

Attachment #6: Summary of LDC Main Committee's Actions Related to Form Districts Sub-committee Report & Recommendations

Planning Commission Meeting Date: 8/11/14



Case No: 14AMEND1003
Project Name: Form Districts Sub-committee Final Report
Case Manager: Michael Hill, AICP, Planning Coordinator

AT THEIR 8/11/14 MEETING THE PLANNING COMMISSION RECOMMENDED APPROVAL OF ALL OF THE OFFICIAL RECOMMENDATIONS (#1, 2, 4-6, 8 & 9) LISTED IN THIS REPORT.

LDC MAIN COMMITTEE REVIEW & ACTION SUMMARY

The recommendations of the Form Districts LDC Sub-committee were discussed at various LDC Main Committee meetings, the last one occurring on 4/22/14. Items #1, 2, 4-6, 8 & 9 listed below in this report have all been recommended for approval by the LDC Main Committee. Items #3 & 7 listed below were debated by the LDC Main Committee, but did not result in an official recommendation.

TASKS ASSIGNED TO THE FORM DISTRICTS SUB-COMMITTEE

This sub-committee was charged with reviewing and suggesting improvements to the contents of Chapter 5 (Form Districts) in the Land Development Code.

FORM DISTRICTS SUB-COMMITTEE BACKGROUND INFORMATION

Between June 6, 2012 and November 7, 2013 the Form Districts Sub-committee met 10 times. The meetings averaged eight participants per meeting. The 29 individuals listed below participated in this sub-committee.

Joe Reverman – Planning & Design Services	Tara Brinkmoeller – Homebuilders Association of Louisville
Teena Halbig – Floyds Fork Environmental Association	Nathan Bush – University of Louisville Student
Steve Rusie – Dunaway Engineering	Ann Richard – Land Design & Development
John Campbell – Gresham Smith & Partners	Emily Liu – Planning & Design Services
David Wagner – Planning & Design Services	Glenn Price – Frost Brown Todd
Cathy Hinko – Metropolitan Housing Coalition	Bill Bardenwerper – Bardenwerper, Talbott & Roberts
Ken Baker – Economic Growth & Innovation	Nick Pregliasco – Bardenwerper, Talbott & Roberts
Mark Sites – Mindel Scott & Associates	Ann Sutherland
Scott Kremer – Studio Kremer Architects	Beau Baustien – Office of Metro Councilman Jim King
Terrell Holder - CART	Gary Watrous
Steve Porter – OPEN Louisville	Curtis Stauffer - Metropolitan Housing Coalition
Barbara Sinai – Crescent Hill Community Council	Franny Aprile
Cindy Flynn-Piela	David Kaelin
Chris Brown – Planning & Design Services	Mike Farmer
Jim Mims – Codes and Regulations	

SUMMARY OF RECOMMENDATIONS

The nine recommendations listed in this report are the result of the efforts of this sub-committee. Some of the items involve amending content of the chapter while other items are simply intended to improve the organization of the chapter. Eight of the items involve either changes to current LDC text or insertions of new proposed text into the LDC. Each item has been acted on separately by the LDC Main Committee.

FORM DISTRICTS LDC SUB-COMMITTEE **FINAL RECOMMENDATIONS**

OFFICIAL RECOMMENDATIONS

The following LDC text amendments were recommended by the Form Districts LDC sub-committee and have been recommended for approval by the LDC Main Committee:

FORM ITEM #1 – Section 5.1.7.E & F – Corrections/Reorganization (Approved on 11/19/13)

The following changes are proposed in these sections:

1. Change reference in paragraph E from Chapter 8 to Chapter 1.
2. Remove the confusing title “Yard Requirement” from this section and reword part of the first sentence.
3. Paragraph F makes more sense if located within paragraph E so the contents of F are now located in E.4.

