

Attachment #1: Summary of LDC Main Committee's Actions Related to Infill Sub-committee Report & Recommendations

Planning Commission Meeting Date: 8/11/14



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

AT THEIR 8/11/14 MEETING THE PLANNING COMMISSION RECOMMENDED APPROVAL OF ITEMS #1-3 & 5 AS LISTED BELOW IN THIS REPORT.

LDC MAIN COMMITTEE REVIEW & ACTION SUMMARY

The recommendations of the Infill LDC Sub-committee were discussed at various LDC Main Committee meetings, the last one occurring on 5/7/13. Items #1-3 & 5 listed below in this report have all been recommended for approval by the LDC Main Committee. Item #4 was not recommended for approval.

UPDATES SINCE 3/19/13 LDC MAIN COMMITTEE MEETING

- As discussed at the previous meeting, side yard setback requirements for all form districts are no longer infill specific, but rather utilize the non-infill side yard setback requirements for the applicable form district.
- As discussed at the previous meeting, a 25% building height reduction has been added to allow a proposed building's height to be up to 25% lower than the established range within a block face.
- As requested at the previous meeting, an exemption for recorded subdivisions has been added.

UPDATES SINCE 2/19/13 LDC MAIN COMMITTEE MEETING

- One infill system for Traditional Form Districts; another system for Suburban Form Districts.
- Each system has a method to designate infill status, determine infill building setbacks for front, side, and street-side and building height.
- As requested, staff presented information regarding infill variance request statistics and non-infill building height regulations.
- A portion of Item #3 related to established lot pattern has been assigned its own category, Item #5.

TASKS ASSIGNED TO THE INFILL SUB-COMMITTEE

This sub-committee was charged with reviewing the existing infill related sections of the Land Development Code (LDC) with the objective of making suggestions to the infill development regulations that will improve consistency and simplicity of use.

INFILL SUB-COMMITTEE BACKGROUND INFORMATION

Between June 7, 2012 and January 7, 2013 the Infill Sub-committee met 13 times. The meetings averaged seven participants per meeting. The 25 individuals listed below participated in this sub-committee.

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| Mike King – Metro Economic Growth & Innovation | Paul Mastrolia – Metro Community Services & Revitalization |
| Scott Kremer – Studio Kremer Architects | Gabe Fritz – The Housing Partnership, Inc. |
| Mark Sites – Mindel Scott & Associates | Kevin Dunlap – Louisville Urban League |
| Darnell Farris – Metro Urban Design Team | Paul Whitty – Goldberg Simpson |
| Maria Scheitz – Metro Planning & Design Services | Curtis Stauffer – Metropolitan Housing Coalition |
| Tammy Markert – Metro Transportation Planning | Laura Humphrey – Metro Planning & Design Services |
| Ann Sutherland – Citizen | Barbara Sinai – Crescent Hill Community Council |
| Phil Bills – Metro Planning & Design Services | Jim Mims – Metro Codes & Regulations |
| Dave Marchal – Metro Codes & Regulations | Martina Kunnecke – Neighborhood Planning & Pres. Inc. |
| Christy Collins – Metro Codes & Regulations | David Proffitt – Planning Commission and BOZA Member |
| William Conway – Mayor, City of Rolling Fields | Joel Dock – Metro Planning & Design Services |
| Chris Brown – Metro Planning & Design Services | Cliff Ashburner – Wyatt, Tarrant & Combs |
| David Wagner – Metro Planning & Design Services | |

SUMMARY OF EXISTING LDC REGULATIONS ON INFILL

The LDC defines infill development as development that occurs on vacant or underutilized land in an area within which a majority of the land is developed or in use. Currently the infill related regulations are scattered throughout Chapter 5 (Form Districts) of the LDC and the methods used to determine when a property is classified as infill and how to determine infill dimensional requirements such as building height and setbacks vary significantly between the various form districts. The fact that there are more than a dozen variations of the infill regulations within the LDC makes the current system confusing and inefficient to the public as well as staff.

SUMMARY OF PROPOSED LDC REGULATIONS ON INFILL

The infill sub-committee first analyzed the existing infill related sections of the LDC to determine their strengths and weaknesses. The group decided they would like to create a single method to determine how a property is classified as infill rather than have multiple methods as we do now. The group also decided they would attempt to create a single method to determine building height and front building setback requirements for infill properties. The group was largely successful in achieving these goals.

The LDC text amendments proposed by the infill sub-committee are listed below in this report. The amendments are grouped into five categories (Item #1, Item #2, etc.). Below is a brief summary of each of the five categories.

