

**MINUTES OF THE MEETING  
OF THE  
LOUISVILLE METRO PLANNING COMMISSION  
Special Night Hearing  
April 20, 2021**

A meeting of the Louisville Metro Planning Commission was held on April 20, 2021 at 6:30 p.m. via Cisco Webex Video Teleconferencing and in person at the Metro Development Center, First Floor Conference Room, 444 S. Fifth Street Louisville, KY 40202.

**Commission members present:**

Marilyn Lewis  
Lula Howard  
Jeff Brown  
Rich Carlson  
Robert Peterson  
Jim Mims  
Patricia Clare  
Te'Andrea Sistrunk  
Ruth Daniels

**Commission members absent:**

Pat Seitz

**Staff Members present:**

Emily Liu, Planning and Design Director  
Brian Davis, Planning and Design Manager  
Rachel Mandell, Planner I  
Chris French, Planning & Design Supervisor  
Beth Stuber, Engineering Supervisor  
Tony Kelly, MSD  
Laura Ferguson, Legal Counsel  
Yonah Freemark, Urban Institute (consultant for zoning reforms)

The following matters were considered:

Project Name: Land Development Code Reform Phase 1  
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)

Municipality: All with Zoning Authority

**Case Manager: Chris French, AICP, Planning & Design Supervisor  
Rachel Mandell, Planner I**

Notice of this public hearing appeared in **The Courier Journal** and electronic notice was sent out to all Louisville Metro Council Districts and registrants.

The staff report prepared for this case was incorporated into the record. The Commissioners received this report in advance of the hearing, and this report was available to any interested party prior to the public hearing. (Staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5th Street.)

**Agency Testimony:**

00:04:52 Emily Liu, Director of Planning & Design Services, introduced the Metro staff members who will be presenting today, as well as Una Freeman from the Urban Institute.

00:07:55 Rachel Mandell presented the process by which the proposed reforms came about.

00:19:55 Chris French continued the presentation and discussed in more detail the process and the recommendations.

00:39:13 In response to question from Commissioner Mims regarding notice requirements, Laura Ferguson, Assistant County Attorney, discussed the proposed notice process in more detail and the proposed additional notices to renters, not just to property owners.

00:45:09 Commissioner Mims asked about accessory dwelling units and community covenants and restrictions. Can PDS write LDC reforms into HOA agreements of private deed restrictions and covenants? Ms. Ferguson said that private agreements can have a public impact; old private contracts can have racial, religious or economic discriminations. See recording for detailed discussion.

00:51:36 Commissioner Carlson and Mr. French discussed the design of the notice postcards.

00:53:31 In response to questions from Commissioner Carlson, Mr. French discussed square footage requirements.

00:54:46 In response to questions from Commissioner Carlson, Mr. French discussed exterior stairways (secondary stairways, or the primary access to Accessory Dwelling Units, or ADU's.) Ms. Liu said any accessory dwelling units (and stairways) must meet Building Codes.

00:57:52 In response to a question from Commissioner Carlson, Mr. French explained standards of review for Accessory Dwelling Units and how potential/future requested waivers from those standards might be applied.

01:00:40 Commissioner Peterson commented about notification and ADU's on small lots.

01:01:52 Commissioner Mims commented that he felt it was appropriate to reduce the number of Conditional Use Permits (CUP's) to facilitate the process of applying for an ADU. Also in response to some questions from Commissioner Mims, Mr. French discussed the Urban Agricultural Requirements and how they came about.

01:04:18 Commissioner Howard commented on the ADU discussions and how the Board of Zoning Adjustment (BOZA) committee handle ADU's, and also urban gardens.

01:06:40 Commissioners Daniels and Howard discussed how the University of Kentucky Agricultural Extension group had assisted community gardens in the west end. Commissioner Howard noted that these gardens are always taken care of by the community.

**The following spoke regarding these requests:**

Christie McCravy, 1469 South Fourth Street, Louisville, KY 40208

Deborah Turner, 7409 Crawfordshire Lane, Louisville, KY 40220

Shirley Fuqua Jackson, 9215 Ardis Way, Louisville, KY 40291

John Nevitt, 2407 Boulevard Napoleon, Louisville, KY 40205

Tanya Sallee, 4405 Cosby Court, Louisville, KY 40218

Sandra McGuire, 1418 Cool House Way, Louisville, KY

Cathy Kuhn, 2821 Klempner Way, Louisville, KY 40205

Jackie Baker, 1926 Cypress Street, Louisville, KY 40210

Bethany Pratt, 1934 Emerson Avenue, Louisville, KY 40205

Juva Barber, 1000 North Hurstbourne Parkway, Louisville, KY 40223

Amanda Fuller, 800 Guillion Court, Louisville, KY 40204

Paul Whitty, 1000 North Hurstbourne Parkway, Louisville, KY 40223

Cathy Hinko, 1941 Payne Street, Louisville, KY

Matthew Harrison, 169 William Street, Louisville, KY 40206

Lilias Pettit-Scott, 1280 Lydia Street, Louisville, KY 40217

Shelby Williams, 614 West Main Street, Louisville, KY 40202

Steve Porter, 2406 Tucker Station Road, Louisville KY 40299

Mark Worley, 8517 Wolf Pen Branch Road, Louisville, KY

Ann Ramser, 307 East Kenwood Drive, Louisville KY 40214

LeTicia Marshall, 4034 Addison Lane, Louisville, KY

Jon Baker, Wyatt Tarrant & Combs, 40 West Market Street, Louisville, KY 40202

Direll Dixon, 322 Alger Avenue, Louisville, KY 40214

Barbara Kelly, 6009 Mint Spring Branch Road, Prospect, KY 40059

Alice Gunnison, 7849 Wolf Pen Branch Road, Louisville, KY 40059

Scott Wegenast, 140 Orell Court, Louisville, KY 40206

David Tomes, 9418 Norton Commons Boulevard, Louisville, KY 40059

John Talbott, 1000 North Hurstbourne Parkway, Louisville, KY 40223

Tihisha Rawlins, AARP KY, 10401 Linn Station Road, Louisville, KY 40223

Martina Kunnecke, 311 Northwestern Parkway, Louisville KY

### **Summary of testimony of those who spoke:**

01:09:02 Christie McCravy, Executive Director of the Louisville Affordable Housing Trust Fund, spoke in support of the proposed changes. She discussed how zoning discrimination results in racial segregation and economic inequities.