Section 5.1.7.E & F General Requirements

- E. ~~Yard Requirement~~ – This ~~The following noise~~ requirements ~~are~~ is applicable to property in the non-metropolitan area as delineated in ~~Chapter 8~~ **Chapter 1** which is in proximity to expressways, as designated on Core Graphic 10.
1. No residential structure or noise sensitive use, including schools, libraries or nursing homes shall be located within 250 feet of the edge of pavement of the expressway’s nearest travel lane, including ramps.
 2. Land within the 250 foot zone may be used as dedicated open space, landscaped buffer area, roadways, accessory structures, and private yard area deed restricted from residential structures.
 3. Exceptions to this restriction may only be granted in conformance with the procedures provided below.
 4. **On land in any zoning and form district, which is subject to the provisions in (E.1, 2 or 3) above, residential structures and noise sensitive community facilities may be allowed where the following conditions are met and agreed to by the Planning Commission.**
 - a. **A noise impact study, performed by an individual or firm with expertise and experience in the field of traffic noise, is submitted to the Planning Commission. The study must be based upon projected future traffic data provided by the Planning Commission, and**
 - b. **The study indicates that the noise levels, at the site of proposed construction is or is capable of being reduced to levels less than 65 dBA (in the form of equivalent sound level, Leq.), by the presence of natural barriers or use of man made barriers; and**
 - c. **If man made barriers are proposed, the Planning Commission finds that:**
 - i. **provision has been made for maintenance of any barrier structure in a condition that is safe and effective for noise mitigation, for the duration of the residential use; and**
 - ii. **the proposed barrier does not create adverse environmental impacts or detract from unique natural areas and areas with significant landscape features; and**
 - iii. **the proposed barrier is constructed of masonry, synthetic or other long lived materials; wood sound walls are not permissible.**

- ~~d. A plan is submitted to and accepted by the Planning Commission incorporating the elements set forth in the study above referenced; and~~
 - ~~e. Schools, libraries and nursing homes may be allowed if it can be demonstrated that sound-proofing measures incorporated in the structure will yield interior noise levels within applicable federal standards. Exterior activities (athletic fields, etc.) associated with the above non-residential uses must comply with the 65 dBA limitation listed above in this section.~~
- ~~F. On land in any zoning and form district, which is subject to the provisions in (E.) above, residential structures and noise sensitive community facilities may be allowed where the following conditions are met and agreed to by the Planning Commission.~~
- ~~1. A noise impact study, performed by an individual or firm with expertise and experience in the field of traffic noise, is submitted to the Planning Commission. The study must be based upon projected future traffic data provided by the Planning Commission, and~~
 - ~~2. The study indicates that the noise levels, at the site of proposed construction is or is capable of being reduced to levels less than 65 dBA (in the form of equivalent sound level, Leq.), by the presence of natural barriers or use of man made barriers; and~~
 - ~~3. If man made barriers are proposed, the Planning Commission finds that:

 - ~~a. provision has been made for maintenance of any barrier structure in a condition that is safe and effective for noise mitigation, for the duration of the residential use; and~~
 - ~~b. the proposed barrier does not create adverse environmental impacts or detract from unique natural areas and areas with significant landscape features; and~~
 - ~~c. the proposed barrier is constructed of masonry, synthetic or other long lived materials; wood sound walls are not permissible.~~~~
 - ~~4. A plan is submitted to and accepted by the Planning Commission incorporating the elements set forth in the study above referenced; and~~
 - ~~5. Schools, libraries and nursing homes may be allowed if it can be demonstrated that sound-proofing measures incorporated in the structure will yield interior noise levels within applicable federal standards.~~

FORM ITEM #1 – VOTE

Motion to approve FORM Item #1 made by Tom FitzGerald and seconded by Kathy Linares at 11/19/13 meeting.

YES: Donnie Blake, David Proffitt, Pat Dominik, Kathy Linares (2 votes; also alternate for Matt Meunier), Mike Jones (alternate for Deborah Bilitski), Barbara Sinai, Steve Porter, Tom FitzGerald, Teena Halbig and Kevin Dunlap

NO: None

ABSTAIN: None

ABSENT: Jim King, James Peden, Chuck Kavanaugh and Gabe Fritz

FORM Item #1 recommended for approval by a vote of: 11 in favor, 0 opposed, 0 abstentions and 4 absent.

FORM ITEM #2 – Gas Pump Setback Requirement (Approved on 12/3/13)

The gas pump setback requirements listed in the section below have been revised as shown.

