

**Planning Commission**  
Staff Report  
April 20, 2021



<b>Case No:</b>	21-LDC-0006
<b>Project Name:</b>	LDC Reform Amendments Phase I – Two Family in Multi-Family Residential and Office/Residential Zones and Floor Area Ratio
<b>Applicant:</b>	Louisville Metro
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	All Council Districts
<b>Case Manager:</b>	Chris French, AICP, Planning and Design Supervisor

### **REQUEST**

An amendment to Chapter 2, Parts 2 and 3 to permit two family residential use (not subject to maximum density requirement) within the multi-family zoning and office/residential zoning districts. In addition, this case proposes to delete the floor area ratio requirement from the residential single family, two family, and multi-family zoning districts.

### **SUMMARY/BACKGROUND**

The LDC Reform Report associated with this text amendment is attached to the agenda item for reference. This report outlines the equity review to this amendment and background research conducted. This amendment was developed from comments from the LDC Diagnosis Report, staff research, and comments submitted during the LDC Reform public engagement process.

This amendment revises the multi-family residential and office/residential zoning districts to allow two family residential no matter the lot size. This change is in line with the R-5B two family zoning district that permits two units no matter the lot size. In addition, this amendment revises all residential zones to eliminate the floor area ratio requirement.

### **PLANNING COMMITTEE MEETING**

The Planning Committee held two meetings regarding the LDC Reform Phase 1 amendments; the first on February 8, 2021 and the second on March 22, 2021.

### **STAFF ANALYSIS**

No changes were made to this proposed text amendment since the release of the LDC Reform Report. A few comments were received regarding the removal of the Floor Area Ratio requirement from zones that are located within the traditional form district areas. This concern was that the removal of the floor area ratio would allow the construction of larger structures within those areas. Staff's review of those situations noted that the instances where large structures were proposed typically involved variances for maximum height and sometimes variances for the private yard requirement. Currently, there is no ability to waive or vary the floor area ratio requirement. The only way to change the floor area ratio is to rezone the property,

typically to much higher zoning classifications that may not be compatible to surrounding developments.

No comments were received regarding the two family use within multi-family residential and office/residential zones. As mentioned earlier this change would bring these higher intensity zones in line with the R-5B zone, which is the only two family residential zoning district within the LDC.

### **APPLICABLE PLANS AND POLICIES**

This amendment to the LDC text is consistent with the following policy of Plan 2040:

Community Form 2.18 - To encourage development and redevelopment in certain locations, implement innovative practices for land use regulations, such as formbased coding and permissive zoning. Regularly review and update the Land Development Code to ensure best practices are followed.

Housing 1.1 - Encourage a variety of housing types including, but not limited to, detached and attached single family, multi-family, mixed use, zero lot line, average lot, cluster, and cohousing. Allow for accessory residential structures and apartments. Housing types should reflect the Form District pattern.

Housing 2.4 - Adopt standards and regulations to encourage the use of vacant and abandoned properties for new housing.

Housing 3.3 - Encourage the use of innovative methods such as clustering, mixeduse developments, co-housing, and accessory apartments to increase the production of fair and affordable housing.

### **NOTIFICATION**

Notice was published in accordance with KRS 100. In addition, email notice through the GovDelivery system was provided plus notifications through public and group meetings held by or attended by the staff of Planning and Design Services.

### **STAFF CONCLUSIONS**

The proposed amendment, as set forth in a Resolution (Attachment 1); staff recommends that the Planning Commission approve this resolution and forward it to the Louisville Metro Council and all other jurisdictions with zoning authority within Jefferson County.

In addition, staff finds that the proposed changes to LDC Section 7.1.10 listed below, are in conformance with the LDC amendments recommended for approval under Case Number 21-LDC-0006 and Plan 2040 and should be approved by the Planning Commission:

Conservation Subdivision Dimensional and Diversity Standards

Zoning District	Min. Conservation Area (%)	Max. Attached/Semi-Detached Units (%)	Max. Contiguous Attached/Semi-Detached Units	Min. Lot Size for Single-Family Detached (SF)	Min. Lot Size for Single-Family Attached/Semi-Detached (SF)	Min. Side Yard (Ft)	Min. Front & Street-Side Yard (Ft)	Max. Front Yard (Ft)	Min. Lot Width (Ft)	Min. Rear Yard (Ft)	Max. Building Height (Ft)	FAR		
R-5	30	30	Attached = 8 Semi-Detached = 2	1,500		3  5 if adjacent to alley  0 if attached or semi-detached	Building (except garage): 12  Garage: 12 side or rear entry; 24 front entry  See illustration below		25	15  3 if adjacent to alley	35 (NFD)  45 (TNFD)	4,000 or less SF = 3  5,000 - 5,999 SF = 2  6,000 SF or more = 4		
	40	40		1,500										
	50	50		1,500										
R-4	30	20	Attached = 8 Semi-Detached = 2	2,500	1,200			25	40 if corner lot  18 if attached units					
	40	30		2,500										
	50	40		2,500										
R-3	60	20	Attached = 4 Semi-Detached = 2	6,000	2,000	5  0 if attached or semi-detached	20	NA	35  20 if attached or semi-detached 50	25  5 if adjacent to alley	35			
R-2				10,000	3,000								25	
R-1 RE				20,000	NA									10
RR				40,000	NA								15	

**ATTACHMENTS**

1. LDC Reform Two Family Use and Floor Area Ratio Resolution

**PLANNING COMMISSION RESOLUTION 21-LDC-0006**

**A RESOLUTION BY THE PLANNING COMMISSION RECOMMENDING APPROVAL OF LAND DEVELOPMENT CODE TEXT AMENDMENTS TO CHAPTER 2, PARTS 2 THROUGH 4, SECTION 2.7.3, AND CHAPTER 7, Part 11 ALLOWING TWO FAMILY RESIDENTIAL USE IN THE MULTI-FAMILY RESIDENTIAL AND OFFICE/RESIDENTIAL ZONES AND REMOVING THE FLOOR AREA RATIO REQUIREMENT FROM RESIDENTIAL ZONING DISTRICTS AND THE CONSERVATION SUBDIVISION PROVISION TO THE LOUISVILLE METRO COUNCIL AND OTHER JURISDICTIONS WITH ZONING AUTHORITY.**

**WHEREAS**, the Louisville Metro Council adopted a resolution on August 20, 2020 directing the Planning Commission to review the Land Development Code and develop recommendations for more equitable and inclusive development; and

**WHEREAS**, the Louisville Metro Planning Commission adopted a resolution on August 25, 2020 directing Planning and Design Services staff review the Land Development Code and develop recommendations for more equitable and inclusive development; and

**WHEREAS**, the Land Development Code (LDC) Diagnosis with Housing Focus was completed by Opticos Design in July 2020, as part of this analysis it was recommended that the floor area ratio be increased significantly because it limits development on residentially zoned property, especially within traditional form districts where lot patterns predate zoning; and

**WHEREAS**, Planning and Design Services staff identified that the floor area ratio is not needed based on existing design provisions such as maximum building heights, setbacks/yards, and open space requirements; and

**WHEREAS**, Planning and Design Services staff identified that not allowing a two family residential use in a multi-family zone outright no matter the lot size was inconsistent with less intense zoning districts such as the R-5B zone; and

**WHEREAS**, the comprehensive plan, Plan 2040, includes Community Form Policy 2.18 which recommends that the Land Development Code be reviewed periodically for ensure that the code follows best practices; the proposed amendment follows best practices as outlined within the LDC Diagnosis and based on further research by Planning and Design Services staff; and

**WHEREAS**, Plan 2040, includes Housing Policy 1.1 which encourages a variety of housing types; removing the floor area ratio and the allowance of two family residential in multi-family residential zones will provide greater flexibility in site design thereby promoting more diverse housing types; and

**WHEREAS**, Plan 2040, includes Housing Policy 2.4 which encourages the adoption of regulations to encourage the use of vacant land and abandoned properties; the removal of the floor area ratio requirement and the adoption of a provision to allow two family use in multi-family residential zones serves this purpose by providing greater flexibility in design to promote the adaptive reuse or redevelopment of vacant and abandoned properties; and

**WHEREAS**, Plan 2040, includes Housing Policy 3.3 which encourages the use of innovative methods for housing development such as clustering, co-housing, and accessory apartments; the removal of the floor area ratio and allowance of two family residential in multi-family

residential provides greater flexibility to provide more innovative approaches to housing development; and

**WHEREAS**, the Planning Commission finds that the proposed text amendments to the LDC meet the goals, objectives, and policies of the comprehensive plan, Plan 2040.

**NOW, THEREFORE, BE IT RESOLVED BY THE LOUISVILLE METRO PLANNING COMMISSION AS FOLLOWS:**

Additions

Deletions

**SECTION I:** Chapter 2, Part 1 of the LDC, Section 2.1.3, is amended as follows:

...

