

Case #s 15AREA1001 / 15AMEND1001

TNZD Map and Text Amendment



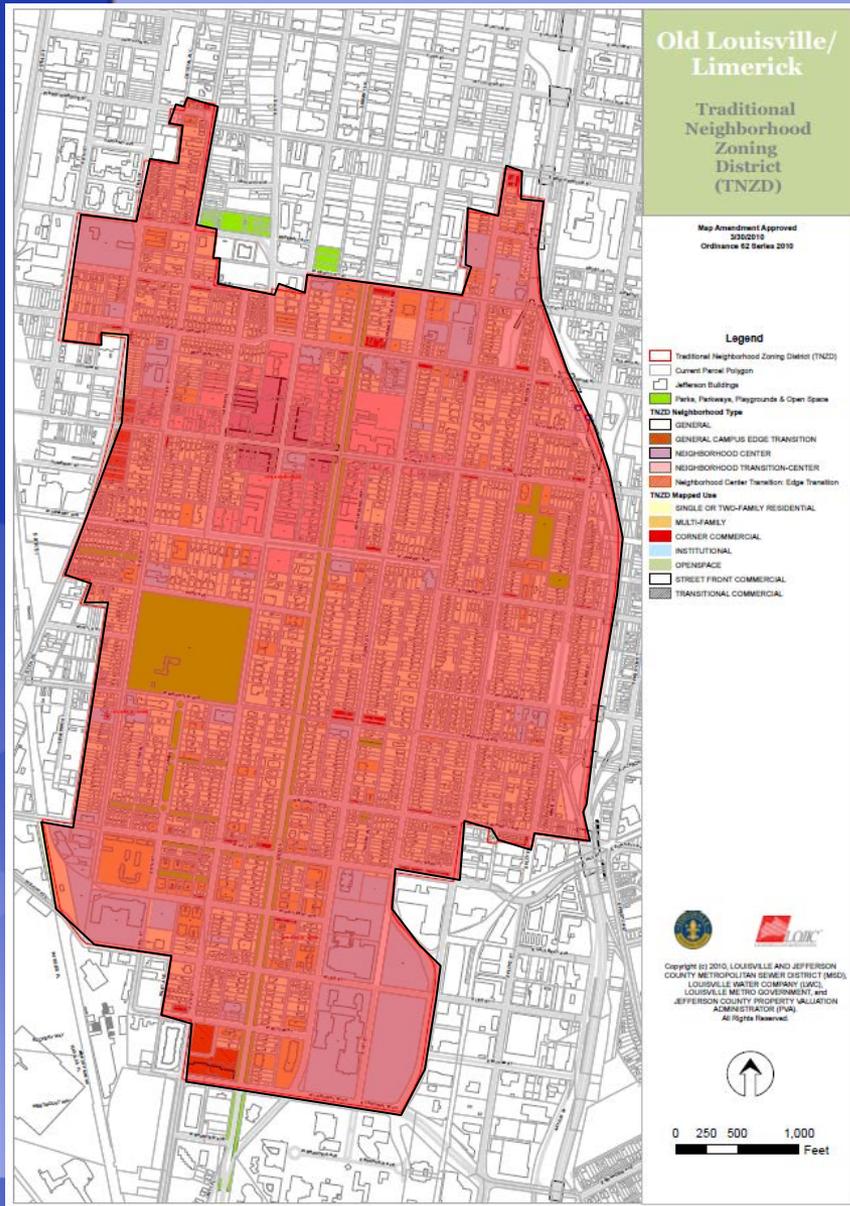
Land Development & Transportation Committee

