

Planning Commission's Planning Committee

April 21, 2025



Case No:	24-LDC-0012
Project Name:	R-5A and R-5B Transitional Housing Amendments
Location:	Louisville Metro
Applicant:	Louisville Metro
Jurisdiction:	Louisville Metro
Council District:	All Council Districts
Case Manager:	Joseph Haberman, AICP, Planning Manager

REQUEST

Amend the Land Development Code (LDC) concerning the by right occupancy of transitional housing in R-5A and R-5B.

SUMMARY

Louisville Metro Council has directed staff at the Office of Planning to review the LDC regarding transitional housing in the R-5A and R-5B zoning districts and consider a more appropriate occupancy limitation for transitional housing that can be permitted by right with special standards (see Attachment #2, Metro Council Resolution). These standards are provided in LDC 4.3.14.E. Occupancy greater than that allowed by right would continue to be permitted on a case by case basis with a conditional use permit.

Transitional housing is defined as a temporary residential living arrangement for persons participating in a program that provides supportive services (such as counseling, education, training, etc.) to help them achieve personal independence. Staff is available as needed. Transitional housing is not a Boarding House, Family Care Home, Homeless Shelter, Rehabilitation Home, Residential Care Facility, or any other use more specifically defined in this Land Development Code. These facilities are not subject to the Uniform Residential Landlord and Tenant Act as set forth in KRS Chapter 383.

Suburban cities with zoning authority do not have the same LDC provisions as Louisville Metro. As Metro Council requested this review, this report focuses on the regulations as presented in the Louisville Metro LDC.

Summary of Existing LDC provisions:

- Defines and differentiates transitional housing from other types of group housing
- Regulates where transitional housing can and cannot be located (by zoning district)
- If permitted, provides one of two processes for approval – 1) by right with special standards (non-discretionary, allowed without any public hearing or special approval if stated standards are met; and 2) by Conditional Use Permit or CUP (discretionary, approved or denied following a public hearing by the Board of Zoning Adjustment or BOZA)
- Provides standards for transitional housing

BACKGROUND

On November 21, 2024, Metro Council passed a Resolution (R-130-24) prompting this review. At the same meeting and related to the resolution, Metro Council also passed an Ordinance (O-

255-24) imposing a temporary moratorium on transitional housing in the R-5A and R-5B districts.

The occupancy standards (referred to as density in LDC 4.3.14.E.) that are subject to this review were established in 2010 when Metro Council made transitional housing a specific use type in the LDC (Ordinance #221, Series 2010). In 2021, staff updated the land development regulations related to transitional housing, as well as other types of group housing (Ordinance #102, Series 2021). The occupancy standards that are subject to this review were not amended or otherwise adjusted at that time.

Occupancy can be further limited by other codes, including Louisville Metro Code of Ordinances (LMCO) and life safety/building codes.

STAFF ANALYSIS

Pursuant to LDC 4.3.14.E., the maximum density (or occupancy) for transitional housing facilities constructed as dwelling units is the maximum density of the applicable zoning district (as provided in LDC Chapter 2). The maximum density (or occupancy) for transitional housing facilities not constructed as dwelling units shall be the maximum density of the applicable zoning district dwelling units per acre (as provided in LDC Chapter 2) multiplied by the average family size obtained from the most recent decennial census for Jefferson County. Currently, building code requires most, if not nearly all, transitional housing facilities to meet commercial building codes. As such, the buildings are typically not dwelling units in the context of building code and the second formula usually applies.

The maximum density for R-5A in LDC 2.2.9 is 12.01 units per acre. The maximum density for R-5B in LDC 2.2.10 is 2 units/lot.

The 2.98 average family size noted in the example from the 2010 census. The LDC contemplates that this number will change over time and requires use of the most recent data. According to this figure has since changed to 2.97. The U.S. Census Bureau now documents average family size in the Supplemental Demographic and Housing Characteristics File (S-DHC) (see Attachment #4).

