



# Louisville Metro Government

## Legislation Details (With Text)

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**Type:** Ordinance      **Status:** Withdrawn

**File created:** 9/22/2014      **In control:** Ad Hoc Committee on Land Development Code

**On agenda:** 11/2/2015      **Final action:** 11/3/2015

**Title:** AN ORDINANCE AMENDING THE FOLLOWING SECTIONS OF THE LAND DEVELOPMENT CODE AS PART OF A CONTINUING EFFORT TO UPDATE THE ZONING REGULATIONS FOR LOUISVILLE METRO: 5.1.12, 4.1.2, 5.2.2.C, 5.2.3.D.3, 5.2.4.C.3, 5.2.5.C.3, 5.2.6.E, 5.3.1.C, 5.4.1, AND 5.4.2 (CASE NO. 14AMEND1003). (Reintroduced 031215, Action Required By: September 2015)

**Sponsors:** Madonna Flood (D-24), James Peden (R-23)

**Indexes:**

**Code sections:**

**Attachments:** 1. O-488-14 ATTACH LDC AMENDMENTS INFILL

Date	Ver.	Action By	Action	Result
11/3/2015	1	Ad Hoc Committee on Land Development Code		no action taken - died in committee
11/2/2015	1	Ad Hoc Committee on Land Development Code		
10/5/2015	1	Ad Hoc Committee on Land Development Code	tabled	
9/21/2015	1	Ad Hoc Committee on Land Development Code	tabled	
8/24/2015	1	Ad Hoc Committee on Land Development Code		
8/10/2015	1	Ad Hoc Committee on Land Development Code	tabled	
7/27/2015	1	Ad Hoc Committee on Land Development Code	tabled	
6/22/2015	1	Ad Hoc Committee on Land Development Code	tabled	
5/11/2015	1	Ad Hoc Committee on Land Development Code		
4/20/2015	1	Ad Hoc Committee on Land Development Code	tabled	
4/13/2015	1	Ad Hoc Committee on Land Development Code	tabled	
3/23/2015	1	Ad Hoc Committee on Land Development Code	tabled	
3/9/2015	1	Ad Hoc Committee on Land Development Code		
2/23/2015	1	Ad Hoc Committee on Land Development Code		
2/9/2015	1	Ad Hoc Committee on Land Development Code		
12/8/2014	1	Ad Hoc Committee on Land		

11/17/2014	1	Development Code		
		Ad Hoc Committee on Land	tabled	
		Development Code		
11/3/2014	1	Ad Hoc Committee on Land	tabled	
		Development Code		
10/20/2014	1	Ad Hoc Committee on Land	tabled	
		Development Code		
10/6/2014	1	Ad Hoc Committee on Land	recommended for approval	
		Development Code		
10/6/2014	1	Ad Hoc Committee on Land	tabled	Pass
		Development Code		

**ORDINANCE No. \_\_\_\_\_, SERIES 2015**

**AN ORDINANCE AMENDING THE FOLLOWING SECTIONS OF THE LAND DEVELOPMENT CODE AS PART OF A CONTINUING EFFORT TO UPDATE THE ZONING REGULATIONS FOR LOUISVILLE METRO: 5.1.12, 4.1.2, 5.2.2.C, 5.2.3.D.3, 5.2.4.C.3, 5.2.5.C.3, 5.2.6.E, 5.3.1.C, 5.4.1, AND 5.4.2 (CASE NO. 14AMEND1003).**

**SPONSORED BY: Councilman James Peden  
Councilwoman Madonna Flood**

WHEREAS, the Planning Commission held a public hearing on August 11, 2014 to consider a large number of amendments to various sections of the Land Development Code ("LDC") for the purposes of updating and improving the LDC, resolving potential conflicts in the application of various LDC provisions and clarifying language that was determined to be potentially confusing on its face or in its application; and

WHEREAS, the Planning Commission has recommended approval of the amendments itemized in each of the six reports as stated in the Planning Commission's minutes of August 11, 2014 and contained in the attachments for this Ordinance and as summarized in the Round Two LDC Text Amendments Index also contained in the attachments; and

WHEREAS, the Metro Council concurs in and adopts the findings and recommendations of the Planning Commission in Case No. 14AMEND1003 as reflected in the Planning Commission's minutes and records, and as more specifically set forth in Exhibit A attached hereto;

**Now THEREFORE BE IT ORDAINED BY THE LEGISLATIVE COUNCIL OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT AS FOLLOWS:**

**Section I:** The Metro Council hereby adopts the amendments to the Land Development Code as contained in the minutes and records of the Planning Commission in Case No. 14AMEND1003, dated August 11, 2014, and as more specifically set forth in Exhibit A attached hereto.

