

ORDINANCE No. 214, SERIES 2015

AN ORDINANCE AMENDING THE FOLLOWING SECTIONS OF THE LAND DEVELOPMENT CODE AS PART OF A CONTINUING EFFORT TO UPDATE THE ZONING REGULATIONS FOR LOUISVILLE METRO: 5.1.12, 4.1.2, 5.2.2.C, 5.2.3.D.3, 5.2.4.C.3, 5.2.5.C.3, 5.2.6.E, 5.3.1.C, 5.4.1, AND 5.4.2 (CASE NO. 14AMEND1003)(AS AMENDED).

SPONSORED BY: Councilman James Peden

WHEREAS, the Planning Commission held a public hearing on August 11, 2014 to consider a large number of amendments to various sections of the Land Development Code ("LDC") for the purposes of updating and improving the LDC, resolving potential conflicts in the application of various LDC provisions and clarifying language that was determined to be potentially confusing on its face or in its application; and

WHEREAS, the Planning Commission has recommended approval of the amendments itemized in each of the six reports as stated in the Planning Commission's minutes of August 11, 2014 and contained in the attachments for this Ordinance and as summarized in the Round Two LDC Text Amendments Index also contained in the attachments; 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 W. Tandy
President of the Council




Greg Fischer
Mayor

12/21/15

Approval Date

APPROVED AS TO FORM AND LEGALITY:

Michael J. O'Connell
Jefferson County Attorney

By: 



O-398-15

EXHIBIT A
INFILL LDC SUB-COMMITTEE
DRAFT ORDINANCE ATTACHMENT

INF ITEM #1

5.1.12 Infill Development Regulations

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

- 1. Where 50% or more of the existing lots within the same block face are occupied by principal structures the following infill standards shall apply to proposed buildings and additions to existing buildings rather than the dimensional standards listed in the applicable form district section of the Land Development Code. For the purposes of these infill regulations a block face is defined as the frontage on a public street located between intersecting public or private streets or alleys.**
- 2. Infill Dimensional Requirements**
 - a. Front Yard Setback – The front yard setback line shall fall within the range of the front 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.**
 - b. 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 side yard setback requirement.**
 - c. 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.**
 - 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**
 - i. Building Setbacks**
 - 1. Front Yard Setback – The front yard setback line for structures on infill corner lots 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. Exception: For non-residential/mixed-use corner lots in Traditional Form Districts see item "5" below.

2. Street-side Yard Setback – The street side yard setback line for structures on infill corner lots shall be a minimum of three feet. Exception: For non-residential/mixed-use corner lots in Traditional Form Districts see item "5" below.
3. 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 side yard setback requirement.
4. 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.
5. Non-Residential/Mixed-Use Corner Lots in Traditional Form Districts – Section 5.5.1.A.2 requires non-residential and mixed-use buildings on corner lots in Traditional Form Districts to be located between 0 and 5 feet from the right-of-way lines for both streets.

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)

1. Where 50% or more of either the lots or street frontage (lineal distance) within 2500 feet of the subject site and on the same side of the street are occupied by principal structures, the following requirements apply to proposed buildings and additions to existing buildings instead of applicable standards in Tables 5.3.1 and 5.3.2.
2. Infill Dimensional Requirements

- a. Front Yard Setback – The front yard setback line shall fall within the range of the front 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.
- b. 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 side yard setback requirement.
- c. 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.
- 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.
- 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

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.

C. Miscellaneous Infill Regulations and Exemptions

- 1. There are no infill specific requirements for properties located within the Downtown Form District. Refer to Section 5.2.1 for dimensional requirements.**
- 2. Non-residential/Mixed Use Development in the following form districts is not required to comply with any infill regulations found in Section 5.1.12: Suburban Marketplace Corridor, Regional Center, Suburban Workplace and Campus.**
- 3. The Infill Site Context standards in Section 5.1.12 shall not apply in the suburban form districts if two properties within 2500 feet of the subject site and on the same side of the street are developed at a density less than one dwelling per acre.**
- 4. See Section 5.4.1.E & G for infill regulations for residential accessory structures in traditional form districts.**
- 5. Single Family Residential Tree Requirement – Construction of a new single-family or duplex structure on a residential infill lot in any form district shall provide at least one Type 'A' or two Type 'B' trees on the lot. Preservation of existing trees that meet the required tree type shall fulfill this requirement. Street trees do not fulfill this requirement.**
- 6. Recorded subdivisions that include building setback requirements on the official plat recorded in the Jefferson County Clerk's Office shall not be subject to any regulations included in Section 5.1.12.**

INF ITEM #2

4.1.2 Factory Built Housing

- B. The following standards are applicable to all factory built housing to be placed on lots that qualify as infill sites in the form district regulation applicable to the site:

~~*NOTE: Infill development is defined in the Neighborhood and Traditional Neighborhood Form Districts:*~~

~~*Infill in NFD: Where 50% or more of either the lots or street frontage (linear distance) within 200 feet of the subject site and on the same side of the street are occupied by principal structures.*~~

~~*Infill in TNFD : Where 50% or more of either the lots or street frontage (linear distance) within the same block face are occupied by principal structures]*~~

~~*NOTE: Infill Properties – See the infill determination methods in Section 5.1.12.*~~

INF ITEM #3

5.2.2 Traditional Neighborhood Form District

C. Lot Dimensional Standards

~~**1. Infill Standards – Non-Residential and Mixed Use Development**~~

~~Where 50% or more of the linear street frontage within the same or opposing block face is occupied by principal structures exhibiting site design consistent with a traditional development pattern, the following additional standards shall apply:~~

~~a. Front Setback/Build to Line and Street Sideyards. Where there are highly uniform setback/build-to lines (at least 50% of the structures on the block face have setbacks that vary by 10% or less), the setback/build-to line for the new structure shall be the average setback of existing structures in the block face. Where there is more than 10% variation in setbacks within the block face, the setback/build to line shall fall within the range of the setbacks of the nearest constructed properties. Exception: Corner buildings with non-residential and mixed uses shall use Table 5.2.2.~~

~~b. Building Height. The maximum building height shall be 45 feet or 3.5 stories unless an adjacent building is taller in which case the proposed structure may be as tall as the tallest adjacent building.~~

~~c. Sites that do not qualify as Infill Sites shall be developed in accordance with Table 5.2.2.~~

~~**2. Infill Standards – Residential Development**~~

~~See Chapter 5 Part 4 Residential Site Design Standards for traditional form districts (Section 5.4.1)~~

1. Dimensional standards for development that is in an Infill Context are established in Section 5.1.12.

- 2.** Dimensional standards for development that is not in an Infill Context are listed in Table 5.2.2 below. Lots created after the effective date of this Land Development Code shall meet the minimum area requirements of Table 5.2.2. Residential lots having less area than required and legally created prior to the adoption of these regulations may be occupied by one dwelling unit. For lot dimensional standards for Conservation Subdivisions see Table 7.11.1.

5.2.3 Traditional Marketplace Corridor Form District

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D. Dimensional Standards

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3. Non-residential/Mixed Use Structure Setback/Build to Line

- a. Front Setback/Build-to Line and Street Side Yards. There is no minimum front setback/build-to line or street side yard. The maximum front setback/build-to line and street side yards shall be no greater than 15 feet from the line of the right-of-way.

Exceptions: –

~~i. Infill Context. The setback line shall either be;~~

- ~~(a) fall within the range of the setbacks of the two nearest constructed properties.~~
- ~~(b) buildings may be constructed at the existing right-of-way/sidewalk line (i.e., with no front or street side yard setbacks).~~

i. Corner Lots: See 5.5.1.A.2

- ii. Outdoor seating areas. Outdoor amenities such as open, unenclosed seating areas are permitted to encroach into the front setback as long as the corner requirements of Section 5.5.1 A,

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e. Building Height.

- i. Non- Infill Context. Maximum 50 feet or four stories excluding rooftop equipment or machinery penthouses.

- ~~ii. Infill Context. The minimum building height shall fall within the range of building heights along the same or opposing block face. The maximum building height shall be 50 feet, or the average of existing structures in the block face, whichever is greater.~~

4. Infill Context

Dimensional standards for development that is in an Infill Context are established in Section 5.1.12.

5.2.4 Town Center Form District

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C. Dimensional Standards

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3. Non-Residential and Mixed Use Structure Setbacks.

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~~b. Front Setback/Build-to-line and Street Side yard—Infill Context. Where at least 50% of the street frontage (linear distance) within the same block face is occupied by principal structures, the setback/build-to-line shall fall within the range of setbacks of the nearest two constructed properties or 15 feet, whichever is less.~~

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g. Building Height.

~~i. Except as limited within the Form District Transition Zone, the maximum permitted building height is 120 feet.~~

~~ii. Infill Context. Where 50 percent or more of the linear street frontage within the same or opposing block face is occupied by the principal structures exhibiting site design consistent with a traditional development pattern, the following additional standards shall apply:~~

~~(a) Where there are highly uniform building heights (at least 50 percent of the structures on the block face have building heights that vary by 10 percent or less), the building height of the new structure shall fall within 10 percent of the average height.~~

~~(b) Where there is more than 10 percent variation in building heights within the block face, the building heights of new buildings shall fall within the range of the building heights of the two nearest constructed properties.~~

4. Infill Context

Dimensional standards for development that is in an Infill Context are established in Section 5.1.12.

