

# Louisville Metro Land Development Code Reform

*Confronting inequities in land use policies, regulations and practices*

## Phase 1 Amendments

June 1, 2020



# SUPPORT FOR ZONING REFORM

Mayor, Metro  
Council call for  
full-scale review  
July 13, 2020

Metro Council  
Resolution  
August 20, 2020

Planning  
Commission  
Resolution  
August 25, 2020

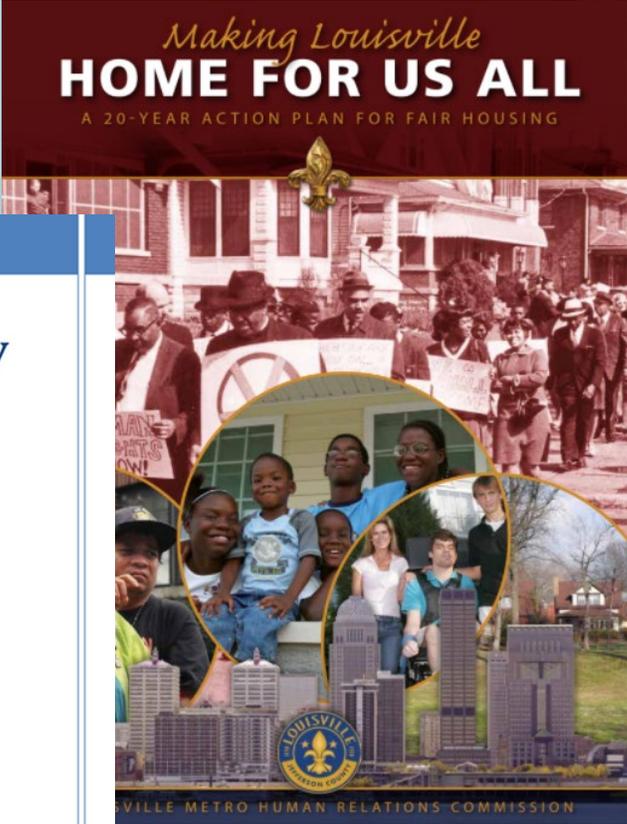
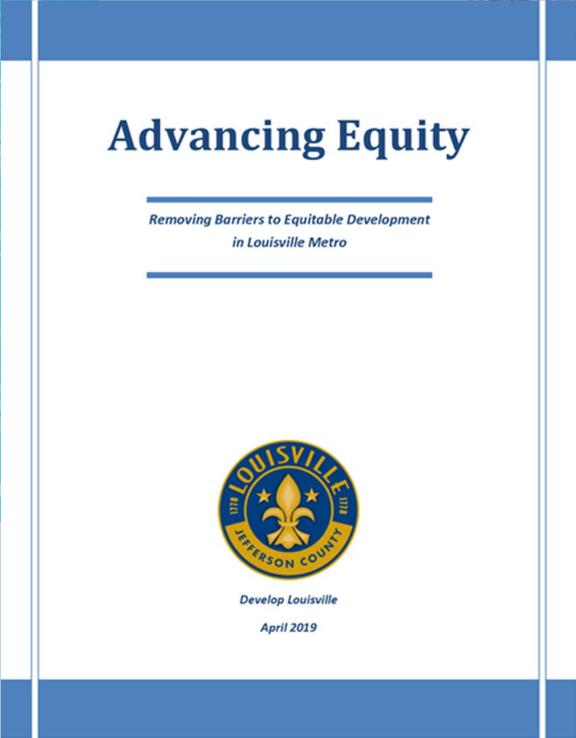
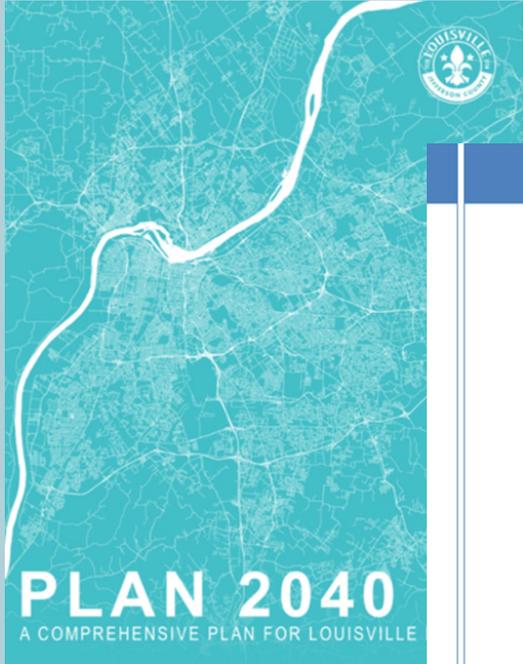
RESOLUTION NO. 082, SERIES 2020