Section 5.1.7 General Provisions

- J. ~~When front or street side yards are required in a district in which automobile service stations are permitted, g~~Gasoline pump islands and pumps may be placed on the premises provided they are **shall be setback** at least 15 feet from the right-of-way line, **or shall comply with the setback requirement listed for the applicable form/zoning districts, whichever is greater.** ~~Where no front or street side yards are required, gasoline pumps and pump islands shall be at least 10 feet from the right-of-way line.~~

FORM ITEM #2 – VOTE

Motion to approve FORM Item #2 made by Tom FitzGerald and seconded by Donnie Blake at 12/3/13 meeting.

YES: Donnie Blake (2 votes; also alternate for Kathy Linares), David Proffitt, Chuck Kavanaugh (2 votes; also alternate for Pat Dominik), Deborah Bilitski, Barbara Sinai, Tom FitzGerald (2 votes; also alternate for Teena Halbig), Kevin Dunlap and Matt Meunier

NO: None

ABSTAIN: None

ABSENT: Jim King, James Peden, Steve Porter and Gabe Fritz

FORM Item #2 recommended for approval by a vote of: 11 in favor, 0 opposed, 0 abstentions and 4 absent.

FORM ITEM #4 – Setbacks Adjacent to Zoning Boundary Lines or Property Lines? (Approved on 12/3/13)

The LDC is not clear on whether setback requirements should be applied to either side of a zoning boundary line when the zoning line is not located on a property line. This issue may have been interpreted inconsistently by staff in the past. Clarifying language is necessary within the LDC to eliminate any confusion on the issue. The sub-committee proposes to add the following statement to Section 5.1.10 in a new paragraph "G".

Section 5.1.10 General Provisions (Exceptions)

- G. **In cases where a zoning district boundary line is not located on a property line, there shall not be required setback areas applied along either side of the zoning district boundary line. Transition zone requirements found in Chapter 5 Part 7 may still be applicable in the vicinity of a form district boundary line whether it is located on a property line or not.**

FORM ITEM #4 – VOTE

Motion to approve FORM Item #4 made by Deborah Bilitski and seconded by Donnie Blake at 12/3/13 meeting.

YES: John Torsky (alternate for James Peden), Donnie Blake (2 votes; also alternate for Kathy Linares), David Proffitt, Chuck Kavanaugh (2 votes; also alternate for Pat Dominik), Deborah Bilitski, Barbara Sinai, Steve Porter, Tom FitzGerald (2 votes; also alternate for Teena Halbig), Kevin Dunlap, Gabe Fritz and Matt Meunier

NO: None

ABSTAIN: None

ABSENT: Jim King

FORM Item #4 was recommended for approval by a vote of: 14 in favor, 0 opposed, 0 abstentions and 1 absent.

FORM ITEM #5 – Suburban Forms – Maximum Setbacks Adjacent to Parkways (Approved on 12/3/13)

There is a conflict related to setback requirements in situations where suburban non-residential development proposals are located directly adjacent to an LDC designated parkway. Table 5.3.2 shown below includes a maximum front setback requirement of 80' for non-residential buildings with a footprint less than 30,000 square feet. Table 10.3.1 also shown below requires a 30' setback/buffer for non-residential development on a designated parkway.

The 30' parkway setback/buffer requirement significantly prohibits site layout options in these situations. It is virtually impossible to fit a building and a drive aisle with a row of parking spaces on each side within the 80' limitation while also observing the 30' parkway buffer.

To increase the site design options in such situations the sub-committee suggests increasing the maximum setback from 80' to 95' for building footprints less than 30,000 square feet *only when adjacent to a parkway*. This setback will remain 80' for all other properties not located on a parkway. This extra 15' will more easily allow a building, drive aisle and two rows of parking spaces to be located beyond the 30' parkway setback requirement while still complying with the new 95' maximum building setback requirement. Changes to Table 5.3.2 shown below.

