CU	P/CU	P/CU	P/CU	4.2.31
Transitional  Housing	PS or P/CU	PS or P/CU	PS or P/CU	PS or P/CU	PS or P/CU	4.3.14 and 4.2.55
Short Term Rental	P/CU	P/CU	P/CU	P/CU	P/CU	4.2.63

<i>Institutional Uses</i>						
Family care homes (mini-homes)	NP	P	P	P	NP	n/a
Fraternities and sororities	NP	P	P	P	NP	n/a

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<i>Other Uses</i>						
Bed and b Breakfasts Inns	P/CU	PS	P/CU	P/CU	NP	4.2.9
<u>Nursing Home and Home for the Infirm and Aged</u>	<u>P/CU</u>	<u>P/CU</u>	<u>P/CU</u>	<u>P/CU</u>	<u>P/CU</u>	<u>4.2.38</u>

Table 2.7.5 2.7.5: Table 2 Old Louisville/Limerick TNZD – Uses Permitted in the Neighborhood General

Table 2.7.6 2.7.5: Table 3 Old Louisville/Limerick TNZD – Uses Permitted with ~~With~~ Special Standards in the Neighborhood General

Land Use Category	Description Permitted Uses
<i>Residential Uses</i>	
Home Occupations	Home Occupations as permitted by Section 4.4.5 of the <u>this</u> Land Development Code.
<u>Residential Lodging Houses with 4 or Fewer Boarders</u>	<u>Residential Lodging Houses as permitted by Section 4.3.24 of this Land Development Code.</u>
<u>Transitional Housing</u>	<u>Transitional Housing as permitted by Section 4.3.14 of this Land Development Code.</u>

Table 2.7.7 2.7.5: Table 4 Old Louisville/Limerick TNZD – Uses Permitted Where Mapped in the Neighborhood General

Table 2.7.8 2.7.5: Table 5 Old Louisville/Limerick TNZD – Uses Permitted as Conditional Uses in the Neighborhood General

Land Use Category	Description of Uses Permitted as Conditional Uses
<i>Residential Uses</i>	
Homeless Shelters	Homeless s Shelters as permitted by Section 4.3.13 <u>4.2.56</u> of the <u>this</u> Land Development Code.
<u>Rehabilitation Homes</u>	<u>Rehabilitation Homes as permitted by Section 4.2.31 of this Land Development Code.</u>
Transitional Housing	Transitional housing as permitted by Section 4.3.14 <u>4.2.55</u> of the <u>this</u> Land Development Code.
<u>Short Term Rentals</u>	<u>Short Term Rentals as permitted by Section 4.2.63 of this Land Development Code.</u>
<i>Other Uses</i>	
Bed & <u>and</u> Breakfasts Inns	Bed and b Breakfasts Inns as permitted by Section 4.2.9 of the <u>this</u> Land Development Code.
<u>Nursing Homes and Homes for the Infirm and Aged</u>	<u>Nursing Homes and Homes for the Infirm and Aged as permitted by Section 4.2.38 of this Land Development Code.</u>

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Table 2.7.9 2.7.5: Table 6 Old Louisville/Limerick TNZD – Uses Permitted in the Neighborhood Transition—Center

Table 2.7.10 2.7.5: Table 7 Old Louisville/Limerick TNZD – Uses Permitted with ~~With~~ Special Standards in the Neighborhood Transition-Center

Land Use Category	Description Permitted Uses
<i>Residential Uses</i>	
Home Occupations	Home Occupations as permitted by Section 4.4.5 of the <u>this</u> Land Development Code.
Homeless Shelters	<u>Homeless Shelters as permitted by Section 4.3.13 of this Land Development Code.</u>
Live / work units	Live / work units as permitted by Section 4.3.19 of the <u>this</u> Land Development Code.
<u>Residential Lodging Houses with 4 or Fewer Boarders</u>	<u>Residential Lodging Houses as permitted by Section 4.3.24 of this Land Development Code.</u>
<u>Transitional Housing</u>	<u>Transitional Housing as permitted by Section 4.3.14 of this Land Development Code.</u>
<i>Other Uses</i>	
Bed and b <u>Breakfasts</u> Inns	Bed and b <u>Breakfasts</u> Inns as permitted by Section 4.2.9 of the <u>this</u> Land Development Code.

Table 2.7.11 2.7.5: Table 8 Old Louisville/Limerick TNZD – Uses Permitted as Conditional Uses in the Neighborhood Transition—Center

Land Use Category	Description of Uses Permitted as Conditional Uses
<i>Residential Uses</i>	
<u>Boarding Houses - Residential Lodging Houses with 5 or More Boarders and Commercial Boarding Houses</u>	<u>Boarding Houses as permitted by Section 4.2.11 of this Land Development Code.</u>
Homeless Shelters	Homeless s <u>S</u> helters as permitted by Section 4.3.13 <u>4.2.56</u> of the <u>this</u> Land Development Code.
<u>Rehabilitation Homes</u>	<u>Rehabilitation Homes as permitted by Section 4.2.31 of this Land Development Code.</u>
Transitional Housing	Transitional h <u>H</u> ousing as permitted by Section 4.3.14 <u>4.2.55</u> of the <u>this</u> Land Development Code.
<u>Short Term Rentals</u>	<u>Short Term Rentals as permitted by Section 4.2.63 of this Land Development Code.</u>

<i>Other Uses</i>	

<u>Nursing Homes and Homes for the Infirm and Aged</u>	<u>Nursing Homes and Homes for the Infirm and Aged as permitted by Section 4.2.38 of this Land Development Code.</u>

Table 2.7.12 2.7.5: Table 9 Old Louisville/Limerick TNZD – Uses Permitted in the Neighborhood Center

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Table 2.7.13 2.7.5: Table 10 Old Louisville/Limerick TNZD – Uses Permitted with ~~With~~ Special Standards in the Neighborhood Center

Land Use Category	Description Permitted Uses
<i>Residential Uses</i>	
Home Occupations	Home Occupations as permitted by Section 4.4.5 of the <u>this</u> Land Development Code.
<u>Homeless Shelters</u>	<u>Homeless Shelters as permitted by Section 4.3.13 of this Land Development Code.</u>
Live / work units	Live / work units as permitted by Section 4.3.19 of the <u>this</u> Land Development Code.
<u>Residential Lodging Houses with 4 or Fewer Boarders</u>	<u>Residential Lodging Houses as permitted by Section 4.3.24 of this Land Development Code.</u>
<u>Transitional Housing</u>	<u>Transitional Housing as permitted by Section 4.3.14 of this Land Development Code.</u>

Table 2.7.14 2.7.5: Table 11 Old Louisville/Limerick TNZD – Uses Permitted Where Mapped in the Neighborhood Center

Table 2.7.15 2.7.5: Table 12 Old Louisville/Limerick TNZD – Uses Permitted as Conditional Uses in the Neighborhood Center

Land Use Category	Description of Uses Permitted as Conditional Uses
<i>Residential Uses</i>	
<u>Boarding Houses - Residential Lodging Houses with 5 or More Boarders and Commercial Boarding Houses</u>	<u>Boarding Houses as permitted by Section 4.2.11 of this Land Development Code.</u>
Homeless Shelters	Homeless s Shelters as permitted by Section 4.3.13 <u>4.2.56</u> of the <u>this</u> Land Development Code.
<u>Rehabilitation Homes</u>	<u>Rehabilitation Homes as permitted by Section 4.2.31 of this Land Development Code.</u>
Transitional Housing	Transitional h Housing as permitted by Section 4.3.14 <u>4.2.55</u> of the <u>this</u> Land Development Code.
<u>Short Term Rentals</u>	<u>Short Term Rentals as permitted by Section 4.2.63 of this Land Development Code.</u>
<i>Other Uses</i>	
Bed & <u>and</u> Breakfast Inns	Bed and b Breakfasts Inns as permitted by Section 4.2.9 of the <u>this</u> Land Development Code.

