

RESOLUTION NO. 005, SERIES 2016

A RESOLUTION REQUESTING THAT THE PLANNING COMMISSION HOLD A PUBLIC HEARING AND FORWARD A RECOMMENDATION TO THE LEGISLATIVE COUNCIL OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT REGARDING PROPOSED LANGUAGE AMENDING THE INFILL DEVELOPMENT REGULATIONS IN CHAPTER 5 OF THE LAND DEVELOPMENT CODE TO ADDRESS THE RELATIONSHIP BETWEEN BUILDING HEIGHTS OF PROPOSED STRUCTURES ON INFILL SITES AND EXISTING STRUCTURES ADJACENT TO THE SUBJECT INFILL SITES AND WHETHER A STEPBACK REQUIREMENT FOR SAID INFILL STRUCTURES WITH PROPOSED BUILDING HEIGHTS GREATER THAN THE BUILDING HEIGHTS OF THE STRUCTURES ON ADJACENT PROPERTIES WOULD HELP MITIGATE ANY INCOMPATIBILITY POSSIBLY CAUSED BETWEEN THE DISPARITY IN BUILDING HEIGHTS OF NEIGHBORING PROPERTIES.

Sponsored by: Councilman James Peden

WHEREAS, over the course of the last two years, Legislative Council of the Louisville/Jefferson County Metro Government (“Metro Council”) has undertaken a comprehensive review and update to its zoning regulations, the Land Development Code (“LDC”), and as part of said review and update, the Metro Council, at times, finds the need to further review existing LDC regulations; and

WHEREAS, here, the Metro Council, based on the review and debate of proposed amendments to the infill development regulations during 2015, identified concerns related to situations where structures constructed on infill parcels are disproportionally taller than the structures on adjacent parcels and how that height disparity might negatively affect those adjacent parcels; and

WHEREAS, the Metro Council now wishes to consider the appropriateness of adopting infill regulations addressing building heights of proposed infill structures and whether a “stepback” requirement at specified building heights for said structures

proposed for the subject infill sites would help alleviate any incompatibility possibility caused by disproportionate building heights between structures; and

WHEREAS, the Metro Council request the Department of Planning and Design to review infill regulations from other communities, specifically Memphis, Tennessee and Raleigh, North Carolina (as noted in Exhibit A attached hereto), and present its recommendations to the Planning Commission during a public hearing, and, thereafter, the Planning Commission shall forward its recommendation to the Metro Council for further action;

NOW, THEREFORE, BE IT RESOLVED BY THE METRO COUNCIL AS FOLLOWS:

Section 1: The Metro Council requests that the Planning Commission hold a public hearing regarding proposed amendments to Chapter 5 of the LDC, specifically the infill development regulations (see suggestions set forth in Exhibit B attached hereto), and whether the inclusion of a “stepback” requirement for building heights of structures proposed on infill development sites is a reasonable way to alleviate possible incompatibility caused by disproportionate building heights of adjacent structures, and to forward its recommendation to the Metro Council for further action.

Section 2: This Resolution shall take effect upon passage and approval.

H. Stephen Ott

H. Stephen Ott
Metro Council Clerk

David Yates

David Yates
President of the Council

Greg Fischer

Greg Fischer
Mayor

Approved: *2/11/14*
Date

APPROVED AS TO FORM AND LEGALITY:

Michael J. O'Connell
Jefferson County Attorney

By: *Justin Beck*

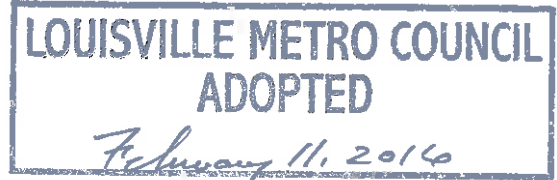


EXHIBIT A: Infill Stepback Survey and Recommendations

Community	Stepback (height : additional setback)	Use or District	Notes
Cincinnati, OH	.5:1 to 5:1	Multifamily district	If above 35' regardless of adjacency
	10:3	Office district	If above 25' regardless of adjacency
Indianapolis, IN	1:1	Commercial districts	If above 35' and adjacent to a residence, hospital, park, place of worship or school
	1:1	Industrial districts	If above 22' to 35'
Lexington-Fayette, KY	4:1	R-5 - apts	Adjacent to P-1 or R, no clear "circuit breaker"
	3:1	P-1 office	Adjacent to P-1 or R, no clear "circuit breaker"
	3:1	B-2 downtown business	For floors with DUs with windows
	3:1	B-4 wholesale and warehouse, I-1 Industrial 1, B-5P Interchange Service Business	Adjacent to P-1 or R, no clear "circuit breaker"
	1:1	P-2, MU-2, MU-3 districts	Adjacent to residential use
Memphis, TN	1:1	Nonresidential or multifamily uses	Any nonresidential or multifamily building that abuts a single-family residential district is subject to a bulk plane starting at 40 feet in height at the side or rear setback line, and extending upward one foot for every additional foot into the site from the setback line up to 100 feet of setback. (See Figure 1 below)
Oklahoma City, OK	1:1	Institutional uses	If above maximum height for districts. Capped at 60'
Raleigh, NC	1:1	Residential Uses	The maximum allowed wall height adjacent to the side property line is 22 feet or the average height of the 2 abutting neighboring wall planes, whichever is greater. The wall height may be increased 1 foot for each foot of horizontal distance the wall is moved from the side setback line, not to exceed the maximum height allowed within the district