01:11:42 Deborah Turner spoke in support, particularly regarding the ways that ADU's can benefit and transform communities.

01:14:20 Shirley Fuqua Jackson spoke in support of the reforms to the ADU's and how they can improve job opportunities, economic development, and affordable housing, as well as their environmental benefits.

01:16:42 John Nevitt, Director of Economic Mobility for Metro United Way, said Metro United Way supports the Metro Council for recognizing the ways that development has historically been used to further systemic racism and the ways the Land Development Code can be used to rectify that

today. He emphasized the importance of allowing ADU's in all zoning districts and said this will increase affordable housing, permit more families to shelter and care for family members, assist aging in place, and provide asset-building options.

01:20:46 Tanya Saltee spoke in support of the ADU reforms – will increase affordable housing access, will help with aging in place, and will allow property owners to choose this option as an additional source of income and family care.

01:24:02 Sandra McGuire said she supports all of the proposed reforms, but particularly the proposed ADU reforms.

01:27:43 Cathy Kuhn, Executive Director of the Metropolitan Housing Coalition, strongly supports the proposed reforms related to housing. Healthy, inclusive growth and strong neighborhoods. She did express concern about the idea of homeowners having to get approval for an ADU from their neighbors; if the homeowner cannot get that approval, then they would have to go through the CUP process. She said that going door-to-door to get neighbors' approval could be problematic for some people (like those who speak English as a second language, who may have a physical or mental health challenge, etc.)

She also expressed concern about the suggestion that the principle structure or the ADU be occupied by an owner. She said that sometimes these requirements are put into place to discourage speculative investment from outside entities; however, she said that, based on evidence from other cities, these concerns do not materialize. She said these policies can be difficult to enforce, can discourage development by first-time homeowner developers; and that making a homeowner restriction would limit the ability of people of color from benefitting from the production of ADU's. There is also an unfounded stigma against renters.

01:31:00 Jackie Baker said she supported the proposed housing, and particularly, the proposed ADU reforms. She also disagreed with the idea of having to ask neighbors what she can do on her own property.

01:34:16 Bethany Pratt, representing the Urban Agriculture Coalition of Louisville and Food and Neighborhoods, spoke in support of the proposed Urban Agricultural reforms.

01:36:32 Hope Dittmeyer (sp) was called but was not present.

01:36:51 Juva Barber, Executive VP of the Building Industry Association of Greater Louisville, spoke in support of many of the proposals. However, she said the members of her organization still have strong concerns related to the notice requirements. She said they feel that this amendment does not give developers enough protection when it comes to appeals. (See recording for detailed discussion.) She noted that no other surrounding communities have these types of proposed notice requirements.

01:40:59 Amanda Fuller, a member of the Urban Agriculture Coalition, spoke in support of the Agricultural proposals. She also spoke in support of the proposed notice requirements and said she feels that those requirements do not go far enough. She discussed enforcement and said enforcement should be equitable throughout neighborhoods and there should be more Metro

enforcement staff. She asked that there be an end to “ex parte communication with the development community”; more transparency, requested an ombudsman to work with the community on their concerns;

01:44:47 Paul Whitty discussed the proposed notice requirements and how costs affect developers/developments. He spoke in support of other proposed changes.

01:48:45 Cathy Hinko spoke in strong support of the proposed changes.

01:51:41 Matthew Harrison said he strongly supports the proposed changes.

01:53:04 Liliias Pettit-Scott spoke on behalf of the Citizens Coalition for Land Development Code Reform and said the Coalition supports the proposed changes to the Urban Agriculture, FAR and multi-family dwelling changes. She said the Coalition mostly supports the notice changes but said it does not go far enough and suggested changes. The notice period should be extended to 45 days. She discussed ADU's and noted that the current CUP process allows nearby neighbors to become engaged with the process. The CUP process could be amended, not eliminated.

01:56:48 Shelby Williams, VP of Government Affairs for GLI, said GLI supports the goals of the reforms, particularly the emphasis on equitability, increased flexibility, changes like reducing setbacks, and eliminating the FAR for residential districts. However, she urged working with the development community to build consensus and ensure these changes do not deter future investment in housing and economic development.

01:59:12 Steve Porter spoke about notice requirements, and ADU's. He argued that neighbors should not have a veto, but they should have a voice in ADU development. The Board of Zoning Adjustment (BOZA) can and does work out differences in ADU's, design, etc.

02:03:10 Mark Worley said he does not oppose ADU's but says lack of owner/occupancy. He said this is an opportunity who live in and are invested in the area to build local generational wealth. he said eliminating the owner/occupancy requirement would only encourage outside investors who are not invested in the community. Communities need less, not more, absentee landlords.

02:06:24 Ann Ramser discussed notification issues and also said that residents should be given a 45-day notice. She said she is against allowing ADU's that increase the size of the current house on the property in a by-right manner. She discussed her own experiences with MSD's, ADU's, and capacity.

02:10:01 LeTicia Marshall, representing the Urban Agriculture Coalition, said the recommendations appear to be appropriate, particularly as means of addressing food apartheid and racial inequality.

02:13:07 Jon Baker spoke in support, particularly regarding the proposed FAR reforms.

02:15:19 Direll Dixon spoke in support of the ADU reforms, with the exceptions of the requirement for owner-occupancy, and the restrictions on short-term rentals.