<u>Nursing Homes and Homes for the Infirm and Aged</u>	<u>Nursing Homes and Homes for the Infirm and Aged as permitted by Section 4.2.38 of this Land Development Code.</u>

Table 2.7.16 2.7.5: Table 13 Old Louisville/Limerick TNZD – Uses Permitted in the Neighborhood Center Transition: Edge Transition

Table 2.7.17 2.7.5: Table 14 Old Louisville/Limerick TNZD – Uses Permitted With Special Standards in the Neighborhood Center Transition: Edge Transition

Land Use Category	Description Permitted Uses
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<i>Residential Uses</i>	
Home Occupations	Home Occupations as permitted by Section 4.4.5 of the <u>this</u> Land Development Code.
Live / work units	Live / work units as permitted by Section 4.3.19 of the <u>this</u> Land Development Code.
<u>Residential Lodging Houses with 4 or Fewer Boarders</u>	<u>Residential Lodging Houses as permitted by Section 4.3.24 of this Land Development Code.</u>
<u>Transitional Housing</u>	<u>Transitional Housing as permitted by Section 4.3.14 of this Land Development Code.</u>

Table 2.7.18 2.7.5: Table 15 Old Louisville/Limerick TNZD – Uses Permitted as Conditional Uses in the Neighborhood Center Transition: Edge Transition

Land Use Category	Description of Uses Permitted as Conditional Uses
<i>Residential Uses</i>	
Homeless Shelters	Homeless s Shelters as permitted by Section 4.3.13 <u>4.2.56</u> of the <u>this</u> Land Development Code.
<u>Rehabilitation Homes</u>	<u>Rehabilitation Homes as permitted by Section 4.2.31 of this Land Development Code.</u>
Transitional Housing	Transitional housing as permitted by Section 4.3.14 <u>4.2.55</u> of the <u>this</u> Land Development Code.
<u>Short Term Rentals</u>	<u>Short Term Rentals as permitted by Section 4.2.63 of this Land Development Code.</u>
<i>Other Uses</i>	
Bed & <u>and</u> Breakfast Inns	Bed and b Breakfasts <u>Inns</u> as permitted by Section 4.2.9 of the <u>this</u> Land Development Code.

<u>Nursing Homes and Homes for the Infirm and Aged</u>	<u>Nursing Homes and Homes for the Infirm and Aged as permitted by Section 4.2.38 of this Land Development Code.</u>

Table 2.7.19 2.7.5: Table 16 Old Louisville/Limerick TNZD – Uses Permitted in the Neighborhood General Campus Edge Transition

Table 2.7.20 2.7.5: Table 17 Old Louisville/Limerick TNZD – Uses Permitted ~~With~~ with Special Standards in the Neighborhood General Campus Edge Transition

Land Use Category	Description of Permitted Uses
<i>Residential Uses</i>	
Live / work units	Live / work units as permitted by Section 4.3.19 of the <u>this</u> Land Development Code.
<u>Residential Lodging Houses with 4 or Fewer Boarders</u>	<u>Residential Lodging Houses as permitted by Section 4.3.24 of this Land Development Code.</u>
<u>Transitional Housing</u>	<u>Transitional Housing as permitted by Section 4.3.14 of this Land Development Code.</u>

Table 2.7.21 2.7.5: Table 18 Old Louisville/Limerick TNZD – Uses Permitted as Conditional Uses in the Neighborhood General Campus Edge Transition

Land Use Category	Description of Uses Permitted as Conditional Uses
<i>Residential Uses</i>	

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Homeless Shelters	Homeless s Shelters as permitted by Section 4.3.13 4.2.56 of the this Land Development Code.
Rehabilitation Homes	Rehabilitation Homes as permitted by Section 4.2.31 of this Land Development Code.
Transitional Housing	Transitional h Housing as permitted by Section 4.3.14 4.2.55 of the this Land Development Code.
Short Term Rentals	Short Term Rentals as permitted by Section 4.2.63 of this Land Development Code.
<i>Other Uses</i>	

Nursing Homes and Homes for the Infirm and Aged	Nursing Homes and Homes for the Infirm and Aged as permitted by Section 4.2.38 of this Land Development Code.

4.2.1 Intent and Applicability

Section	Conditional Use

4.2.11	Boarding and Lodging Houses <u>House in a Residential or Traditional Neighborhood Zoning District</u>

4.2.31	Rehabilitation Home

4.2.55	Transitional Housing
4.2.56	Homeless Shelter

Chapter 4 Part 2 Conditional Uses

4.2.11 Boarding ~~and Lodging Houses~~ in a Residential or Traditional Neighborhood Zoning District

Boarding ~~and lodging h~~ Houses may be allowed in the R-R, R-E, R-1, R-2, R-3, R-4, R-5, U-N, R-5A, R-5B, R-6, R-7, and R-8A, TNZD (Neighborhood Center), and TNZD (Neighborhood Transition-Center) districts upon the granting of a Conditional Use Permit and compliance with the following requirements. This section does not apply to any Residential Lodging House that may be permitted with special standards pursuant to Section 4.3.24 of this Land Development Code.

A. A Boarding House in a single-family residential zoning district (R-R, R-E, R-1, R-2, R-3, R-4, R-5, or U-N) shall have a maximum of four (4) Boarders. A Boarding House in a multi-family residential zoning district (R-5A, R-5B, R-6, R-7, or R-8A) or TNZD (Neighborhood Center/Neighborhood Transition-Center only) shall have a maximum of eight (8) Boarders. In a Boarding House that is owner-occupied, the owner and members of his or her Family shall not be considered Boarders. ~~Boarding and lodging houses located in R-E, R-R, R-1, R-2, R-3, R-4 and R-5 single family districts shall have a maximum of 3 boarders in addition to resident family~~

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~~members of the boarding and lodging house keeper. Those boarding and lodging houses located in other districts shall have a maximum of 8 boarders.~~

B. ~~All~~ A Boarding and lodging h Houses additionally classified as a Boarding Home by Kentucky Revised Statutes and/or Kentucky Administrative Regulations shall comply with the administrative and maintenance requirements established standards for the operation of a Boarding Home, including but not limited to those provided in 902 KAR 20:350, only applicable when meals are served at the facility and KRS Chapter 216B.

C. Each Boarder shall have his or her own bedroom. Any such bedroom shall meet the current dimensional requirements and occupancy limitations set forth in LMCO Section 156.103.

D. A Boarding House is for non-transient occupancy. The minimum intended stay for any Boarder shall be at least 30 consecutive days.

E. A Boarding House may have a Boarder who manages the property and/or supervises the other Boarders on behalf of the property owner and/or operator. There shall not be any non-resident employee that works within the dwelling, with an exception for employees that report to the property temporarily to address management or emergency issues.