Table 5.3.2 Dimensional Standards: Non-Residential Uses

Maximum Building Footprint	Min. Front and Street Side Setback	Max. Front and Street Side Setback	Non-Res to Res Setback (No Loading)	Non-Res to Res Setback (Loading)	Max. Building Height	Max Building Height: Residential Top Floor
Up To 5,000 SF	10 ft	80 ft*	15 ft	25 ft	25 ft	35 ft
5,001 to 30,000 SF	10 ft	80 ft*	30 ft	50 ft	30 ft	40 ft
30,001 to 80,000 SF	10 ft	150 ft	50 ft	75 ft	35 ft	45 ft

*** The maximum front and street side setback requirement for non-residential uses shall be 95 feet when the subject property is located on a parkway, as designated within Chapter 10 of this Land Development Code.**

Table 10.3.1 Parkway Development Standards

Type of Development	Required Setback	Required Buffer Area	Required Landscaping
Single Family Residential	75 feet	50 feet	1 Type A tree for each 40 feet of road frontage.
Multi-family Residential	75 feet	50 feet	1 Type A tree for each 40 feet of road frontage and a visually continuous berm as needed to screen the vehicle use area with an average height of at least 3 feet and shrub massings on or fronting the berm with at least 1/3 of the frontage length planted.
Nonresidential	30 feet	30 feet	1 Type A tree for each 40 feet of road frontage and a visually continuous berm as needed to screen the vehicle use area with an average height of at least 3 feet and shrub massings on or fronting the berm with at least 1/3 of the frontage length planted.

FORM ITEM #5 – VOTE

Motion to approve FORM Item #5 made by Tom FitzGerald and seconded by Steve Porter at 12/3/13 meeting.

YES: John Torsky (alternate for James Peden), Donnie Blake (2 votes; also alternate for Kathy Linares), David Proffitt, Chuck Kavanaugh (2 votes; also alternate for Pat Dominik), Deborah Bilitski, Barbara Sinai, Steve Porter, Tom FitzGerald (2 votes; also alternate for Teena Halbig), Kevin Dunlap, Gabe Fritz and Matt Meunier

NO: None

ABSTAIN: None

ABSENT: Jim King

FORM Item #5 was recommended for approval by a vote of: 14 in favor, 0 opposed, 0 abstentions and 1 absent.

FORM ITEM #6 – Transition Zone Setbacks (Approved on 12/3/13)

A concern was raised that there could potentially be a situation where the non-transition zone setback requirements are more restrictive than the transition zone dimensional requirements. The sub-committee suggests adding the language shown below that indicates that the more restrictive regulations shall be applied to the situation.

Section 5.7.1.B.2 Transition Zone Design Standards

- Setback - The front and street side setback within a Transition Zone shall equal the setback of adjacent properties (based on the appropriate setback table listed within the applicable form district) that are within the Group A form district when sites in different form districts share a common street frontage (common street frontage refers to properties on the same side of the street). Where sites in different form districts share a common rear property line or are separated by an alley, the rear yard setback of the adjacent property within the Group A form district shall apply. **If the non-transition zone setback requirements found in a separate section of this Land Development Code are more restrictive than the transition zone setback requirements as specified by this section, then the more restrictive requirements shall apply.**

FORM ITEM #6 – VOTE

Motion to approve FORM Item #6 made by Tom FitzGerald and seconded by Steve Porter at 12/3/13 meeting.

YES: John Torsky (alternate for James Peden), Donnie Blake (2 votes; also alternate for Kathy Linares), David Proffitt, Chuck Kavanaugh (2 votes; also alternate for Pat Dominik), Deborah Bilitski, Barbara Sinai, Steve Porter, Tom FitzGerald (2 votes; also alternate for Teena Halbig), Kevin Dunlap, Gabe Fritz and Matt Meunier

NO: None

ABSTAIN: None

ABSENT: Jim King

FORM Item #6 was recommended for approval by a vote of: 14 in favor, 0 opposed, 0 abstentions and 1 absent.

FORM ITEM #8 – Non-Residential Corner Lots in Traditional Form Districts **(Approved on 12/3/13)**

The following change is proposed to increase flexibility in the location of non-residential buildings on corner lots in traditional form districts.