02:16:21 Barbara Kelly said she supports the goals behind the ADU's but disagrees with granting ADU's by right. She suggested some alternatives to the CUP process. She questioned whether the costs of going through BOZA process are really that prohibitive compared to what it costs to build a stand-alone ADU. She discussed drainage on small lots and expressed concern about dealing stormwater runoff.

02:19:51 Alice Gunnison said she agreed with the points made by Ms. Kelly, Mr. Porter, and the Citizen's Coalition. She said she strongly supports most of the ADU reforms and increasing inclusiveness. However, she said that, based on some testimony heard today, there may be some aspects of the reforms that may need to be revisited.

02:20:52 Scott Wegenast spoke specifically in support of the ADU reforms. He said these will increase affordable housing, infill development, and particularly support aging in place.

02:23:26 David Tomes showed a brief Power Point presentation and noted that, in Norton Commons, ADU's are allowed by right. He discussed the housing shortage in Louisville; a possible looming economic crisis due to COVID; the importance of aging in place; and the importance of using land more wisely instead of taking land to build another dwelling unit.

02:27:13 John Talbott spoke in support of the ADU reforms. However, he had some concerns about the proposed notice reforms raising costs on developers. He suggested that keeping housing "exceedingly expensive" is by limiting supply – raising costs on developers could make that happen.

02:30:23 Tihisha Rawlins said that, on behalf of AARP, she spoke in support of the ADU reforms.

**\*The Commissioner recessed for about 10 minutes\***

02:32:53 After coming back in session, the mics were opened to allow anyone else who wished to speak to come forward. No one else wished to speak.

02:34:03 In response to a question from Commissioner Peterson, Ms. Barber discussed what additional time was needed on the Building Industry Association of Greater Louisville's end to examine the proposed notice reforms in more detail, and maybe come up with an alternative proposal.

02:36:40 Commissioner Mims agreed with Commissioner Peterson and Ms. Barber that there be some kind of "beta test" on the new notice requirements to make sure that Accela/notice procedures work. He said he is opposed to extending the notice for 45 days. However, he said there is a QR Code on the mailed notice postcards. Commissioner Daniels said she agreed that testing the system is required.

02:39:46 In response to a question from Commissioner Clare, Ms. Barber discussed BIA's stance on the notice cost issue/s. Ms. Barber discussed different ways to get notices to citizens (using e-mail, etc.) This would notify citizens quickly, and in a cost-effective manner.

02:42:16 Martina Kunnecke, representing Neighborhood Planning & Preservation, said she was not aware that there was “a groundswell of interest from the African-American community” regarding ADU’s. She said that these top-down changes are to the advantages of the development community, not the Black communities. She said many Black homeowners feel that the main problem issues are lack of enforcement, selective enforcement, and a lack of respect for Black communities. Why not look at how failure to enforce our current LDC Codes is damaging Black communities.

## **02:44:45 Closure of Public Testimony**

02:45:03 Ms. Liu addressed and discussed the public notice procedures, questions and comments. She addressed Phase II which is intended to help the development community with notice requirements.

## **Staff Summary**

02:47:34 Yonah Freemark, with the Urban Institute, addressed some questions and comments regarding ADU’s. He noted that views expressed are his as a researcher, not those of the Urban Institute overall. See recording for detailed presentation.

02:52:23 Mr. French addressed ADU’s, the CUP process, and notice requirements.

02:54:51 Laura Ferguson, Assistant County Attorney and legal counsel for the Planning Commission, addressed the notice requirements.

02:55:32 In response to a question from Commissioner Mims, Ms Ferguson discussed in more detail which records an applicant can/should access for owner records (see recording.) Commissioner Mims emphasized the importance of extending notice to renters and others in the neighborhood. Mr. French said his understanding is that the address database to be used is the database managed by the Louisville Metro Emergency Management Agency. There was discussion about what terminology to be used in the actual ordinance (“data accessible from Louisville Metro Government”).

02:58:22 Commissioner Carlson questioned the need for specific language spelling out which database to use (see recording for detailed discussion.)

02:59:54 Commissioner Clare asked Mr. French if he had tested this extraction tool and if he felt comfortable using it. Mr. French said the tool is simple to use and he has tested it several times and feels confident that it works.

03:00:55 Commissioner Howard asked for clarification about how many people would be receiving notices. In the past it has always been first- and second-tier property owners. She said she wanted to make it clear that it would still be first- and second-tier **residents** who would be receiving notices, **not** everyone in the neighborhood. Commissioner Mims warned against “mail fatigue” and discussed some ways to make it clear to receivers that this postcard was not junk mail



and needed attention. Commissioner Sistrunk said the most important part is that renters would be included.

03:04:42 Ms. Liu said the geographic area will remain the same.

03:05:02 In response to a question from Commissioner Carlson, Mr. French said that short-term rentals are based on the unit. If the host is the primary resident of that unit, then they do not need a CUP (it would be “by-right” as a Permitted Use With Special Standards.) If the dwelling unit is not the primary residence of the host, then the host is required to obtain a Conditional Use Permit, unless they are in the Traditional Neighborhood zoning district, which requires a CUP whether the unit is the host’s primary residence or not. In response to a question from Commissioner Carlson, Mr. French said these standards had not been considered for the ADU’s because the owner cannot live in both units. See recording for detailed discussion.

03:13:20 Commissioners’ deliberation.

03:32:53 In response to questions from Commissioners Brown, Howard, and Carlson regarding the size of ADU’s, Mr. French clarified that the requirement is maximum 30% of the principle structure floor area, or 800 square feet, whichever is greater. See recording for detailed discussion.

**An audio/visual recording of the Planning Commission hearing related to this case is available on the Planning & Design Services website, or you may contact the Customer Service staff to view the recording or to obtain a copy.**

### **21-LDC-0003**

On a motion by Commissioner Brown, seconded by Commissioner Howard, the following resolution based on the staff report and testimony heard today was adopted.

