

LAND DEVELOPMENT CODE DEFINITIONS & WHERE PERMITTED

- **Transitional Housing** - A temporary residential living arrangement for persons participating in a program that provides supportive services (such as counseling, education, training, etc.) to help persons achieve personal independence. Staff is available as needed. Transitional housing is not a rehabilitation home. These facilities are not subject to the Uniform Residential Landlord Tenant Act (KRS 383.500 et seq.).
 - Permitted Use with Special Standards in the following zoning districts: R-R, R-E, R-1, R-2, R-3, R-4, R-5, R-5B, UN, R-5A, R-6, R-7, R-8A, OR, OR-1, OR-2, OR-3, OTF, C-R, C-N, C-1, C-2, C-3, C-M, EZ-1, PRO, PEC & TNZD. See Section 4.3.14 for standards to be complied with.
 - Conditional Use may be requested in any zoning district. See Section 4.2.56 for standards to be complied with.

- **Boarding and Lodging House** - A dwelling unit where for compensation and by prearrangement rooms are provided for no more than eight people. Meals may or may not be provided, but there exists one common kitchen facility. This term does not include hotel, motel, extended stay lodging facilities, nursing home rooms, or assisted living units.
 - Permitted Use in the following zoning districts: R-7, R-8A, OR-1, OR-2, OR-3, OTF, C-1, C-2, C-3 & C-M.
 - Conditional Use may be requested in the following zoning districts: R-R, R-E, R-1, R-2, R-3, R-4, R-5 & R-6. See Section 4.2.11 for standards to be complied with.

- **Homeless Shelter** - Any facility the primary purpose of which is to provide temporary shelter for the homeless. The facility provides overnight sleeping accommodations with or without charge; may provide meals and ancillary social, educational or health services. The facility is staffed.
 - Permitted Use with Special Standards in the following zoning districts: R-5A, R-6, R-7, R-8A, OR, OR-1, OR-2, OR-3, OTF, C-R, C-N, C-1, C-2, C-3, C-M, EZ-1, PRO, PEC and TNZD. See Section 4.3.13 for standards to be complied with.
 - Conditional Use may be requested in any zoning district. See Section 4.2.57 for standards to be complied with.

- **Rehabilitation Home** - A building or group of buildings providing residence for persons recovering from the effects of drug or alcohol abuse, psychiatric disorders, or as a condition of their parole or probation. Such homes may provide counseling in educational, vocational, or other areas by a paid or volunteer staff and generally have 24-hour-a-day supervision. This definition does not apply to residential care facilities regulated by KRS 100.982.
 - Conditional Use may be requested in any zoning district. See Section 4.2.31 for standards to be complied with.

- **Residential Care Facility** - A residence operated and maintained by a sponsoring private or governmental agency to provide services in a homelike setting for persons with disabilities.
 - KRS 100.982 & 100.984 requires that residential care facilities be a permitted use in any zoning district that allows residential dwellings. A local jurisdiction may not adopt a conditional use option for residential care facilities.

4.3.14 Transitional Housing – may be permitted within the R-R, R-E, R-1, R-2, R-3, R-4, R-5, R-5B, UN, R-5A, R-6, R-7, R-8A, OR, OR-1, OR-2, OR-3, OTF, C-R, C-N, C-1, C-2, C-3, C-M, EZ-1, PRO, PEC, TNZD (All areas where residential use is permitted) zoning districts

A. Special Standards – General – All Zoning Districts

1. Density – Transitional housing facilities constructed as dwelling units shall have a maximum density based on the density of the applicable zoning district (dwelling units per acre). The maximum density for transitional housing facilities (not constructed as dwelling units) shall be based on the density of the applicable zoning district multiplied by the average family size obtained from the most recent decennial census for Jefferson County, Kentucky rounded to the nearest whole number. The resulting number would be the maximum number of beds for a facility. *(Example: The R-5A zoning district has a maximum density of 12.01 units per acre, multiply the 12.01 by 3 (average family size established by the 2000 census was 2.97) and that will give you the maximum beds per acre as 36.03).* Exception: Within single family zoning districts the number of beds permitted is limited to three or less. In the OR-3, OTF, C-2, C-3, C-M and EZ-1 zoning districts the density shall be no more than 400 beds per acre.