A RESOLUTION REQUESTING THE PLANNING COMMISSION  
REVIEW THE LAND DEVELOPMENT CODE AND DEVELOP  
RECOMMENDATIONS FOR MORE EQUITABLE AND INCLUSIVE  
DEVELOPMENT.

SPONSORED BY: COUNCILMEMBERS DORSEY, HOLLANDER,  
GEORGE, FLOOD, AND PRESIDENT JAMES

# How Did We Get Here?

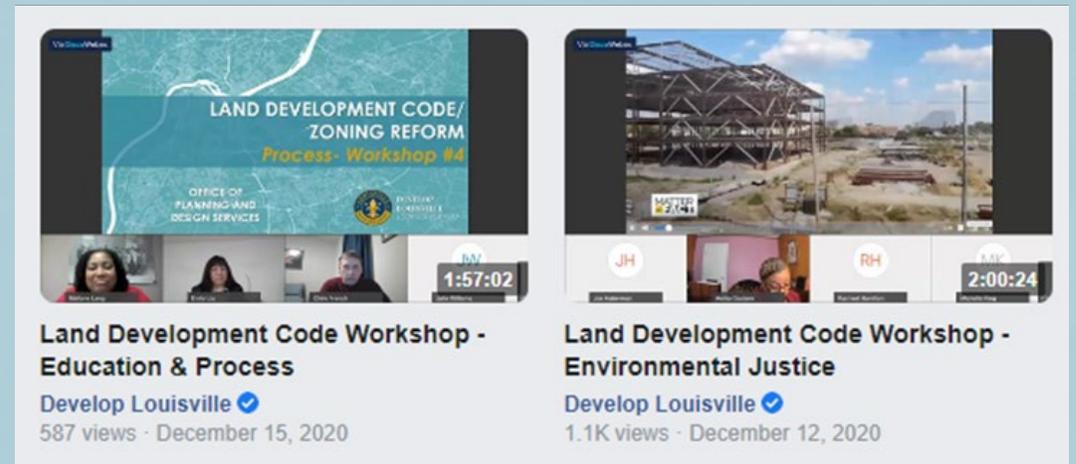
- Supporting Documents





# How Did We Get Here?

- **Public Engagement**
- PDS Staff have hosted or attended over 100 Meetings to discuss the Land Development Code Reform
- In addition to virtual and in-person engagement opportunities, PDS also created a dedicated Hotline for the reform, a dedicated e-mail address and website.



# Outcomes and Deliverables

- Coordination, Cooperation and Guidance from Several Organizations
  - The Urban Institute
  - Louisville Coordinated Community Investment Project
  - Louisville Metro Housing Coalition
  - AARP
  - The Affordable Housing Trust Fund
  - Louisville's League of Women's Voters
  - Age Friendly Louisville
  - Center for Neighborhoods
  - Air Pollution Control District
  - Metro United Way
  - And more!
- Publications and Press Releases
  - July 13<sup>th</sup>, 2020, *Press Release*
  - October 16<sup>th</sup>, 2020, *Press Release*
  - October 26<sup>th</sup>, 2020, *WDRB*
  - February 4<sup>th</sup>, 2021, *Press Release*
  - February 10<sup>th</sup>, 2021, *Courier Journal*
- Radio Shows: WLOU; MetroMatters