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

**WHEREAS**, Planning and Design Services staff received multiple comments during the LDC Reform public engagement process regarding urban agriculture and the current barriers that exist within the LDC; and

**WHEREAS**, the comprehensive plan, Plan 2040, includes Community Form Policy 1.26, which recommends a review of the LDC to ensure flexibility for use of urban agriculture; this amendment provides that review and recommended changes to ensure greater flexibility; and

**WHEREAS**, Plan 2040, includes Community Facilities Policy 2.14, which encourages the use of vacant land for community gardens; this proposed amendment would provide greater flexibility in the regulation of urban agricultural uses such as community gardens; and

**WHEREAS**, Plan 2040, includes Livability Goal 2.7, which supports innovative efforts to provide fresh food for food deserts such urban agriculture, community gardens, and farmer's markets; this proposed amendment would provide greater flexibility in design needed for these types of developments; 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.

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **RECOMMEND** to Metro Council and all other cities with zoning authority the following amendments to the Land Development Code related to Urban Agriculture (as identified in the staff report)

**SECTION I:** Chapter 1, Part 2 of the LDC, Section 1.2.2, is amended as follows:

...

**Conservation Use** - Uses within land and water areas designated for the purpose of conserving or protecting natural resources or environmental quality such as open space, nature study, passive recreation, wildlife habitat, nature preserve, wetlands protection and mitigation areas and other similar uses. In order to accomplish this objective, the following uses shall be permitted:

- A. Public passive parks;
- B. Public lands designated for open space or conservation;
- C. Open Space buffers between incompatible uses;
- D. Private recreational or open space lands which have had development rights conveyed to the public, or for which a covenant is executed insuring that only open space or passive park uses shall be permitted;
- E. Water conservation areas, potable water well fields, retention/ detention ponds and other stormwater control structures, and public improvements that may be approved by the affected Public Works Official as long as the Conservation Area is not detrimentally impacted; and
- F. Single-family dwellings and customary accessory buildings.
- G. Restorative Agriculture practices such as permaculture, areas with perennial crops, orchards, native plants and pollinator gardens.

...

**Urban Agriculture** – Agricultural activities that are not otherwise permitted and regulated by KRS. This may include any size tract of land, in any form district.

...

**SECTION II:** Chapter 4, Part 3 of the LDC, Section 4.3.17 Community Gardens and 4.3.18 Market Gardens, are deleted and replaced with the following:

#### **4.3.17 Urban Agriculture**

Urban Agriculture may be permitted as a use with special standards within all zoning districts in conformance with the following special standards.

A. No activities shall take place within a required stream buffer of a perennial stream or wetland as specified in Chapter 4, Part 8.

B. Lighting for security purposes may be provided in accordance with the standards contained in this Code.

C. Composting shall be limited to plant materials generated on the site as well as materials such as plant-based food waste, wood chips, pre-composted materials or soil brought onto the site to enhance these plant materials. Compost may only be generated for use on site. Compost piles shall be set back in accordance with the form district regulations for structures and shall be surrounded with a fence or other appropriate enclosure to prevent migration of compost materials due to wind, slope or water-based erosion.

D. Water for purposes of maintaining the garden and for dust suppression shall be available on the site, either in the form of a water collection system or an on-site or off-site connection to the municipal water service.

E. There shall be no more than one non-illuminated freestanding sign not to exceed 12 square feet in area and not to exceed 6 feet in height. The sign may be up to 24 square feet in area and 8 feet in height if setback beyond the minimum front yard setback.

F. Greenhouses, hoophouses, cold frames, chicken coops, garden sheds, washing/packing structures, rainwater storage systems, aquaculture areas, seasonal farm stands or similar structures shall be permitted. Structures greater than 200 SF must be setback at least 5' from any adjacent residentially zoned or used property, but shall otherwise be exempt from building setbacks except as necessary to meet sight triangle requirements as determined by Public Works.

G. Agriculture involving animals shall be permitted only in conformance with applicable state law and local ordinances including but not limited to those related to the keeping of animals and noise. Slaughtering and processing of animals is permitted for personal use only subject to applicable local, state and federal law. Sale of live animals is permitted subject to local, state and federal law.

H. Sites shall be operated so as not to create a nuisance condition for adjacent properties due to vibration or odor. Dust and noise shall be managed consistent with state law and local ordinance, and visible fugitive dust crossing property lines shall be corrected by sprinkling with water. The premises shall be kept free of debris at all times.

I. Selling agricultural goods produced on the site is permitted as an accessory use. Sales may only take place between 7 AM and 10 PM.

#### **4.3.18 Farmers Markets, Fruit and Vegetable Stands, and Similar Uses**

Farmers Markets, fruit and vegetable stands, and similar uses may be permitted as a use with special standards within all zoning districts in conformance with the following special standards.  
A. No activities shall take place within a required stream buffer of a perennial stream or wetland as specified in Chapter 4, Part 8.

B. Lighting for security purposes may be provided in accordance with the standards contained in this Code.

C. Composting shall be limited to plant materials generated on the site as well as materials such as plant-based food waste, wood chips, pre-composted materials or soil brought onto the site to enhance these plant

materials. Compost may only be generated for use on site. Compost piles shall be set back in accordance with the form district regulations for structures and shall be surrounded with a fence or other appropriate enclosure to prevent migration of compost materials due to wind, slope or water-based erosion.

D. Water for purposes of maintaining the garden and for dust suppression shall be available on the site, either in the form of a water collection system or an on-site or off-site connection to the municipal water service.

E. There shall be no more than one non-illuminated freestanding sign not to exceed 12 square feet in area and not to exceed 6 feet in height, or up to the standards for commercial uses in the applicable form district, whichever is greater.

F. Greenhouses, hoop houses, cold frames, chicken coops, garden sheds, washing/packing structures, rainwater storage systems, aquaculture areas, seasonal farm stands or similar structures shall be permitted. Structures greater than 200 SF must be setback at least 5' from any adjacent residentially zoned or used property, but shall otherwise be exempt from building setbacks except as necessary to meet sight triangle requirements as determined by Public Works.