**Section II:** This Ordinance shall take effect upon its passage and approval.

\_\_\_\_\_  
H. Stephen Ott  
Metro Council Clerk

\_\_\_\_\_  
David W. Tandy  
President of the Council

\_\_\_\_\_  
Greg Fischer  
Mayor

\_\_\_\_\_  
Approval Date

**APPROVED AS TO FORM AND LEGALITY:**

Michael J. O'Connell  
Jefferson County Attorney

By: \_\_\_\_\_

**EXHIBIT A**

**INF ITEM #1**

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

### **5.1.12 Infill Development Regulations**

#### **A. Traditional Form Districts (TN, TMC, TC, TW, VC)**

**1. Where 50% or more of the existing lots within the same block face are occupied by principal structures the following infill standards shall apply to proposed buildings and additions to existing buildings rather than the dimensional standards listed in the applicable form district section of the Land Development Code. For the purposes of these infill regulations a block face is defined as the frontage on a public street located between intersecting public or private streets or alleys.**

#### **2. Infill Dimensional Requirements**

- a. Front Yard Setback - The front yard setback line shall fall within the range of the front yard setbacks of the two nearest lots containing principal structures within the same block face. A proposed building on an infill lot must be constructed within this established front yard setback range.**
- b. Side Yard Setback - There are no infill specific side yard setback requirements. Refer to the applicable form district dimensional requirements found in Chapter 5 to determine the side yard setback requirement.**
- c. Rear Yard Setback - There are no infill specific rear yard setback requirements. Refer to the applicable form district dimensional requirements found in Chapter 5 to determine the rear yard setback requirement.**
- d. Building Height - The building height shall fall within the range of building heights of existing structures within the same block face. In cases where the maximum building height allowed within the applicable form district is greater than the established range within a block face, the maximum building height within the range may be exceeded by up to 25%, but may not exceed the maximum building height allowed within the particular form district. The proposed building height may also be as much as 25% lower than the minimum building height of the established range within the block face.**

#### **e. Corner Lots**

##### **i. Building Setbacks**

- 1. Front Yard Setback - The front yard setback line for structures on infill corner lots shall fall within the range of the front yard or street side yard setbacks of the two nearest lots containing principal structures within the same block face. A proposed building on an infill lot must be constructed within this established front yard setback range. Exception: For non-**

residential/mixed-use corner lots in Traditional Form Districts see item “5” below.

2. Street-side Yard Setback - The street side yard setback line for structures on infill corner lots shall be a minimum of three feet. Exception: For non-residential/mixed-use corner lots in Traditional Form Districts see item “5” below.

3. Side Yard Setback - There are no infill specific side yard setback requirements. Refer to the applicable form district dimensional requirements found in Chapter 5 to determine the side yard setback requirement.

4. Rear Yard Setback - There are no infill specific rear yard setback requirements. Refer to the applicable form district dimensional requirements found in Chapter 5 to determine the rear yard setback requirement.

5. Non-Residential/Mixed-Use Corner Lots in Traditional Form Districts - Section 5.5.1.A.2 requires non-residential and mixed-use buildings on corner lots in Traditional Form Districts to be located between 0 and 5 feet from the right-of-way lines for both streets.

ii. Building Height

1. The building height for proposed structures on all corner infill lots shall fall within the range of building heights of existing structures within each block face the property is located within. In cases where the maximum building height allowed within the applicable form district is greater than the established range within a block face, the maximum building height within the range may be exceeded by up to 25%, but may not exceed the maximum building height allowed within the particular form district. In cases where a corner infill lot is located within two block faces with incompatible established building height ranges, the block face that includes the subject property’s front yard shall be used to calculate the building height range. The proposed building height may also be as much as 25% lower than the minimum building height of the established range within the block face.

B. Suburban Form Districts (N, SMC, RC, SW, C, VO)

1. Where 50% or more of either the lots or street frontage (lineal distance) within 200 feet of the subject site and on the same side of the street are occupied by principal structures, the following requirements apply to proposed buildings and additions to existing buildings instead of applicable standards in Tables 5.3.1 and 5.3.2.