Section 5.5.1.A.2 Traditional Form Districts, General Design Standards, Building Location and Orientation

2. Corner Lots. On corner lots, the building shall be constructed ~~at the~~ **no more than five feet away from the** right-of-way line along both of the streets. Lots with more than one street corner shall build to the corner that contains frontage on the primary street. Additional buildings on the multi-corner lot shall be built to the secondary corner. The intersection of a street with an alley shall not be considered a street corner. Exceptions: 1) if a principal building or tenant entrance is at the corner, the angular façade containing the entrance may be recessed a maximum of 15 feet from the intersection of the two right-of-ways lines; 2) if the sidewalk abutting the corner property is less than the sidewalk width required by the applicable form district, the building may set back to permit the construction of the required sidewalk.

FORM ITEM #8 – VOTE

Motion to approve FORM Item #8 made by Steve Porter and seconded by David Proffitt at 12/3/13 meeting.

YES: John Torsky (alternate for James Peden), Donnie Blake (2 votes; also alternate for Kathy Linares), David Proffitt, Chuck Kavanaugh (2 votes; also alternate for Pat Dominik), Deborah Bilitski, Steve Porter, Tom FitzGerald (2 votes; also alternate for Teena Halbig), Kevin Dunlap, Gabe Fritz and Matt Meunier

NO: None

ABSTAIN: Barbara Sinai

ABSENT: Jim King

FORM Item #8 was recommended for approval by a vote of: 13 in favor, 0 opposed, 1 abstention and 1 absent.

Item #9 below is recommended for approval, but does not involve an LDC text amendment.

FORM ITEM #9 – Recommended Future Efforts (Approved on 12/3/13)

The sub-committee believes there are two subjects that warrant additional review, but recognizes the pending deadline of this LDC Round Two effort. Therefore, the sub-committee recommends that the LDC Main Committee request PDS staff and others to initiate the following projects:

1. PDS staff should analyze the appropriateness of all form district classifications throughout Louisville Metro. Public involvement in this process shall be required. Any proposed changes to specific form district designations shall be presented to the LDC Improvement Committee or the Planning Committee of the Planning Commission for discussion prior to being forward to the Planning Commission for consideration.
2. PDS staff and any other interested parties should begin analyzing the benefits of the creation of a Rural Form District as soon as possible. Cornerstone 2020 would be required to be amended to reflect the concept of a rural form district before the contents of such a form district could be written and inserted into the Land Development Code. Findings of this study group shall be reported to the LDC Improvement Committee or the Planning Committee of the Planning Commission for discussion prior to being forwarded to the Planning Commission for consideration.

FORM ITEM #9 – VOTE

Motion to approve FORM Item #9 made by Chuck Kavanaugh and seconded by Steve Porter at 12/3/13 meeting.

YES: John Torsky (alternate for James Peden), Donnie Blake (2 votes; also alternate for Kathy Linares), David Proffitt, Chuck Kavanaugh (2 votes; also alternate for Pat Dominik), Deborah Bilitski, Barbara Sinai, Steve Porter, Tom FitzGerald (2 votes; also alternate for Teena Halbig), Kevin Dunlap, Gabe Fritz and Matt Meunier

NO: None

ABSTAIN: None

ABSENT: Jim King

FORM Item #9 was recommended for approval by a vote of: 14 in favor, 0 opposed, 0 abstentions and 1 absent.

NON-RECOMMENDATIONS

Items below were discussed, but proposed changes were either rejected or not voted on and did not achieve official recommendation status.

FORM ITEM #3 – Building Height Calculation (The committee voted to reject the propose changes on 12/3/13)

The building height calculation method found in Section 5.1.7.K (see below) is often described as confusing and in need of further clarification. The following changes are proposed to Section 5.1.7.K:

1. Addition of “existing natural” to the reference to “grade” to further clarify that the measurement should begin at the pre-development grade rather than the post-development grade.
2. Remove the qualifier that there must be a grade change in the vicinity within the specified traditional form districts in order to use the mean elevation of the established grade of the abutting parcels when determining the starting measurement point for the subject property. This technique will now apply to all properties within the specified traditional form districts whether a grade change is present or not.