## Race and Rezoning

Louisville Designs a More Equitable Future by Confronting the Past



TOP STORY

## Louisville looking for public input as city reviews its Land Development Code

Katrina Helmer Oct 26, 2020 Updated Oct 26, 2020

WDRB.com

## Louisville Is Using Zoning Reform to Tackle Inequity. Could this Work for Other Cities?



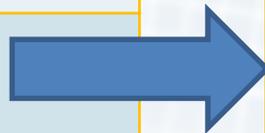
# Important Milestone

Milestone-February 2021

Interactive Exhibit

List of Proposed LDC Changes

Phase 1 Recommendations



1. Expanding Public Notices
2. Adding Urban Agriculture
3. Allowing Accessory Dwelling Units
4. Reducing Residential Setbacks
5. Permitting Two Dwellings in MF
6. Eliminating Floor Area Ratio (FAR)

# Public Meetings

LDC Reform Phase 1 released for public comment at February 4 Planning Commission meeting and Press Release issued

Planning Committee Meetings held on February 8, 2021 and March 22, 2021

AARP held Q&A session on phase 1 recommendations on March 16, 2021 and PDS staff met with other interest groups

Three open houses and one virtual open house were held

Planning Commission hearing held on April 20, 2021

# 21-LDC-0002

## Notice Requirements

- **Require notice to resident as well as property owner**
  - **Increase accessibility and engagement within the development approval process**
  - **Conforms to Plan 2040 CHASE Principle – Equitable**



### NOTICE OF PUBLIC HEARING

You are invited to attend a review of a VARIANCE for a second story addition to encroach into the required side yard setback.

Subject Property: 1027 Ash Street  
Case Number: 20-VARIANCE-0174  
Case Manager: Rachel Mandell (Rachel.Mandell@louisvilleky.gov)  
Application Date: December 22<sup>nd</sup>, 2020

Meeting Type: Board of Zoning Adjustment  
Meeting Date: MONDAY, January 25<sup>th</sup>, 2021  
Time: Meeting will begin at 1:00 PM and continue until all cases are heard

Location: Online Meeting -  
<https://louisvilleky.gov/government/upcoming-public-meetings>



If you wish to submit comments on this case, please submit comments (in writing) to the case manager by 5:00 P.M. Friday, January 22<sup>nd</sup>, 2021.

Or visit <http://www.louisvilleky.gov/government/planning-design> for:

- Meeting agenda and staff report
- [User Guides - BOZA-Approved Application Process](#)
- Public comment opportunities

A list of persons notified of this proposal is available in the case file.

Persons who desire special accommodations should contact the Planning Commission office at (502) 574-6230 at least one week prior to this meeting. TDD users please use the Relay Service, 1-800-648-6056.

# 21-LDC-0002

In addition, a supplemental notice to be addressed to “Current Resident” shall be mailed to all dwelling units located on properties where notice of owners is required by this part in accordance with Planning Commission bylaws and policies. Addresses shall be obtained using available data from Louisville Metro Government, and those records may be relied upon conclusively to determine the dwelling units to be included in the supplemental notice. Failure of any person to receive a notice addressed to “Current Resident” mailed in compliance with Planning Commission bylaws and policies shall not invalidate the actions of the Planning Commission.

# Address Extract Tool

Louisville Metro Address Extract with ArcGIS Web AppBuilder

800 s 4th st  
 Show search results for 800 s 4th st

Jefferson County KY Address Points

Options Filter by map extent Zoom to Clear selection Refresh

HOUSENO	HAFHOUSE	DIR	STRNAME	TYPE	APT	MUNI_NAME	STATE	ZIPCODE	PARCELID
1			COLONIAL OAKS	CT	1	LOUISVILLE	KY	40214	059C00070000
1			DUPONT	WAY	1	ST MATTHEWS	KY	40207	014600K10000
1			COLONIAL OAKS	CT	2	LOUISVILLE	KY	40214	059C00070000
1			DUPONT	WAY	2	ST MATTHEWS	KY	40207	014600K10000
1			COLONIAL OAKS	CT	3	LOUISVILLE	KY	40214	059C00070000