2. Parking spaces shall be determined by the planning director based on the number of employees, the number of residents with a motor vehicle and the potential number of visitors to the site as described by the applicant in a parking study of similar uses.

3. Signage for transitional housing within a single family residential or multifamily residential zoning district shall be limited to a 12 square foot freestanding sign not to exceed six (6) feet in height unless within the Downtown form district in which case a 12 square foot attached sign shall be allowed. If located within any other zoning district all signs shall be in accordance with the requirements of chapter 8 of the Land Development Code.

4. Shall be certified as compliant with any licensing provisions adopted in the Louisville Metro Code of Ordinances. New facilities must obtain certification within one year of land use approval. All facilities must remain in compliant status with the licensing provisions while in operation.

5. All applicable land development code requirements including but not limited to floor area ratio, building setback, landscape buffers and building heights shall be maintained.

B. Special Standards – Single Family Residential Districts Only

1. Signs - There shall be allowed one non-illuminated sign identifying the name and use, which sign shall be limited in size to four square feet and be placed on the building.

2. Residential Structure - The structure shall remain or shall be constructed so that the exterior design and ornamentation is residential in character and compatible with the immediate neighborhood, so that there is no evidence from the street that the use is other than residential.

3. Alterations or Improvements to the Structure - Where such a use is permitted in a structure which has been used as a residence, the permittee shall make no substantial alterations or improvements to the structure which would impair the structure's use as a residence at a later time.

4. Off-street parking not located within a drive-way shall be located to the side or rear of the building(s).

4.2.56 Transitional Housing may be allowed in any zoning district upon the granting of a conditional use permit and compliance with the listed requirements.

A. Conditional Use Standards – General (all districts)

1. No building shall be closer than 30 feet to a property line unless required to by a form district maximum setback or build-to-line.

2. Parking spaces shall be determined by the board of zoning based on the number of employees and the potential number of visitors to the site as described by the applicant in a parking study of similar uses.

3. Signage for transitional housing shall be in accordance with chapter 8 of the LDC for nonresidential uses.

4. The Board of Zoning Adjustments shall take into account the location of other transitional housing, homeless shelter or rehabilitation home in its analysis of conditional use permit application for transitional housing.

5. All applicable land development code requirements including but not limited to floor area ratio, building setback, landscape buffers and building heights shall be maintained.

6. For conversion of existing structures: A report from the applicable fire official shall be provided to the Board outlining the necessary steps for compliance with fire code safety standards prior to establishing occupancy of the structure for the proposed use.

B. Conditional Use Standards – Single Family Zoning Districts Only:

1. Signs - There shall be allowed one non-illuminated sign identifying the name and use, which sign shall be limited in size to four square feet and be placed on the building.
2. Residential Structure - The structure shall remain or shall be constructed so that the exterior design and ornamentation is residential in character and compatible with the immediate neighborhood, so that there is no evidence from the street that the use is other than residential.
3. Alterations or Improvements to the Structure - Where such a use is permitted in a structure which has been used as a residence, the permittee shall make no substantial alterations or improvements to the structure which would impair the structure's use as a residence at a later time.
4. Off-street parking not located within a drive-way shall be located to the side or rear of the building(s).

4.2.11 Boarding Homes

Boarding Homes may be allowed in the R-R, R-E, R-1, R-2, R-3, R-4, R-5, and R-6 districts upon the granting of a Conditional Use Permit and compliance with the following requirements.

- A. Boarding Homes located in R-E, R-R, R-1, R-2, R-3, R-4 and R-5 single-family districts shall have a maximum of 3 boarders in addition to resident family members of the boarding house keeper. Those Boarding Homes located in other districts shall have a maximum of 8 boarders.
- B. All boarding homes shall comply with the administrative and maintenance requirements established in 902 KAR 20:350.
- C. Boarding Homes shall not have any signage which identifies the use.