2. Infill Dimensional Requirements

- a. Front Yard Setback - The front yard setback line shall fall within the range of the front yard setbacks of the two nearest lots containing principal structures within the same block face. A proposed building on an infill lot must be constructed within this established front yard setback range.
- b. Side Yard Setback - There are no infill specific side yard setback requirements. Refer to the applicable form district dimensional requirements found in Chapter 5 to determine the side yard setback requirement.
- c. Rear Yard Setback - There are no infill specific rear yard setback requirements. Refer to the applicable form district dimensional requirements found in Chapter 5 to determine the rear yard setback requirement.
- d. Building Height - There are no infill specific building height requirements for properties located within suburban form districts. Refer to the applicable form district dimensional requirements found in Chapter 5 to determine the building height requirement.
- e. Corner Lots

- i. Building Setbacks

- 1. Front Yard and Street-side Yard Setbacks - The front yard and street-side yard setback lines shall fall within the range of the front yard or street-side yard setbacks of the two nearest lots containing principal structures within the same block face. A proposed building on an infill lot must be constructed within this established front yard setback range.
- 2. Side Yard Setback - There are no infill specific side yard setback requirements. Refer to the applicable form district dimensional requirements found in Chapter 5 to determine the required side yard setback requirement.
- 3. Rear Yard Setback - There are no infill specific rear yard setback requirements. Refer to the applicable form district dimensional requirements found in Chapter 5 to determine the rear yard setback requirement.

- ii. Building Height

- 1. There are no infill specific building height requirements for properties located within suburban form districts. Refer to the applicable form district dimensional requirements found in Chapter 5 to determine the building height requirement.

### C. Miscellaneous Infill Regulations and Exemptions

- 1. There are no infill specific requirements for properties located within the Downtown Form District. Refer to Section 5.2.1 for dimensional requirements.
- 2. Non-residential/Mixed Use Development in the following form districts is not required to comply with any infill regulations found in Section 5.1.12:

**Suburban Marketplace Corridor, Regional Center, Suburban Workplace and Campus.**

3. **The Infill Site Context standards in Section 5.1.12 shall not apply in the suburban form districts if two properties within 200 feet of the subject site and on the same side of the street are developed at a density less than one dwelling per acre.**
4. **See Section 5.4.1.E & G for infill regulations for residential accessory structures in traditional form districts.**
5. **Single Family Residential Tree Requirement - Construction of a new single-family or duplex structure on a residential infill lot in any form district shall provide at least one Type 'A' or two Type 'B' trees on the lot. Preservation of existing trees that meet the required tree type shall fulfill this requirement. Street trees do not fulfill this requirement.**
6. **Recorded subdivisions that include building setback requirements on the official plat recorded in the Jefferson County Clerk's Office shall not be subject to any regulations included in Section 5.1.12.**

**INF ITEM #2**

**4.1.2 FACTORY BUILT HOUSING**

***NOTE:*** *Factory built housing includes manufactured homes and modular homes as defined in the 2002 Kentucky Residential Code.*

Factory built housing may be placed on a lot zoned for residential use, in accordance with applicable zoning and form district requirements and provided that the standards of this section are met.

- A. The following standards are applicable to all factory built housing:
  1. The structure shall be permanently attached to a permanent foundation system and shall be anchored in accordance with the state standards set forth in KRS 227.570 through KRS 227.590.
  2. Exterior material shall be material customarily used on site-built dwellings, such as board siding, plywood or press wood siding, non-glossy vinyl siding, stucco, brick or non-reflective aluminum.
  3. Roofing material shall be of wood, tile or composition shingles, and must have an eave projection of no less than 6 inches.
  4. Exterior covering material extending from the roofline to the ground or to the top of the foundation shall be used. Masonry type skirting shall be constructed from the ground to the bottom of the exterior wall.
  5. Structural additions or alterations shall be subject to the same building code regulations as apply to additions or alterations to a conventionally built house. Any other alteration or conversion of a factory built house must be performed in accordance with KRS 227.550 et seq., 815 KAR 25:050, Section 2 and 42 USC Chapter 70.
  6. An adequate guttering and roof drainage system shall be installed.
- B. The following standards are applicable to all factory built housing to be placed on lots that qualify as infill sites in the form district regulation applicable to the site:

***NOTE:*** **Infill Properties - See the infill determination methods in Section 5.1.12.**

*Infill development is defined in the Neighborhood and Traditional Neighborhood Form Districts:*

*~~Infill in NFD: Where 50% or more of either the lots or street frontage (linear distance) within 200 feet of the subject site and on the same side of the street are occupied by principal structures.~~*

*~~Infill in TNFD: Where 50% or more of either the lots or street frontage (linear distance) within the same block face are occupied by principal structures]~~*