20424 features 0 selected

HOUSENO	HAFHOUSE	DIR	STRNAME	TYPE	APT	MUNI_NAME	STATE	ZIPCODE	PARCELID	x	y
1	800	S	4TH	ST	1810	LOUISVILLE	KY	40203	029D00078	1206939	274457
3	800	S	4TH	ST	2403	LOUISVILLE	KY	40203	029D00078	1207009	274476.7
4	800	S	4TH	ST	2406	LOUISVILLE	KY	40203	029D00078	1207010	274468.3
5	800	S	4TH	ST	1703	LOUISVILLE	KY	40203	029D00078	1206927	274477.6
6	800	S	4TH	ST	1210	LOUISVILLE	KY	40203	029D00078	1207044	274487.1
7	800	S	4TH	ST	1909	LOUISVILLE	KY	40203	029D00078	1206952	274460.9
8	800	S	4TH	ST	1601	LOUISVILLE	KY	40203	029D00078	1206912	274482.6
9	800	S	4TH	ST	1605	LOUISVILLE	KY	40203	029D00078	1206912	274467.8
10	800	S	4TH	ST	1310	LOUISVILLE	KY	40203	029D00078	1207056	274482.9
11	800	S	4TH	ST	2702	LOUISVILLE	KY	40203	029D00078	1206901	274435.7
12	800	S	4TH	ST	905	LOUISVILLE	KY	40203	029D00078	1207006	274511.9
13	800	S	4TH	ST	1901	LOUISVILLE	KY	40203	029D00078	1206951	274482.8
14	800	S	4TH	ST	707	LOUISVILLE	KY	40203	029D00078	1206978	274511.9
15	800	S	4TH	ST	2505	LOUISVILLE	KY	40203	029D00078	1207023	274471.2
16	800	S	4TH	ST	1106	LOUISVILLE	KY	40203	029D00078	1207030	274503.4
17	800	S	4TH	ST	2305	LOUISVILLE	KY	40203	029D00078	1206999	274470.8
18	800	S	4TH	ST	503	LOUISVILLE	KY	40203	029D00078	1206948	274524.8
19	800	S	4TH	ST	1804	LOUISVILLE	KY	40203	029D00078	1206938	274474.6
20	800	S	4TH	ST	1108	LOUISVILLE	KY	40203	029D00078	1207031	274497
21	800	S	4TH	ST	2902	LOUISVILLE	KY	40203	029D00078	1206927	274429.3
22	800	S	4TH	ST	2706	LOUISVILLE	KY	40203	029D00078	1206902	274424.7
23	800	S	4TH	ST	1404	LOUISVILLE	KY	40203	029D00078	1207067	274497
24	800	S	4TH	ST	808	LOUISVILLE	KY	40203	029D00078	1206991	274505.3
25	800	S	4TH	ST	307	LOUISVILLE	KY	40203	029D00078	1206921	274511.5
26	800	S	4TH	ST	1002	LOUISVILLE	KY	40203	029D00078	1207018	274518.8
27	800	S	4TH	ST	2603	LOUISVILLE	KY	40203	029D00078	1207038	274473.8
28	800	S	4TH	ST	2301	LOUISVILLE	KY	40203	029D00078	1206999	274482.9
29	800	S	4TH	ST	2207	LOUISVILLE	KY	40203	029D00078	1206988	274465.5
30	800	S	4TH	ST	806	LOUISVILLE	KY	40203	029D00078	1206991	274511.7
31	800	S	4TH	ST	2306	LOUISVILLE	KY	40203	029D00078	1206999	274468.2
32	800	S	4TH	ST	610	LOUISVILLE	KY	40203	029D00078	1206963	274502.1

<https://lojic.maps.arcgis.com/apps/webappviewer/index.html?id=78fd3ed58f604d77af5ccaf4f43e0b05>

# 21-LDC-0003

## Urban Agriculture

- **Reduce barriers for community and market gardens**
  - Increase zoning districts where this use can be permitted
  - Remove parking requirements
  - Remove landscape buffer requirements
  - Created Urban Agriculture Definition



# 21-LDC-0003

- **Limits on potential nuisances**
- **Signage**
- **Agricultural structures**
- **Processing of animals limited to personal use**
- **Hours of operation**
- **Similar standards for farmer's markets, fruit and vegetable stands, and similar uses**



# 21-LDC-0004

- **Uses:**
  - By elderly
  - By disabled
  - By adult children
  - For rental income
- **36 CUP cases filed from 2010 through 2020**
- **For an average of less than 4 per year**



800 SQFT - 1 BEDROOM, 1 BATH

# 21-LDC-0004

## Accessory Dwelling Unit

- Create Permitted Use with Special Standards for Accessory Dwelling Unit
- Special standards relate to size, location, access, height, etc.
- Revised current conditional use permit – to be used when one or more special standards are not met.