Item #1 – This new text will be the only infill section in the LDC. It is proposed to be located in the General Provisions section of Chapter 5 under Section 5.1.12. This section includes one method to determine whether a property should be classified as infill for traditional form districts, and one method to be used in the suburban form districts. This section also includes one method to determine building height and setback requirements for infill properties. There also is a slight variation of the proposed text specifically for corner infill properties.

Item #2 – In Section 4.1.2.B Factory Built Housing there is a reference to the current infill determination method. Since this method is proposed to be changed, this note needs to be amended accordingly.

Item #3 – As mentioned above currently there are multiple infill related sections scattered throughout the LDC. This amendment is necessary to replace the old infill sections with references to the new single infill section, which is Item #1 and will be located in Section 5.1.12.

Item #4 – The group discussed at length whether the infill regulations should be applicable in all form districts, or only in the Traditional Form Districts. Consensus was not reached so staff felt it would be appropriate to present the pros and cons of both sides of the argument so the decision can be made by the LDC Main Committee. At the 2/19/13 LDC Main Committee meeting the committee decided infill regulations should apply to all form districts.

Item #5 – Section 5.4.1.A.1 and Section 5.4.2.C.2 related to established lot patterns in infill situations are inconsistent with other infill requirements and are difficult to regulate. These sections are proposed to be eliminated.

INFILL DEVELOPMENT STANDARDS LDC SUB-COMMITTEE **FINAL RECOMMENDATIONS**

OFFICIAL RECOMMENDATIONS

The following LDC text amendments were recommended by the Infill Development Regulations LDC sub-committee and recommended for approval by the LDC Main Committee:

INF ITEM #1

THE FOLLOWING TEXT IS PROPOSED TO BE INSERTED INTO THE LDC AS NEW SECTION 5.1.12. CHAPTER 5 PART 1 IS THE GENERAL PROVISIONS SECTION OF THIS CHAPTER OF THE LDC.

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 200 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

1. 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 200 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 #1 – VOTE

Motion to approve INF Item #1 made by Tom FitzGerald and seconded by Teena Halbig at 5/7/13 meeting.

YES: Matt Meunier, David Proffitt, Teena Halbig, Pat Dominik, Chuck Kavanaugh, Robert Kirchorfer (alternate for Donnie Blake), Tom FitzGerald, Barbara Sinai, John Torsky (alternate for James Peden) and Deborah Bilitski

NO: None

ABSTAIN: None

ABSENT: Jim King, Kathy Linares, Kevin Dunlap, Gabe Fritz and Steve Porter

INF Item #1 recommended for approval by a vote of: 10 in favor, 0 opposed, 0 abstentions and 5 absent.

INF ITEM #2

A note in Section 4.1.2.B Factory Built Housing references the definition of infill, but since the definition is proposed to change this note should be amended as follows: "Note: Infill Properties – See the infill determination methods in Section 5.1.12."

INF ITEM #2 – VOTE

Motion to approve INF Item #2 made by Tom FitzGerald and seconded by Teena Halbig at 5/7/13 meeting.

YES: Matt Meunier, David Proffitt, Teena Halbig, Pat Dominik, Chuck Kavanaugh, Robert Kirchorfer (alternate for Donnie Blake), Tom FitzGerald, Barbara Sinai, John Torsky (alternate for James Peden) and Deborah Bilitski

NO: None

ABSTAIN: None

ABSENT: Jim King, Kathy Linares, Kevin Dunlap, Gabe Fritz and Steve Porter

INF Item #2 recommended for approval by a vote of: 10 in favor, 0 opposed, 0 abstentions and 5 absent.

INF ITEM #3

As a result of redefining how infill development is regulated with the new methods listed in proposed Item #1, there are several existing sections of the LDC that will need to be either revised or eliminated. They are listed here:

1. Section 5.2.2.C – Traditional Neighborhood Form District
 - a. Remove all infill related regulations. Replace with reference to Section 5.1.12. Keep non-infill related regulations.
2. Section 5.2.3.D.3 – Traditional Marketplace Corridor Form District
 - a. Remove all infill related regulations. Replace with reference to Section 5.1.12. Keep non-infill related regulations.
3. Section 5.2.4.C.3 – Town Center Form District
 - a. Remove all infill related regulations. Replace with reference to Section 5.1.12. Keep non-infill related regulations.
4. Section 5.2.5.C.3 – Traditional Workplace Form District
 - a. Remove all infill related regulations. Replace with reference to Section 5.1.12. Keep non-infill related regulations.
5. Section 5.2.6.E – Village Form District – Center
 - a. Remove all infill related regulations. Replace with reference to Section 5.1.12. Keep non-infill related regulations.
6. Section 5.3.1.C – Neighborhood Form District
 - a. Remove all infill related regulations. Replace with reference to Section 5.1.12. Keep non-infill related regulations.
7. Section 5.4.1 – Residential Site Design – Traditional
 - a. Section 5.4.1.A – Remove old infill reference and add new reference to Section 5.1.12. Keep non-infill related regulations.
 - ~~b. Remove Section 5.4.1.A.1. See Item #5.~~
 - c. Section 5.4.1.B.3 – Remove old infill reference and add new reference to Section 5.1.12.
 - d. Section 5.4.1.C.6 – Remove old infill reference and add new reference to Section 5.1.12.
8. Section 5.4.2 – Residential Site Design – Suburban
 - a. Section 5.4.2.C – Remove all infill related regulations. Replace with reference to Section 5.1.12.