- F. ~~Two-Family & Multi-Family Dwellings; and Density & Floor Area Ratio Compliance~~  
~~In zoning districts that allow Two-Family Dwellings as a permitted use, the applicable density and floor area ratio requirements must be complied with in order for two dwelling units to be permissible on a given parcel.~~ In zoning districts that allow Multi-Family Dwellings as a permitted use, the applicable density ~~and floor area ratio~~ requirements must be complied with in order for three or more dwelling units to be permissible on a given parcel.

**SECTION II:** Chapter 2, Part 2 of the LDC, Section 2.2.1 R-R Rural Residential District, is amended as follows:

A. Permitted Uses:

1. General

...

Dwellings, Single-family (Existing lots are not subject to paragraph E maximum density)

...

E. Maximum Density: ~~and FAR~~

- ~~1. Maximum Floor Area Ratio: 0.05~~

~~Floor Area Ratio for Conservation Subdivisions see Table 7.11.1~~

- ~~2. Maximum Density: 0.2 dwellings per acre~~

**SECTION III:** Chapter 2, Part 2 of the LDC, Section 2.2.2 R-E Residential Estate District, is amended as follows:

A. Permitted Uses:

...

Dwellings, single-family (Existing lots are not subject to paragraph E maximum density)

...

E. Maximum Density ~~and FAR~~:

- ~~1. Maximum Floor Area Ratio: 0.4~~

~~Floor Area Ratio for Conservation Subdivisions see Table 7.11.1~~

- ~~2. Maximum Density: 1.08 dwellings per acre~~

**SECTION IV:** Chapter 2, Part 2 of the LDC, Section 2.2.3 R-1 Residential Single Family District, is amended as follows:

A. Permitted Uses:

...  
 Dwellings, Single-family (Existing lots are not subject to paragraph E maximum density)  
 ...

E. Maximum Density ~~and FAR~~

~~1. Maximum Floor Area Ratio:~~

~~a. For all lots: .....0.3~~

~~For all other lots (Anchorage only) .....0.12~~

~~Floor Area Ratio for Conservation Subdivisions see Table 7.11.1~~

~~2. Maximum Density:~~

~~a. For Anchorage, Shively: ..... 1.45 dwellings per acre~~

~~b. For Jefferson County Louisville Metro, Douglass Hills, Hurstbourne, Middletown, St. Matthews: .....1.08 dwellings per acre~~

Editor's Note:

<u>Jurisdiction</u>	<u>Maximum Density</u>
<u>Anchorage and Shively</u>	<u>1.45 dwelling units per acre</u>

**SECTION V:** Chapter 2, Part 2 of the LDC, Section 2.2.4 R-2 Residential Single Family District, is amended as follows:

...

E. Maximum Density ~~and FAR~~

~~1. Maximum Floor Area Ratio: ..... 0.5~~

~~Floor Area Ratio for Conservation Subdivision see Table 7.11.1~~

~~2. Maximum Density: .....2.17 dwellings per acre~~

**SECTION VI:** Chapter 2, Part 2 of the LDC, Section 2.2.5 R-3 Residential Single Family District, is amended as follows:

...

E. Maximum Density ~~and FAR~~:

~~1. Maximum Floor Area Ratio: 0.5~~

~~Floor Area Ratio for Conservation Subdivision see Table 7.11.1~~

~~2. Maximum Density: .....3.63 dwellings per acre~~

**SECTION VII:** Chapter 2, Part 2 of the LDC, Section 2.2.6 R-4 Residential Single Family District, is amended as follows:

...

E. Maximum Density ~~and FAR~~

~~1. Maximum Floor Area Ratio:~~

~~a. For reduced size lots created in accordance with the Alternative Development Incentives regulations (Chapter 4, Part 5): 1.5~~

~~b. For all other lots: 0.5~~

~~c. Floor Area Ratio for Conservation Subdivision see Table 7.11.1~~

~~2. Maximum Density: .....4.84 dwellings per acre~~

**SECTION VIII:** Chapter 2, Part 2 of the LDC, Section 2.2.7 R-5 Residential Single Family District, is amended as follows:

...

E. Maximum Density ~~and FAR~~

~~1. Maximum Floor Area Ratio:~~

~~a. For reduced size lots created in accordance with the Alternative Development Incentives regulations (Chapter 4, Part 5) 1.5~~

~~b. For all other lots: 0.5~~

~~c. Floor Area Ratio for Conservation Subdivision see Table 7.11.1~~

~~2. Maximum Density: .....7.26 dwellings per acre~~

**SECTION IX:** Chapter 2, Part 2 of the LDC, Section 2.2.8 U-N Urban Neighborhood District, is amended as follows:

A. Permitted Uses:

...