1. Roofed front porches must be included on each structure if more than 50% of the structures in the same block face or within 200 feet of the subject site, whichever is less, include them. Porches shall equal the average size and must resemble the architectural style, roof pitch, foundation and façade material of porches existing within the block face. The Planning Director shall determine if the proposed porch design is sufficiently similar to those of adjacent residences.
2. Façade materials shall match in appearance those of one of the adjacent residences (residential buildings on either side of the infill lot, or two nearest residences, if the adjacent structures are non-residential). The Planning Director may approve alternative materials, if the Director finds that the proposed design and façade materials are substantially in keeping with the existing character of the block face.
3. Front facing windows must have consistent size, spacing, and proportion to that of the adjacent residences (residential buildings on either side of the infill lot, or two nearest residences, if the adjacent structures are non-residential). The Planning Director may approve alternative window sizes and patterns that the Director determines are in keeping with the existing character of the block face.
4. The first floor elevation of the proposed dwelling shall be no lower than the average floor elevations of the existing adjacent residential buildings (residential buildings on either side of the infill lot, or two nearest residences, if the adjacent structures are non-residential).
5. Minimum width of each unit's first story shall be at least equal to the average of the two nearest residential buildings in the same block face (residential buildings on either side of the infill lot, or two nearest residences, if the adjacent structures are non-residential).
6. The roof of each infill unit shall have pitch at least as steep as the average of the roof pitch of the two nearest residential buildings in the same block face. The Planning Director may approve a lower roof pitch if the Director finds that the adjacent roof pitches are not representative of the block face in which the factory built home is to be located.
7. Infill structures shall be consistent in number of stories with the pattern established by surrounding residences; if more than 50% of existing residences within the block face (TNFD) or 200 feet distance (NFD) are more than one story in height, the infill structure shall be a two-story structure. Where the established pattern is story and a half (e.g., "camelback structures"), infill housing may have a full or partial second story.
8. HVAC units shall not be located between the front façade and the street.
9. In Landmarks Districts, design review and approval by the Landmarks Commission shall substitute for the requirements established in paragraphs B.1



- through 8, above.
10. The Planning Director may approve proposed developments of five or more infill units that vary from the standards listed in this 4.1.3.B, if the Director finds that the units are compatible with the neighborhood in which they will be located.
- C. The following standards are applicable to all factory built housing to be placed on lots that do not qualify as infill sites in the form district regulation applicable to the site:
1. The roof shall be pitched at a minimum slope of 5:12.
  2. The minimum width of each structure's first floor shall be at least 20 feet. In the TNFD, 14 wide units are permissible, if the unit has a second story (full or partial) and has a main entrance facing the street.
  3. HVAC units shall not be located between the front façade and the street.
  4. Each residence must measure at least 900 square feet of floor area not including basement or garage space.
- D. The Planning Commission may approve factory built housing that does not conform to one or more of the standards listed in sub-sections 4.1.2.B or C, above, if the Commission finds that the proposed housing:
- is compatible with existing housing located within a one-eighth mile radius;
  - complies with applicable standards of the form district in which it is located; and conforms to applicable provisions of Cornerstone 2020.

### **INF ITEM #3**

#### **5.2.2 Traditional Neighborhood Form District**

- C. Lot Dimensional Standards
1. Infill Standards - **See Section 5.1.12. Non-Residential and Mixed Use Development**  
Where 50% or more of the linear street frontage within the same or opposing block face is occupied by principal structures exhibiting site design consistent with a traditional development pattern, the following additional standards shall apply:
    - a. Front Setback/Build-to Line and Street Sideyards: Where there are highly uniform setback/build-to lines (at least 50% of the structures on the block face have setbacks that vary by 10% or less), the setback/build-to line for the new structure shall be the average setback of existing structures in the block face. Where there is more than 10% variation in setbacks within the block face, the setback/build-to line shall fall within the range of the setbacks of the nearest constructed properties. Exception: Corner buildings with non-residential and mixed-uses shall use Table 5.2.2.
    - b. Building Height: The maximum building height shall be 45 feet or 3.5 stories unless an adjacent building is taller in which case the proposed structure may be as tall as the tallest adjacent building.
    - c. Parking and maneuvering is not permitted within the minimum setback areas. Also, see Section 9.1.4.
    - d. Sites that do not qualify as Infill Sites shall be developed in accordance with Table 5.2.2.
  2. Infill Standards – Residential Development  
See Chapter 5 Part 4 Residential Site Design Standards for traditional form districts (Section 5.4.1)

Dimensional standards for development that is not in an Infill Context are listed in Table 5.2.2 below. Lots created after the effective date of this Land Development Code shall meet the minimum area requirements of Table 5.2.2. Residential lots having less area than required and legally created prior to the adoption of these regulations may be occupied by one dwelling unit. For lot dimensional standards for Conservation Subdivisions see Table 7.11.1.

