

ORDINANCE NO. _____, SERIES 2024

**AN ORDINANCE AMENDING SECTIONS 1.2.2 AND 4.1.2 OF THE
LOUISVILLE METRO LAND DEVELOPMENT CODE (“LDC”)
REGARDING FACTORY BUILT HOUSING (CASE NO. 23-LDC-0004).**

SPONSORED BY: COUNCIL MEMBER MADONNA FLOOD

WHEREAS, the Louisville Metro Planning Commission (“Planning Commission”) passed a resolution on December 21, 2023, requesting that Office of Planning staff review the standards for Factory Built Housing in the LDC and develop recommendations to modernize and reduce regulatory barriers to Factory Built Home construction; and

WHEREAS, Office of Planning staff developed those recommendations, which were posted for public comment from March 29, 2024 through May 12, 2024, during which time period, one comment was received in general support of the proposed changes; and

WHEREAS, the Planning Committee to the Planning Commission met on June 12, 2024, to discuss and review the proposed changes, and recommended the changes to be considered by the Planning Commission;

WHEREAS, the Planning Commission held a public hearing on those amendments on July 11, 2024;

WHEREAS, the Planning Commission considered the record and testimony relative to those amendments and recommended the approval of such amendments to the Council; and

WHEREAS, the Council approves and accepts the recommendation of the Planning Commission as set forth in the minutes of the Planning Commission in Case No. 23-LDC-0004.

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

SECTION I: Chapter 1 of the LDC, Section 1.2.2 – Definitions is hereby amended to add the following definitions:

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Factory Built HousingHome – ~~A principal building or structure of any size containing designed and intended as a single family~~ a single dwelling unit and fabricated in an off-site manufacturing facility for installation or assembly on or after July 15, 2002. Factory Built Homes are assembled and installed at the building site as a permanent structure with any transport features, if any, removed, and that A Factory Built Home must meets the additional standards specified in section 4.1.2 of this Land Development Code. This term includes “manufactured homes,” and “modular homes,” and “tiny homes” assembled off-site as defined in the 2002-Kentucky Residential Code or successor. For the purposes of this Code, any Factory Built Home fabricated before July 15, 2002 shall be regulated as a Mobile Home.

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Manufactured Home – see “Factory Built Home” ~~As referenced in KRS 100.348. A manufactured home is a single-family residential dwelling constructed after June 15, 1976, in accordance with the Federal Manufactured Home Construction and Safety Standards Act of 1974, 42 U.S.C Section 5401, et. Seq., as amended, and designed to be used as a single-family residential dwelling with or without permanent foundation when connected to the required utilities, and which includes the plumbing, heating, air conditioning, and electrical systems contained therein.~~

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Mobile Home - Mobile Home - As referenced in KRS 219.320 & 227.550. A mobile home is a structure manufactured prior to June 15, 1976, that was not required to be constructed in accordance with the Federal Manufactured Housing Construction in Safety Standards Act, that is transportable in one (1) or more sections, that, in the traveling mode is eight (8) body feet or more in width and forty (40) body feet or more in length, or when erected on site, four hundred (400) or more square feet, and that is built on a permanent chassis and designed to be used as a dwelling on a temporary or permanent foundation, when connected with permanent required utilities, including plumbing, heating, air conditioning, and electrical systems. A mobile home does not meet the additional standards as required in Section 4.1.2, **Factory Built Home Housing**. For the purposes of this Code, any Factory Built Home fabricated before July 15, 2002 shall also be regulated as a Mobile Home.

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Modular Home – see “Factory Built Home”

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Tiny Home – A single-family dwelling unit less than 400 sq. ft. that complies with the Kentucky Residential Code. A tiny home shall be regulated as a Factory Built Home when it is a principal building and assembled in an off-site facility.

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SECTION II: Chapter 4 of the LDC, Section 1.2, is hereby amended as follows:

4.1.2 Factory Built ~~Housing~~ Home

~~Factory built housing~~ A factory built home 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~~ homes:
1. The structure shall be ~~permanently~~ attached to a permanent foundation system and shall be ~~anchored~~ installed and inspected in accordance with the state standards set forth in KRS Chapter 227.570 through KRS 227.590.
 2. Masonry skirting or a perimeter wall shall be constructed from the ground to the bottom of the exterior wall at each side of the home.
 23. The exterior of the building shall be covered with an appropriate material from the roofline to the foundation, masonry skirting, or perimeter wall. Exterior material shall be material. Appropriate exterior materials are the same as those customarily used on site-built dwellings, such as board or composite siding, plywood or press wood siding, non-glossy vinyl siding, stucco, brick, or non-reflective aluminum.
 34. Roofing material shall be wood, tile, synthetic, or composition shingles, or standing seam metal, and must have an eave projection of no less than 6 inches.
 - a. The Planning Commission or their designee may approve alternate roofing material if the Commission finds that:
 - The design of the home necessitates alternate roofing material; and
 - The alternate roofing material and resulting design of the home is consistent with the scale and pattern of development within the form district.
 - b. Subject to the above findings, the Planning Commission or their designee may approve alternate roofing material for a building design within a specified form district, which shall allow for the

same design and roof material to be used for development within that form district without additional Planning Commission review.

Any significant alteration to the original building design approved by the Planning Commission, such as changes to roof material, roof pitch, entry location, window placement, or ornamentation, shall require review and approval from the Planning Commission.

- ~~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.~~
- ~~65. An adequate guttering and roof drainage system shall be installed, in accordance with the Kentucky Residential Code.~~
6. Design Requirements:
 - a. There shall be no blank walls facing public streets. Facades visible from public streets shall contain a combination of windows, doors, gables or dormers, changes in material, or other animating features along no less than 50% of the façade, measured in horizontal linear feet.
 - b. An entrance shall be provided that faces the primary street.
 - c. The entrance facing the primary street shall have a roofed or recessed front porch with a minimum width of 4'.
 - d. HVAC units shall not be located between the front façade and the street.
7. Roof pitch, following installation on site, shall be at a ratio of 4:12 or greater. Roof pitch may be reduced to a ratio less than 4:12 provided that the structure meets the following requirements:
 - a. If a structure is oriented with its widest side facing the primary street, it shall include at least one dormer with a minimum width of 4'. The required dormer may be incorporated into the roof above the porch, provided it has a minimum width of 4'.
 - b. If a structure is oriented with its narrowest side facing the primary street, it shall include a roofed front porch with a width equal to that of the façade.
8. In Landmarks Districts, design review and approval by the Landmarks Commission shall substitute for the requirements established in paragraphs 1 through 7 above.

9. Factory built homes shall be subject to all other applicable standards contained in this code, and all other applicable local, state, and federal regulations.

10. Structural additions or alterations shall be subject to the same building code regulations as apply to additions or alterations to a conventionally site-built house. Any other alteration or conversion of a factory built home must be performed in accordance with applicable local, state, and federal regulations.

~~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:~~

~~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 the Comprehensive Plan.~~

SECTION III: This Ordinance shall take effect upon its passage and approval, or otherwise becoming law.

Sonya Harward
Metro Council Clerk

Markus Winkler
President of the Council

Craig Greenberg
Mayor

Approval Date

APPROVED AS TO FORM AND LEGALITY:

Michael J. O'Connell
Jefferson County Attorney

By: _____

O-175-24 Amend LDC 1.2.2 and 4.1.2 Regarding Factory Built Housing 7-12-24 (lf)