G. Agriculture involving animals shall be permitted only in conformance with applicable state law and local ordinances including but not limited to those related to the keeping of animals and noise. Slaughtering and processing of animals is permitted for personal use only subject to applicable local, state and federal law. Sale of live animals is permitted subject to local, state and federal law.

H. Sites shall be operated so as not to create a nuisance condition for adjacent properties due to vibration or odor. Dust and noise shall be managed consistent with state law and local ordinance, and visible fugitive dust crossing property lines shall be corrected by sprinkling with water. The premises shall be kept free of debris at all times.

I. Selling agricultural goods produced on or off the site is permitted. Sales may only take place between 7 AM and 10 PM.

J. No outdoor sales, storage or display areas shall be located in the sight distance triangle as defined in Chapter 5 Part 1 of the Land Development Code or located in any manner that would restrict or limit adequate sight distances for interior vehicular traffic movement as determined by the Works Department.

K. All parking areas shall be a hard and durable surface. Any new permanent parking area shall be screened and buffered per Chapter 10, Part 2.

L. Applications for farmers markets, fruit and vegetable stands and similar uses must be submitted with the Planning Director or Designee to document compliance with the above-listed standards. Notice of the proposed farmers market, fruit and vegetable stand or similar use shall be provided to 1st tier property owners and persons and groups that have registered with Planning and Design Services to receive notices of development actions. The notice shall be sent by first class mail not less than fourteen (14) calendar days prior to the date of final action by the Planning Director or designee. The operator(s) and property owner should consider any comments and feedback received and make any reasonable and permitted change to the operations and/or the site.

**SECTION III:** Chapter 4, Part 4 of the LDC, Section 4.4.3.A.4.e, is amended as follows:

**A. Fences and Walls**

...

4. No person shall install, construct, maintain, or permit the installation, construction or maintenance of barbed wire fence or fence including barbed wire or razor wire components, partially or wholly upon property owned, occupied or controlled by such person, firm, corporation or other legal entity except in accordance with the following standards.

...

e. Agricultural uses regulated and permitted by KRS are exempt from items a through d above.

to be **APPROVED**.

**The vote was as follows:**

**YES: Commissioners Daniels, Clare, Carlson, Sistrunk, Brown, Howard, Mims, Peterson, and Lewis.**

**NO: None**

**NOT PRESENT AND NOT VOTING: Commissioners Seitz**

## **21-LDC-0002**

On a motion by Commissioner Brown, seconded by Commissioner Howard, the following resolution based on the staff report and testimony heard today was adopted.

**WHEREAS**, the Louisville Metro Council adopted a resolution on August 20, 2020 directing the Planning Commission to review the Land Development Code (LDC) 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 Office of Planning and Design Services conducted multiple public meetings, including listening sessions to take comments regarding equity issues within the LDC. One issue identified multiple times through verbal and written comments was the need to notify tenants as well as property owners.

**WHEREAS**, Plan 2040, includes five key principles, CHASE, one of these principles is Equitable, this amendment conforms to this principle by providing greater opportunities for citizens to engage within the development review process; 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.

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **RECOMMEND** to Metro Council and all other cities with zoning authority the following amendments of the Land Development Code related to Notice Requirements (as identified in the staff report):

**SECTION I:** Chapter 9, Part 1 of the LDC, Section 9.1.16 Parking Waiver Provisions, is amended as follows:

A. General Parking Waivers. In extraordinary cases in which the requirements of this Part would create hardship in the use of a particular site, the Planning Commission may consider granting a General Parking Waiver.

...

1. Application Requirements. General Parking Waiver applications must provide the following:

...

c. The names and addresses of:

...

vi. To “Current Resident” (actual name of resident not required) for all dwelling units located on properties where notice of First Tier Property Owners and Second Tier Property Owners is required by this part in accordance with Planning Commission and Board 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.

**SECTION II:** Chapter 11, Part 4 of the LDC, Section 11.4.1 Origination of Application, is amended as follows:

...

B. Zoning and/or Form District Map Amendments not Associated with Specific Development Proposals

Legislative bodies with jurisdiction and the Planning Commission may initiate zoning and/ or form district map amendments not associated with a specific development proposal. Such amendments shall, in cases where the applicant has no ownership interest in the subject property, be exempt from the development plan and binding element requirements of this Part. Notice for hearings to consider zoning or form district map amendments not associated with specific development proposals shall be given in accordance with KRS100. 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.

**SECTION III:** Chapter 11, Part 4 of the LDC, Section 11.4.3 Neighborhood Meeting Requirement, is amended as follows:

A. Prior to formally filing a change in zoning request a letter shall be sent from the developer/owner stating that a pre-application has been filed with PDS and announcing a public meeting held by developer/owner to discuss the proposed project. The neighborhood meeting shall not occur before 6:00 PM. The letter shall be mailed no less than 14 calendar days prior to the neighborhood meeting. The letter shall be sent to:

...

7. To "Current Resident" for all dwelling units located on properties where notice of First Tier Property Owners and Second Tier Property Owners is required by this part in accordance with Planning Commission bylaws and policies. Addresses for "Current Residents" 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.

**SECTION IV:** Chapter 11, Part 4 of the LDC, Section 11.4.4 Application, is amended as follows:

...

F. Upon receipt of a complete application, as determined by the Planning Director, staff of Planning and Design Services shall cause notice of the application to be given. Not less than ten (10) calendar days prior to initial consideration of an application by either the Commission or a Committee thereof, notice of the application shall be given to first and second tier adjoining property owners. In addition, staff shall endeavor to assure that notice is given to all neighborhood groups who have registered to receive notice of development applications, as well as given to "Current Resident" for all dwelling units located on properties where notice of First Tier and Second Tier adjoining property owners is required. Addresses for "Current Resident" 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.