F. A Boarding House is a residential use. Nonresidential uses and services, including those that may be accessory, shall not be carried out within the dwelling unless otherwise permitted and approved as a separate use.

~~C. G. Boarding and lodging houses shall not have any signage which identifies the use. There shall not be any outdoor signage which identifies the Boarding House use.~~

~~D. H. A Boarding and lodging h Houses shall be in a location located on or near a collector or arterial street with reasonable access to public transportation.~~

~~E. I. Sufficient on-site parking shall be provided as required by the Land Development Code. The required parking for the use is set forth in Chapter 9 of this Land Development Code. The BOZA may require additional parking if warranted.~~

~~F. All boarding and lodging houses shall comply with applicable building code and health department regulations.~~

G. J. The When reviewing a conditional use permit application for a Commercial Boarding House, the Board of Zoning Adjustment BOZA shall, to the best of its abilities, find that the establishment of the use will not result in harm to the health, safety, or general welfare of the surrounding neighborhood take into account the location of other boarding and lodging houses, transitional housing, homeless shelters or rehabilitation homes in its analysis of Conditional Use Permit applications for boarding and lodging houses. The property on which a Commercial Boarding House is situated shall not be located closer than 1,000 feet (measured in a straight line from nearest property line to nearest property line) to any property on which another Commercial Boarding House, Rehabilitation Home, or Transitional Housing use that has been approved by a conditional use permit is situated.

K. A Boarding House shall meet the health, sanitation, structural, property maintenance, fire, and life safety requirements of any currently applicable federal, state, and local laws.

~~H. L. For a complete application submittal for a Boarding House conditional use permit, in addition to the documentation required of all conditional use permit applications, the The~~

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following additional information shall be ~~for all boarding and lodging house Conditional Use Permit applications~~ provided:

1. Type of resident population ~~intended~~ to be served, if any (~~e.g. veterans, a victim group, persons recovering from substance abuse (without on-site assistance services or supervision), college students, contract/seasonal workers, parolees (without on-site assistance or supervision), single persons, etc.~~);

2. Site plan and floor plans of any building subject to the use (showing the location and dimensions of all bedrooms); and

3. A written statement, plans, and/or permits indicating how any building subject to the application meets or will adapted to meet all applicable building codes for the use if approved;

4. The maximum number of Boarders; and

~~3.~~ 5. Rules of conduct and ~~business~~ management plan.;

~~4.~~ Support services to be provided and projected staffing level, if any;

~~5.~~ Proposed maximum stay for each resident;

~~6.~~ Any other information the Board of Zoning Adjustment deems necessary to evaluate the application; and

~~7.~~ Any Changes In the event a conditional use permit for a Boarding House is approved, any change to the foregoing information submitted in connection with the Conditional Use permit application shall require the Conditional Use Permit holder to apply for a modified Conditional Use Permit from the Board of Zoning Adjustment must be approved by the BOZA as a modification pursuant to Section 11.5A.1 of this Land Development Code.

~~I.~~ M. The operator(s) of a ~~b Boarding and lodging h~~ House shall maintain a registry of ~~residents Boarders~~, which shall document the terms of stay of each ~~resident Boarder~~. This registry shall be made available for inspection by a Zoning or Code Enforcement Officer in order to determine the total number of ~~residents Boarders~~ residing in the ~~b Boarding and lodging h~~ House at a given time and whether or not a term of stay is ~~temporary or permanent~~ transient or not. However, under these provisions, the operator is not required to collect and/or maintain records that may be used for discriminatory purposes under the Fair Housing Acts, including but not limited to records relating to the race, religion, gender, national origin, family status and/or disability of any resident.

~~J.~~ Board of Zoning Adjustment shall, to the best of their abilities, find that the establishment of the facility will not result in harm to the health, safety or general welfare of the surrounding neighborhood, and that substantial adverse impacts on adjoining properties or land uses will not result from the facilities' operations.

~~K.~~ The Board of Zoning Adjustment shall find that the facility is compatible with the character of the surrounding neighborhood.

~~L.~~ N. A No b Boarding and lodging h House shall not operate until it has received been issued a license pursuant to ~~Louisville Metro Code of Ordinances Section LMCO Chapter~~ LMCO Chapter 115 and, if required, a registration or license from the Commonwealth of Kentucky pursuant to KRS Chapter 216B.

~~M.~~ O. Unlawful operation ~~Operation~~ of a ~~b Boarding and lodging h~~ House without the required conditional use permit and/or license may constitute grounds for denial of ~~a related~~

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~~Conditional Use Permit~~ an after-the-fact conditional use permit application for the Boarding House by the ~~Board of Zoning Adjustment~~ BOZA.

P. If a Boarding House with an approved conditional use permit is subject to two (2) or more substantiated civil and/or criminal complaints within a 12 month period, the Planning Director may request that the BOZA revoke the conditional use permit in accordance Section 11.5A.6 of this Land Development Code. Civil complaints include, but are not limited to, reported violations of building, safety, property maintenance, nuisance, health and sanitation, fire, electrical, plumbing, and mechanical codes. Criminal complaints include, but are not limited to, reported drug activity, theft and criminal mischief.

P. An active license of the Boarding House, as required by LMCO Chapter 115, shall be maintained. No boarding may take place unless the license is active and in the name of the current operator and property owner. If the license is not renewed and lapses for six (6) months, or in the event of a change of ownership and/or operator, a new license is not issued within six (6) months from the date of the change, the conditional use permit shall become null and void. In order to recommence any Boarding House use, a new conditional use permit must be granted if required.

4.2.31 Rehabilitation Home

Rehabilitation ~~h~~ Homes may be allowed in any zoning district upon the granting of a Conditional Use Permit and compliance with the listed requirements.

A. All bedrooms and sleeping areas shall meet the current occupancy limitations required in LMCO and any applicable building, fire, or life safety code.

B. Nonresidential uses and services, excluding those that are accessory to the Rehabilitation Home use, shall not be carried out unless otherwise permitted and approved as a separate use.

C. When reviewing a conditional use permit application for a Rehabilitation Home, the BOZA shall, to the best of its abilities, find that the establishment of the use will not result in harm to the health, safety, or general welfare of the surrounding neighborhood. The property on which a Rehabilitation Home is situated shall not be located closer than 1,000 feet (measured in a straight line from nearest property line to nearest property line) to any property on which another Commercial Boarding House, Rehabilitation Home, or Transitional Housing use that has been approved by a conditional use permit is situated.

D. A Rehabilitation Home shall meet the health, sanitation, structural, property maintenance, fire, and life safety requirements of any currently applicable federal, state, and local laws.

E. A Rehabilitation Home shall provide appropriate 24-hour supervision of its residents and adequate support services for its residents.

F. Additional Residential Zoning District Standards:

1. A Rehabilitation Home in a single-family residential zoning district (R-R, R-E, R-1, R-2, R-3, R-4, R-5, or U-N) shall have a maximum of four (4) residents. The maximum number of residents of a Rehabilitation Home in a multi-family residential zoning district (R-5A, R-5B, R-6, R-7, or R-8A) shall be determined by the BOZA.

