

**MINUTES OF THE MEETING  
OF THE  
LOUISVILLE METRO PLANNING COMMITTEE MEETING  
MARCH 22, 2021**

A meeting of the Louisville Metro Planning Committee was held on March 22, 2021 at 6:00 pm via a Webex virtual meeting.

**Committee Members present:**

Lula Howard  
Juva Barber  
Jeff Brown  
Patti Clare  
Mellone Long  
David Tomes

**Committee Members absent:**

Pat Seitz

**Staff Members present:**

Emily Liu, Director, Planning & Design Services  
Joe Reverman, Assistant Director, Planning & Design Services  
Brian Davis, Planning & Design Manager  
Joe Haberman, Planning & Design Manager  
Julia Williams, Planning & Design Supervisor  
Chris French, Planning & Design Supervisor  
Laura Ferguson, Legal Counsel

**Others present:**

\*attendance was not taken due to the virtual nature of the meeting

The following matters were considered:

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**Land Development Code Reform Recommendations**

Request: Land Development Code Reform Recommendations  
21-LDC-0002 Notice Requirements  
21-LDC-0003 Urban Agriculture  
21-LDC-0004 Accessory Dwelling Units  
21-LDC-0005 Residential Setbacks  
21-LDC-0006 Floor Area Ratio and Two-Family Use in Multi-Family Districts

Case Manager: Chris French, AICP, Planning & Design Supervisor

Chris French presented a PowerPoint presentation of the proposed recommendations for the Land Development Code Reform Phase I recommendations. Planning & Design Services collected comments that had been gathered since the previous Planning Committee meeting. Staff evaluated the comments and met with a number of public organizations and groups to get as much feedback as possible. Modifications have been made to three of the topic areas based on the feedback that was received.

Notice Requirements: require notice to residents as well as property owners to increase accessibility and engagement within the development approval process. This would be based on those who should receive notice based on the Planning Commission and Board of Zoning Adjustment bylaws and polices.

Urban Agriculture – reduce barriers for community and market gardens by allowing in additional zoning districts, removing parking requirements and removing landscape requirements. A definition for Urban Agriculture was added to the draft recommendations. Also, farmer’s markets were grouped with market gardens. Standards were included regarding the location of such uses, composting, signage, structure setbacks, hours of operation and nuisance controls.

Accessory Dwelling Units (ADUs) – remove the conditional use requirement for accessory apartments and create special standards related to size, location, etc that would make them more permissible in more zones. Adjustments to the language of the proposed amendments include clarifying that accessory dwelling units would be a permitted use with special standards in single family zones, clarification about maximum heights for detached ADUs, language specifying that ADUs approved under these regulations would not be allowed to be used for short term rentals, and any outstanding violations must be resolved before an ADU can be approved.

Residential Setbacks – reduce minimum front yard setbacks in Neighborhood and Traditional Neighborhood form districts and amend easement overlap requirements to help allow smaller lots. Staff did receive some requests to not change the setbacks in the R-E and R-1 districts.

Floor Area Ratio and Two-Family Use in Multi-Family Residential – remove Floor Area Ratio (FAR) from residential zones and allow two family uses in multi-family and office-residential zones by not making them subject to maximum density requirements.

Committee Member Barber asked some questions of staff. Chris French explained the adjusted language that was added to the notification amendments. Barber has concerns about whether the technology needed to acquire addresses for notices will be ready by the time the amendments go into effect. She would prefer to slow down on the review of the amendments

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so that everything that would be needed to implement the amendments would be in place. In regards to Accessory Dwelling Units, Barber asked about the protections in place to prevent ADUs being used as short term rentals (STRs).

Committee Member Tomes asked about the notification requirements. He expressed concerns about how the addresses will be acquired and is the accuracy of this information.

Committee Member Clare asked for further details about the standards for allowing accessory dwelling units and what may or may not be waived. Chris French provided answers.

Committee Member Long spoke to her experience with sending notice to owners as well as residences in instances where there were renters.

Jacqueline Baker spoke to committee. Baker supports the adoption of the accessory dwelling unit amendments. She believes this is one more way to help provide a more diverse and affordable form of housing.

Sandra McGuire spoke in support of the changes in regards to accessory dwelling units. She likes that the proposed changes remove the conditional use permit process and instead allows them as a permitted use with special standards.

Jackie Stamps spoke in support of the accessory dwelling unit amendments. She believes the amendments will help diversify home ownership in the community and promotes more complex urban and suburban areas. Being able to have an accessory dwelling unit in her home in the future may allow her to age in place.