Brian Mabry, AICP, Planning Coordinator

January 28, 2016

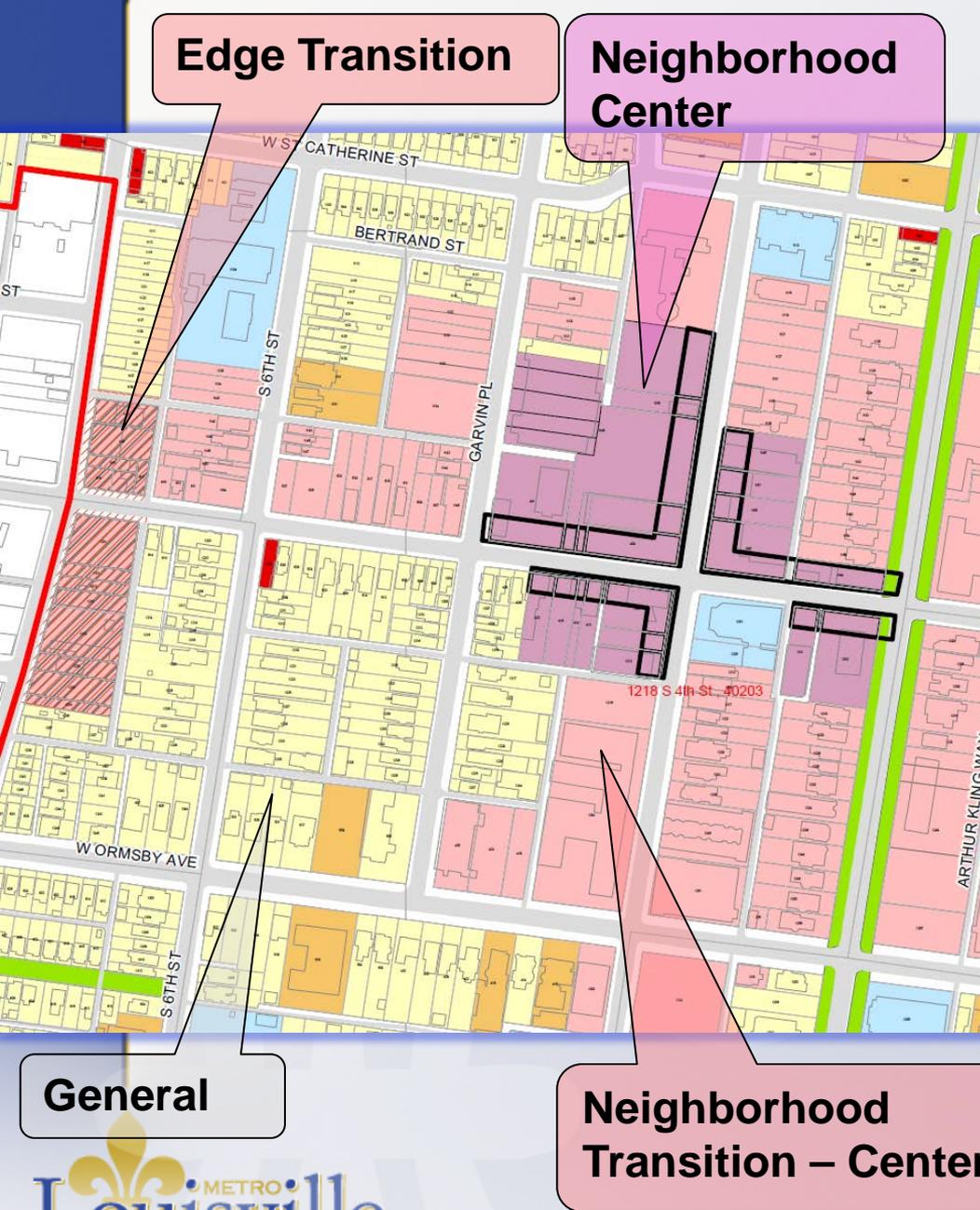
CASE SUMMARY/ BACKGROUND / SITE CONTEXT

Old Louisville / Limerick TNZD



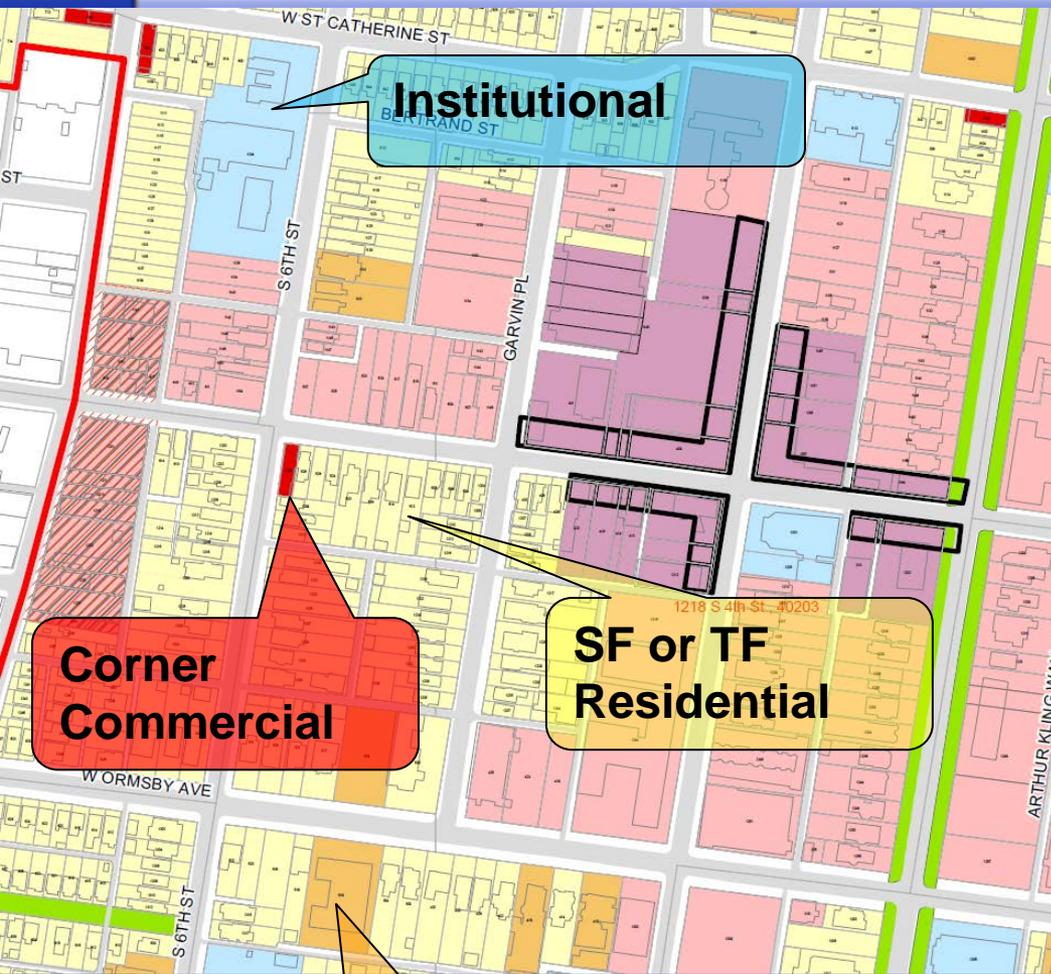
■ Purpose

- Designed to recognize & protect character of Old Louisville & Limerick
 - Connected street & alley pattern
 - Buildings close to or at the sidewalk
 - Well-defined center or transition area that contains a mixture of uses
-
- TNZD exterior boundary will not change as part of this process