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~~A. 2. Any building in which the Rehabilitation Home use is situated shall be residential in design and appearance. If using an existing residential building constructed contemporaneously with the surrounding neighborhood, its exterior appearance shall not be substantially altered.~~

~~B. 3. New construction within an area having an established front building setback shall be constructed at the average setback line or the minimum front yard of the form district, whichever is less. Structures adjacent to established residential uses or zoning districts shall increase side yards by 10 feet for each story over two (2).~~

~~C. 4. The required parking for the use is set forth in Chapter 9 of this Land Development Code. The BOZA may require additional parking if warranted. One parking space on site shall be provided for each staff person, plus two spaces for each five residents, or five clients served by the rehabilitation home. Parking shall be reduced to one space per five residents/clients if the rehabilitation home serves persons with disabilities that preclude operation of an automobile.~~

~~D. 5. One freestanding sign not to exceed 10 square feet and 4 feet in height shall be allowed. Signage for the use is permitted in accordance with Chapter 8 of this Land Development Code. The BOZA may further restrict signage if warranted.~~

G. Additional Nonresidential Zoning District Standards:

1. The maximum number of residents of a Rehabilitation Home in a nonresidential zoning district shall be determined by the BOZA.

2. The parking requirements for the use are set forth in Chapter 9 of this Land Development Code. The BOZA may require additional or restrict parking if warranted.

3. Signage for the use is permitted in accordance with Chapter 8 of this Land Development Code. The BOZA may further restrict signage if warranted.

~~E. The shall add any additional restrictions necessary to mitigate nuisances or adverse effects.~~

H. For a complete application submittal for any Rehabilitation Home conditional use permit, in addition to the documentation required of all conditional use permit applications, the following additional information shall be provided:

1. Type of resident population to be served, if any;

2. The maximum number of residents/beds;

3. Floor plans of any building subject to the use (showing the location and dimensions of all bedrooms and sleeping areas);

4. A written statement, plans, and/or permits indicating how any building subject to the application meets or will adapted to meet all applicable building codes for the use if approved; and

5. Rules of conduct and management plan.

In the event a conditional use permit for a Rehabilitation Home is approved, any change to the foregoing information must be approved by the BOZA as a modification pursuant to Section 11.5A.1 of this Land Development Code.

I. If a Rehabilitation Home with an approved conditional use permit is subject to two (2) or more substantiated civil and/or criminal complaints within a 12 month period, the Planning Director may request that the BOZA revoke the conditional use permit in accordance Section 11.5A.6 of this Land Development Code. Civil complaints include, but are not limited to,

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reported violations of building, safety, property maintenance, nuisance, health and sanitation, fire, electrical, plumbing, and mechanical codes. Criminal complaints include, but are not limited to, reported drug activity, theft and criminal mischief.

J. An active license of the Rehabilitation Home, as required by LMCO Chapter 115, shall be maintained. No such housing may take place unless the license is active and in the name of the current operator and property owner. If the license is not renewed and lapses for six (6) months, or in the event of a change of ownership and/or operator, a new license is not issued within six (6) months from the date of the change, the conditional use permit shall become null and void. In order to recommence any Rehabilitation Home use, a new conditional use permit must be granted if required.

4.2.55 Transitional Housing ~~may be allowed in any zoning district upon the granting of a conditional use permit and compliance with the listed requirements.~~

Transitional Housing may be allowed in any zoning district upon the granting of a conditional use permit and compliance with the listed requirements. This section does not apply to any Transitional Housing that may be permitted with special standards pursuant to Section 4.3.14 of this Land Development Code.

A. All bedrooms and sleeping areas shall meet the current occupancy limitations required in LMCO and any applicable building, fire, or life safety code.

B. Transitional Housing shall be a temporary housing arrangement for its residents, with stays generally being less than two (2) years. Such housing is intended to serve residents as they transition into permanent housing.

C. Transitional Housing shall have supervision of its residents, as well as structure and support services for its residents. Nonresidential uses and services that are not accessory to the Transitional Housing use shall not be carried out unless otherwise permitted and approved as a separate use. Transitional housing that serves as recovery housing should follow best practice industry standards and operational rules such as the National Alliance for Recovery Residences (NARR) standards.

D. When reviewing a conditional use permit application for Transitional Housing, the BOZA shall, to the best of its abilities, find that the establishment of the use will not result in harm to the health, safety, or general welfare of the surrounding neighborhood. The property on which a Transitional Housing is situated shall not be located closer than 1,000 feet (measured in a straight line from nearest property line to nearest property line) to any property on which another Commercial Boarding House, Rehabilitation Home, or Transitional Housing use that has been approved by a conditional use permit is situated.

E. Transitional Housing shall meet the health, sanitation, structural, property maintenance, fire, and life safety requirements of any currently applicable federal, state, and local laws.

~~A. Conditional Use Standards—General (all districts)~~

~~F. 1- No building shall be closer than 30 feet to a property line unless required to by a form district maximum setback or build-to-line.~~

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~~G. 2. Parking spaces shall be determined by the board of zoning based on the number of employees and the potential number of visitors to the site as described by the applicant in a parking study of similar uses. The parking requirements for the use are set forth in Chapter 9 of this Land Development Code. The BOZA may require additional or restrict parking if warranted.~~

~~H. 3. Signage for transitional housing shall be in accordance with chapter 8 of the LDC for nonresidential uses. Signage for the use is permitted in accordance with Chapter 8 of this Land Development Code. The BOZA may further restrict signage if warranted.~~

~~4. The Board of Zoning Adjustments shall take into account the location of other transitional housing, homeless shelter or rehabilitation home in its analysis of conditional use permit application for transitional housing.~~

~~5. All applicable land development code requirements including but not limited to floor area ratio, building setback, landscape buffers and building heights shall be maintained.~~

~~6. For conversion of existing structures: A report from the applicable fire official shall be provided to the Board outlining the necessary steps for compliance with fire code safety standards prior to establishing occupancy of the structure for the proposed use.~~

~~I. B. — Conditional Use Standards — Single Family Zoning Districts Only: Additional Single-Family Residential Zoning District Standards (R-R, R-E, R-1, R-2, R-3, R-4, R-5, or U-N):~~

~~1. — Signs — There shall be allowed one non-illuminated sign identifying the name and use, which sign shall be limited in size to four square feet and be placed on the building.~~

~~2. 1. Residential Structure — The structure Any building shall remain or shall be constructed so that the exterior design and ornamentation is residential in character and compatible with other residential architecture in the immediate neighborhood, so that there is no evidence from the street that the use is other than residential.~~

~~3. 2. Alterations or Improvements to the Structure — Where such a use is permitted in a structure which has been used as a residence, the permittee shall make no substantial alterations or improvements to the structure which would impair the structure's use as a residence at a later time.~~

~~4. 3. Off-street parking not located within a drive-way shall be located to the side or rear of the building(s).~~

~~J. For a complete application submittal for any Transitional Housing conditional use permit, in addition to the documentation required of all conditional use permit applications, the following additional information shall be provided:~~

~~1. Type of resident population to be served, if any;~~

~~2. The proposed maximum number of residents/beds;~~

~~3. Floor plans of any building subject to the use (showing the location and dimensions of all bedrooms and sleeping areas);~~

~~4. A written statement, plans, and/or permits indicating how any building subject to the application meets or will adapted to meet all applicable building codes for the use if approved; and~~

~~5. Rules of conduct and management plan.~~

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In the event a conditional use permit for a Transitional Housing is approved, any change to the foregoing information must be approved by the BOZA as a modification pursuant to Section 11.5A.1 of this Land Development Code.