Section 5.1.7 General Provisions

- K. In determining compliance with maximum building or structure heights established in this Code, height of principal structures shall be measured from **existing natural** grade at the front and street side of the building or structure to the highest point of the coping of a flat or mansard roof; or to the mean height level between eaves and ridge for gable, hip or gambrel roofs; or to the mean height level between highest and lowest portion of a rooftop parapet wall. In the Traditional Neighborhood, Traditional Marketplace Corridor and Traditional Workplace Form Districts, ~~when proposed development entails change in grade in areas of existing development patterns,~~ the height of a building or structure shall be measured from the mean elevation of the established grade of abutting parcels, excluding public or private rights-of-way, to ensure that the scale of the new structure(s) or building(s) is compatible with existing structure(s) or building(s). The height of accessory structures shall be measured in the same manner as principal structures, using the average grade at the wall of the structure closest to a property line. (Refer to Section 4.4.3.A.1 for measurement of fence height.)

NOTE: Height restrictions apply to building façade on front and street side (for corner lots). Walk-out basements at the rear will not count toward building height.

NOTE: **The most recently published topographic map for a given area shall be consulted when determining the existing natural grade.**

FORM ITEM #3 – VOTE

Motion to reject FORM Item #3 made by Tom FitzGerald and seconded by Barbara Sinai at 12/3/13 meeting.

YES: John Torsky (alternate for James Peden), Donnie Blake (2 votes; also alternate for Kathy Linares), David Proffitt, Chuck Kavanaugh (2 votes; also alternate for Pat Dominik), Deborah Bilitski, Barbara Sinai, Steve Porter, Tom FitzGerald (2 votes; also alternate for Teena Halbig), Kevin Dunlap, Gabe Fritz and Matt Meunier

NO: None

ABSTAIN: None

ABSENT: Jim King

FORM Item #3 was rejected by a vote of: 14 in favor, 0 opposed, 0 abstentions and 1 absent. No further motions were made.

FORM ITEM #7 – Form District Threshold Tables (At 4/22/14 meeting two attempted motions failed to adopt any of the following changes)

The sub-committee recommends the following changes to the format of Chapter 5 including the threshold tables:

1. Moving the contents of Parts 4, 5, 6 & 7 into each form district section rather than each Part having its own section within Chapter 5. No content changes associated with this change.
2. The following changes will be made to all applicable threshold tables. Traditional Neighborhood Form District threshold table shown below as example.
 - a. Allowing a non-residential building footprint up to 2,000 SF (previously 1,000 SF) to be a Category 2A review.
 - b. 10-16 multi-family units can now be developed as a Category 2B plan. Previously 10 or more multi-family units was required to be a Category 3 plan.

TNFD Table 5.2.3 Thresholds	Part 4 Residential Site Design	Part 5 Non-Residential and Mixed-Use Site Design	Part 6 Building Design	Part 7 Transition	Part 8 Street and Road-side Design	Part 9 Transit and Connection	Part 10 Traffic Impacts	Part 11 Open Space	Part 12 Special Design Requirement
Category 2A									
Accessory Structure: New or Expansion (Residential)	X								
Accessory Structure: New or Expansion (Non-Residential)		X							
Construction of less fewer than 10 multi-family dwelling units	X				X				
Construction of non-residential building footprint less than 1,000 2,000 square feet		X							
Expansion to the building footprint of an existing residential dwelling (principal structure)	X								
Construction of a single family dwelling on existing lot.	X				X				
Creation of 5 or fewer single-family residential lots	X								
Category 2B									
Construction of 10 or more off-street parking spaces		X			X	X			
<u>Construction of 10-16 multi-family residential dwelling units</u>	X		X		X	X	X	X	
Construction of non-residential/mixed use building footprint between 1,000 2,000-5,000 square feet		X	X	X	X	X			
Category 3									
Creation of more than 5 residential lots	X				X	X	X		
Construction of 10 17 or more multi-family residential dwelling units	X		X		X	X	X	X	

Creation of more than 5 non-residential lots		X		X	X	X	X		
Construction of non-residential/mixed use building footprint between 5,001 – 30,000 square feet		X	X	X	X	X	X		
Construction of non-residential/mixed use building footprint in excess of 30,000 sf.		X	X	X	X	X	X		X