### 5.2.3 Traditional Marketplace Corridor Form District

#### D. Dimensional Standards

1. Minimum Lot Size, Depth, and Width. There are no minimum lot size, depth, and width requirements in the TMCFD, except as specified in Section 5.5.1.
2. Residential Development Standards. Residential lots and structures (both principal and accessory) shall comply with the Traditional Neighborhood Form District standards listed in Section 5.2.2.
3. Non-residential/Mixed Use Structure Setback/Build to Line (Parking and maneuvering is not permitted within the minimum setback areas. Also, see Section 9.1.4.)
  - a. Front Setback/Build-to Line and Street Side Yards. There is no minimum front setback/build-to line or street side yard. The maximum front setback/build-to line and street side yards shall be no greater than 15 feet from the line of the right-of-way.  
Exceptions: -
    - i. Infill Context. **See Section 5.1.12.** ~~The setback line shall either be;~~
      - (a) ~~fall within the range of the setbacks of the two nearest constructed properties.~~
      - (b) ~~buildings may be constructed at the existing right-of-way/sidewalk line (i.e., with no front or street side yard setbacks).~~
    - ii. Corner Lots: See 5.5.1.A.2
    - iii. Outdoor seating areas. Outdoor amenities such as open, unenclosed seating areas are permitted to encroach into the front setback as long as the corner requirements of Section 5.5.1 A.2 are being met.
  - b. Side Yard Setback. There are no side yard setbacks, except where adjacent to a residential use or zoning district, in which case a minimum side setback of 5 feet shall be maintained. All new structures shall provide side yards wide enough to allow for maintenance of building side walls if common party walls on the lot line are not provided. If a new building is constructed adjacent to an existing building which has a window, the new building shall be set back at least 6 feet from the property line to allow continued use of the window(s).
  - c. Rear Yard Setback. Minimum 5 feet from rear property line.
  - d. Setback from Alley or Rear Property Line.
    - i. The rear setback shall be the depth of the required form district transition area buffer yard, if the site is located in the Form District Edge Transition Zone.

- ii. Five feet if the site is not located at the edge of the TMCFD.
- e. Building Height.
  - i. Non- Infill Context. Maximum 50 feet or four stories excluding rooftop equipment or machinery penthouses.
  - ii. Infill Context. **See Section 5.1.12.** The minimum building height shall fall within the range of building heights along the same or opposing block face. ~~The maximum building height shall be 50 feet, or the average of existing structures in the block face, whichever is greater.~~

## 5.2.4 Town Center Form District

### C. Dimensional Standards

1. Minimum Lot Size, Depth, and Width. There are no minimum lot size, depth, and width requirements in the TCFD, except as specified in paragraph b., below.
2. Residential Lots and Building Setbacks. Residential lots and structures (both principal and accessory structures) shall comply with the Traditional Neighborhood Form District Standards in Section 5.2.2 or shall comply with Nonresidential/Mixed Use Standards below.
3. Non-Residential and Mixed Use Structure Setbacks.  
(Parking and maneuvering is not permitted within the minimum setback areas. Also, see Section 9.1.4.)
  - a. Front Setback/Build-to line and Street Side Yards. There is no minimum front setback/build-to line or street side yard. The maximum front setback/build-to line and street side yard shall be no greater than 15 feet from the edge of right-of-way.
  - b. Front Setback/Build-to line and Street Side yard - Infill Context. **See Section 5.1.12.** ~~Where at least 50% of the street frontage (linear distance) within the same block face is occupied by principal structures, the setback/build-to line shall fall within the range of setbacks of the nearest two constructed properties or 15 feet, whichever is less.~~
  - c. Corner Lots: See 5.5.1.A.2
  - d. Outdoor seating areas. Open, unenclosed public seating or similar areas, fountains and outdoor amenities are permitted to encroach into the front setback as long as the corner requirements are met.
  - e. Side Yard Setback. The minimum setback shall be either of the following:
    - i. There are no side yard setbacks except where adjacent to a residential use or zoning district, in which case a minimum side yard setback of 5 feet shall be maintained.
    - ii. If the site is located at the edge of the TCFD, the depth of the required form district transition area/buffer yard must be maintained.
  - f. Rear Yard Setback. Minimum 5 feet from rear property line. The rear setback shall be the depth of the required form district transition area buffer yard if the site is located in the Form District Edge/Transition Zone.
  - g. Building Height.
    - i. Except as limited within the Form District Transition Zone, the maximum permitted building height is 120 feet.
    - ii. Infill Context. **See Section 5.1.12.** ~~Where 50 percent or more of the linear~~

street frontage within the same or opposing block face is occupied by the principal structures exhibiting site design consistent with a traditional development pattern, the following additional standards shall apply:

- (a) Where there are highly uniform building heights (at least 50 percent of the structures on the block face have building heights that vary by 10 percent or less), the building height of the new structure shall fall within 10 percent of the average height.
- (b) Where there is more than 10 percent variation in building heights within the block face, the building heights of new buildings shall fall within the range of the building heights of the two nearest constructed properties.