Cathy Kuhn spoke in support of the ADU amendments. She believes it is critical that changes like these be adopted now to help stabilize housing. Kuhn stated requiring approval of a conditional use permit for an ADU is an intimidating process and could discourage people from doing so. Finally, Kuhn said owner occupancy requirements has not been successful in other cities and can be difficult to enforce.

Mandy Simpson stated she supports the Land Development Code reform. The six recommendations are modest steps forward, and are much needed steps in the right direction.

Ann Ramser is against allowing accessory dwelling units by right. She believes allowing accessory dwelling units by right will lead to many other problems including parking, drainage, tree canopy loss, etc. She thinks the process for reviewing the proposed amendments needs to take a step back to allow the community to catch up.

Cathy Hinko said there is a desperate need for housing for people living below the median household income level. The community's housing needs report identifies the shortcomings in the Land Development Code that have lead to limiting where people of color and lower incomes are able to live.

Steve Porter addressed notification and accessory dwelling units. He is of the opinion that as much notification as is possible is needed to help residents become involved in the process as early as possible. This will help give everyone a voice. At the same time, he thinks making

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accessory dwelling units a permitted right instead of requiring a conditional use permit takes away that voice and ability of residents to be aware of what is going on around them.

Barbara Kelly would support an amended process for approving accessory dwelling units where a conditional use permit is required, but waiver or reduce the application fee for those types of requests.

Robin Amsbary has concerns about allowing additional density in existing neighborhoods. Many neighborhoods already have issues with the existing infrastructure, so she can't imagine what might happen in the density increases by 30 percent. She also believes these amendments should be put on hold until after the pandemic is over.

John Talbott he believes there needs to be additional publication of the public process so as many people can comment as possible. These changes shouldn't be rushed. He has concerns about the notifications change.

Maegan Pirtle spoke about her support of the accessory dwelling unit amendments. Finding housing in the correct location is a difficult task for the constituents she serves. She believes the proposed changes promote a more equitable distribution of affordable housing throughout the community. Additional options are needed to help people of age and varying degrees of ability to live as independently as possible.

George Eklund said these are good first steps to the reform of the Land Development Code. We have an affordable housing crisis in Louisville that needs to be addressed immediately. He supports all of the proposed amendments as presented.

Stefanie Buzane believes the process has moved a little too quickly and has concerns about the amendments that will permit additional density in existing neighborhoods.

Ed Henson acknowledges that systematic racism is real and thanks the committee for their work on the proposals. He has concerns about eliminating the floor area ratio requirements in some of the zoning districts. He believes if the floor area ratio component is eliminated it will make it harder for neighborhoods to control density. He hopes the committee will give additional time for the community to research and comment on the amendments.

Paul Whitty wonders about the penetration of the realization into the community that things related to accessory dwelling units may be changing. He thinks accessory dwelling units should continue to need a conditional use permit. He thinks the proposed notification process could be very burdensome on staff and applicants.

Lilias Pettit-Scott would like to see the city be open to more citizen communication and participation. She thinks more feedback from the community is needed before moving forward with the recommendations. There needs to be a stronger emphasis placed on enforcement of the regulations in the Land Development Code throughout the entire community.

Tony Kelly and Brad Selch from Metropolitan Sewer District explained how they would conduct site reviews related to proposed accessory dwelling units.

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Committee Member Barber asked if the notification amendments could be pulled out of the recommendations until such time as we know the tool for acquiring addresses works properly. Emily said in the time between this meeting and the proposed public hearing, as well as the time it takes to get that to the legislative bodies, that the tool should be operational.

Yonah Freemark from The Urban Institute made some remarks about his experience with other cities who are looking to make similar changes to the codes. Freemark said the big question is how important is it to expand housing opportunities in areas where affordable housing may not be available. Allowing accessory dwelling units a permitted right eliminates some of the concern and shyness of people who are interested in pursuing them.

On a motion by Committee Member Brown, seconded by Committee Member Clare, the following resolution was adopted:

**RESOLVED**, the Louisville Metro Planning Committee does hereby **RECOMMEND** the Planning Commission conduct a public hearing regarding the Land Development Code Reform Recommendations (21-LDC-0002, 21-LDC-0003, 21-LDC-0004, 21-LDC-0005, and 21-LDC-0006) as presented on Tuesday, April 20, 2021 at 6:00 p.m.

**The vote was as follows:**

**YES: Clare, Brown, Long, Tomes and Howard**

**NO: Barber**

**NOT PRESENT: Seitz**

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The meeting was adjourned at approximately 8:05 p.m.

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**Chairman**

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**Division Director**