

**ORDINANCE NO. \_\_\_\_\_, SERIES 2021**

**AN ORDINANCE AMENDING CHAPTERS 1 AND 4 OF THE METRO LAND DEVELOPMENT CODE RELATING TO ACCESSORY DWELLING UNITS AS SUGGESTED IN PLAN 2040 COMPREHENSIVE PLAN (“PLAN 2040”) (AS AMENDED).**

**SPONSORED BY: COUNCIL MEMBERS FLOOD AND GEORGE**

**WHEREAS**, Plan 2040 was adopted by the Legislative Council of the Louisville/Jefferson County Metro Government (the “Council”) effective January 1, 2019; and

**WHEREAS**, Plan 2040 includes Housing Policy 1.1 that encourages a variety of housing types such as accessory residential structures; and

**WHEREAS**, Plan 2040 includes Housing Policy 1.2 that encourages the development of housing for the elderly and the disabled; and

**WHEREAS**, Plan 2040 includes Housing Policy 3.3 that encourages more innovative methods of housing such as accessory dwelling units; and

**WHEREAS**, the Council passed Resolution 82, Series 2020 directing the Louisville Metro Planning Commission (the “Planning Commission”) and its staff to undertake a review of the Land Development Code (“LDC”) and develop recommendations thereto to the Council to reform the LDC for more equitable and inclusive development; and

**WHEREAS**, the Planning Commission adopted a resolution on August 25, 2020 directing Planning and Design Services staff to review the LDC and develop recommendations for more equitable and inclusive development; and

**WHEREAS**, Planning and Design Services staff conducted numerous public meetings, including listening sessions to take comments regarding equity issues within

the LDC, and one issue identified multiple times through verbal and written comments was accessory dwelling units and the current barriers that exist within the LDC; and

**WHEREAS**, Planning and Design Services staff reviewed the LDC and developed text amendments to Chapter 1 and Chapter 4 regarding accessory dwelling units; and

**WHEREAS**, the proposed text amendments went to the Planning Committee of the Planning Commission for public meetings on February 8, 2021 and March 22, 2021; and

**WHEREAS**, the Planning Commission on April 20, 2021 recommended that the Council adopt the proposed text amendments to the LDC as set forth in Planning Commission Resolution No. 20-LDC-0004; and

**WHEREAS**, Council approves and accepts the recommendation of the Planning Commission as set forth in Planning Commission Resolution No. 20-LDC-0004.

**NOW, THEREFORE, BE IT ORDAINED BY THE LEGISLATIVE COUNCIL OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT AS FOLLOWS:**

**SECTION I:** Chapter 1, Part 2 of the LDC, Section 1.2.2, Definitions, is amended to delete the accessory apartment definition and replace with the following:

...

**Dwelling Unit, Accessory (ADU)** – A smaller, secondary dwelling unit located on the same lot as a principal dwelling. ADUs provide complete, independent living facilities (which at a minimum includes permanent provisions for living, sleeping, eating, cooking and sanitation which are accessed independently). The ADU shall not constitute a dwelling unit for purposes of calculating permissible density. There are two types of ADUs:

- (a) Attached ADUs which are connected to or part of the principal dwelling. Examples include converted living space, attached garages, basements or attics; additions; or a combination thereof.
- (b) Detached ADUs which are separate accessory structures from the principal dwelling. Examples include converted garages or new construction.

**SECTION II:** Chapter 4, Part 2 of the LDC, Section 4.2.3 Accessory Apartment, is amended to delete the accessory apartment section and replace with the following:

**4.2.3 Accessory Dwelling Unit (ADU)**

Accessory dwelling units that do not meet the provisions of Section 4.3.25 may be allowed in the R-R, R-E, R-1, R-2, R-3, R-4, R-5, and U-N districts upon the granting of a conditional use permit and compliance with the listed requirements.

- A. All special standards outlined within Section 4.3.25 are met unless relief is granted by the Board. Applications requesting relief from special standards in 4.3.25 shall provide written justification demonstrating the reasons why relief should be granted and how such relief would retain the accessory nature of the dwelling unit.

**SECTION III:** Chapter 4, Part 3 of the LDC, is amended to add Section 4.3.25 Accessory Dwelling Unit, as follows:

**4.3.25 Accessory Dwelling Unit (ADU)**

Accessory dwelling units may be permitted in the R-R, R-E, R-1, R-2, R-3, R-4, R-5, and U-N zoning districts that permit residential use in accordance with the following special standards:

- A. One ADU, either attached or detached is permitted per single family dwelling per lot.
- B. Maximum ADU Size: 800 square feet or 30 percent of the gross floor area of the principal structure, whichever is greater.
- C. Location Requirements:
  - 1. For an attached ADU, the yard or setback requirements of the principal structure shall be met. The attached ADU shall be located either to the side or behind the principal structure.
  - 2. For a detached ADU, the yard or setback requirements of an accessory structure shall be met. The detached ADU shall be located either to the side or behind the principal structure.
- D. ADU Access:
  - 1. For an attached ADU, an exterior stair case used to access a second story or higher ADU shall not be located on the front façade of the structure.
  - 2. For a detached ADU, the exterior pedestrian entrance to the ADU shall be located facing the principal structure or side yard.
- E. Maximum Height:
  - 1. For an attached ADU, the maximum height shall not exceed the height of the principal structure.
  - 2. For a detached ADU, the maximum height shall not exceed the maximum height permitted for an accessory structure in accordance with Chapter 5 of the LDC. The maximum height shall not exceed the height of the principal structure.

- F. ADUs approved under this provision shall not be used as a short term rental.
- G. Any property that has been subject to a zoning, property maintenance, or building code violation(s) in the 12 months prior to application shall be reviewed and approved by the directors of Planning & Design Services and Codes & Regulations, or their designees. Any violations shall be resolved prior to approval.
- H. Off-street parking shall meet the requirements of Chapter 9 of the LDC.
- I. ADUs that include new construction that results in habitable floor area (for example, additions to principal structures or new accessory structures) shall not be allowed on any areas of lots that contain environmental constraints (LDC Section 4.6.2.A).
- J. The owner of the property shall reside within either the principal dwelling or the accessory dwelling unit.**
- K. To avoid any confusion, since there is no language to the contrary, this section does not override any deed restrictions or homeowners' association declarations restricting accessory dwelling units.**

**SECTION IV:** This Ordinance shall take effect upon its passage and approval.

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 Sonya Harward  
 Metro Council Clerk

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 David James  
 President of the Council

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 Greg Fischer  
 Mayor

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 Approval Date

**APPROVED AS TO FORM AND LEGALITY:**

Michael J. O'Connell  
 Jefferson County Attorney

By:\_\_\_\_\_