

ORDINANCE NO. 112, SERIES 2021

**AN ORDINANCE AMENDING CHAPTERS 2 AND 7 OF THE METRO LAND DEVELOPMENT CODE RELATING TO TWO FAMILY RESIDENTIAL USE IN THE MULTI-FAMILY AND OFFICE/RESIDENTIAL ZONES AND THE FLOOR AREA RATIO REQUIREMENTS FOR RESIDENTIAL ZONING DISTRICTS AND THE CONSERVATION SUBDIVISION PROVISION AS SUGGESTED IN PLAN 2040 COMPREHENSIVE PLAN (“PLAN 2040”).**

**SPONSORED BY: COUNCIL MEMBER MADONNA FLOOD**

**WHEREAS**, Plan 2040 was adopted by the Legislative Council of the Louisville/Jefferson County Metro Government (the “Council”) effective January 1, 2019; and

**WHEREAS**, Plan 2040 includes Community Form Policy 2.18 that recommends that the Land Development Code (“LDC”) be periodically reviewed to ensure that the LDC follows best practices; and

**WHEREAS**, Plan 2040 includes Housing Policy 1.1 that encourages a variety of housing types; and

**WHEREAS**, Plan 2040 includes Housing Policy 2.4 that encourages the adoption of regulation to encourage the use of vacant land and abandoned properties; and

**WHEREAS**, Plan 2040 includes Housing Policy 3.3 that encourages the use of innovative methods for housing development such as clustering, co-housing and accessory apartments; and

**WHEREAS**, the Council passed Resolution 82, Series 2020 directing the Louisville Metro Planning Commission (the “Planning Commission”) and its staff to undertake a review of the LDC and develop recommendations thereto to the Council to reform the LDC for more equitable and inclusive development; and

**WHEREAS**, the Planning Commission adopted a resolution on August 25, 2020 directing Planning and Design Services staff to review the LDC and develop recommendations for more equitable and inclusive development; and

**WHEREAS**, the LDC Diagnosis with Housing Focus was completed by Opticos Design in July 2020 (the “LDC Diagnosis”) as part of staff’s review of the LDC, and 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**, Planning and Design Services staff reviewed the LDC and developed text amendments to Chapter 2, Parts 2 through 4, Section 2.7.3 and Chapter 7, Part 11 regarding two family residential use in the multi-family residential and office/residential zones and removing the floor area ratio requirement from residential zoning districts and the conservation subdivision provision; and

**WHEREAS**, the proposed text amendments went to the Planning Committee of the Planning Commission for public meetings on February 8, 2021 and March 22, 2021; and

**WHEREAS**, the Planning Commission on April 20, 2021 recommended that the

Council adopt the proposed text amendments to the LDC as set forth in Planning Commission Resolution No. 20-LDC-0006; and

**WHEREAS**, Council approves and accepts the recommendation of the Planning Commission as set forth in Planning Commission Resolution No. 20-LDC-0006.

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

**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. ~~For Anchorage, Shively: ..... 1.45 dwellings per acre~~
  - b. ~~For Jefferson CountyLouisville Metro, Douglass Hills, Hurstbourne, Middletown, St. Matthews: .....1.08 dwellings per acre~~

**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
  - 2~~1~~. 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)

...

- 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 2.2.12 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

**SECTION XIV:** Chapter 2, Part 2 of the LDC, Section 2.2.13 R-8A 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~~

**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:


...

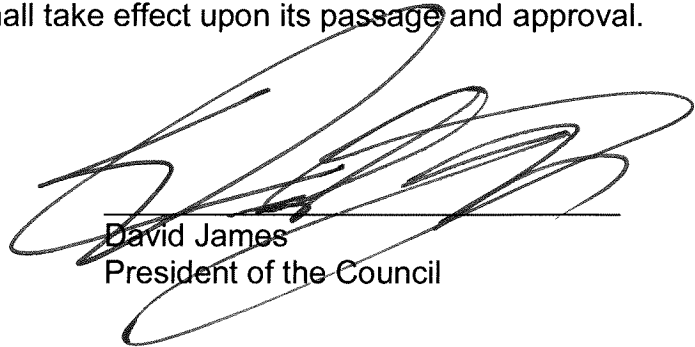
A. Permitted Uses:  
All uses permitted in the OR Office Residential District, as well as the following use(s):  
...  
~~Dwellings, Two-family~~

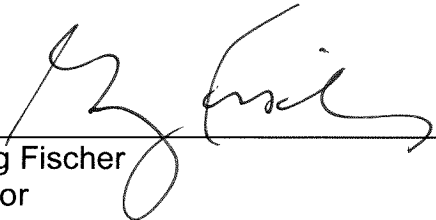
**SECTION XIX:** Chapter 2, Part 3 of the LDC, Section 2.3.5 OTF Office/Tourist Facility District, is amended as follows:

...  
A. Permitted Uses:  
All uses permitted in the OR Office Residential District, as well as the following use(s):  
...  
~~Dwellings, Two-family~~

**SECTION XX:** This Ordinance shall take effect upon its passage and approval.

  
\_\_\_\_\_  
Sonya Harward  
Metro Council Clerk

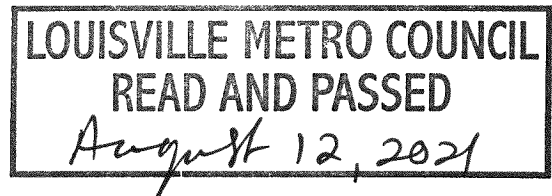
  
\_\_\_\_\_  
David James  
President of the Council

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

8/17/2021  
\_\_\_\_\_  
Approval Date

**APPROVED AS TO FORM AND LEGALITY:**

Michael J. O'Connell  
Jefferson County Attorney



By: 