# 21-LDC-0004

- **Debate over owner requirement (require that owner live in one of the units)**
- **Housing Advocates state this would limit use of provision**
- **Others state the requirement is needed to address absentee landlords**



# 21-LDC-0004

- PDS will monitor use of ADU permitted use with special standards as well as CUP
- Annual report will be provided on this use
- This monitoring will allow staff to respond to issues, if they occur



# 21-LDC-0005

## Residential Setbacks

- **Reduce minimum front yard setbacks in Neighborhood and Traditional Neighborhood Form Districts**
- **Infill development not impacted by this amendment**
- **Supplemental setback (adjacent to collector or higher streets) not impacted by this amendment**

### Land Development Code Diagnosis with Housing Focus



For:  
Louisville-Jefferson  
County Metro  
Government

By: Opticos Design

Draft May 12, 2020



# 21-LDC-0006

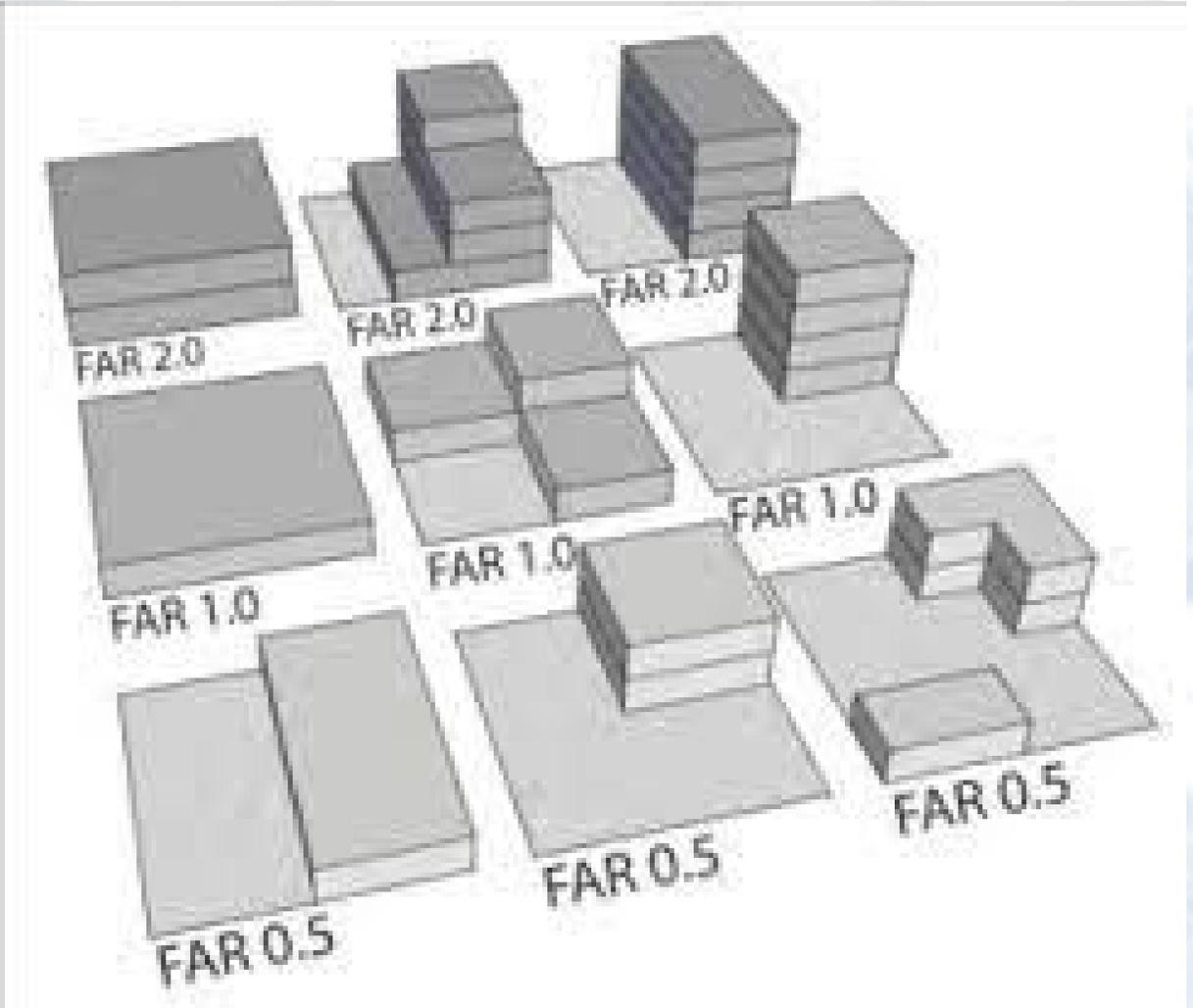
## Floor Area Ratio and Two Family Use in Multi-family residential