- Neighborhood Types
 - “Sub-Districts” allowing various uses
 - P, P/M, CU, P/S, NP
 - Neighborhood Center
 - Neighborhood Transition-Center
 - General
 - Neighborhood Center Transition: Edge Transition
- Mapped Uses

- Neighborhood Types
- Mapped Uses
 - Applies to General Neighborhood Type
 - Permitted where mapped (P/M)



TNZD Uses

- Permitted
- Permitted Where Mapped
- Conditional Use Permit
- Permitted With Standards
- Prohibited



Various Retail Uses



TNZD Uses

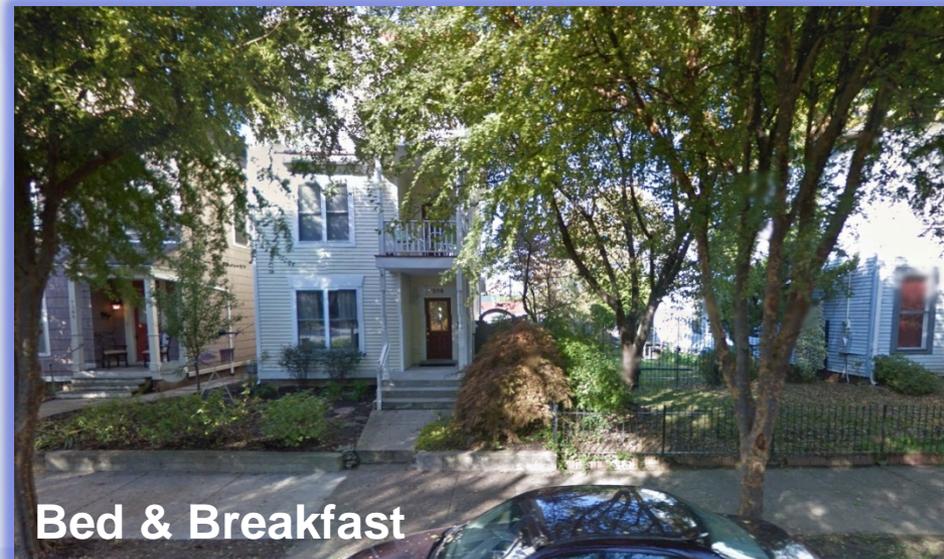
- Permitted
- Permitted Where Mapped
- Conditional Use Permit
- Permitted With Standards
- Prohibited



Bakery

TNZD Uses

- Permitted
- Permitted Where Mapped
- Conditional Use Permit
- Permitted With Standards
- Prohibited



TNZD Uses

- Permitted
- Permitted Where Mapped
- Conditional Use Permit
- Permitted With Standards
- Prohibited



TNZD Uses

- Permitted
- Permitted Where Mapped
- Conditional Use Permit
- Permitted With Standards
- Prohibited

Fraternity or Sorority House



Resolution 040-2015

- Approved by Metro Council in April 2015
- Directs Staff to examine the TNZD's regulations in terms of:
 - Neighborhood Center boundaries
 - Permitted uses
 - Signs
- Directs Staff to hold a public hearing with the Planning Commission

RESOLUTION No. 040, SERIES 2015

A RESOLUTION REQUESTING THE PLANNING COMMISSION, THROUGH ITS STAFF IN LOUISVILLE METRO PLANNING AND DESIGN, TO: 1) EVALUATE THE TRADITIONAL NEIGHBORHOOD ZONING DISTRICT (TNZD) REGULATIONS, PARTICULARLY AS THOSE REGULATIONS RELATE TO SIGNAGE ON PROPERTIES WITHIN THE TNZD AND THE LIST OF LAND USES CURRENTLY SET FORTH IN THE "TRADITIONAL NEIGHBORHOOD ZONING DISTRICT PLAN REPORT FOR OLD LOUISVILLE/LIMERICK," APPENDIX 2B OF CHAPTER 2 OF THE LAND DEVELOPMENT CODE, TO DETERMINE WHETHER THE TNZD LAND USE REGULATIONS ARE EFFECTIVELY ACHIEVING THE PURPOSES ORIGINALLY OUTLINED IN THE TNZD PLAN AND WHETHER EXPANDING THE LIST OF LAND USES TO INCLUDE MORE COMMERCIAL USES TO PROMOTE ADDITIONAL ECONOMIC DEVELOPMENT AND OPPORTUNITIES IS BENEFICIAL TO THE TNZD; 2) EXAMINE THE CURRENT NEIGHBORHOOD CENTER BOUNDARY ON THE TNZD PLAN MAP TO DETERMINE WHETHER IT SHOULD BE EXTENDED TO INCLUDE PROPERTIES ON ITS PERIPHERY AND NEARBY THAT HAVE COMMERCIAL CHARACTER THAT WOULD WARRANT THEIR INCLUSION IN THE NEIGHBORHOOD CENTER; AND 3) HOLD A PUBLIC HEARING AND MAKE RECOMMENDATIONS TO THE LOUISVILLE METRO COUNCIL BASED UPON THE RECORD OF EVIDENCE ESTABLISHED FOR ENUMERATED REQUESTS 1 AND 2.