Dwellings, semi-detached, where each dwelling unit is constructed on its own lot with one zero lot line and meets all other requirements of this district. (Existing lots are not subject to paragraph E maximum density)

Dwellings, Single-family (Existing lots are not subject to paragraph E maximum density)

...

E. Maximum Density ~~and FAR~~

~~1. Maximum Floor Area Ratio: .....0.75~~

~~Planned Development Option: .....3.0~~

~~2. Maximum Density: .....1 dwelling per lot~~

**SECTION X:** Chapter 2, Part 2 of the LDC, Section 2.2.9 R-5A Residential Multi-Family District, is amended as follows:

A. Permitted Uses:

...

Dwellings, Single-family attached and detached (Not subject to paragraph E maximum density)

Dwellings, Two-family (Not subject to paragraph E maximum density)

...

- E. Maximum Density ~~and FAR~~
  - ~~1. Maximum Floor Area Ratio: 0.5~~
  - ~~2. Maximum Density:~~ ..... 12.01 dwellings per acre

**SECTION XI:** Chapter 2, Part 2 of the LDC, Section 2.2.10 R-5B Residential Two-Family District, is amended as follows:

...

- E. Maximum Density ~~and FAR~~
  - ~~1. Maximum Floor Area Ratio: 0.5~~
  - ~~2. Maximum Density:~~ ..... Two dwellings per lot

**SECTION XII:** Chapter 2, Part 2 of the LDC, Section 2.2.11 R-6 Residential Multi-Family District, is amended as follows:

...

- A. Permitted Uses:

...

Dwellings, Two-family (Not subject to paragraph E maximum density)

...

- E. Maximum Density ~~and Far~~
  - ~~1. Maximum Floor Area Ratio: .....0.75~~
  - ~~2. Maximum Density:~~ .....17.42 dwellings per acre

**SECTION XIII:** Chapter 2, Part 2 of the LDC, Section 2.2.10 R-7 Residential Multi-Family District, is amended as follows:

- A. Permitted Uses:

...

Dwellings, Two-family (Not subject to paragraph E maximum density)

...

- E. Maximum Density ~~and FAR~~
  - ~~1. Maximum Floor Area Ratio: 1.0~~
  - ~~2. Maximum Density:~~ .....34.8 dwellings per acre

**SECTION XIV:** Chapter 2, Part 2 of the LDC, Section 2.2.9 R-5A Residential Multi-Family District, is amended as follows:

- A. Permitted Uses:

...

Dwellings, Two-family (Not subject to paragraph E maximum density)

...

- E. Maximum Density ~~and FAR~~
  - ~~1. Maximum Floor Area Ratio: 3.0~~
  - ~~2. Maximum Density:~~ ..... 58.08 dwellings per acre

**SECTION XV:** Chapter 2, Part 3 of the LDC, Section 2.3.1 OR Office/Residential District, is amended as follows:

...

A. Permitted Uses:

...

Dwellings, Multi-family, ~~within the density limit of 12.05 dwellings per acre~~

Dwellings, Single-family (Not subject to paragraph E maximum density)

Dwelling, Two-Family (Not subject to paragraph E maximum density)

...

E. Maximum Density and FAR

1. Maximum Floor Area Ratio:.....0.35

2. Maximum Density: .....12.01 dwellings per acre

**SECTION XVI:** Chapter 2, Part 3 of the LDC, Section 2.3.2 OR-1 Office/Residential District, is amended as follows:

...

A. Permitted Uses:

All uses permitted in the OR Office Residential District, as well as the following use(s):

...

~~Dwellings, Two-family~~

**SECTION XVII:** Chapter 2, Part 3 of the LDC, Section 2.3.3 OR-2 Office/Residential District, is amended as follows:

...

A. Permitted Uses:

All uses permitted in the OR Office Residential District, as well as the following use(s):

...

~~Dwellings, Two-family~~

**SECTION XVIII:** Chapter 2, Part 3 of the LDC, Section 2.3.4 OR-3 Office/Residential District, is amended as follows:

...

A. Permitted Uses:

All uses permitted in the OR Office Residential District, as well as the following use(s):

...

~~Dwellings, Two-family~~

**SECTION XIX:** Chapter 2, Part 3 of the LDC, Section 2.3.5 OR-1 OTF Office/Tourist Facility District, is amended as follows:

...

A. Permitted Uses:

All uses permitted in the OR Office Residential District, as well as the following use(s):

...

~~Dwellings, Two-family~~

**SECTION XX:** This resolution shall take effect upon its passage and approval.

\_\_\_\_\_

Chair