**SECTION V:** Chapter 11, Part 4 of the LDC, Section 11.4.7 Plan Certain Development, is amended as follows:

...

- F. Detailed District Development Plans
  - 1. Review Procedure

Detailed district development plan review shall require Planning Commission approval. Review of detailed district development plans shall require notice to adjoining property owners, notice to "Current Resident" for all dwelling units located on properties where notice of adjoining property owners is required, notice to those registered on Neighborhood Notice List and notice to those who spoke at Planning Commission public hearing. Notice shall be given at least 10 calendar days prior to review of the development plan by the Planning Commission or committee thereof, and shall be given in accordance with Planning Commission bylaws and policies. Addresses for "Current Resident" 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.

**SECTION VI:** Chapter 11, Part 5 of the LDC, Section 11.5.A3 Neighborhood Meeting Requirement, is amended as follows:

A. Prior to formally filing a conditional use permit request a letter shall be sent from the developer/owner stating that a pre-application has been filed with PDS and announcing a public meeting held by developer/owner to discuss the proposed project. The letter shall be mailed no less than 14 calendar days prior to the neighborhood meeting. The letter shall be sent to:

...

7. To “Current Resident” for all dwelling units located on properties where notice of First Tier Property Owners and Second Tier Property Owners is required by this part in accordance with Planning Commission and Board 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.

**SECTION VII:** Chapter 11, Part 5 of the LDC, Section 11.5.A5 Public Hearing, is amended as follows:

A. Hearing Required – The Board shall hold at least one public hearing on each application for a Conditional Use Permit as required by KRS 100. Notice of the hearing shall be given as specified in KRS 100. Second tier adjoining property owners, as defined in Section 11.5A.3, shall also be notified of the hearing. 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 and Board 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. Any person listed in the applicable Planning and Design Services Electronic Notification for Development Proposals List for the appropriate Council District will be sent an email notification. Failure of any person to receive a notice addressed to “Current Resident” mailed in compliance with Planning Commission and Board bylaws and policies shall not invalidate the actions of the Board.

**SECTION VIII:** Chapter 11, Part 5 of the LDC, Section 11.5.B3 Public Hearing, is amended as follows:

A. Hearing Determination – The Board shall determine those circumstance under which a



public hearing shall be required. Notice of the hearing, if required, shall be given as specified in the By-Laws and Policies of the Board or by State Statute. Notice of the public hearing shall be provided to first tier property owners a minimum of 14 days prior to the public hearing. In addition, a supplemental notice to be addressed to “Current Resident” shall be mailed to all dwelling units located on properties where notice of first tier property owners is required by this part in accordance with Planning Commission and Board Adjustment 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. In addition, staff shall endeavor to assure that notice is given to all neighborhood groups who have registered to receive notice of development applications. Failure of any person to receive a notice addressed to “Current Resident” mailed in compliance with Planning Commission and Board bylaws and policies shall not invalidate the actions of the Board.

**SECTION IX:** Chapter 11, Part 6 of the LDC, Section 11.6.4.B Category 3 Review Procedure, is amended as follows:

...

2. Notice – Not less than 10 calendar days prior to the proposed review session, notice of the proposed development and its scheduled review shall be given to adjoining property owners. In addition, a supplemental notice to be addressed to “Current Resident” shall be mailed to all dwelling units located on properties where notice of adjoining property 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. In addition, staff shall endeavor to assure that notice is given to all neighborhood groups who have registered to receive notice of development applications. 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.

**SECTION X:** Chapter 11, Part 7 of the LDC, Section 11.7.1 Planning Commission Review of Staff Determinations, is amended as follows:

...

B. Notice – Notice of the administrative appeal shall be given to the applicant (if not the appellant) and all first tier property owners at least fourteen (14) calendar days prior to the meeting at which the Planning Commission will consider the administrative appeal. In addition, a supplemental notice to be addressed to “Current Resident” shall be mailed to all dwelling units located on properties where notice of first tier property 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.

**SECTION XI:** Chapter 11, Part 7 of the LDC, Section 11.7.2 Planning Commission Review of Committee Determinations, is amended as follows:

...

B. Notice – Notice of the appeal shall be given to the applicant (if not the appellant) and all first tier adjoining property owners at least fourteen (14) calendar days prior to the meeting at which the Planning Commission will consider the administrative appeal. In addition, a supplemental notice to be addressed to “Current Resident” shall be mailed to all dwelling units located on properties where notice of first tier property 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.

**SECTION XII:** Chapter 11, Part 7 of the LDC, Section 11.7.3.B Board of Zoning Adjustment Review of Staff Determinations, is amended as follows:

...

2. Notice - Notice of the public hearing on the appeal shall be given in accordance with KRS Chapter 100. 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 and Board of Zoning Adjustment 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 and Board of Zoning Adjustment bylaws and policies shall not invalidate the actions of the Board of Zoning Adjustment.

**SECTION XIII:** Chapter 11, Part 7 of the LDC, Section 11.7.5.D Legislative Body Review of Commission Action on Development Plans, is amended as follows:

...

4. To “Current Resident” for all dwelling units located on properties where notice of first tier and second tier property owners is required by this part in accordance with Planning Commission and Board of Zoning Adjustment 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 legislative body.

**SECTION XIV:** Chapter 11, Part 8 of the LDC, Section 11.8.3 Notice, is amended as follows:

Following receipt of a completed application, staff of the Commission shall provide notice of the request for modification or waiver to first tier adjacent property owners and parties of record to any previous Planning Commission hearing on the proposal now under consideration for waiver or modification. In addition, a supplemental notice to be addressed to “Current Resident” shall be mailed to all dwelling units located on properties where notice of first tier property 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. Such notice shall be given no less than ten (10) calendar days prior to the meeting at which the request is to be considered. 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.

to be **APPROVED.**

**The vote was as follows:**

**YES: Commissioners Daniels, Clare, Carlson, Sistrunk, Brown, Howard, Mims, Peterson, and Lewis.**

**NO: None**

**NOT PRESENT AND NOT VOTING: Commissioners Seitz**

#### **21-LDC-0004**

On a motion by Commissioner Brown, seconded by Commissioner Sistrunk, the following resolution based on the staff report and testimony heard today was adopted.

