

Louisville Metro

Land Development Code Reform

Confronting inequities in land use policies, regulations and practices

LAND DEVELOPMENT CODE REFORM RECOMMENDATIONS

January 2021

The recommended changes to the Land Development Code are based on the public engagement sessions conducted in October and December of 2020, as well as research conducted by Planning and Design Services staff. Feedback from the community established three main topics of concern for the reform: housing, environmental justice, and simplifying the regulations and processes dictated by the Land Development Code.

The proposed amendments have been organized into three phases according to the estimated longevity of completion with the starting point being the passing of the resolutions in August 2020. These timeframes are not final and are subject to change.

Continued engagement from the community throughout the phases is a vital component of the reform process. Below each chart is a link to a survey where feedback may be provided. Additionally, members of the community are encouraged to call the Land Development Code Reform hotline, send an e-mail to the dedicated Land Development Code Reform e-mail address, or mail comments to the Planning and Design Services office.

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Phase 1 Amendments 6 Months+	Topic	Summary	Current Regulations and Draft Changes
Public Notice Requirements	<ul style="list-style-type: none"> ✓ Code Simplicity & Process 	<p>Public notices are sent to the adjoining property owners of a development proposal. They provide a short summary of the project, as well as the date and time of the public meeting. Notices are sent only to property owners, meaning that renters or tenants may not become aware of the development. The recommended changes are to amend who is required to receive a public notice card and increase transparency.</p>	<p>Current Regulations: LDC Chapters 2, 4, 6, 7, 8 & 11</p> <p>Click Here for Draft Changes</p>
Urban Agriculture	<ul style="list-style-type: none"> ✓ Environmental Justice ✓ Code Simplicity & Process 	<p>Urban Agriculture includes uses such as community gardens and market gardens. These uses are currently only permitted <i>with special standards</i> in select zoning districts. The special standards create significant barriers to operating a compliant garden. The recommendations will focus on loosening the restrictions for urban agriculture.</p>	<p>Current Regulations: LDC 4.3.17 & 4.3.18</p> <p>Click Here for Draft Changes</p>
Accessory Dwelling Units (ADUs)	<ul style="list-style-type: none"> ✓ Housing ✓ Code Simplicity & Process 	<p>Current regulations require a Conditional Use Permit to be received in order to build an Accessory Dwelling Unit (such as a mother-in-law suite or granny flat). The recommended changes would allow an ADU to be permitted with special standards, meaning that as long as the guidelines are met, a property owner may build an ADU by right.</p>	<p>Current Regulations: LDC 4.2.3</p> <p>Click Here for Draft Changes</p>
Residential Setbacks	<ul style="list-style-type: none"> ✓ Housing 	<p>Setbacks determine where a structure can be placed on a lot. In the most common residential zoning district, houses must sit at least 30 feet away from the front property line and 25 feet from the rear property line. The recommendations are to reduce the setback requirements in residential zoning districts.</p>	<p>Current Regulations: LDC 5.2 & 5.3</p> <p>Click Here for Draft Changes</p>
Two Dwellings Permitted in Multifamily Zoning	<ul style="list-style-type: none"> ✓ Housing 	<p>Some properties that are zoned to permit multifamily uses are restricted to single-dwelling homes due to density requirements. The recommended changes would allow for two dwellings on properties currently zoned for multifamily uses despite density restrictions.</p>	<p>Current Regulations: LDC 2.2.9 – 2.3.5</p> <p>Click Here for Draft Changes</p>
Floor Area Ratio	<ul style="list-style-type: none"> ✓ Housing ✓ Code Simplicity & Process 	<p>Floor Area Ratio (FAR) is the relationship between the size of the lot, and what size a building on the lot can be. This value can be very restrictive in residential zoning, especially on smaller lots. The recommendation is to eliminate Floor Area Ratio regulations in residential zoning districts.</p>	<p>Current Regulations: LDC 2.2.1-2.2.13</p> <p>Click Here for Draft Changes</p>