SPONSORED BY: COUNCILMAN DAVID JAMES

WHEREAS, the Metro Council wishes to support the ongoing prosperity of the Old Louisville Neighborhood through the consideration of land use regulations that promote existing and new business development in the Traditional Neighborhood Zoning District ("TNZD"), and;

WHEREAS, the Council understands that the original Old Louisville Neighborhood Plan and the Limerick Action Plan was adopted in 1982 and that the current list of land uses designated for properties located within the TNZD were compiled and recommended by a task force organized to review and make recommendations to amend the Old Louisville and Limerick Neighborhood Plans, which was accomplished in 2000, and that that task force selected particular land uses for inclusion in said use listings with the intent to promote and to guide contemporary land

Neighborhood Meetings

- July 8, August 11, January 12
- 50-75 attendees at each meeting
- Purpose:
 - inform area stakeholders on zoning in general and on the current status of TNZD regs;
 - provide preliminary recommendations; and
 - provide a forum for stakeholders to educate Staff



STAFF ANALYSIS FOR REZONING

Neighborhood Center and Transition

Alternative 1 - Modest expansion of Neighborhood Center



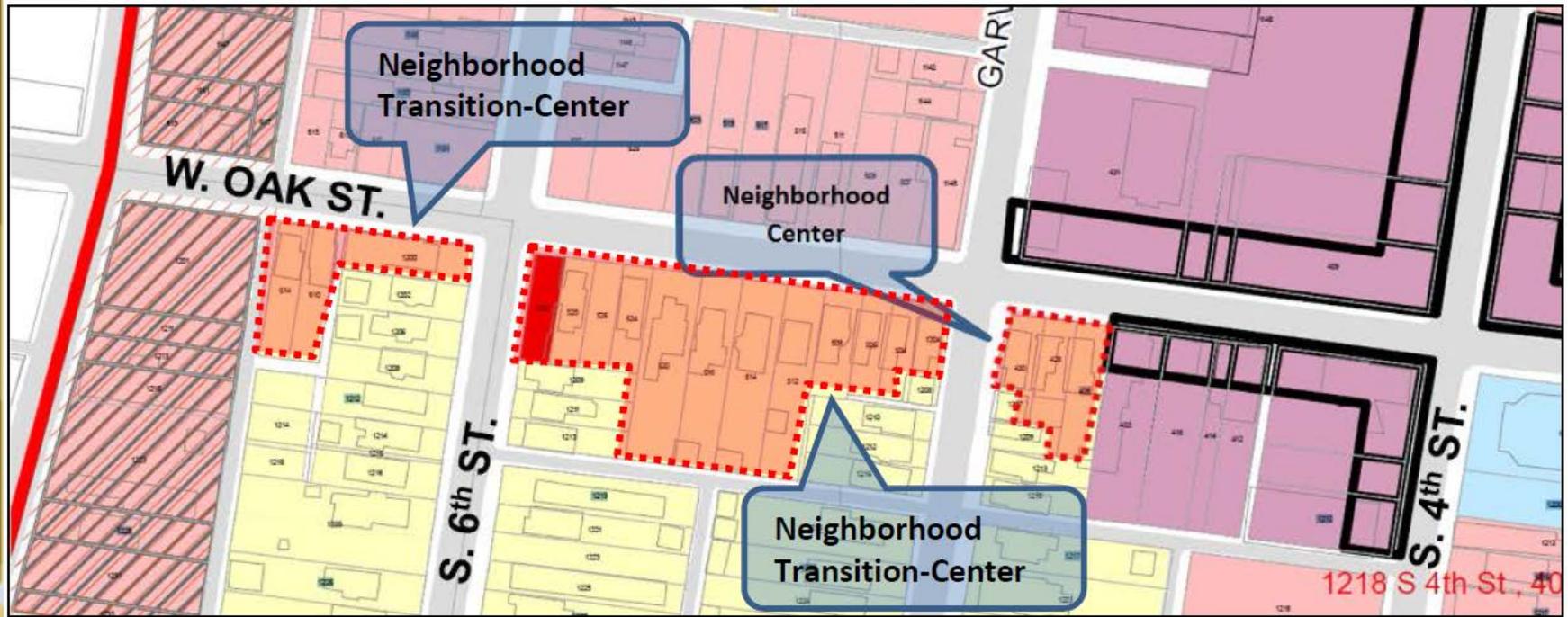
Attachments 2-4 show Parcel ID, Address and Image for each property

2. List of Properties Proposed to be Rezoned From General to Neighborhood Center

PARCELID	PROPERTY ADDRESS	IMAGE
032A01050000	430 W. Oak St.	
032A00590000	428 W. Oak St.	
032A00600000	426 W. Oak St.	

Neighborhood Center and Transition

Alternative 2a - More substantial expansion



Neighborhood Center and Transition

Alternative 2b - Eastward expansion



Stop at S. Brook St. or Continue to S. Floyd St.?

