

PLANNING COMMISSION RESOLUTION 21-LDC-0004

A RESOLUTION BY THE PLANNING COMMISSION RECOMMENDING APPROVAL OF LAND DEVELOPMENT CODE TEXT AMENDMENTS TO CHAPTER 1, PART 2, CHAPTER 4, PART 2, AND CHAPTER 4, PART 3 FOR ACCESSORY DWELLING UNIT TO THE LOUISVILLE METRO COUNCIL AND OTHER JURISDICTIONS WITH ZONING AUTHORITY.

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

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

WHEREAS, Planning and Design Services staff received multiple comments during the LDC Reform public engagement process regarding urban agriculture and the current barriers that exist within the LDC; and

WHEREAS, the comprehensive plan, Plan 2040, includes Housing Policy 1.1 which encourages a variety of housing types such as accessory residential structures; this proposed amendment would provide an administrative process for the development of an accessory dwelling unit; and

WHEREAS, Plan 2040, includes Housing Policy 1.2 that encourages the development of housing for the elderly and the disable; this text amendment would provide another housing option for both the elderly and disable people; and

WHEREAS, Plan 2040, includes Housing 3.3, encourages more innovative methods of housing such as accessory units; this text amendment provides greater flexibility in the approval process for accessory dwelling unit development; and

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

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

Additions

Deletions

SECTION I: Chapter 1, Part 2 of the LDC, Section 1.2.2 Definitions, is amended to delete the accessory apartment definition and replace with the following:

...

Dwelling Unit, Accessory (ADU) – A smaller, secondary dwelling unit located on the same lot as a principal dwelling. ADUs provide complete, independent living facilities (which at a minimum includes permanent provisions for living, sleeping, eating, cooking and sanitation which are accessed independently). The ADU shall not constitute a dwelling unit for purposes of calculating permissible density. There are two types of ADUs:

- (a) Attached ADUs which are connected to or part of the principal dwelling. Examples include converted living space, attached garages, basements or attics; additions; or a combination thereof.
- (b) Detached ADUs which are separate accessory structures from the principal dwelling. Examples include converted garages or new construction.

SECTION II: Chapter 4, Part 2 of the LDC, Section 4.2.3 Accessory Apartment, is amended to delete the accessory apartment section and replace with the following:

4.2.3 Accessory Dwelling Unit (ADU)

Accessory dwelling units that do not meet the provisions of Section 4.3.25 may be allowed in the R-R, R-E, R-1, R-2, R-3, R-4, R-5, and U-N districts upon the granting of a conditional use permit and compliance with the listed requirements.

- A. All special standards outlined within Section 4.3.25 are met unless relief is granted by the Board. Applications requesting relief from special standards in 4.3.25 shall provide written justification demonstrating the reasons why relief should be granted and how such relief would retain the accessory nature of the dwelling unit.

SECTION III: Chapter 4, Part 3 of the LDC, is amended to add Section 4.3.25 Accessory Dwelling Unit, as follows:

4.3.25 Accessory Dwelling Unit (ADU)

Accessory dwelling units may be permitted in the R-R, R-E, R-1, R-2, R-3, R-4, R-5, and U-N zoning districts that permit residential use in accordance with the following special standards:

- A. One ADU, either attached or detached is permitted per single family dwelling per lot.
- B. Maximum ADU Size: 800 square feet or 30 percent of the gross floor area of the principal structure, whichever is greater.
- C. Location Requirements:
 - 1. For an attached ADU, the yard or setback requirements of the principal structure shall be met. The attached ADU shall be located either to the side or behind the principal structure.
 - 2. For a detached ADU, the yard or setback requirements of an accessory structure shall be met. The detached ADU shall be located either to the side or behind the principal structure.
- D. ADU Access:
 - 1. For an attached ADU, an exterior stair case used to access a second story or higher ADU shall not be located on the front façade of the structure.
 - 2. For a detached ADU, the exterior pedestrian entrance to the ADU shall be located facing the principal structure or side yard.
- E. Maximum Height:
 - 1. For an attached ADU, the maximum height shall not exceed the height of the principal structure.
 - 2. For a detached ADU, the maximum height shall not exceed the maximum height

permitted for an accessory structure in accordance with Chapter 5 of the LDC. The maximum height shall not exceed the height of the principal structure.

- F. ADUs approved under this provision shall not be used as a short term rental.
- G. Any property that has been subject to a zoning, property maintenance, or building code violation(s) in the 12 months prior to application shall be reviewed and approved by the directors of Planning & Design Services and Codes & Regulations, or their designees. Any violations shall be resolved prior to approval.
- H. Off-street parking shall meet the requirements of Chapter 9 of the LDC.
- I. ADUs that include new construction that results in habitable floor area (for example, additions to principal structures or new accessory structures) shall not be allowed on any areas of lots that contain environmental constraints (LDC Section 4.6.2.A).

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

DocuSigned by:

Marilyn Lewis
Marilyn Lewis
Chair