INF ITEM #3 – VOTE

Motion to approve INF Item #3 made by Tom FitzGerald and seconded by Teena Halbig at 5/7/13 meeting.

YES: Matt Meunier, David Proffitt, Teena Halbig, Pat Dominik, Chuck Kavanaugh, Robert Kirchorfer (alternate for Donnie Blake), Tom FitzGerald, Barbara Sinai, John Torsky (alternate for James Peden) and Deborah Bilitski

NO: None

ABSTAIN: None

ABSENT: Jim King, Kathy Linares, Kevin Dunlap, Gabe Fritz and Steve Porter

INF Item #3 recommended for approval by a vote of: 10 in favor, 0 opposed, 0 abstentions and 5 absent.

INF ITEM #5

The LDC section below applies to all residential infill properties in traditional and suburban form districts. The sub-committee discussed whether keeping this established lot pattern regulation in the LDC is beneficial. For the following reasons the sub-committee proposes eliminating the requirement below:

- Infill is about preserving the character of the physical development pattern of neighborhoods. All other infill related LDC regulations are directly related to the placement or size of a physical structure. This requirement instead is based on lot size.
- The LDC does not give a clear method on how lot width and depth should be measured. Unless lots are shaped like perfect rectangles it can be difficult to determine the lot width and depth.
- Lot depth is not commonly regulated throughout the LDC.
- Staff and the public must rely on LOJIC mapping or PVA information to determine lot width and depth. Requiring a survey to be conducted on each parcel is the only true way to get an accurate measurement of lot width and depth.

Section 5.4.1.A.1 and Section 5.4.2.C.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.

INF ITEM #5 – VOTE

Motion to approve INF Item #5 made by Deborah Bilitski and seconded by Barbara Sinai at 5/7/13 meeting.

YES: Matt Meunier, David Proffitt, Teena Halbig, Pat Dominik, Chuck Kavanaugh, Robert Kirchorfer (alternate for Donnie Blake), Barbara Sinai, John Torsky (alternate for James Peden) and Deborah Bilitski

NO: None

ABSTAIN: Tom FitzGerald

ABSENT: Jim King, Kathy Linares, Kevin Dunlap, Gabe Fritz and Steve Porter

INF Item #5 recommended for approval by a vote of: 9 in favor, 0 opposed, 1 abstention and 5 absent.

NON-RECOMMENDATIONS

INF ITEM #4 (At the 2/19/13 LDC Main Committee meeting the committee decided infill regulations should continue to apply to all form districts. NO TEXT AMENDMENT NEEDED)

The LDC Infill Development Standards Sub-committee did not reach consensus on whether to eliminate the application of the infill development standards in the Suburban Form Districts. Both sides of this issue were presented to the LDC Main Committee for discussion and a decision.

1. Infill Development Standards shall be eliminated from the following Suburban Form Districts:
 - a. Neighborhood
 - b. Suburban Marketplace Corridor
 - c. Regional Center
 - d. Suburban Workplace
 - e. Campus
 - f. Village – Outlying
2. Infill Development Standards shall only apply to the following Traditional Form Districts:
 - a. Traditional Neighborhood
 - b. Traditional Marketplace Corridor
 - c. Town Center
 - d. Traditional Workplace
 - e. Village – Center
 - f. Downtown (Within Traditional Form District category, but does not include specific infill development standards, existing or proposed.)

INF ITEM #4 – VOTE

Motion to approve INF Item #4 made by Steve Porter and seconded by Barbara Sinai at 2/19/13 meeting.

YES: James Peden, Donnie Blake, David Proffitt, Pat Dominik, Kathy Linares, Deborah Bilitski, Barbara Sinai, Steve Porter, Tom FitzGerald, Teena Halbig, Christie McCravy (alternate for Kevin Dunlap) Gabe Fritz and Chris Raque

NO: None

ABSTAIN: None

ABSENT: Jim King and Chuck Kavanaugh

INF Item #4 recommended for approval by a vote of: 13 in favor, 0 opposed, 0 abstentions and 2 absent.