## 5.2.5 TRADITIONAL WORKPLACE FORM DISTRICT

### C. Dimensional Standards

1. Lot Size, Depth, and Width. There are no minimum lot size, depth, and width requirements in the TWFD, except as specified in number 2 below.
2. Residential Development Standards. Residential lots and structures (both principal and accessory structures) shall comply with the Traditional Neighborhood Form District Standards in Section 5.2.2.
3. Standards Applicable Within the Form District Edge/Transition Zone. For sites that are within the 200 foot Form District Edge/Transition Zone the following standards shall apply:
  - a. Front and Street Side Yard Setback/Build-to line. The maximum setback/build-to line shall be 25 feet. Exception: Infill context - **See Section 5.1.12.** If 50 percent or more of the street frontage (linear distance) within either the same or adjacent block face is occupied by principal structures that have a front setback that vary no more than 10 percent, then new principal structure setback/build-to lines shall fall within that 10 percent. There is no minimum setback/build-to line.
  - b. Side Yard Setback/Build-to line. None, except where the site abuts an existing residential or office use in which case the minimum side yard setback shall equal the setback of the adjacent use.
  - c. Rear Yard Setback. Minimum 20 feet.
  - d. Building Height. Maximum 45 feet or three stories; however if the two nearest non-residential structures are greater than 45 feet or three stories, the infill structure may equal the height of the existing structures.
  - e. Corner Lots: See 5.5.1.A.2
  - f. Parking and maneuvering is not permitted within the minimum setback areas. Also, see Section 9.1.4.
4. Standards Applicable Outside the Form District Edge Transition Zone. For sites in the TWFD that are not within the Form District Edge Transition Zone the following standards shall apply:
  - a. Front and Street Side Yard Setback/Build-to line. The maximum front and street side yard setback/build-to line shall be 25 feet from the front property line. There is no minimum setback/build-to line.
  - b. Building Height. Maximum 45 feet or three stories; however, additional height may be added provided that the building is stepped back one foot

- on all sides for each additional foot of building height.
- c. Corner lots: See 5.5.1.A.2
- d. Parking and maneuvering is not permitted within the minimum setback areas. Also, see Section 9.1.4.
- 5. Greater Front and Street Side Yard setbacks necessary to comply with applicable parkway or other buffer requirements set forth in Chapter 10 Landscaping, Buffering, and Open Space shall supercede these setback requirements.
- 6. Non-residential Structure Side and Rear Setback/Build-to lines. There are no requirements for side or rear setback/build-to lines. Exception: where an industrial use abuts an existing residential or office use, the setback standards for the CM zone in the Traditional Neighborhood Form District (Table 5.2.2) shall apply.

## 5.2.6 VILLAGE FORM DISTRICT - CENTER

### E. Dimensional Standards

Infill **Context: See Section 5.1.12.** developments within the Village Center shall conform to the ~~Traditional Neighborhood Form District dimensional standards.~~

Dimensional standards for development that is not in an Infill Context are listed in Table 5.2.2. Lots created after the effective date of this Land Development Code shall meet the minimum area requirements of Table 5.2.2. Residential lots having less area than required and legally created prior to the adoption of these regulations may be occupied by one dwelling unit.

## 5.3.1 Neighborhood Form District

### C. Dimensional Requirements

1. Infill Site Context - **See Section 5.1.12**
  - a. ~~Where 50% or more of either the lots or street frontage (lineal distance) within 200 feet of the subject site and on the same side of the street are occupied by principal structures, the following requirements apply instead of applicable standards in Tables 5.3.1 and 5.3.2.~~
  - i. ~~See Section 5.4.2 (Residential Site Design Standards) for residential infill standards.~~
  - ii. ~~New non-residential structures shall be located at the lesser of the established building pattern (average front and street side setback) or the maximum front and street side setback defined in Table 5.3.2.~~
  - iii. ~~The Infill Site Context standards shall not apply if two properties within 200 feet of the subject site and on the same side of the street is~~

developed at a density less than one dwelling per acre.

#### 5.4.1 Traditional Form Districts (except for DFD)

Traditional site design pattern. Residential lots in traditional form districts exhibit a distinct pattern of placement of principal and accessory structures, their relationship to streets and alleys, and provision for open areas. To reflect these characteristics, residential lot and building design requirements are described in terms of the following four basic components of a lot or building site: the public realm area, the principal structure area, the private yard area, and the accessory use/structure area. New and infill context development in the traditional forms shall maintain this pattern.