- **Floor Area Ratio – remove from residential zones**
- **Allow two family use in multi-family residentially zoned property – use not subject to maximum density within those zoning districts**



# 21-LDC-0006

- **Floor Area Ratio (FAR)**
  - **Negatively impacts substandard lots**
  - **Additional finished space**
  - **Current regulation does not adequately change in intensity as residential zones intensify**
  - **LDC Diagnosis recommended that changes in FAR were needed**



# Planning Commission Action

- **Virtual Public Hearing on April 20, 2021, at 6 PM**
- **29 people spoke at the hearing**
  - **21-LDC-0002 – 9 yes – 1 absent**
  - **21-LDC-0003 – 9 yes – 1 absent**
  - **21-LDC-0004 – 9 yes – 1 absent**
  - **21-LDC-0005 – 9 yes – 1 absent**
  - **21-LDC-0006 – 9 yes – 1 absent**

# Moving Forward

- This is just the beginning.

- Phase II and III Recommendations
- [www.louisvilleky.gov/ldcreform](http://www.louisvilleky.gov/ldcreform)

Phase 2 Amendments 12-18 months+	Topic		Phase 2 Amendments 12-18 months+	Topic	Summary
Deed Restrictions and Covenants	✓ Housing	Add a provision to title covenants and deed to ensure	Building Type or Form	✓ Housing ✓ Code Simplicity & Process	Instead of regulating by density and lot size, regulate by building type or form, which will place greater emphasis on building use and how the structure relates to surrounding area.
Residential Uses in EZ-1	✓ Housing ✓ Environmental Justice	Revise the allowance to address new residential solutions to make	Courtyard and Pocket Neighborhoods	✓ Housing ✓ Code Simplicity & Process	Allow by right in residential zoning districts to provide a greater diversity in housing choice.
Review of 200ft Buffer in EZ-1	✓ Environmental Justice	Review how the 200ft buffer within the EZ-1 works	Density and Minimum Lot Size	✓ Housing ✓ Code Simplicity & Process	Revise in conjunction with building type or form amendment.
Craftsman or Artisan Uses	✓ Code Simplicity & Process	Review in conjunction with	Duplex	✓ Housing ✓ Code Simplicity & Process	Allow duplex use or two family use in single family zoning districts with design standards, in conjunction with building type or form.
Improve TNZD Organization	✓ Code Simplicity & Process	As part of LDC organization	Flexible Maximum Building Height	✓ Housing ✓ Code Simplicity & Process	Allow for adjustable maximum building heights based on context, setback from property lines, and through combination of zoning and form district.
LDC Procedures	✓ Code Simplicity & Process	Simplify procedures to consolidate all processes	Private Yard	✓ Housing ✓ Code Simplicity & Process	Reduce or eliminate the private yard requirement. Will make it easier for redevelopment and rehabilitation of residential structures on smaller lots within the Traditional Neighborhood Form District.
Buffer Standards for Residential Development Adjacent to Highways	✓ Housing ✓ Environmental Justice	Create buffer, set adjacent to interstates. Placing apart from freeways, the of color am	Remove Alternate Residential Development Systems	✓ Housing ✓ Code Simplicity & Process	Remove current alternative residential development systems (such as ADI and MRDI) and replace with one system that permits a variety of building types based on zoning and form districts. Use building type to ensure desired form.
Landscape Buffer Requirements	✓ Environmental Justice	Review current buffer requirements	Review Building Design Standards	✓ Code Simplicity & Process	Simplify and improve functionality of these standards within the LDC.
Land Use Issue – Daycare Facilities	✓ Environmental Justice ✓ Code Simplicity & Process	Review where and how	Review Infill Standards	✓ Housing ✓ Code Simplicity & Process	Further simplify infill standards in the short term to improve functionality and eliminate barriers to diverse building types.
Land Use Issues – Food Deserts, Discount Stores and Liquor Stores	✓ Environmental Justice	Develop a zoning	Review Site Design Standards	✓ Code Simplicity & Process	Improve functionality and usability of site design standards.
Incentivize Desirable Development Types (ex. Transit Oriented)	✓ Housing ✓ Code Simplicity & Process	Streamline review process	New Form Districts	✓ Code Simplicity & Process	Create new form district standards as recommended within the comprehensive plan; Conservation Form District and Urban Center Neighborhood.
Recreational Open Space for Multifamily Development	✓ Housing	Review current recreational residential development	Tiny House Review	✓ Housing	Review current LDC restrictions to identify obstacles to tiny home development and create amendments to address those issues.
Multiplex Dwelling Units	✓ Housing ✓ Code Simplicity & Process	Increase zones where			

