

ORDINANCE NO. _____, SERIES 2015

AN ORDINANCE AMENDING SECTIONS OF CHAPTERS 2, 4 AND 5 OF THE LAND DEVELOPMENT CODE PERTAINING TO FAIR AND AFFORDABLE HOUSING—APPLICABLE SECTIONS ARE MORE SPECIFICALLY SET FORTH BELOW IN EXHIBIT A—WHICH IS PART OF A CONTINUING EFFORT TO UPDATE THE ZONING REGULATIONS FOR LOUISVILLE METRO (CASE NO. 14AMEND1003).

SPONSORED BY: Councilman James Peden

WHEREAS, Cornerstone 2020, Louisville Metro’s comprehensive plan, encourages the provision of appropriate and inclusive housing ownership options at variable price points throughout all of Jefferson County; and

WHEREAS, Cornerstone 2020 also encourages the incorporation of incentives for the development of appropriate housing in the Land Development Code (“LDC”), including to density bonuses for development projects that include low/moderate income housing and encouraging mixed-use projects that contain appropriate housing components; and

WHEREAS, as provided in *Making Louisville Home For Us All: A 20-Year Action Plan For Fair Housing*, the Metro Council believes this ordinance furthers the action step to “Amend the Land Development Code to include incentives for affordable housing;” and

WHEREAS, the Planning Commission held a public hearing on August 11, 2014 in accordance with KRS Chapter 100 to discuss and consider a number of text amendments to Chapters 2, 4, and 5 of the LDC pertaining to fair and affordable housing, and has recommended approval to the Metro Council that the language

contained in Exhibit A attached hereto be adopted, as reflected in the records of the Planning Commission in Case No. 14AMEND1003; and

WHEREAS, the Metro Council concurs in and adopts the findings and recommendations of the Planning Commission in Case No. 14AMEND1003 as reflected in the Planning Commission's minutes and records, and as more specifically set forth in Exhibit A attached hereto;

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

Section I: The Metro Council hereby adopts the amendments to the Land Development Code as contained in the minutes and records of the Planning Commission in Case No. 14AMEND1003, dated August 11, 2014, and as more specifically set forth in Exhibit A attached hereto.

Section II: This Ordinance shall take effect upon its passage and approval.

H. Stephen Ott
Metro Council Clerk

David Tandy
President of the Council

Greg Fischer
Mayor

Approval Date

APPROVED AS TO FORM AND LEGALITY:

Michael J. O'Connell
Jefferson County Attorney

By:_____

**EXHIBIT A
(FAIR AND AFFORDABLE HOUSING LDC SUB-COMMITTEE ITEM 2)**

FAH ITEM #2

4.3.20– Mixed Residential Development Incentive (MRDI)

- A. Multi-Family & Two-Family Dwellings may be considered a Permitted Use with Special Standards in the R-4 & R-5 zoning districts in conformance with the standards listed below.**
- B. The following point system will determine the allowable residential density bonus. All development proposals must obtain at least one point each from Category A: Multi-Family and Category B: Affordable Units.**
- 1. Percentage of dwelling units in proposal that are multi-family residential units.**
 - a. Less than 10% 0 points**
 - b. 10-19.99% 1 point**
 - c. 20-29.99% 2 points**
 - d. 30-39.99% 3 points**
 - e. 40-49.99% 2 points**
 - f. 50-100% 0 points**
 - 2. Percentage of dwelling units in proposal that are affordable units as defined below.**
 - a. Affordable Owner Occupied Units – Affordable owner occupied units are defined as either Diversity Level 1, 2 or 3 as described in Section 4.5 Alternative Development Incentives.**
 - b. Affordable Rental Units – The most current published HUD Fair Market Rent value and the Low-Income Housing Tax-Credit rent limits for Jefferson County will be used to calculate the Affordable Rent. Affordable Rent must not exceed the higher of the two rent calculations in order to be classified as an affordable rental unit. More information on how to determine affordable rental unit status is included at the end of this section.***
 - i. Less than 5% 0 points**
 - ii. 5-9.99% 1 point**
 - iii. 10-19.99% 2 points**
 - iv. 20-29.99% 3 points**
 - v. 30-39.99% 2 points**
 - vi. 40-49.99% 1 points**

- vii. 50-100% 0 points
3. Percentage of site designated as common open space.
 - a. 10-14.99% 0 points
 - b. 15-19.99% 1 point
 - c. 20-29.99% 2 point
 - d. 30% or more 3 points
 4. Conversion of existing structures, no new building construction proposed: 2 points.
 5. Reuse of existing historic buildings (as defined by local/state Historic Preservation authority): 2 points.
 6. Proposed site located within one mile of employment center. To qualify a property must be located within, or within one mile of, one of the following form districts: Downtown, Traditional Marketplace Corridor, Traditional Workplace, Suburban Marketplace, Regional Center, Suburban Workplace and Campus: 2 points.
 7. Utilization of Green Development Design Incentives (See LDC Sections 5.5.6, 9.1.3.F.9 and Appendix 5A): 2 points.
 8. Subject property located in a census tract that has less than 15% of its population living below poverty level: 2 points.
 9. Proposed site located within ¼ mile of TARC route: 1 point.
 10. Proposed site located within ¼ mile of roadway classified as arterial: 1 point.
 11. Proposed site located within ½ mile of public park: 1 point.
 12. Proposed site located within ½ mile of public school: 1 point.
 13. Development exceeds Chapter 10 Required Tree Canopy Coverage Area by 50%: 1 point; by 100%: 2 points.
- C. Use point system to determine allowable residential density of a proposal. More points = higher density. (R-4 allows 4.84 du/ac and R-5 allows 7.26 du/ac.)

