

ORDINANCE NO. 097, SERIES 2021

AN ORDINANCE AMENDING CHAPTER 5 OF THE METRO LAND DEVELOPMENT CODE RELATING TO FRONT AND STREET SIDE SETBACKS AS SUGGESTED IN PLAN 2040 COMPREHENSIVE PLAN (“PLAN 2040”).

SPONSORED BY: COUNCIL MEMBER MADONNA FLOOD

WHEREAS, Plan 2040 was adopted by the Legislative Council of the Louisville/Jefferson County Metro Government (the “Council”) effective January 1, 2019; and

WHEREAS, Plan 2040 includes Community Form Policy 2.18, that recommends that the Land Development Code (“LDC”) be periodically reviewed to ensure that the LDC follows best practices; and

WHEREAS, the Council passed Resolution 82, Series 2020 directing the Louisville Metro Planning Commission (the “Planning Commission”) and its staff to undertake a review of the LDC and develop recommendations thereto to the Council to reform the LDC for more equitable and inclusive development; and

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

WHEREAS, the LDC Diagnosis with Housing Focus was completed by Opticos Design in July 2020 (the “LDC Diagnosis”) as part of staff’s review of the LDC, and as part of this analysis it was recommended that reduced setbacks could enable a broader range of housing choices; and

WHEREAS, the LDC Diagnosis also stated that large minimum front setbacks such as a 30 foot front setback/yard rules out compact, traditional neighborhoods within

certain zoning districts like the R-4 zone; and

WHEREAS, Planning and Design Services staff reviewed the LDC and developed text amendments to Sections 5.2.2.C and 5.3.1.C of the LDC regarding front and street side setbacks; and

WHEREAS, the proposed text amendments went to the Planning Committee of the Planning Commission for public meetings on February 8, 2021 and March 22, 2021; and

WHEREAS, the Planning Commission on April 20, 2021 recommended that the Council adopt the proposed text amendments to the LDC as set forth in Planning Commission Resolution No. 20-LDC-0005; and

WHEREAS, Council approves and accepts the recommendation of the Planning Commission as set forth in Planning Commission Resolution No. 20-LDC-0005.

NOW, THEREFORE, BE IT ORDAINED BY THE LEGISLATIVE COUNCIL OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT AS FOLLOWS:

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

Table 5.2.2 Dimensional Standards – Traditional Neighborhood

Density Category	Zoning District	Minimum Lot Area	Min. Lot Width	Min. Front and Street Side Yard Setback	Max. Front Setback	Minimum Side Yards (Each)	Minimum Rear Yard Setback	Maximum Building Height
Low Density	R-1	40,000 sf	100 ft	30 15 ft***	NA	15 ft.	5 ft.	35 ft
	R-2	20,000 sf	75 ft	25 15 ft***	NA	10 ft	5 ft.	35 ft
	R-3	12,000 sf	60 ft	15 ft***	NA	6 ft	5 ft.	35 ft
	R-4	9000 sf	60 ft	15 ft***	25 ft	5 ft.	5 ft.	35 ft
Med. Density /Intensity	R-5	6,000 sf	35 ft.	FY 15 ft. *** SSY 3 ft.	FY 25 ft.	3 ft	5 ft.	45 ft

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

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

Zoning District	Minimum Lot Area	Min. Lot Width	Min. Front and Side Street Yard Setback	Minimum Side Yards (Each)	Minimum Rear Yard Setback	Maximum Building Height
RR	5 Acres	150 ft	30 ft	15 ft	50 ft	35 ft
RE*	105,000 sf	150 ft	90 ft (front); 60 ft (street side)	20 ft minimum, 50 ft total	50 ft	35 ft
R-E, R-1	40,000 sf	150 ft	75 ft (front); 25 ft (street side) 15 ft.****	15 ft minimum, 45 ft total	25 ft.	35 ft
R-2	20,000 sf	100 ft	30 ft 15 ft.****	10 ft minimum, 30 ft total	25 ft.	35 ft

R-3	12,000 sf	75 ft	30 ft 15 ft.****	7.5 ft minimum, 22.5 total	25 ft.	35 ft
R-4	9,000 sf	60 ft	30 ft 15 ft.****	**	25 ft.	35 ft
R-5	6,000 sf	50 ft	25 ft 15 ft.****	5 ft	25 ft.	35 ft
PRD	1500 sf	0 ft.	0 ft.	0 ft.	0 ft.	35 ft.
R-5A	6,000 sf	50 ft	20 ft 15 ft.****	5 ft	25 ft.	35 ft
R-5B	6,000 sf	30 ft	20 ft 15 ft.****	3 ft	25 ft.	35 ft
R-6, OR	6,000 sf	25 ft	15 ft****	3 ft	25 ft.	35 ft
U-N	2,500 sf 1500 sf if attached	18 ft	15 ft****	3 ft	6 ft.	35 ft
R-7, OR-1	6,000 sf	25 ft	15 ft****	3 ft	15 ft	45 ft (see footnote)***
R-8A, OR-2, CR, CN	6,000 sf	25 ft	15 ft****	3 ft	15 ft	45 ft (see footnote)***
OR-3, OTF, C-1, C-2	5,000 sf	None	None	None	15 ft	45 ft (see footnote)***

Note: The PDD shall use the dimensional standards of the zoning district uses as listed in Table 2.8.2.

* as in effect in Anchorage, Douglass Hills and Shively; for standards in effect in other jurisdictions, refer to next line of table.

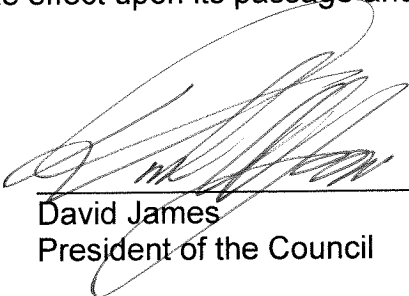
**For lots created prior to August 22, 2000, and lots shown on preliminary plans approved prior to that date, the side yards shall be minimum 6', total of 18'; for lots created or shown on preliminary plans approved after that date, the side yards shall be 5' on each side.

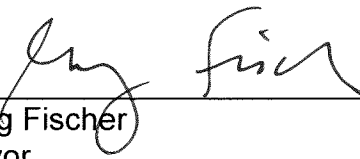
*** Additional height is allowed, if all required setbacks are increased five feet for each additional ten feet of building height, or fraction thereof, over 45 feet. This extra setback does not apply to off-street parking and maneuvering areas. Non-residential uses are subject to building height limits as established in Table 5.3.2

**** Garages with doors facing the street shall have a minimum setback of 25 feet.

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


 Sonya Harward
 Metro Council Clerk


 David James
 President of the Council



Greg Fischer
Mayor

08/05/2021
Approval Date

APPROVED AS TO FORM AND LEGALITY:

Michael J. O'Connell
Jefferson County Attorney

**LOUISVILLE METRO COUNCIL
READ AND PASSED
July 29, 2021**

By: M. Holliday Hopkins

O-202-21 – LDC Amendments Regarding Front and Street Side Setbacks (If)