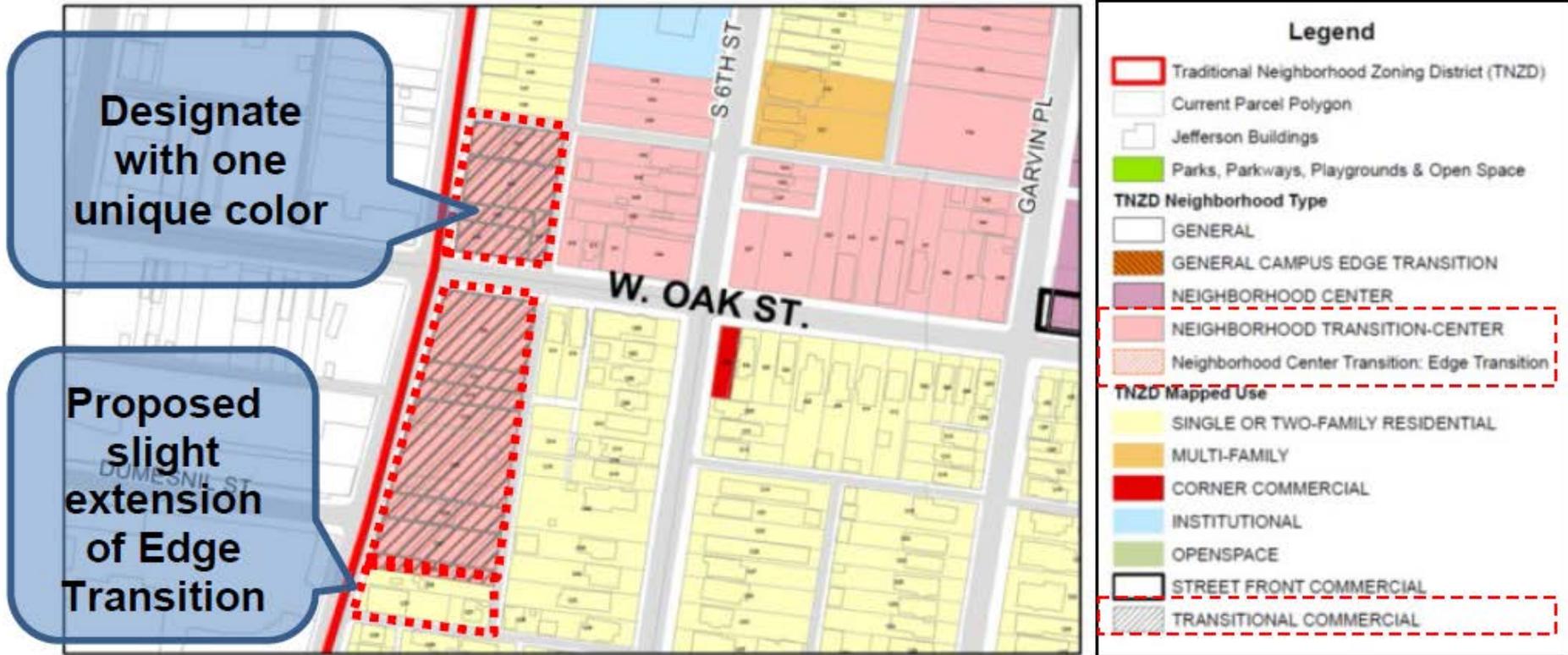
Neighborhood Center and Transition

Alternative 3 - Rely on property owners to request zoning changes as they see fit

Staff recommends Alternatives 2a & 2b

All current applicable standards of the Land Development Code and all Old Louisville / Limerick design review provisions remain in effect

Neighborhood Center Transition: Edge Transition



Neighborhood Center Transition: Edge Transition

- Three layers of designations on the TNZD zoning map: light pink, black hash marks and red hash marks
- Provide a single unique color on the map and legend Extend Edge Transition two parcels southward
- See Attachment 5 for a letter requesting the extension

4. List of Properties Proposed to be Rezoned From General to Neighborhood Center Transition:
Edge Transition

PARCELID	PROPERTY ADDRESS	IMAGE
031D00420000	1235 S. 7 th St.	
031D00410000	1237 S. 7 th St.	

“Community Commercial” Rather Than Corner Commercial

- Staff recommends changing the mapped use designation from “Corner Commercial” (dark red) to “Community Commercial”
- Change in terminology would enable individual property owners of commercial structures on interior lots to request Community Commercial status and thus be given ability to use the structures for a commercial purpose
- Staff not proposing to proactively change designation of these properties



Standard of Review for Rezoning

Conformance With “Amendments to the Old Louisville/Limerick Neighborhood Plans”

- Revitalization of the commercial district at 4th and Oak Streets as a true neighborhood serving center
- Appropriate commercial and retail amenities throughout the neighborhood; and
- Appropriate, inclusive zoning and rigorous code enforcement

Why the existing zoning...classification is not appropriate and the proposed zoning...is appropriate

- Oak Street is a Minor Arterial according to Cornerstone 2020 and minor arterials can generally support zoning districts of a greater intensity than currently exist along Oak; and
- As a result of the ongoing public review process, the recommended changes attempt to split the difference between those who favor very modest change and those who prefer significant changes

STAFF ANALYSIS FOR LDC TEXT AMENDMENT (USES)

Organizational

- Make LDC Appendix 2B, “Traditional Neighborhood Zoning District Land Use And Design Standards,” its own LDC Section rather than an appendix
- Incorporate relevant portions from other parts of the LDC into the new TNZD Section
- Reference Historic Landmarks and Preservation Districts Commission’s General Design Guidelines

Neighborhood Center Alternatives

- Alternative 1
- C-2 carry over with no exclusions
- In addition, allow as permitted:
 - Assisted living residence
 - Community or market garden (Permitted with Standards)*
 - Entertainment activity, indoor or outdoor
 - Garages and accessory residential units (carriage house)
 - Live/Work Unit (Permitted with Standards)*
- See Attachment 6 for a list of new uses that would become permitted



Neighborhood Center Alternatives

- Alternative 2
- C-2 carry over, *with selected exclusions*
- In addition, allow as permitted:
 - Assisted living residence
 - Community or market garden (Permitted with Standards) *
 - Entertainment activity, indoor or outdoor
 - Garages and accessory residential units (carriage house)
 - Live/Work Unit (Permitted with Standards) *



Neighborhood Center Alternatives

- Alternative 3: Keep use listings as-is, or make only minor adjustments



Neighborhood Center Alternatives

- Staff Recommends Alternative 1
 - Makes TNZD permitted use listing easier to understand by making it compatible with other commercial districts
 - Recommended by vote of the Old Louisville Neighborhood Council
 - Expands list of permitted uses in Neighborhood Center, potentially helping to jump start economic activity