EXAMPLE: 8 points = 5% density bonus = 5.08 du/ac in R-4; 7.62 du/ac in R-5
10 points = 10% density bonus = 5.32 du/ac in R-4; 7.98 du/ac in R-5
12 points = 15% density bonus = 5.56 du/ac in R-4; 8.34 du/ac in R-5
14 points = 20% density bonus = 5.80 du/ac in R-4; 8.71 du/ac in R-5
16+ points = 25% density bonus = 6.05 du/ac in R-4; 9.07 du/ac in R-5

D. The applicable review process required by the Land Development Code will apply to any proposed development utilizing this section.

E. Required Standards

1. Average Lot Size

a. R-4 Zoned Developments: The average of all lot sizes (single-family and multi-family) within the proposed development shall be a minimum of 9,000 square feet. No lot shall be smaller than 4,500 square feet.

b. R-5 Zoned Developments: The average of all lot sizes (single-family and multi-family) within the proposed development shall be a minimum of 6,000 square feet. No lot shall be smaller than 3,000 square feet.

2. Open Space

a. All developments are required to designate a minimum of 10% of the subject property as common open space. The open space areas shall be owned in common and maintained by the lot owners in the development. All open space must meet applicable provisions of Section 10.5 Open Space Standards. If another section of the Land Development Code requires a particular development to provide a greater amount of open space than this section requires, then the greater open space requirement shall be adhered to.

3. Compatibility with Adjacent Residential Development

a. Reduced size lots authorized by this section shall be designed and located so that impacts on adjacent previously approved residential development are minimized. To achieve this purpose, proposed subdivisions with reduced size lots shall meet each of the following design standards applicable to a given site in addition to applicable Chapter 5 dimensional requirements.

i. Proposed subdivisions with reduced size lots that are directly across a public right-of-way or private access easement from a recorded subdivision or single family residential structures having an average front or street side yard with a variation in depth of not more than 10 feet shall meet the following standard: Building limit lines shall be recorded for those parcels across the street/access easement from existing development that equal the average dimensions of established front and street side yards of the existing development.

ii. Perimeter parcels of the proposed development that are adjacent to property subdivided into lots of one acre or less for residential use shall be developed as detached

single family homes with lots having at least 75% of the minimum area in the zoning/form district of the adjacent property.

iii. Developments that propose reduced size lots that are adjacent to property subdivided into lots over one (1) acre for residential use or residentially used parcels larger than one acre shall provide a minimum 20 foot wide buffer planted with a row of evergreen trees placed no more than 30 feet apart.

4. Dimensional Requirements

a. All other applicable form district requirements from Chapter 5 shall apply to the proposed development unless otherwise stated. Building setback and lot width requirements can be found in Section 5.2.2.D or 5.3.1.D.2 Alternative Housing Styles.

5. Timing of Construction of Housing Types

a. Within a proposed Mixed Residential Development Incentive development no more than 50% of one type of housing (single-family/multi-family) may be developed until at least 50% of the other type of housing has been developed. Also, 50% of the designated affordable units must be constructed by the time 50% of the total units in the development have been constructed. These calculations shall be based on the number of building permits issued.

EXAMPLE: 100 total units (80 SF units/20 MF units/10 affordable units). Building permits for 40 single-family units could be issued, then building permits for 10 multi-family units would have to be issued before more single-family permits could be issued. In this example, of the first 50 units issued building permits, 5 units must be affordable units.

6. Affordable Rental Rate Commitment

a. The rental rate of the affordable rental units in a MRDI development may not exceed the higher of the two rent calculations (most current published HUD Fair Market Rent value and the Low-Income Housing Tax-Credit rent limits for Jefferson County) for a period of 15 years from the date the unit's building permit was issued.

7. Annual Reporting

a. The developer/owner shall be responsible for submitting an annual report to Planning & Design Services staff at 12-month intervals from the date of the recording of the record plat, until

all affordable owner occupied units have been issued building permits and for a period of 15 years after the last affordable rental unit building permit has been issued. In the event a development does not require a record plat the date of Planning Commission approval will be used to determine the 12 month reporting intervals. The annual report shall identify the name of the subdivision/development, the plat book and page number of the record plat if applicable, the lot/unit numbers, the lot/unit addresses, and the sale price and/or rental rates of the designated affordable units. The annual report shall indicate separately the number of building permits issued for single-family and multi-family dwellings.

NOTE: The web links below can be used to calculate the rent limits for affordable rental units for any given year.
<http://www.novoco.com/products/rentincome.php>
<http://www.huduser.org/portal/datasets/fmr/fmrs/docsys.html&data=fmr13>

FAH ITEM #2A

Section 2.2.6.E.2 – Maximum Density:4.84 dwellings per acre
Additional density up to 6.05 dwellings per acre may be achieved using the Mixed Residential Development Incentive (MRDI) Option. See Section 4.3.20.

Section 2.2.7.E.2 – Maximum Density:7.26 dwellings per acre
Additional density up to 9.07 dwellings per acre may be achieved using the Mixed Residential Development Incentive (MRDI) Option. See Section 4.3.20.

Section 5.2.2 Traditional Neighborhood Form District
Add the following text after Table 5.2.2:

NOTE: Minimum lot area requirements for Mixed Residential Development Incentive (MRDI) developments shall be calculated as provided in Section 4.3.20.

Section 5.3.1 Neighborhood Form District
Add the following text after Table 5.3.1:

NOTE: Minimum lot area requirements for Mixed Residential Development Incentive (MRDI) developments shall be calculated as provided in Section 4.3.20.