K. If Transitional Housing with an approved conditional use permit is subject to two (2) or more substantiated civil and/or criminal complaints within a 12 month period, the Planning Director may request that the BOZA revoke the conditional use permit in accordance Section 11.5A.6 of this Land Development Code. Civil complaints include, but are not limited to, reported violations of building, safety, property maintenance, nuisance, health and sanitation, fire, electrical, plumbing, and mechanical codes. Criminal complaints include, but are not limited to, reported drug activity, theft and criminal mischief.

L. An active license of the Transitional Housing, as required by LMCO Chapter 115, shall be maintained. No transitional housing may take place unless the license is active and in the name of the current operator and property owner. If the license is not renewed and lapses for six (6) months, or in the event of a change of ownership and/or operator, a new license is not issued within six (6) months from the date of the change, the conditional use permit shall become null and void. In order to recommence any Transitional Housing use, a new conditional use permit must be granted if required.

4.2.56 Homeless Shelter ~~may be allowed in any zoning district upon the granting of a conditional use permit and compliance with the listed requirements.~~

A Homeless Shelter may be allowed in any zoning district upon the granting of a conditional use permit and compliance with the listed requirements. This section does not apply to any Homeless Shelter that may be permitted with special standards pursuant to Section 4.3.13 of this Land Development Code.

~~A. Conditional Use Standards—General—All Zoning Districts~~

A. All bedrooms and sleeping areas shall meet the current occupancy limitations required in LMCO and any applicable building, fire, or life safety code.

B. Nonresidential uses and services, excluding those that are accessory to the Homeless Shelter use, shall not be carried out unless otherwise permitted and approved as a separate use.

C. When reviewing a conditional use permit application for Homeless Shelter, the BOZA shall consider the number and/or location of other Homeless Shelters, Rehabilitation Homes, and Transitional Housing in the immediate vicinity.

D. A Homeless Shelter shall meet the health, sanitation, structural, property maintenance, fire, and life safety requirements of any currently applicable federal, state, and local laws.

E. ~~1.~~ The parking requirements for the use are set forth in Chapter 9 of this Land Development Code. The BOZA may require additional or restrict parking if warranted ~~Parking spaces shall be determined by the board of zoning~~ based on the number of employees and the potential number of visitors to the site as described by the applicant in a parking study of similar uses.

F. ~~2.~~ Signage for ~~homeless shelters shall be~~ the use is permitted in accordance with ~~e~~ Chapter 8 of ~~the LDC for nonresidential uses~~ this Land Development Code. ~~The BOZA may further restrict signage if warranted.~~

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~~3. The board of zoning shall take into account the location of other transitional housing, homeless shelter or rehabilitation home in its analysis of conditional use permit application for a transitional housing facility.~~

~~4. All applicable land development code requirements including but not limited to floor area ratio, building setback, landscape buffers and building heights shall be maintained.~~

~~5. For conversion of existing structures: A report from the applicable fire official shall be provided to the Board outlining the necessary steps for Compliance with fire code safety standards prior to establishing occupancy of the structure for the proposed use.~~

G. B. Conditional Use Standards—Single Family Zoning Districts only Additional Single-Family Residential Zoning District Standards (R-R, R-E, R-1, R-2, R-3, R-4, R-5, or U-N):

~~1. Signs—There shall be allowed one non illuminated sign identifying the name and use, which sign shall be limited in size to four square feet and be placed on the building.~~

2. 1. Residential Structure— Any building The structure shall remain or shall be constructed so that the exterior design and ornamentation is residential in character and compatible with other residential architecture in the immediate neighborhood, so that there is no evidence from the street that the use is other than residential.

~~3. 2. Alterations or Improvements to the Structure—~~ Where such a use is permitted in a structure which has been used as a residence, the permittee shall make no substantial alterations or improvements to the structure which would impair the structure's use as a residence at a later time.

4. 3. Off-street parking not located within a drive-way shall be located to the side or rear of the building(s).

H. For a complete application submittal for any Homeless Shelter conditional use permit, in addition to the documentation required of all conditional use permit applications, the following additional information shall be provided:

1. Type of resident population to be served, if any;

2. The proposed maximum number of occupants/beds;

3. Floor plans of any building subject to the use (showing the location and dimensions of all bedrooms and sleeping areas);

4. A written statement, plans, and/or permits indicating how any building subject to the application meets or will adapted to meet all applicable building codes for the use if approved; and

5. Rules of conduct and management plan.

In the event a conditional use permit for a Homeless Shelter is approved, any change to the foregoing information must be approved by the BOZA as a modification pursuant to Section 11.5A.1 of this Land Development Code.

I. A Homeless Shelter shall not operate without a license issued pursuant to LMCO Chapter 115 and, if required, any registration or license from the Commonwealth of Kentucky.

Chapter 4 Part 3 Permitted Uses with Special Standards

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4.3.13 Homeless Shelters (R-5A, R-6, R-7, R-8A, OR, OR-1, OR-2, OR-3, OTF, C-R, C-N, C-1, C-2, C-3, C-N, EZ-1, PRO, PEC, TNZD)

~~Homeless Shelters may be permitted within the~~ In a R-5A, R-6, R-7, R-8A, OR, OR-1, OR-2, OR-3, OTF, C-R, C-N, C-1, C-2, C-3, C-M, EZ-1, PRO, PEC and or TNZD (n Neighborhood e Center, n Neighborhood t Transition e _Center, and for multi-family residential where mapped areas) zoning districts, a Homeless Shelter is permitted with the special standards set forth in this section. A Homeless Shelter not meeting the special standards set forth in this section may be eligible to be approved with a conditional use permit pursuant to Section 4.2.56 of this Land Development Code.

~~A. — Special Standards — General — All Zoning Districts~~

A. All bedrooms and sleeping areas shall meet the current occupancy limitations required in LMCO and any applicable building, fire, or life safety code.

B. Nonresidential uses and services, excluding those that are accessory to the Homeless Shelter use, shall not be carried out unless otherwise permitted and approved as a separate use.

C. A Homeless Shelter shall meet the health, sanitation, structural, property maintenance, fire, and life safety requirements of any currently applicable federal, state, and local laws.

D. 1. Density — The In the R-5A, R-6, R-7, R-8A, OR, OR-1, OR-2, C-R, C-N, C-1, PRO, PEC, and TNZD districts, the maximum density (number of beds) for homeless shelters shall be based on the maximum density of the applicable zoning district (as provided in Chapter 2 of this Land Development Code) multiplied by the average family size obtained from the most recent decennial census for Jefferson County, Kentucky rounded to the nearest whole number.

(Example: The R-5A zoning district has a maximum density of 12.01 units per acre. The average family size in the 2010 census was 2.98. Therefore, the maximum number of beds in the R-5A district is 35.79 beds per acre (multiply the 12.01 by 3 x 2.98 = 35.79). (average family size established by the 2000 census was 2.97) and that will give you the maximum beds per acre as 36.03). Exception: Within single family zoning districts the number of beds permitted is limited to three or less. In the OR-3, OTF, C-2, C-3, C-M, and EZ-1 zoning districts, the maximum density (number of beds) shall be no more than 400 beds per acre.