4.3.13 Homeless Shelters – may be permitted within the R-5A, R-6, R-7, R-8A, OR, OR-1, OR-2, OR-3, OTF, C-R, C-N, C-1, C-2, C-3, C-M, EZ-1, PRO, PEC and TNZD (neighborhood center, neighborhood transition center and for multi-family residential where mapped areas) zoning districts

A. Special Standards – General – All Zoning Districts

1. Density – The maximum density (number of beds) for homeless shelters shall be based on the density of the applicable zoning district multiplied by the average family size obtained from the most recent decennial census for Jefferson County, Kentucky rounded to the nearest whole number. (*Example: The R-5A zoning district has a maximum density of 12.01 units per acre, multiply the 12.01 by 3 (average family size established by the 2000 census was 2.97) and that will give you the maximum beds per acre as 36.03*). Exception: Within single family zoning districts the number of beds permitted is limited to three or less. In the OR-3, OTF, C-2, C-3, C-M and EZ-1 zoning districts the density shall be no more than 400 beds per acre.
2. Parking spaces shall be determined by the planning director based on the number of employees, the number of residents with a motor vehicle and the potential number of visitors to the site as described by the applicant in a parking study of similar uses.
3. Signage for homeless shelters within a multifamily residential zoning district shall be limited to a 12 square foot freestanding sign not to exceed six (6) feet in height unless within the Downtown form district in which case a 12 square foot attached sign shall be allowed. If located within any other zoning district all signs shall be in accordance with the requirements of chapter 8 of the Land Development Code for non-residential signage.
4. Shall be certified as compliant with any licensing provisions adopted in the Louisville Metro Code of Ordinances. New facilities must obtain certification within one year of land use approval. All facilities must remain in compliant status with the licensing provisions while in operation.
5. All applicable land development code requirements including but not limited to floor area ratio, building setback, landscape buffers and building heights shall be maintained.
6. Emergencies/White Flag Days – During white flag days and other emergency situations additional occupants beyond the bed capacity established by the maximum density shall be permitted for the duration of the emergency or white flag event as long as all safety standards (e.g. Fire Code) are maintained.

4.2.57 Homeless Shelter may be allowed in any zoning district upon the granting of a conditional use permit and compliance with the listed requirements.

A. Conditional Use Standards – General – All Zoning Districts

1. Parking spaces shall be determined by the board of zoning based on the number of employees and the potential number of visitors to the site as described by the applicant in a parking study of similar uses.
2. Signage for homeless shelters shall be in accordance with chapter 8 of the LDC for nonresidential uses.
3. The board of zoning shall take into account the location of other transitional housing, homeless shelter or rehabilitation home in its analysis of conditional use permit application for a transitional housing facility.
4. All applicable land development code requirements including but not limited to floor area ratio, building setback, landscape buffers and building heights shall be maintained.
5. For conversion of existing structures: A report from the applicable fire official shall be provided to the Board outlining the necessary steps for compliance with fire code safety standards prior to establishing occupancy of the structure for the proposed use.

B. Conditional Use Standards - Single Family Zoning Districts only:

1. Signs - There shall be allowed one non-illuminated sign identifying the name and use, which sign shall be limited in size to four square feet and be placed on the building.
2. Residential Structure - The structure shall remain or shall be constructed so that the exterior design and ornamentation is residential in character and compatible with the immediate neighborhood, so that there is no evidence from the street that the use is other than residential.
3. Alterations or Improvements to the Structure - Where such a use is permitted in a structure which has been used as a residence, the permittee shall make no substantial alterations or improvements to the structure which would impair the structure's use as a residence at a later time.
4. Off-street parking not located within a drive-way shall be located to the side or rear of the building(s).

4.2.31 Rehabilitation Home

Rehabilitation homes may be allowed in any district upon the granting of a Conditional Use Permit and compliance with the listed requirements.

- A. If using an existing residential building constructed contemporaneously with the surrounding neighborhood, its exterior appearance shall not be substantially altered.
- B. New construction within an area having an established front building setback shall be constructed at the average setback line or the minimum front yard of the form district, whichever is less. Structures adjacent to residential uses or zoning districts shall increase side yards by 10 feet for each story over two.
- C. One parking space on site shall be provided for each staff person, plus two spaces for each five residents, or five clients served by the rehabilitation home. Parking shall be reduced to one space per five residents/clients if the rehabilitation home serves persons with disabilities that preclude operation of an automobile.
- D. One freestanding sign not to exceed 10 square feet and 4 feet in height shall be allowed.
- E. The Board shall add any additional restrictions necessary to mitigate nuisances or adverse effects.