Alternative Development Standards. Sites developed in accordance with the Alternative Development Incentives regulations (Chapter 4 Part 5) or the Planned Residential District (Section 2.7.3) shall meet the lot and setback dimension standards of 5.2.2.D. instead of the requirements established in Table 5.2.2

A. Table 5.2.2 shall be used for the non-infill requirements related to maximum building height, setbacks/yards, minimum lot size and minimum lot width as well as paragraphs A through E of this section (excluding infill standards). Infill Context: **See Section 5.1.12. Applicable portions of paragraphs A-E of this part also apply to infill sites.** Where 50% or more of the street frontage (linear distance) within the same block face is occupied by principal structures, Infill Context requirements apply, in addition to the standards of paragraphs A through E of this section. For infill sites, the following standards take the place of applicable standards in Table 5.2.2. General infill standards apply to the following:

1. New lots in an Infill Context shall not be less than 80% of the established lot pattern (average lot width and depth) and shall comply with the minimum lot size of the applicable zoning and form districts.

##### **2.1** Single Family Residential Tree Requirement

a. Construction of a new single family or duplex structure on a residential lot shall provide at least one Type 'A' or two Type 'B' trees on the lot. Preservation of existing trees that meet the required tree type shall fulfill this requirement. Street trees do not fulfill this requirement.

#### B. Public Realm Area (see figure 5.4.1)

1. Encroachments/accessory structures. Encroachments and accessory structures are not permitted in the Public Realm except:

- a. Steps, stoops and open, unenclosed porches may encroach up to 100% of the distance of the principal structure setback from the right-of-way, provided that the encroachment occupies no more than 33% of the public realm and does not conflict with utility easements.
- b. Awnings may extend 48 inches into the public realm.
- c. Porches and awnings must be constructed as extensions of the principal structure and shall not be freestanding.
- d. Parking is permitted only in driveways that lead to a garage or rear yard parking area.
- e. Public utility easements.

2. Access. An improved means of pedestrian access to the principal structure shall

be provided between the right-of-way/sidewalk and the principal structure entrance that is facing the street.

3. Infill Context - **See Section 5.1.12.**

a. ~~Front Setbacks. New structures shall be built within the setback lines of the two nearest existing residential structures.~~

~~Exception: Corner structures shall not be used in the setback/build-to analysis unless they continue the residential street wall. In cases where the above conditions do not apply, the setback/build-to line will be that specified in Table 5.2.2.~~

C. Principal Structure Area

1. Orientation. The entrance of the principal structure(s) shall be oriented to the primary street.

2. Parking. Off-street parking is prohibited in the principal structure area unless there is no alley access and the primary ingress and egress to the parking is from the public realm area. In this case, parking is allowed in a driveway, garage or in a driveway leading to a garage or rear yard only. Detached garages may be allowed in the Principal Structure Area where there is no alley access (lots not adjacent to an alley or where access to an alley is infeasible based on a determination by the Public Works Director) as long as the required side yards as specified in Table 5.2.2 are maintained. See paragraphs C3, C4 and C5 below for specific design standards.

3. An attached front loaded garage may be located in the Principal Structure Area with access from the primary street when there is no alley or where access to an alley is infeasible based on a determination from Public Works. The front façade of the garage shall be set back at least four feet from the front façade of the house. Garages shall comprise no more than 50% of the total linear feet of the front façade of a dwelling unit.

4. Detached Garage. On lots without alley access as defined in paragraph B.2, a detached garage may be located within the Principal Structure Area if it is setback at least 20 feet from the front façade. Detached garages shall be at least six feet from the principal structure.

5. Garages for Single Family Attached units shall meet one of the following options:

a. Front Facing. A garage door facing a street shall not exceed a width of ten feet. No more than two garage doors facing a street may be located in a row, and such rows of garage doors must be separated from any other garage door facing a street by at least ten feet.

b. Side Entry. Garage doors are perpendicular to the street which the front façade faces.

6. Infill Context - **See Section 5.1.12.**

a. ~~Building Height. The building height shall comply with one of the following standards:~~

~~i. Building height shall be within 10% of the average height along the block face (for corner lots, the average height shall be calculated based on existing structures along both block faces); or~~

~~ii. building height shall fall within the range of the two nearest existing structures within the same block face; or building height may be as permitted in Table 5.2.2.~~

- b. Street Side Yards and Side yards. The street side yard setback shall be equal to or greater than the street side yard of the adjacent property. The side yard setback shall either fall within the range of those of the two closest constructed residential properties or shall be 3 feet, whichever is greater. Exception: Corner buildings with non-residential, multi-family and mixed uses shall use Table 5.2.2.
- c. In cases where the above conditions do not apply, the building heights and setback/build-to-lines will be specified in Table 5.2.2.