E. 2. — The parking requirements for the use are set forth in Chapter 9 of this Land Development Code. Parking spaces shall be determined by the planning director based on the number of employees, the number of residents with a motor vehicle, and the potential number of visitors to the site as described by the applicant in a parking study of similar uses.

F. 3. — Signage In the R-5A, R-6, R-7, R-8A zoning districts, signage for homeless shelters within a multifamily residential zoning district shall be limited to a 12 square foot freestanding sign not to exceed six (6) feet in height unless within the Downtown form district in which case a 12 square foot attached sign shall be allowed. If located within any other zoning district, all signs shall be in accordance with the requirements of e Chapter 8 of the this Land Development Code for non-residential signage.

G. 4. — Shall be certified as compliant with any licensing provisions adopted in the Louisville Metro Code of Ordinances. New facilities must obtain certification within one year of

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~~land use approval. All facilities must remain in compliant status with the licensing provisions while in operation. A Homeless Shelter shall not operate without a license issued pursuant to LMCO Chapter 115 and, if required, any registration or license from the Commonwealth of Kentucky.~~

~~5. All applicable land development code requirements including but not limited to floor area ratio, building setback, landscape buffers and building heights shall be maintained.~~

~~H. 6. — Emergencies/White Flag Days —~~ During white flag days and other emergency situations, additional occupants beyond the bed capacity established by the maximum density set forth in D. shall be permitted for the duration of the emergency or white flag event as long as all safety standards (e.g. Fire Code) are maintained.

4.3.14 Transitional Housing

Transitional Housing may be permitted within the R-R, R-E, R-1, R-2, R-3, R-4, R-5, ~~R-5B~~, U-N, R-5A, R-5B, R-6, R-7, R-8A, OR, OR-1, OR-2, OR-3, OTF, C-R, C-N, C-1, C-2, C-3, C-M, EZ-1, PRO, PEC, PTD and TNZD (All areas where residential use is permitted) ~~zoning~~ districts. Transitional Housing not meeting the special standards set forth in this section may be eligible to be approved with a conditional use permit pursuant to Section 4.2.55 of this Land Development Code.

~~A. — Special Standards — General — All Zoning Districts~~

A. All bedrooms and sleeping areas shall meet the current occupancy limitations required in LMCO and any applicable building, fire, or life safety code.

B. Transitional Housing shall be a temporary housing arrangement for its residents, with stays generally being less than two (2) years. Such housing is intended to serve residents as they transition into permanent housing.

C. Transitional Housing shall have supervision, as well as structure and support services for its residents. Nonresidential uses and services that are not accessory to the Transitional Housing use shall not be carried out unless otherwise permitted and approved as a separate use.

Transitional housing that serves as recovery housing should follow best practice industry standards and operational rules such as the National Alliance for Recovery Residences (NARR) standards.

D. Transitional Housing shall meet the health, sanitation, structural, property maintenance, fire, and life safety requirements of any currently applicable federal, state, and local laws.

E. 1. — Density — The maximum density for Transitional ~~h~~ Housing facilities constructed as dwelling units shall ~~have a~~ be the maximum density ~~based on the density~~ of the applicable zoning district (~~dwelling units per acre as provided in Chapter 2 of this Land Development Code~~). The maximum density for ~~t~~ Transitional ~~h~~ Housing facilities (not constructed as dwelling units) shall be ~~based on~~ the maximum density of the applicable zoning district dwelling units per acre (as provided in Chapter 2 of this Land Development Code) multiplied by the average family size obtained from the most recent decennial census for Jefferson County, Kentucky ~~rounded to the nearest whole number~~. The resulting number would be the maximum number of beds for a facility. (~~[~~Example: The R-5A ~~zoning~~ district has a maximum density of 12.01 units per acre;~~]~~

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The average family size in the 2010 census was 2.98. Therefore, the maximum number of beds in the R-5A district is 35.79 beds per acre (~~multiply the 12.01 by 3 x 2.98 = 35.79~~).] (~~average family size established by the 2000 census was 2.97~~) and that will give you the maximum beds per acre as 36.03). Exceptions: Within single family In the R-R, R-E, R-1, R-2, R-3, R-4, R-5, and U-N zoning districts, the number of beds permitted is limited to three (3) or less. In the OR-3, OTF, C-2, C-3, C-M, and EZ-1 zoning districts the maximum density (number of beds) shall be no more than 400 beds per acre.

F. 2. The parking requirements for the use are set forth in Chapter 9 of this Land Development Code. ~~Parking spaces shall be determined by the planning director based on the number of employees, the number of residents with a motor vehicle and the potential number of visitors to the site as described by the applicant in a parking study of similar uses.~~

G. 3. Signage for transitional housing within a single family residential or multifamily residential zoning R-R, R-E, R-1, R-2, R-3, R-4, R-5, U-N, R-5A, R-5B, R-6, R-7, or R-8A district shall be limited to a 12 square foot freestanding sign not to exceed six (6) feet in height unless within the Downtown form district in which case a 12 square foot attached sign shall be allowed. If located within any other zoning district, all signs shall be in accordance with the requirements of chapter 8 of ~~the~~ this Land Development Code.

~~4. Shall be certified as compliant with any licensing provisions adopted in the Louisville Metro Code of Ordinances. New facilities must obtain certification within one year of land use approval. All facilities must remain in compliant status with the licensing provisions while in operation.~~

~~5. All applicable land development code requirements including but not limited to floor area ratio, building setback, landscape buffers and building heights shall be maintained.~~

H. B. Special Standards—Single Family Residential Districts Only Additional Single-Family Residential Zoning District Standards (R-R, R-E, R-1, R-2, R-3, R-4, R-5, R- 5B, U-N):

~~1. Signs—There shall be allowed one non-illuminated sign identifying the name and use, which sign shall be limited in size to four square feet and be placed on the building.~~

~~2. 1. Residential Structure— Any building The structure~~ shall remain or shall be constructed so that the exterior design and ornamentation is residential in character and compatible with other residential architecture in the immediate neighborhood, so that there is no evidence from the street that the use is other than residential.

~~3. 2. Alterations or Improvements to the Structure—~~ Where such a use is permitted in a structure which has been used as a residence, the permittee shall make no substantial alterations or improvements to the structure which would impair the structure's use as a residence at a later time.

~~4. 3. Off-street parking not located within a drive-way shall be located to the side or rear of the building(s).~~

I. A Transitional Housing facility shall not operate without a license issued pursuant to LMCO Chapter 115 and, if required, any registration or license from the Commonwealth of Kentucky.

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4.3.24 Residential Lodging House with Four or Fewer Boarders in a Residential or Traditional Neighborhood Zoning District (R-R, R-E, R-1, R-2, R-3, R-4, R-5, U-N, R-5A, R-5B, R-6, R-7, R-8A, TNZD)

In a R-R, R-E, R-1, R-2, R-3, R-4, R-5, U-N, R-5A, R-5B, R-6, R-7, R-8A or TNZD district, a Residential Lodging House with four (4) or fewer Boarders, excluding the owner and his or her family, is permitted with the special standards set forth in this section.