Neighborhood Transition - Center Alternatives

- Alternative 1
- C-2 carry over with no exclusions, except that outdoor entertainment requires a CUP
- In addition, allow as permitted:
 - Assisted living residence
 - Bed & breakfast (Permitted with Standards)*
 - Community or market garden (Permitted with Standards)*
 - Entertainment activity, indoor only
 - Garages and accessory residential units (Carriage House)
 - Governmental buildings
 - Live/work unit (Permitted with Standards) *
 - Package liquor store (CUP)*
 - Tavern, bar, saloon (CUP or Where Mapped) *
 - Trade, business or industrial school (Where Mapped)



Neighborhood Transition - Center Alternatives

- Alternative 2
- C-2 carry over with the following exclusions:
 - Auto rental agencies (more than 25 vehicles)
 - Auto repair garages
 - Auto sales
 - Auto service station
 - Boat sales and related storage
 - Car washes
 - Used car sales



Neighborhood Transition - Center Alternatives

- Alternative 2 (cont.)
- In addition, allowing as permitted:
 - Assisted living residence
 - Bed & breakfast (Permitted with Standards)
 - Community or market garden (Permitted with Standards)*
 - Entertainment activity, indoor only
 - Garages and accessory residential units (Carriage House)
 - Governmental buildings
 - Live/work unit (Permitted with Standards)*
 - Package liquor store (CUP)*
 - Tavern, bar, saloon (CUP or Where Mapped)*
 - Trade, business or industrial school (Where Mapped)
- See Attachment 7 for a list of new uses that would become permitted



Neighborhood Transition - Center Alternatives

- Alternative 3 : Keep use listing as-is, or make only minor adjustments



Neighborhood Transition - Center Alternatives

- Staff recommends Alternative 2
 - Makes TNZD permitted use listing easier to understand by making it compatible with other commercial districts
 - Incorporates some of the OLNC recommendations
 - Adds more uses, but decreases the intensity of Neighborhood Center, as appropriate for a transitional area
 - Expands list of permitted uses in Neighborhood Transition-Center, potentially helping to jump start economic activity



Institutional Uses

- **Broaden Institutional Definition in TNZD**
 - TNZD specific definition: Churches, Synagogues, Parish Halls, Temples, Convents, and Monasteries; Community Service Facility; Cultural Centers and Civic Buildings; Clubs, private, not for profit, or proprietary, with the exception of fraternities and sororities; Schools, public and private; Dwellings, Multifamily

Institutional Uses

- **Broaden Institutional Definition in TNZD**
 - LDC general definition: Public, semipublic, and private elementary schools, middle schools, high schools, civic buildings, community buildings and uses including substations, governmental buildings, churches, museums, art galleries, fire houses, post offices, police stations, reservoirs, libraries, parks, essential services, hospitals, and similar uses, any of which may have additional requirements to use set forth within. For the purposes of this code all institutional uses shall be considered as non-residential uses.

Institutional Uses

- Staff recommends combining the two definitions so that there will be one consistent definition for the whole Code, and in order to capture the greatest number of specific uses within the definition of Institutional Uses.

Allow Live/Work Units as Permitted Subject to Standards

- All neighborhood types (Neighborhood Center, Neighborhood Transition-Center, etc)
- For individual or group of individuals who will reside and work in the space
- Arts and crafts studios, professional services, one-on-one instructors, computer software and multimedia professionals
- Currently allowed in R-4, R-5, R5-A, R5-B, R-6, R-7, R- 8A, OR, M-1, M-2, M-3, and EZ-1 with standards in 4.3.19
- Standards relate to uses, parking, reducing impacts, etc.



Allow B&Bs as Permitted Subject to Standards in NT – Center

- Currently requires a CUP
- Allow as permitted subject to standards (existing requirements in Sec. 4.2.9)
 - Max 9 guest rooms with two adults per room
 - Length of stay no more than 14 consecutive days
 - Current guest register
 - May provide food service or space for indoor meetings
 - Temporary activities permit required for outdoor activities and/or events attended by non-overnight guests

Allow Taverns and Package Stores With CUP in NT – Center

- These uses may have significant impacts on nearby residential uses, therefore a Conditional Use Permit review should include at a minimum:
 - an analysis of nearby residential uses and potential impacts;
 - screening and buffering needed to protect adjacent residential uses; and
 - limited hours of operation.
- Same general CUP standards as for Outdoor Entertainment Activity

Allow Community and Market Gardens Subject to Standards

- Staff recommends allowing as permitted subject to standards

Community Garden-An area of land less than 5 continuous acres in size managed and maintained by a group of individuals to grow and harvest food and/or non-food crops for personal or group use, consumption, donation or off-site sales. Plots for cultivation by one or more individuals and may include common areas maintained and used by group members. Community gardens may be principal or accessory uses and may include structures such as greenhouses, hoop houses, high tunnels, and storage sheds

Market Garden-An area of land less than 5 continuous acres in size managed and maintained by an individual or a group of individuals to grow and harvest food and/or non-food crops to be sold for profit, or an area of land of any size used for greenhouses, hoop houses, high tunnels, rooftop gardens, vertical gardens, hydroponic systems or aquaponic systems alone or in combination with other techniques for growing food or non-food crops. Market gardens may be principal or accessory uses, and may consist entirely of growing areas enclosed in structures.