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

**WHEREAS**, Planning and Design Services staff received multiple comments during the LDC Reform public engagement process regarding urban agriculture and the current barriers that exist within the LDC; and

**WHEREAS**, the comprehensive plan, Plan 2040, includes Housing Policy 1.1 which encourages a variety of housing types such as accessory residential structures; this proposed amendment would provide an administrative process for the development of an accessory dwelling unit; and

**WHEREAS**, Plan 2040, includes Housing Policy 1.2 that encourages the development of housing for the elderly and the disable; this text amendment would provide another housing option for both the elderly and disable people; and

**WHEREAS**, Plan 2040, includes Housing 3.3, encourages more innovative methods of housingsuch as accessory units; this text amendment provides greater flexibility in the approval process for accessory dwelling unit development; and

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

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **RECOMMEND** to Metro Council and all other cities with zoning authority the following amendments of the Land Development Code related to Accessory Dwelling Units (as identified in the staff report):

**SECTION I:** Chapter 1, Part 2 of the LDC, Section 1.2.2 Definitions, is amended to delete theaccessory 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 minimumincludes 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 includeconverted living space, attached garages, basements or attics; additions; or a combination thereof.
- (b) Detached ADUs which are separate accessory structures from the principaldwelling. Examples include converted garages or new construction.

**SECTION II:** Chapter 4, Part 2 of the LDC, Section 4.2.3 Accessory Apartment, is amended todelete 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 usepermit 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).

to be **APPROVED**.

**The vote was as follows:**

**YES: Commissioners Daniels, Clare, Carlson, Sistrunk, Brown, Howard, Mims, Peterson, and Lewis.**

**NO: None**

**NOT PRESENT AND NOT VOTING: Commissioners Seitz**

### **21-LDC-0005**

On a motion by Commissioner Brown, seconded by Commissioner Clare, the following resolution based on the staff report and testimony heard today was adopted.

**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 reduced setbacks could enable a broader range of housing choices; and

**WHEREAS**, the LDC Diagnosis also stated that large minimum front setbacks such as a 30-foot front setback/yard rules out compact, traditional neighborhoods within certain zoning districts like the R-4 zone; and

**WHEREAS**, the comprehensive plan, Plan 2040, includes Community Form Policy 2.18 which recommends that the Land Development Code be reviewed periodically to ensure that the code follows best practices; the proposed amendment follows best practices as outlined within the LDC Diagnosis; 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.

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **RECOMMEND** to Metro Council and all other cities with zoning authority the following amendments of the Land Development Code related to Residential Setbacks (as identified in the staff report):

**SECTION I:** Chapter 5 of the LDC, Section 5.2.2.C, is amended as follows:

**Table 5.2.2 Dimensional Standards – Traditional Neighborhood**

Density Category	Zoning District	Minimum Lot Area	Min. Lot Width	Min. Front and Street Side Yard Setback	Max. Front Setback	Minimum Side Yards (Each)	Minimum Rear Yard Setback	Maximum Building Height
Low Density	R-1	40,000 sf	100 ft	<del>30</del> 15 ft***	NA	15 ft.	5 ft.	35 ft
	R-2	20,000 sf	75 ft	<del>25</del> 15 ft***	NA	10 ft	5 ft.	35 ft
	R-3	12,000 sf	60 ft	15 ft***	NA	6 ft	5 ft.	35 ft
	R-4	9000 sf	60 ft	15 ft***	25 ft	5 ft.	5 ft.	35 ft
Med. Density /Intensity	R-5	6,000 sf	35 ft.	FY 15 ft. *** SSY 3 ft.	FY 25 ft.	3 ft	5 ft.	45 ft
	R5-A R5-B R-6 OR OR-1	4,500 sf	35 ft	FY 15 ft*** SSY 3 ft	FY 25 ft	3 ft 0 ft if attached	5 ft	45 ft
	PRD	1,500sf	0ft	0ft	0ft	0ft	0ft	35ft
	U-N	2500 sf 1500 sf if SF attached or as specified within design guidelines	25 ft. 18 ft. if SF attached	FY 15 ft. *** SSY 3 ft.	FY 25 ft*	3 ft 0 ft. if attached	5 ft.	45 ft
	CN	6,000 sf.	None	FY 15 ft. *** SSY 3 ft.*	FY 25 ft.*	None Unless adjacent to SF residential – 5 ft.	5 ft.	45 ft.
High Density/Intensity	R-7, R-8A OR-2	4500 sf	25 ft.	FY15 ft.*** and * SSY 3 ft.	FY25 ft.*	None unless adjacent to SF residential – 5 ft.	5 ft.	45 ft or three stories.** (See Note)
	CR C-1 C-2, C-3 W-1, W-2	NA	None	FY15 ft.* and ***SSY 3 ft.	FY 25 ft.*	None unless adjacent to SF residential – 5 ft.	5 ft.	45 ft. or three stories.** (See Note)
	C-M OR-3 OTF M-1 M-2, M-3 W-3, EZ-1	NA	50 ft.	FY15 ft.* and ***SSY 3	FY 25 ft*	10 ft.	15 ft	45 ft. or three stories.** (See Note)
Note: TNZD dimensional requirements located within applicable TNZD plan report. PD District based on applicable zoning district uses permitted by the PD District as listed in Table 2.8.2.								
*Mixed use and non-residential structures on corner lots may have a zero front yard and street side yard setback/build-to lines in these zoning districts.								
**Additional height is allowed, if all required yards are increased five feet for each story or each additional ten feet of building height over 3 stories/45 feet.								
*** Garages with doors facing the street shall have a minimum setback of 25 feet.								