- A. The dwelling unit shall be owner-occupied and the primary residence of the property owner.
- B. The Boarding House shall be a single-family detached dwelling.
- C. A Boarding House additionally classified as a Boarding Home by Kentucky Revised Statutes and/or Kentucky Administrative Regulations shall comply with the standards for the operation of a Boarding Home, including those provided in 902 KAR 20:350 and KRS Chapter 216B.
- D. Each Boarder shall have his or her own bedroom. Any such bedroom shall meet the current dimensional requirements and occupancy limitations set forth in LMCO Section 156.103.
- E. A Boarding House is for non-transient occupancy. The minimum intended stay for any occupant shall be at least 30 consecutive days.
- F. There shall not be any non-resident employee that works within the dwelling, with an exception for employees that report to the property temporarily to address management or emergency issues.
- G. A Boarding House is a residential use. Nonresidential uses and services, including those that may be accessory, shall not be carried out within the dwelling unless otherwise permitted and approved as a separate use.
- H. There shall not be any outdoor signage which identifies the Boarding House use.
- I. The owner of the Boarding House shall maintain a registry of Boarders, which shall document the terms of stay of each Boarder. This registry shall be made available for inspection by a Zoning or Code Enforcement Officer in order to determine the total number of Boarders residing in the Boarding House at a given time and whether a term of stay is transient or not. However, under these provisions, the operator is not required to collect and/or maintain records that may be used for discriminatory purposes under the Fair Housing Acts, including but not limited to records relating to the race, religion, gender, national origin, family status and/or disability of any resident.
- J. A Boarding House shall meet the health, sanitation, structural, property maintenance, fire, and life safety requirements of any currently applicable federal, state and local laws.
- K. A Boarding House shall not operate until it has been issued a license pursuant to LMCO Chapter 115 and, if required, a registration or license from the Commonwealth of Kentucky pursuant to KRS Chapter 216B.

4.3.25 Residential Lodging House or Commercial Boarding House in a Nonresidential Zoning District (OR-1, OR-2, OR-3, OTF, C-1, C-2, C-3, C-M, EZ-1, PEC)

In an OR-1, OR-2, OR-3, OTF, C-1, C-2, C-3, C-M, EZ-1, or PEC district, a Residential Lodging House or Commercial Boarding House with eight (8) or fewer Boarders, excluding the

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owner and his or her family if applicable, is permitted with special standards set forth in this section.

A. A Boarding House additionally classified as a Boarding Home by Kentucky Revised Statutes and/or Kentucky Administrative Regulations shall comply with the standards for the operation of a Boarding Home, including those provided in 902 KAR 20:350 and KRS Chapter 216B.

B. Each Boarder shall have his or her own bedroom. Any such bedroom shall meet the current dimensional requirements and occupancy limitations set forth in LMCO Section 156.103.

C. A Boarding House is for non-transient occupancy. The minimum intended stay for any occupant shall be at least 30 consecutive days.

D. A Boarding House may have a Boarder who manages the property and/or supervises the other Boarders on behalf of the property owner and/or operator. There shall not be any non-resident employee that works within the dwelling, with an exception for employees that report to the property temporarily to address management or emergency issues.

E. A Boarding House is a residential use. Nonresidential uses and services, including those that may be accessory, shall not be carried out within the dwelling unless otherwise permitted and approved as a separate use.

F. Signage shall be in compliance with LMCO Chapter 155 and Chapter 8 of this Land Development Code.

G. The owner of the Boarding House shall maintain a registry of Boarders, which shall document the terms of stay of each Boarder. This registry shall be made available for inspection by a Zoning or Code Enforcement Officer in order to determine the total number of Boarders residing in the Boarding House at a given time and whether a term of stay is transient or not. However, under these provisions, the operator is not required to collect and/or maintain records that may be used for discriminatory purposes under the Fair Housing Acts, including but not limited to records relating to the race, religion, gender, national origin, family status and/or disability of any resident.

J. A Boarding House shall meet the health, sanitation, structural, property maintenance, fire, and life safety requirements of any currently applicable federal, state and local laws.

K. A Boarding House shall not operate until it has been issued a license pursuant to LMCO Chapter 115 and, if required, a registration or license from the Commonwealth of Kentucky pursuant to KRS Chapter 216B.

Table 9.1.3B Minimum and Maximum Motor Vehicle Parking Based on Use

GENERAL ACTIVITIES (LBCS Code)	SPECIFIC ACTIVITIES (LBCS Code)	MINIMUM REQUIREMENT	MAXIMUM REQUIREMENT

Institutional Living (1300)	Dormitories, Fraternities, Sororities, Boarding House,	Suburban Form: 1 per 4 residents (capacity)	Suburban Form 1 per resident (capacity)

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	Transitional Housing, Rehabilitation Home, Homeless Shelter	Traditional Form: 1 per 6 residents (capacity)	Traditional Form 1 per 2 residents (capacity)
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Case No. 20-ZONE-0102

***NOTE: Commissioners Daniels and Brown left the meeting at 5:00 and 5:45 p.m., respectively, and did not vote on this case.**

Request: Cont'd from March 4, 2021 Public Hearing - Change in zoning from R-4, OR-2 & C-2 to EZ-1 with revised detailed district development plan

Project Name: Woodland Warehouse

Location: 8201 Minor Lane

Owner: Barrington Investment Company, LLC

Applicant: Barrington Investment Company, LLC

Representative: Bardenwerper, Talbott & Roberts, PLLC

Jurisdiction: Louisville Metro

Council District: 13 - Mark Fox

Case Manager: Joel P. Dock, AICP, Planner II

Notice of this public hearing appeared in The Courier-Journal, a notice was posted on the property, and notices were sent by first class mail to those adjoining property owners whose names were supplied by the applicants.

The staff report prepared for this case was incorporated into the record. The Commissioners received this report in advance of the hearing, and this report was available to any interested party prior to the public hearing. (The staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5th Street.)

Agency Testimony:

03:44:54 Joel Dock presented the case and showed a Power Point presentation (see staff report and recording for detailed presentation.)

04:01:15 In response to a question from Commissioner Mims, Mr. Dock said he had communicated with the Metropolitan Housing Coalition and sent them the proposed binding elements. He said he has not received any comments from them regarding these. He added that the binding elements being presented today are a combination of those, of the testimony at the public hearing, and some of the revisions that the applicant presented at the public hearing and also later draft revisions.

04:02:39 In response to a question from Commissioner Carlson, Mr. Dock said binding element #6 could be changed to read, "Louisville Metro Police" instead of naming a specific division. Commissioner Carlson and Mr. Dock continued to discuss more details of the binding elements regarding resident relocation, specifically boarding

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procedures; inspection for combustible or hazardous items and their removal; and coordination of utility disconnection.

04:07:27 In response to some of Commissioner Carlson's concerns, Commissioner Mims suggested talking to Robert Kirchdorfer, Director of Codes and Regulations, regarding process issues about abandonment time frames and procedures, as well as utility disconnection.

04:09:47 Commissioner Clare asked for more clarification regarding the timing of notice/s to give residents as much time as possible. Mr. Dock reviewed proposed binding element #6A and how that should address the issue.

04:12:02 In response to a question from Commissioner Clare, Mr. Dock reviewed the definition of a "housing counselor" and how this is defined in binding element #6C.