Allow Community and Market Gardens Subject to Standards

- Community Garden – Sec. 4.3.17
 - Allow in all neighborhood types
 - Currently allowed in RR through C-2
 - 15% maximum building coverage
 - Composting limited
 - TNZD sign standard applies – stricter than allowed in 4.3.17
- Market Garden – Sec. 4.3.18
 - Allow in Neighborhood Center and Neighborhood Transition-Center
 - Currently allowed in OR through EZ-1
 - Similar standards as Community Garden



Allow Offices With a CUP in General Neighborhood

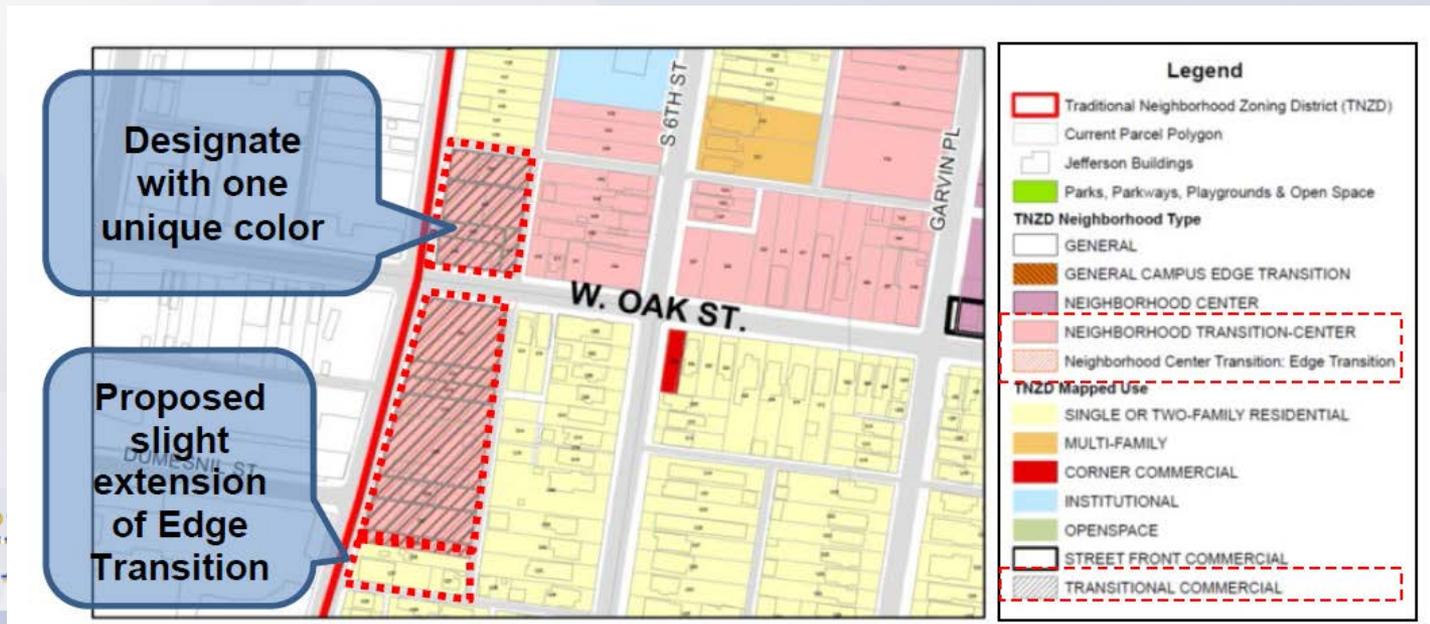
- Currently not allowed
- Proposal is based on existing standards in Section 4.2.20 for doctor, dentist, and chiropractor offices which apply to the R-4, R-5, R-5A, R-5B, R-6, and R-7 zoning districts
- Max floor area is 1,000 sq ft
- Parking to the rear not between a street and the building
- Shrub screen with minimum height of 5 feet or a wall constructed of brick, stone or wood
- 1 non-illuminated attached sign with max size of four sq ft

Expand Corner/Community Commercial Permitted Uses

- Staff recommends expanding the set of uses permitted on Corner/Community Commercial properties on the TNZD map
- See Attachment 8 for a listing of these uses
- Based on OLNC recommended list of uses

Neighborhood Center-Transition: Edge Transition Uses

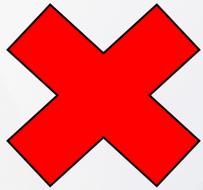
- Carry Over C-2 with No Exclusions
- See the letter in Attachment 9 requesting the C-2 uses



STAFF ANALYSIS FOR LDC TEXT AMENDMENT (SIGNS)

Allow Monument Signs and Expand Where Permitted

- Currently freestanding signs only allowed with offices and B&Bs and limited to 6 square feet
- Recommendation is to allow nonresidential and mixed use buildings that are not corner/community commercial a 24 sq ft monument sign
- In place of attached, awning, projecting or canopy
- Max overall height of 4'
- Property must have minimum front yard of 15' from ROW line to front of building
- Sign has 15' minimum side setback
- Based on standards of Traditional Neigh Form District & Bardstown Rd/Baster Ave Standards