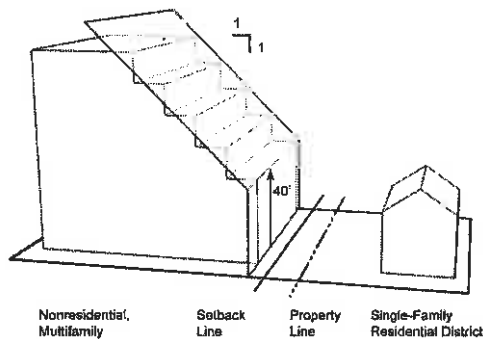


Figure 1 - Memphis graphic illustrating bulk plane

EXHIBIT B: Draft Louisville Metro LDC Amendment:

Note: Although it is unadopted language, non-underlined text below is from "Attachment #1: Summary of LDC Main Committee's Actions Related to Infill." It is not shown as underlined in order to distinguish it from the brand new proposed text that is shown as underlined and bolded.

From Attachment #1: Summary of LDC Main Committee's Actions Related to Infill

5.1.12 Infill Development Regulations

A. Traditional Form Districts (TN, TMC, TC, TW, VC)

2. Infill Dimensional Requirements

- d. Building Height – The building height shall fall within the range of building heights of existing structures within the same block face. In cases where the maximum building height allowed within the applicable form district is greater than the established range within a block face, the maximum building height within the range may be exceeded by up to 25%, but may not exceed the maximum building height allowed within the particular form district. The proposed building height may also be as much as 25% lower than the minimum building height of the established range within the block face.

e. Corner Lots

II. Building Height

- 1. The building height for proposed structures on all corner infill lots shall fall within the range of building heights of existing structures within each block face the property is located within. In cases where the maximum building height allowed within the applicable form district is greater than the established range within a block face, the maximum building height within the range may be exceeded by up to 25%, but may not exceed the maximum building height allowed within the particular form district. In cases where a corner infill lot is located within two block faces with incompatible established building height ranges, the block face that includes the subject property's front yard shall be used to calculate the building height range. The proposed building height may also be as much as 25% lower than the minimum building height of the established range within the block face.

B. Suburban Form Districts (N, SMC, RC, SW, C, VO)

2. Infill Dimensional Requirements

Note: This proposal parallels the wording in 5.1.12.A.2.d above for interior lots.

- d. Building Height – ~~There are no infill specific building height requirements for properties located within suburban form districts. Refer to the applicable form district dimensional requirements found in Chapter 5 to determine the building height requirement.~~

- i. The building height shall fall within the range of building heights of existing structures within the same block face. In cases where the maximum building height allowed within the applicable form district is greater than the established range within a block face, the maximum building height within the range may be exceeded by up to 25%, but may not exceed the maximum building height allowed within the particular form district. The proposed building height may also be as much as 25% lower than the minimum building height of the established range within the block face.**

ii. Where a proposed nonresidential or multifamily building abuts a single-story residential structure, the maximum building height allowed, measured at the required side or rear setback line, shall be 20 feet. The building height may be increased one foot for each foot of horizontal distance the building wall is moved from the side or rear setback line, not to exceed the maximum height allowed within the district or the maximum height ranges established in paragraph i. above.

e. Corner Lots

i. Building Setbacks

1. Front Yard and Street-side Yard Setbacks – The front yard and street-side yard setback lines shall fall within the range of the front yard or street-side yard setbacks of the two nearest lots containing principal structures within the same block face. A proposed building on an infill lot must be constructed within this established front yard setback range.
2. Side Yard Setback – There are no infill specific side yard setback requirements. Refer to the applicable form district dimensional requirements found in Chapter 5 to determine the required side yard setback requirement.
3. Rear Yard Setback – There are no infill specific rear yard setback requirements. Refer to the applicable form district dimensional requirements found in Chapter 5 to determine the rear yard setback requirement.

ii. Building Height

Note: This proposal parallels the wording in 5.1.12.A.2.e.2 above for corner lots.

1. ~~There are no infill specific building height requirements for properties located within suburban form districts. Refer to the applicable form district dimensional requirements found in Chapter 5 to determine the building height requirement.~~ **The building height for proposed structures on all corner infill lots shall fall within the range of building heights of existing structures within each block face the property is located within. In cases where the maximum building height allowed within the applicable form district is greater than the established range within a block face, the maximum building height within the range may be exceeded by up to 25%, but may not exceed the maximum building height allowed within the particular form district. In cases where a corner infill lot is located within two block faces with incompatible established building height ranges, the block face that includes the subject property's front yard shall be used to calculate the building height range. The proposed building height may also be as much as 25% lower than the minimum building height of the established range within the block face.**

2. Where a proposed nonresidential or multifamily building abuts a single-story residential structure, the maximum building height allowed, measured at the required side or rear setback line, shall be 20 feet. The building height may be increased one foot for each foot of horizontal distance the building wall is moved from the side or rear setback line, not to exceed the maximum height allowed within the district or the maximum height ranges established in paragraph 1. above.