## 5.4.2 Suburban Form Districts

### C. Infill Context - See Section 5.1.12.

Where 50% or more of either the lots or street frontage (lineal distance) within 200 feet of the subject site and on the same side of the street are occupied by principal structures, the following requirements apply instead of applicable standards in Tables 5.3.1 and 5.3.2.

- 1. Construction of new or expanded principal residential structure on lots created prior to the effective date of this regulation, or on parcels created by minor plat after the effective date, shall fall within the range of the front setbacks of the two nearest principal residential structures. The side setback shall fall within the range of the two nearest principal residential structures or three (3) feet, whichever is greater. The minimum street side yard setback shall be that of the nearest principal residential structure (accessory structures are excluded from this provision).
- 2. New lots in an Infill Context shall not be less than 80% of the established lot pattern (average lot width and depth) and shall comply with the minimum lot size of the applicable zoning and form districts.
- 3. The Infill Site Context standards shall not apply if two properties within 200 feet of the subject site and on the same side of the street is developed at a density less than one dwelling per acre.
- 4. Single Family Residential Tree Requirement
  - a. Construction of a new single family or duplex principal structure on a residential lot shall provide at least one Type 'A' or two Type 'B' trees on the lot. Preservation of existing trees that meet the required tree type shall fulfill this requirement. Street trees do not fulfill this requirement.

## INF ITEM #5

### 5.4.1 Traditional Form Districts (except for DFD)

Traditional site design pattern. Residential lots in traditional form districts exhibit a distinct pattern of placement of principal and accessory structures, their relationship to streets and alleys, and provision for open areas. To reflect these characteristics, residential lot and building design requirements are described in terms of the following four basic components of a lot or building site: the public realm area, the principal structure area, the private yard area, and the accessory use/structure area. New and infill context development in the traditional forms shall maintain this pattern.



Alternative Development Standards. Sites developed in accordance with the Alternative Development Incentives regulations (Chapter 4 Part 5) or the Planned Residential District (Section 2.7.3) shall meet the lot and setback dimension standards of 5.2.2.D. instead of the requirements established in Table 5.2.2

A. Table 5.2.2 shall be used for the non-infill requirements related to maximum building height, setbacks/yards, minimum lot size and minimum lot width as well as paragraphs A through E of this section (excluding infill standards). Where 50% or more of the street frontage (linear distance) within the same block face is occupied by principal structures, Infill Context requirements apply, in addition to the standards of paragraphs A through E of this section. For infill sites, the following standards take the place of applicable standards in Table 5.2.2. General infill standards apply to the following:

1. ~~New lots in an Infill Context shall not be less than 80% of the established lot pattern (average lot width and depth) and shall comply with the minimum lot size of the applicable zoning and form districts.~~
2. Single Family Residential Tree Requirement
  - b. Construction of a new single family or duplex structure on a residential lot shall provide at least one Type 'A' or two Type 'B' trees on the lot. Preservation of existing trees that meet the required tree type shall fulfill this requirement. Street trees do not fulfill this requirement.

## 5.4.2 Suburban Form Districts

### C. Infill Context

Where 50% or more of either the lots or street frontage (lineal distance) within 200 feet of the subject site and on the same side of the street are occupied by principal structures, the following requirements apply instead of applicable standards in Tables 5.3.1 and 5.3.2.

1. Construction of new or expanded principal residential structure on lots created prior to the effective date of this regulation, or on parcels created by minor plat after the effective date, shall fall within the range of the front setbacks of the two nearest principal residential structures. The side setback shall fall within the range of the two nearest principal residential structures or three (3) feet, whichever is greater. The minimum street side yard setback shall be that of the nearest principal residential structure (accessory structures are excluded from this provision).
2. ~~New lots in an Infill Context shall not be less than 80% of the established lot pattern (average lot width and depth) and shall comply with the minimum lot size of the applicable zoning and form districts.~~
3. The Infill Site Context standards shall not apply if two properties within 200 feet of the subject site and on the same side of the street is developed at a density less than one dwelling per acre.
4. Single Family Residential Tree Requirement
  - a. Construction of a new single family or duplex principal structure on a residential lot shall provide at least one Type 'A' or two Type 'B' trees on the lot. Preservation of existing trees that meet the required tree type shall fulfill this requirement. Street trees do not fulfill this requirement.