**SECTION II:** Chapter 5 of the LDC, Section 5.3.1.C, is amended as follows:

Table 5.3.1 Dimensional Standards: Residential Development



Zoning District	Minimum Lot Area	Min. Lot Width	Min. Front and Street Side Yard Setback	Minimum Side Yards (Each)	Minimum Rear Yard Setback	Maximum Building Height
RR	5 Acres	150 ft	30 ft	15 ft	50 ft	35 ft
RE*	105,000 sf	150 ft	90 ft (front); 60 ft (street side)	20 ft minimum, 50 ft total	50 ft	35 ft
R-E, R-1	40,000 sf	150 ft	<del>75 ft (front); 25 ft (street side)</del> <u>15 ft. ****</u>	15 ft minimum, 45 ft total	25 ft.	35 ft
R-2	20,000 sf	100 ft	<del>30 ft</del> <u>15 ft. ****</u>	10 ft minimum, 30 ft total	25 ft.	35 ft
R-3	12,000 sf	75 ft	<del>30 ft</del> <u>15 ft. ****</u>	7.5 ft minimum, 22.5 total	25 ft.	35 ft
R-4	9,000 sf	60 ft	<del>30 ft</del> <u>15 ft. ****</u>	**	25 ft.	35 ft
R-5	6,000 sf	50 ft	<del>25 ft</del> <u>15 ft. ****</u>	5 ft	25 ft.	35 ft
PRD	1500 sf	0 ft.	0 ft.	0 ft.	0 ft.	35 ft.
R-5A	6,000 sf	50 ft	<del>20 ft</del> <u>15 ft. ****</u>	5 ft	25 ft.	35 ft
R-5B	6,000 sf	30 ft	<del>20 ft</del> <u>15 ft. ****</u>	3 ft	25 ft.	35 ft
R-6, OR	6,000 sf	25 ft	15 ft****	3 ft	25 ft.	35 ft
U-N	2,500 sf 1500 sf if attached	18 ft	15 ft****	3 ft	6 ft.	35 ft
R-7, OR-1	6,000 sf	25 ft	15 ft****	3 ft	15 ft	45 ft (see footnote)***
R-8A, OR-2, CR, CN	6,000 sf	25 ft	15 ft****	3 ft	15 ft	45 ft (see footnote)***
OR-3, OTF, C-1, C-2	5,000 sf	None	None	None	15 ft	45 ft (see footnote)***
Note: The PDD shall use the dimensional standards of the zoning district uses as listed in Table 2.8.2.						
* as in effect in Anchorage, Douglass Hills and Shively; for standards in effect in other jurisdictions, refer to next line of table.						
**For lots created prior to August 22, 2000, and lots shown on preliminary plans approved prior to that date, the side yards shall be minimum 6', total of 18'; for lots created or shown on preliminary plans approved after that date, the side yards shall be 5' on each side.						
*** Additional height is allowed, if all required setbacks are increased five feet for each additional ten feet of building height, or fraction thereof, over 45 feet. This extra setback does not apply to off-street parking and maneuvering areas. Non-residential uses are subject to building height limits as established in Table 5.3.2						
**** <u>Garages with doors facing the street shall have a minimum setback of 25 feet.</u>						

to be **APPROVED**.

**The vote was as follows:**

**YES: Commissioners Daniels, Clare, Carlson, Sistrunk, Brown, Howard, Mims, Peterson, and Lewis.**

**NO: None**

**NOT PRESENT AND NOT VOTING: Commissioners Seitz**

### **21-LDC-0006**

On a motion by Commissioner Brown, seconded by Commissioner Peterson, the following resolution based on the staff report and testimony heard today was adopted.

**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 to 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.

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **RECOMMEND** to Metro Council and all other cities with zoning authority the following amendments of the Land Development Code related to Two Family in Multi-Family Residential and Office/Residential Zones and Floor Area Ratio (as identified in the staff report):

**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: 0.1~~

~~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.  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~~

~~21. 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)

...

**PLANNING COMMISSION MINUTES**  
**April 20, 2021**

**PUBLIC HEARING**

**LDC REFORM PHASE I**

- 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

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**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~~



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**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~~

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)	<b>FAR</b>
	30	30	Attached = 8	1,500			Building (except					
	40	40		1,500								

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R-5	50	50	Semi-Detached = 2	1,500		3	garage): 12		25			
R-4	30	20	Attached = 8 Semi-Detached = 2	2,500	1,200	5 if adjacent to alley	Garage: 12 side or rear entry; 24 front entry  See illustration below	25	40 if corner lot	15	35 (NFD) 45 (TNFD)	4,000 or less SF = 3  5,000 — 5,999 SF = 2  6,000 SF or more = 4
	40	30		2,500		0 if attached or semi-detached			18 if attached units	3 if adjacent to alley		
	50	40		2,500								
R-3	60	20	Attached = 4 Semi-Detached = 2	6,000	2,000	5	20	NA	35	25  5 if adjacent to alley	35	>40,000 SF = 3  40,000 SF = 5
R-2				10,000	3,000	0 if attached or semi-detached	25		20 if attached or semi-detached			
R-1 RE		NA	NA	20,000	NA	10	30		50			
RR				40,000	NA	15	40		30 if attached or semi-detached			
									60			
									75			

to be **APPROVED**.

**The vote was as follows:**

**YES: Commissioners Daniels, Clare, Carlson, Sistrunk, Brown, Howard, Mims, Peterson, and Lewis.**

**NO: None**


**NOT PRESENT AND NOT VOTING: Commissioners Seitz**

**PLANNING COMMISSION MINUTES**  
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
**ADJOURNMENT**

The meeting adjourned at approximately 10:09 p.m.

DocuSigned by:

  
Chair

DocuSigned by:

  
Planning Director