Phase 2 Amendments 12-18 months+	Topic	Summary
Deed Restrictions and Covenants	✓ Housing	Add a provision to the subdivision regulations that requires a review of covenants and deed restrictions associated with new subdivisions to ensure that these restrictions are equitable.
Residential Uses in EZ-1	✓ Housing ✓ Environmental Justice	Revise the allowance for residential use in the EZ-1 zoning district to address new residential uses within areas that contain industrial uses; one solution is to make residential use a conditional use within the EZ-1 zoning district.
Review of 200ft Buffer in EZ-1	✓ Environmental Justice	Review how the 200-foot requirement (restriction on M-2 and M-3 uses within the EZ-1 when within 200 feet of residential zoning) functions.
Craftsman or Artisan Uses	✓ Code Simplicity & Process	Review in conjunction with Land Use Classification system for small scale manufacturing.
Improve TNZD Organization	✓ Code Simplicity & Process	As part of LDC organization review and revised land use classification, look at TNZD organization and format.
LDC Procedures	✓ Code Simplicity & Process	Simplify procedural language and review of category 3 process; consolidate all procedure and process text to Chapter 11. Improve process as needed to increase inclusion.
Buffer Standards for Residential Development Adjacent to Highways	✓ Housing ✓ Environmental Justice	Create buffer, setback, and landscape requirements for residential adjacent to interstate highways, to address both air quality and noise issues. Placing apartment complexes (often below-median rents) up against freeways, thus locating the most vulnerable low-income people of color among high concentrations of air pollutants.
Landscape Buffer Requirements	✓ Environmental Justice	Review current buffer standards when new heavy industrial development or expansion near residential use.
Land Use Issue – Daycare Facilities	✓ Environment Justice ✓ Code Simplicity & Process	Review where and how daycare facilities are permitted in residential and office-residential zoning districts.
Land Use Issues – Food Deserts, Discount Stores and Liquor Stores	✓ Environmental Justice	Develop a zoning tool to address discount stores and liquor store density in food desert areas.
Incentivize Desirable Development Types (ex. Transit Oriented)	✓ Housing ✓ Code Simplicity & Process	Streamline review process for development that is encouraged by the comprehensive plan.
Recreational Open Space for Multifamily Development	✓ Housing	Review current recreational open space requirements for multi-family residential development to improve these spaces all users.
Multiplex Dwelling Units	✓ Housing ✓ Code Simplicity & Process	Increase zones where multiplex dwelling units are permitted, such as triplex, fourplex or more.

Phase 2 Amendments 12-18 months+	Topic	Summary
Building Type or Form	✓ Housing ✓ Code Simplicity & Process	Instead of regulating by density and lot size, regulate by building type or form, which will place greater emphasis on building use and how the structure relates to surrounding area.
Courtyard and Pocket Neighborhoods	✓ Housing ✓ Code Simplicity & Process	Allow by right in residential zoning districts to provide a greater diversity in housing choice.
Density and Minimum Lot Size	✓ Housing ✓ Code Simplicity & Process	Revise in conjunction with building type or form amendment.
Duplex	✓ Housing ✓ Code Simplicity & Process	Allow duplex use or two family use in single family zoning districts with design standards, in conjunction with building type or form.
Flexible Maximum Building Height	✓ Housing ✓ Code Simplicity & Process	Allow for adjustable maximum building heights based on context, setback from property lines, and through combination of zoning and form district.
Private Yard	✓ Housing ✓ Code Simplicity & Process	Reduce or eliminate the private yard requirement. Will make it easier for redevelopment and rehabilitation of residential structures on smaller lots within the Traditional Neighborhood Form District.
Remove Alternate Residential Development Systems	✓ Housing ✓ Code Simplicity & Process	Remove current alternative residential development systems (such as ADI and MRDI) and replace with one system that permits a variety of building types based on zoning and form districts. Use building type to ensure desired form.
Review Building Design Standards	✓ Code Simplicity & Process	Simplify and improve functionality of these standards within the LDC
Review Infill Standards	✓ Housing ✓ Code Simplicity & Process	Further simplify infill standards in the short term to improve functionality and eliminate barriers to diverse building types.
Review Site Design Standards	✓ Code Simplicity & Process	Improve functionality and usability of site design standards.
New Form Districts	✓ Code Simplicity & Process	Create new form district standards as recommended within the comprehensive plan; Conservation Form District and Urban Center Neighborhood.
Tiny House Review	✓ Housing	Review current LDC restrictions to identify obstacles to tiny home development and create amendments to address those issues.