Phase 3 Amendments 24 months+	Topic		Phase 3 Amendments 24 months+	Topic	Summary
Expand Coordination with APCD in Planning Processes	✓ Environmental Justice	Work with APCD to expand development process in regard to	Land Use Classification	✓ Housing ✓ Environmental Justice ✓ Code Simplicity & Process	Review and overhaul the land use classification system (how land uses are regulated) of the Land Development Code based on national best practices.
Zoning Study of EZ-1 Districts	✓ Housing ✓ Environmental Justice	Locate all properties zoned EZ-1 and rezone these properties to	Land Use Survey Within Traditional Form Districts	✓ Housing ✓ Environmental Justice	Longer term study of traditional forms and land use. Look at nonconforming uses, existing zoning, existing building form; either revise LDC or propose area wide rezones to improve relationship between form and use.
Environmental Impact Review for New Developments or Expansions	✓ Environmental Justice	Require an environmental environmental justice area discretionary review of development Office Advanced Planning and	LDC Organization & User Friendly Review	✓ Housing ✓ Environmental Justice ✓ Code Simplicity & Process	Review overall organization of LDC to improve function and usability, coordinate with technology.
Develop an Environmental Justice Review Criteria	✓ Environmental Justice	Create a review criteria for rezoning focuses on e	Review Transition Standards	✓ Code Simplicity & Process	Review transition standards to eliminate barriers to mixed use development and housing diversity. Review both sides of a transition area between form districts create a more functional transition.
Identify Areas Appropriate for Higher Density Residential Uses	✓ Housing ✓ Environmental Justice	Identify areas appropriate for higher density policy associated with these areas designated for	Inclusionary Zoning	✓ Housing	Develop an inclusionary zoning ordinance to require a percentage of developments of a certain size to provide affordable housing.
Form Based Code Review	✓ Code Simplicity & Process	Review areas of the Metro that replaced with a	Capacity Standards for Development	✓ Housing ✓ Environmental Justice	Review development proposals against cumulative infrastructure impact (infrastructure includes but is not limited to road, sewer, school capacity, parks and open spaces, etc.).
Downtown Form District	✓ Code Simplicity & Process	Review Downtown Form District development	Accessibility Review	✓ Housing	Review and revise the LDC to promote development design that promotes accessibility.
Form District Review	✓ Housing ✓ Code Simplicity & Process	Again, similar to commercial chapter to ensure that desired			