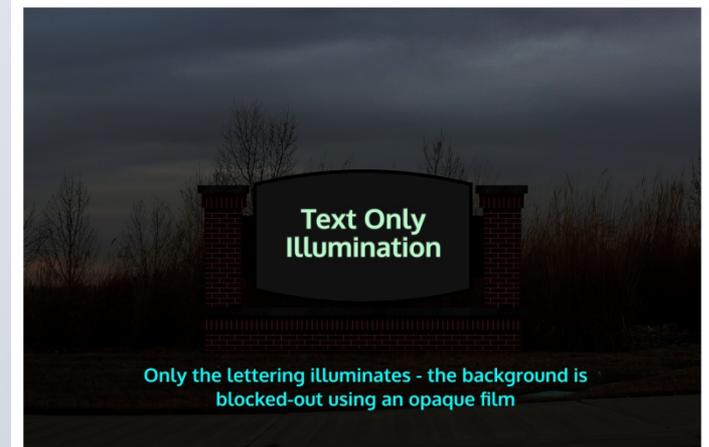
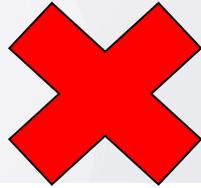
Likely not enough front setback for monument sign



Enough front setback and lot width for monument sign

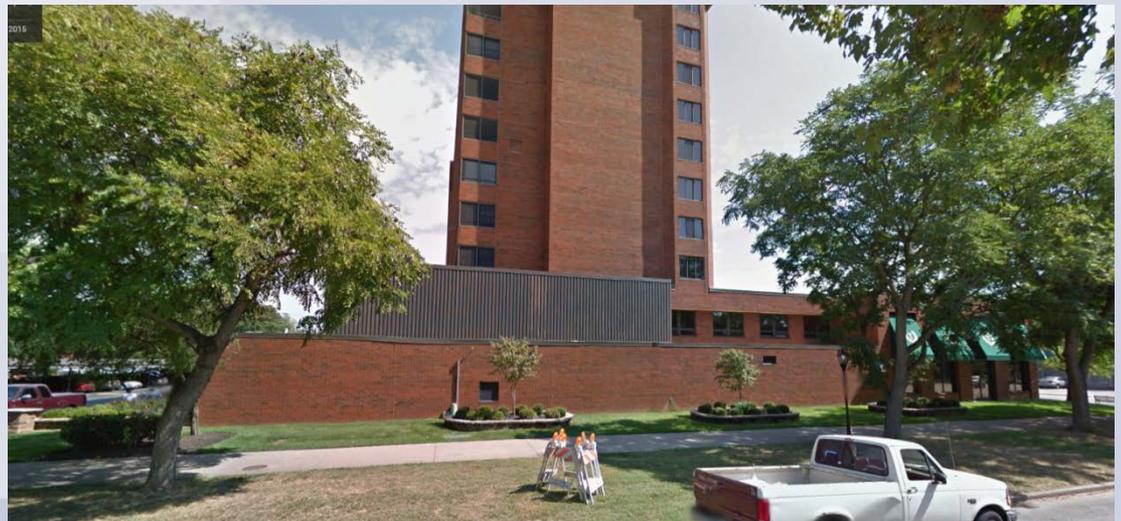


Opaque Background with Channel Letters for Freestanding Signs



Allow Signature Entrance Signs on Larger Properties

- “Signature entrance: Any wall(s), fence(s), guard house, or similar structures exceeding 4 feet in height, constructed at an entrance to a major residential subdivision or to a multi-family complex of ten units or more, or a nonresidential subdivision.”
- Allow two signs, max. 15 sq ft each, attached to the entrance
- ½ acre minimum lot size to be eligible



Incorporate Director's Interp Allowing Neon Window Signs

- Proposal applies to nonres. and mixed use buildings
- One internally illuminated window sign per entrance
- May include neon, maximum of 5 sq. ft.
- Illuminated and non-illuminated together shall not exceed 25 percent of total window area

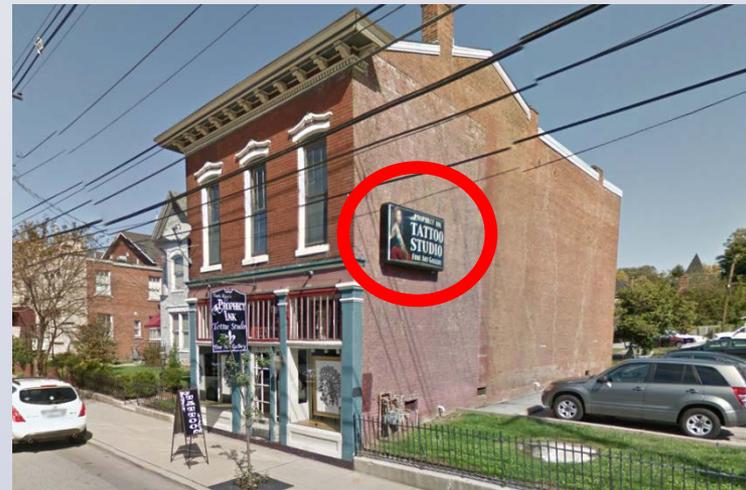


Increase Maximum Area for B&Bs and Office Attached Signs

- The current maximum area for an attached sign is six square feet for an office or a bed and breakfast
- Based on stakeholder feedback, Staff recommends modestly increasing the maximum square footage to 12 square feet

Allow an Attached Sign on One Side Façade

- B&Bs and offices limited to one attached sign at the front of building
- Corner commercial limited to one attached sign per street frontage
- Staff recommends permitting an additional sign on a side façade of a bed and breakfast, office or corner commercial with a maximum sign area of 24 square feet



Remove Conflict Re: Freestanding and Marquee Signs

- Conflict between TNZD standards and the general sign standards in Chapter 8
- Unclear if freestanding signs and marquee signs are allowed in the TNZD at all
- Staff recommends an amendment making it clear that the two sign types are allowed in the TNZD, subject to applicable standards

Public Hearing

- The case is ready for a public hearing.
- Staff received a signed petition sufficient to grant an evening hearing for this case.