Phase 3 Amendments 24 months+	Topic	Summary
Expand Coordination with APCD in Planning Processes	✓ Environmental Justice	Work with APCD to expand role in early stages of planning and development process in regards to air pollution issues related to land use activity.
Zoning Study of EZ-1 Districts	✓ Housing ✓ Environmental Justice	Locate all properties zoned EZ-1 that are used for residential. Area wide rezone these properties to an appropriate residential zone.
Environmental Impact Review for New Developments or Expansions	✓ Environmental Justice	Require an environmental impact review for development in environmental justice areas. This analysis shall be used in the discretionary review of development proposals with input from MSD, Office Advanced Planning and Sustainability, APCD, and community.
Develop an Environmental Justice Review Criteria	✓ Environmental Justice	Create a review criteria for rezones and conditional use permits that focuses on environmental justice.
Identify Areas Appropriate for Higher Density Residential Uses	✓ Housing ✓ Environmental Justice	Identify areas appropriate for higher density residential use and develop a policy associated with these areas. One area of importance would be areas designated for transit oriented development.
Form Based Code Review	✓ Code Simplicity & Process	Review areas of the Metro that could have the current hybrid code replaced with a true form based code.
Downtown Form District	✓ Code Simplicity & Process	Review Downtown Form District to simplify and better reflect desired development form.
Form District Review	✓ Housing ✓ Code Simplicity & Process	Again, similar to commercial zoning districts, review form district chapter to ensure that desired form is clear and easy to understand.

Phase 3 Amendments 24 months+	Topic	Summary
Land Use Classification	<ul style="list-style-type: none"> ✓ Housing ✓ Environmental Justice ✓ Code Simplicity & Process 	Review and overhaul the land use classification system (how land uses are regulated) of the Land Development Code based on national best practices.
Land Use Survey Within Traditional Form Districts	<ul style="list-style-type: none"> ✓ Housing ✓ Environmental Justice 	Longer term study of traditional forms and land use. Look at nonconforming uses, existing zoning, existing building form; either revise LDC or propose area wide rezones to improve relationship between form and use.
LDC Organization & User Friendly Review	<ul style="list-style-type: none"> ✓ Housing ✓ Environmental Justice ✓ Code Simplicity & Process 	Review overall organization of LDC to improve function and usability, coordinate with technology.
Review Transition Standards	<ul style="list-style-type: none"> ✓ Code Simplicity & Process 	Review transition standards to eliminate barriers to mixed use development and housing diversity. Review both sides of a transition area between form districts create a more functional transition.
Inclusionary Zoning	<ul style="list-style-type: none"> ✓ Housing 	Develop an inclusionary zoning ordinance to require a percentage of developments of a certain size to provide affordable housing.
Capacity Standards for Development	<ul style="list-style-type: none"> ✓ Housing ✓ Environmental Justice 	Review development proposals against cumulative infrastructure impact (infrastructure includes but is not limited to road, sewer, school capacity, parks and open spaces, etc.).
Accessibility Review	<ul style="list-style-type: none"> ✓ Housing 	Review and revise the LDC to promote development design that promotes accessibility.