For R-5A, the calculation is based on land area. The maximum number of occupants/beds is 12 per acre if in structures constructed as dwelling units or 35 occupants/beds per acre if in structures constructed under commercial code ($12.01 \times 2.97 = 35.67$).

For R-5B, the calculation is based on lots. The maximum number of beds is 2 per lot if in structures constructed as dwelling units or 5 per lot if in structures constructed under commercial code ($2 \times 2.97 = 5.94$).

The current formula does not take into account the number of dwelling units on the parcel, which may be less than the maximum allowed.

For context of impact, currently there are 3,126 parcels zoned R-5A in Louisville Metro (cumulatively 2,975 acres). Currently, there are 1,226 parcels zoned R-5B in Louisville Metro (cumulatively 191 acres). These zoning districts exist throughout the county (see Attachment #3).

The Office of Planning has accepted public comments concerning the group housing regulations from 2019 to present as part of an effort to improve the provisions and associated processes. Many suggestions were implemented in 2021. While there are comments in support and opposition to the allowance of several types of group housing, most of the critical comments and feedback focus on the impact of group housing on residential neighborhoods and the overconcentration of such establishments in certain areas of Louisville Metro.

Amendments were made to the subject provision in 2021, but the changes were not substantive and did not modify the occupancy/density allowance. Prior to the public hearing, staff did not receive significant comments or concerns about the existing occupancy limits, which may have prompted further change.

~~E. 4. Density— The maximum density for Transitional Housing facilities constructed as dwelling units shall have a be the maximum density based on the density of the applicable zoning district (dwelling units per acre as provided in Chapter 2 of this Land Development Code). The maximum density for Transitional Housing facilities (not constructed as dwelling units) shall be based on the maximum density of the applicable zoning district dwelling units per acre (as provided in Chapter 2 of this Land Development Code) multiplied by the average family size obtained from the most recent decennial census for Jefferson County, Kentucky rounded to the nearest whole number. The resulting number would be the maximum number of beds for a facility. (Example: The R-5A zoning district has a maximum density of 12.01 units per acre. The average family size in the 2010 census was 2.98. Therefore, the maximum number of beds in the R-5A district is 35.79 beds per acre (multiply the 12.01 by 3 x 2.98 = 35.79).] (average family size established by the 2000 census was 2.97) and that will give you the maximum beds per acre as 36.03). Exceptions: Within single family In the R-R, R-E, R-1, R-2, R-3, R-4, R-5, and U-N zoning districts, the number of beds permitted is limited to three (3) or less. In the OR-3, OTF, C-2, C-3, C-M, and EZ-1 zoning districts the maximum density (number of beds) shall be no more than 400 beds per acre.~~

After the regulations were amended in 2021, comments were received expressing concern about the occupancy/density allowance in R-5A and R-5B. Many of these comments were provided in relation to zoning enforcement cases.

By right occupancy is tied to both the current residential density allowance for the entire parcel and the current average family size for the county. The current formula does not consider the number of dwelling units on the parcel, which may be less than the maximum allowed. Further, the provision also does not limit a certain number of occupants to each dwelling unit/structure. Rather it relies on life safety/building codes and in some cases the bedroom occupancy provisions in LMCO 156.

While in some cases the transitional housing use is in a building that is a dwelling unit, in most cases, the use is in a building that is intended for a larger shelter/dormitory style use approved under commercial codes for the greater occupancy type. However in many situations, the structures were originally constructed as single-family residences and renovated to meet commercial code (retaining their single-family appearance).

In addition, while considered multi-family zoning districts, R-5A and R-5B are somewhat unique from the other multi-family zoning districts. For this regulation, it may be more appropriate to regulate in a manner similar to the existing provisions for single-family districts by adjusting the by right occupancy to be based on the number of buildings or dwelling units in existence, not the potential maximum density of dwelling units.

The following is a summary of the draft LDC amendments presented in Attachment #1. These recommendations are preliminary in nature and subject to change upon review and feedback from the public, Planning Commission, and Metro Council.