5.2.5 Traditional Workplace Form District

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C. Dimensional Standards

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1. Lot Size, Depth, and Width. There are no minimum lot size, depth, and width requirements in the TWFD, except as specified in number 2 below.
2. Residential Development Standards. Residential lots and structures (both principal and accessory structures) shall comply with the Traditional

Neighborhood Form District Standards in Section 5.2.2.

3. Standards Applicable Within the Form District Edge/Transition Zone. For sites that are within the 200 foot Form District Edge/Transition Zone the following standards shall apply:
 - a. Front and Street Side Yard Setback/Build-to line. The maximum setback/build-to line shall be 25 feet.

~~Exception: Infill context. If 50 percent or more of the street frontage (linear distance) within either the same or adjacent block face is occupied by principal structures that have a front setback that vary no more than 10 percent, then new principal structure setback/build-to lines shall fall within that 10 percent. There is no minimum setback/build-to line.~~
 - b. Side Yard Setback/Build-to line. None, except where the site abuts an existing residential or office use in which case the minimum side yard setback shall equal the setback of the adjacent use.
 - c. Rear Yard Setback. Minimum 20 feet.
 - d. Building Height. Maximum 45 feet or three stories; however if the two nearest non-residential structures are greater than 45 feet or three stories, the infill structure may equal the height of the existing structures.

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7. Infill Context. Dimensional standards for development that is in an Infill Context are established in Section 5.1.12.

5.2.6 Village Form District Center

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E. Dimensional Standards

- 1. Dimensional standards for development that is in an Infill Context are established in Section 5.1.12. Infill developments within the Village Center shall conform to the Traditional Neighborhood Form District dimensional standards.**
- 2. Dimensional standards for development that is not in an Infill Context are listed in Table 5.2.2. Lots created after the effective date of this Land Development Code shall meet the minimum area requirements of Table 5.2.2. Residential lots having less area than required and legally created prior to the adoption of these regulations may be occupied by one dwelling unit.**

5.3.1 Neighborhood Form District

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C. Dimensional Requirements

1. Infill Site Context

Dimensional standards for development that is in an Infill Context are established in Section 5.1.12.

- ~~a. Where 50% or more of either the lots or street frontage (lineal distance) within 200 feet of the subject site and on the same side of the street are occupied by principal structures, the following requirements apply instead of applicable standards in Tables 5.3.1 and 5.3.2.~~

~~NOTE: There are no infill standards for rear yard setbacks for residential development refer to Table 5.3.1 for required rear yard setbacks for residential development.~~

- ~~i. See Section 5.4.2 (Residential Site Design Standards) for residential infill standards.~~
 - ~~ii. New non-residential structures shall be located at the lesser of the established building pattern (average front and street side setback) or the maximum front and street side setback defined in Table 5.3.2.~~
 - ~~iii. The Infill Site Context standards shall not apply if two properties within 200 feet of the subject site and on the same side of the street is developed at a density less than one dwelling per acre.~~
2. Dimensional standards for residential development in each zoning district are listed in Table 5.3.1 below. For lot dimensional standards for Conservation Subdivisions see Table 7.11.1.
 3. Lots created after the effective date of this Land Development Code shall meet the minimum width and area requirements of Table 5.3.1. Lots having less area or width than herein required and legally created prior to the adoption of these regulations may be occupied by one dwelling unit. Structures built or installed after the effective date of this Land Development Code shall meet the setback and height requirements of Table 5.3.1 or applicable infill setback standards **in Section 5.1.12** as required.

4. Supplemental Setbacks

Setback requirements established in Table 5.3.1 shall be increased by the additional amounts specified in the following table for residential uses abutting the right-of-way of railroads, expressways, collector level streets, and arterial level streets.

These setbacks apply to residentially used structures adjacent to a regional transportation pipeline easement for hazardous materials (e.g. natural gas). The applicable supplemental setbacks for the PDD shall be based on the permitted zoning district uses as listed in Table 2.8.2.

5.4.1 Traditional Form Districts (except for DFD)

Traditional site design pattern. Residential lots in traditional form districts exhibit a distinct pattern of placement of principal and accessory structures, their relationship to streets and alleys, and provision for open areas. To reflect these

characteristics, residential lot and building design requirements are described in terms of the following four basic components of a lot or building site: the public realm area, the principal structure area, the private yard area, and the accessory use/structure area. New and infill context development in the traditional forms shall maintain this pattern.

Alternative Development Standards. Sites developed in accordance with the Alternative Development Incentives regulations (Chapter 4 Part 5) or the Planned Residential District (Section 2.7.3) shall meet the lot and setback dimension standards of 5.2.2.D. instead of the requirements established in Table 5.2.2.