04:13:12 In response to a question from Commissioner Clare, Mr. Dock said that notices will go to every resident, in both Spanish and English. Commissioner Clare asked that notices go out in multiple languages which may be prevalent in this residential park. Commissioner Peterson asked that the applicant address these concerns as well as lease schedule and terms; costs of moving household goods; costs of trailer relocation, etc.

The following spoke in support of the request:

Nick Pregliasco, Bardenwerper Talbott & Roberts PLLC, 1000 North Hurstbourne Parkway, Louisville, KY 40223

Rick Roethke, Barrington Investment Company LLC, 10401 North Meridian Street Suite 210, Indianapolis, IN 46290

Summary of testimony of those in support:

04:15:26 Nick Pregliasco, the applicant's representative, presented the applicant's case and showed a Power Point presentation (see recording for detailed presentation.)

04:32:10 Rick Roethke, the applicant, presented information about his company, what their plans are for this site, and particularly how they will be contacting, communicating with, and assisting current residents (see recording for detailed presentation.)

04:41:30 Mr. Pregliasco discussed the binding elements and concluded the presentation (see recording.)

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The following spoke neither for nor against the request (“Other”):

Cathy Kuhn, 1928 Rivers Landing Drive, Louisville, KY 40059

Megan Washburn, 8201 Minors Lane Trailer 486, Louisville, KY 40219

Lottie Nichols, 8201 Minors Lane Lot #513, Louisville, KY 40219

Samantha Pinell, 8201 Minors Lane #28, Louisville, KY 40219

Summary of testimony of those neither for nor against:

04:43:46 Cathy Kuhn, Executive Director of the Metropolitan Housing Coalition, said her organization’s concern is the possibility of people becoming homeless because of this zoning change. She said her organization has collaborated with the Coalition for the Homeless and other local organizations. She said they have knocked on doors and spoken with residents to make sure they were aware of today’s meeting. She said that residents’ have some confusion about what is happening there and what the zoning plan meant for them. She said there have been concerns about some new residents who may have just moved in - have those residents been told about the park closure? Seniors and residents with disabilities expressed concern about whether they can find new living space or afford to move. She questioned whether 3-months rent (approximately \$1000) would be enough to move a mobile home, pay moving costs, set up utilities, etc.

04:48:23 Megan Washburn said she has a rent-to-own lease that still has 22 months left on it. She said she received a letter with no date, and not on letterhead, which she read into the record. The letter discusses the proposed rezoning. She also asked about the vacate timeline.

04:51:06 Lottie Nichols said the other trailer parks surrounding this one are nowhere near as well-run or clean. She agreed with Ms. Washburn that residents have not been given clear or concise information about what is going to happen. She said the residents have been told that only the land in the wooded area was going to be developed, and that the development area no longer pertains to them. There is still a great deal of confusion and conflicting information. She said the proposed three months free rent as a financial aid is concerning because \$1,000 IS inadequate to cover the costs of moving her trailer.

04:54:57 Samantha Pinell said she agreed with the statements of the previous two speakers. She said residents have been told by employees of the park that the

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rezoning will not affect them; that the warehouses will be built next to and behind the park. She said she is also renting to own and has lived there less than a year. She agreed that \$1000 is helpful but will be nowhere near the amount that can help cover or defray moving costs.

The following spoke in opposition to the request:

No one spoke.

Rebuttal/Discussion:

Mr. Pregliasco answered questions raised by the speakers (see recording for detailed discussion.) He emphasized that there is no intent to close the park right now. He discussed any possible future park closure processes in more detail.

05:02:03 Mr. Roethke said any park closure is “premature” and reiterated that there is no plan to close the park now. He said all leases will be honored, and residents will be given plenty of notice and assistance if any moving becomes necessary. See recording for detailed discussion.

05:07:15 Commissioner Carlson, Mr. Roethke and Mr. Pregliasco discussed housing issues and possible timelines.

05:13:14 Commissioner Peterson brought up a question asked by one of the residents and asked if down-payment money (rent-to-own) will be repaid. Mr. Roethke discussed rental versus rent-to-own. Ms. Washburn offered clarification about her lease – she pays a lot payment and a trailer payment that goes towards the price of the home. She said she would not get her money back if she had to move. Mr. Roethke explained that this is something similar to leasing a car.

05:21:25 Commissioner Mims asked why the applicant is considering rezoning the park property right now, if there are no immediate plans to close the park. Regarding security deposits, Commissioner Mims said those deposits are usually put in escrow and are refundable.

05:24:12 Commissioner Seitz said she agreed with Commissioner Mims and asked if the applicant could come back before the Planning Commission with specific dates, times, and dollar amounts. She said she felt that there were too many unknowns to comfortably recommend rezoning at this time.

05:25:14 Commissioner Clare said she agreed with Commissioners Seitz and Mims.

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05:26:05 Commissioner Howard asked if any part of the mobile home park is part of the current requested zoning change and if not, then why is it being discussed today. Mr. Roethke discussed the need for a roadway which comes off of Minor Lane to go to the back of the property. This may entail 3-4 properties, which can be relocated within the park. Mr. Pregliasco said any development would take place in phases. Commissioner Carlson suggested revising the application to include only the portion of land that would involve the road.

05:30:56 Mr. Dock said a rezoning does NOT force the residents to move. The residents can remain. Residential uses are allowed within EZ-1. The detailed plan calls for the development of that site. The development of that site needs to have some mitigating elements, which is the relocation plan. The rezoning and the development plan are tied together, but the zoning can be changed without a development plan. He noted that access through the mobile home park is not permitted, because an access to a higher-intensity use is not permitted through a lower-intensity use.

05:34:15 Commissioner Carlson discussed particular information that he wanted to hear, namely specifics about the park closing and what is going to happen with the residents. Commissioner Seitz asked if there is another access point to allow entrance to the wooded area. Mr. Pregliasco said that would require a revised plan – the access would be to the north of the mobile home park. See recording for detailed discussion.

An audio/visual recording of the Planning Commission hearing related to this case is available on the Planning & Design Services website, or you may contact the Customer Service staff to view the recording or to obtain a copy.

05:42:53 On a motion by Commissioner Carlson, seconded by Commissioner Seitz, the following resolution was adopted:

RESOLVED, The Louisville Metro Planning Commission does hereby **CONTINUE** this case to a date uncertain.

The vote was as follows:

YES: Commissioners Clare, Carlson, Mims, Seitz, Peterson, and Howard.

NOT PRESENT: Commissioners Lewis, Sistrunk, Daniels, and Brown.

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Minutes of Case No. 21-LDC-0001 ONLY

Approval of the Minutes for Case No. 21-LDC-0001 ONLY, heard at today's hearing.

05:45:04 On a motion by Commissioner Carlson, seconded by Commissioner Seitz, the following resolution was adopted:

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** the minutes for Case No. 21-LDC-0001 **ONLY**, as heard at today's Planning Commission public hearing.

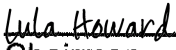
The vote was as follows:


YES: Commissioners Clare, Carlson, Mims, Seitz, Peterson, and Howard.
NOT PRESENT: Commissioners Lewis, Sistrunk, Daniels, and Brown.

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ADJOURNMENT

The meeting adjourned at approximately 6:50 p.m.

DocuSigned by:

Lula Howard
Chairman

DocuSigned by:

Division Director