- Continues to allow transitional housing by right with special standards in R- 5A and R-5B
- Adjusts the by right occupancy for R-5A and R-5B to be the same as that allowed for single-family zoning districts – 3 per dwelling unit or lot
- Continues to allow with a CUP in any zoning district if special standards cannot be met, including the by right occupancy allowance
- Reorganizes the content in the section for better readability

INTERESTED PARTY COMMENT

No direct interested party comments regarding this specific update have been provided as of the date of this report. Several comments related to this issue were provided as part of the update in 2021 and indirectly via permitting and enforcement investigations.

PROPOSED AMENDMENTS

The Planning Commission must make a recommendation to Metro Council and the legislative bodies of cities with zoning authority to approve, approve with modifications, or deny the LDC text amendments. The proposed changes are presented as specific amendments to the Louisville Metro version of the LDC. The cities with zoning authority in Louisville Metro have different versions. If any of the cities consider incorporating the amendments into its LDC, staff will assist the city in preparing specific amendments that reflect the nature of the changes recommended in this report. Please see Attachment #1 for proposed amendments.

Attachment #1: Amendments

Chapter 4 Part 3 Permitted Uses with Special Standards

4.3.14 Transitional Housing

Transitional Housing may be permitted within the R-R, R-E, R-1, R-2, R-3, R-4, R-5, U-N, R-5A, R-5B, R-6, R-7, R-8A, OR, OR-1, OR-2, OR-3, OTF, C-R, C-N, C-1, C-2, C-3, C-M, EZ-1, PRO, PEC, PTD, and TNZD (All areas where residential use is permitted) districts. Transitional Housing not meeting the special standards set forth in this section may be eligible to be approved with a conditional use permit pursuant to Section 4.2.55 of this Land Development Code.

E. Maximum Density/Number of Residents.

1. R-R, R-E, R-1, R-2, R-3, R-4, R-5, U-N, R-5A and R-5B: The maximum number of residents/beds shall be no more than three (3) per dwelling unit or lot if not constructed as a dwelling unit.
2. R-6, R-7, R-8A, OR, OR-1, OR-2, C-R, C-N, C-1, PRO, PEC, PTD, and TNZD: The maximum density for Transitional Housing facilities constructed as dwelling units shall be the maximum density of the applicable zoning district (as provided in Chapter 2 of this Land Development Code). The maximum density for Transitional Housing facilities not constructed as dwelling units shall be the maximum density of the applicable zoning district dwelling units per acre (as provided in Chapter 2 of this Land Development Code) multiplied by the average family size obtained from the most recent decennial census data for Jefferson County, Kentucky (as published by the US Census). The resulting number would be the maximum number of residents/beds for a facility. [Example: The ~~R-5A R-6~~ district has a maximum density of ~~12.01~~ 17.42 units per acre. The average family size in the ~~2010~~ 2023 census data was ~~2.98~~ 2.97. Therefore, the maximum number of beds in the ~~R-5A R-6~~ district is ~~35.79~~ 51 residents/beds per acre ($12.01 \times 2.98 = 35.79$ $17.42 \times 2.97 = 51.74$).]
3. OR-3, OTF, C-2, C-3, C-M, and EZ-1: Exceptions: In the R-R, R-E, R-1, R-2, R-3, R-4, R-5, and U-N districts, the number of beds permitted is limited to three (3) or less. In the OR-3, OTF, C-2, C-3, C-M, and EZ-1 districts the maximum density for Transitional Housing facilities constructed as dwelling units shall be the maximum density of the applicable zoning district (as provided in Chapter 2 of this Land Development Code). The maximum density for Transitional Housing facilities not constructed as dwelling units shall be the maximum density of the applicable zoning district dwelling units per acre (as provided in Chapter 2 of this Land Development Code) multiplied by the average family size obtained from the most recent census data for Jefferson County, Kentucky (as published by the US Census). The maximum density (number of residents/beds) shall be no more than 400 residents/beds per acre.