- A. Table 5.2.2 shall be used for the non-infill requirements related to maximum building height, setbacks/yards, minimum lot size and minimum lot width as well as paragraphs A through E of this section (excluding infill standards). Where 50% or more of the street frontage (linear distance) within the same block face is occupied by principal structures, Infill Context requirements apply, in addition to the standards of paragraphs A through E of this section. For infill sites, the following standards take the place of applicable standards in Table 5.2.2. General infill standards apply to the following:

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- ~~1. New lots in an Infill Context shall not be less than 80% of the established lot pattern (average lot width and depth) and shall comply with the minimum lot size of the applicable zoning and form districts.~~

~~1.2.~~ Single Family Residential Tree Requirement

- ~~a.~~ Construction of a new single family or duplex structure on a residential lot shall provide at least one Type 'A' or two Type 'B' trees on the lot. Preservation of existing trees that meet the required tree type shall fulfill this requirement. Street trees do not fulfill this requirement.

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- B. Public Realm Area (see figure 5.4.1)

~~3.~~ INFILL CONTEXT

- ~~a.~~ ~~Front Setbacks. New structures shall be built within the setback lines of the two nearest existing residential structures.~~

~~Exception: Corner structures shall not be used in the setback/build-to analysis unless they continue the residential street wall. In cases where the above conditions do not apply, the setback/build-to line will be that specified in Table 5.2.2.~~

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- C. Principal Structure Area

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~~6.~~ Infill Context:

- ~~a.~~ ~~Building Height. The building height shall comply with one of the following standards:~~

- ~~i.~~ ~~Building height shall be within 10% of the average height along~~

~~the block face (for corner lots, the average height shall be calculated based on existing structures along both block faces); or~~

- ~~ii. building height shall fall within the range of the two nearest existing structures within the same block face; or building height may be as permitted in Table 5.2.2.~~

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- ~~b. Street Side Yards and Side yards. The street side yard setback shall be equal to or greater than the street side yard of the adjacent property. The side yard setback shall either fall within the range of those of the two closest constructed residential properties or shall be 3 feet, whichever is greater.~~

~~Exception: Corner buildings with non-residential, multi-family and mixed-uses shall use Table 5.2.2.~~

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- ~~c. In cases where the above conditions do not apply, the building heights and setback/build to lines will be specified in Table 5.3.1.~~

5.4.2 Suburban Form Districts

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C. ~~Infill Context~~

~~Where 50% or more of either the lots or street frontage (lineal distance) within 200 feet of the subject site and on the same side of the street are occupied by principal structures, the following requirements apply instead of applicable standards in Tables 5.3.1 and 5.3.2.~~

- ~~1. Construction of new or expanded principal residential structure on lots created prior to the effective date of this regulation, or on parcels created by minor plat after the effective date, shall fall within the range of the front setbacks of the two nearest principal residential structures. The side setback shall fall within the range of the two nearest principal residential structures or three (3) feet, whichever is greater. The minimum street side yard setback shall be that of the nearest principal residential structure (accessory structures are excluded from this provision).~~
- ~~2. New lots in an Infill Context shall not be less than 80% of the established lot pattern (average lot width and depth) and shall comply with the minimum lot size of the applicable zoning and form districts.~~
- ~~3. The Infill Site Context standards shall not apply if two properties within 200 feet of the subject site and on the same side of the street is developed at a density less than one dwelling per acre.~~
- ~~4. Single Family Residential Tree Requirement~~

- a. ~~Construction of a new single family or duplex principal structure on a residential lot shall provide at least one Type 'A' or two Type 'B' trees on the lot. Preservation of existing trees that trees do not fulfill this requirement.~~

Item #5

Chapter 5 Part 4 Residential Site Design Standards

5.4.1 Traditional Form Districts (except for DFD)

- A. Table 5.2.2 shall be used for the non-infill requirements related to maximum building height, setbacks/yards, minimum lot size and minimum lot width as well as paragraphs A through E of this section (excluding infill standards). Where 50% or more of the street frontage (linear distance) within the same block face is occupied by principal structures, Infill Context requirements apply, in addition to the standards of paragraphs A through E of this section. For infill sites, the following standards take the place of applicable standards in Table 5.2.2. General infill standards apply to the following:

- 1. ~~New lots in an Infill Context shall not be less than 80% of the established lot pattern (average lot width and depth) and shall comply with the minimum lot size of the applicable zoning and form districts.~~

5.4.2 Suburban Form Districts

- ...
- C. Infill Context

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- 2. ~~New lots in an Infill Context shall not be less than 80% of the established lot pattern (average lot width and depth) and shall comply with the minimum lot size of the applicable zoning and form districts.~~