

Proposed Text Amendment for Homeless and Crisis Shelters

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 below.

Louisville Metro Land Development Code

Chapter 1, Part 2 Definitions

Accessory Overnight Shelter – A facility that is subordinate to an active religious building where on a free or not-for-profit basis access to overnight shelter and living quarters for persons experiencing houselessness or persons seeking shelter from domestic violence or intimate partner violence, including human trafficking is provided, which may include supportive services, such as meals, social, educational, or health services. The facility shall be staffed by paid employees or volunteers that manage daily operations to ensure compliance with applicable laws and regulations. An **Accessory Overnight Shelter** is not a **Homeless Shelter, Day Shelter, or Extreme Weather Shelter**.

Community Service Facility - Uses of a public, nonprofit, or charitable nature generally providing a local service to people of the community. They provide the service on-site and have employees at the site on a regular basis. The service is ongoing, not just for special events. These facilities may provide accessory uses such as counseling, education, or training. These facilities are not considered schools (e.g. training schools, business schools, etc.) and do not include a residential occupancy component. **A Community Service Facility may include Day Shelter(s) as an accessory or principal use**

Day Shelter – A facility the primary purpose of which is to provide on a free or not-for-profit basis access to indoor shelter for persons experiencing houselessness or persons seeking shelter from domestic violence or intimate partner violence, including human trafficking, which may include supportive services, such as meals, social, educational, or health services, and generally operates during the hours encompassing dawn to dusk. No overnight accommodation is provided. The facility shall be staffed by paid employees or volunteers that manage daily operations to ensure compliance with applicable laws and regulations. A **Day Shelter** is not a **Homeless Shelter, Accessory Overnight Shelter, or Extreme Weather Shelter**.

Extreme Weather Shelter - A facility where on a free or not-for-profit basis access to shelter, during an extreme weather event is provided. The facility may include overnight occupancy and supportive services including meals and social, educational, or health services. The facility shall be staffed by paid employees or volunteers that manage daily operations to ensure compliance with applicable laws and regulations. This shall not include any facility that is operated by the American Red Cross or other like entities to accommodate disaster victims who are left homeless due to events such as fires, flood, or hazardous materials releases that is operated

under the Louisville/Jefferson County Emergency Operations Plan. An **Extreme Weather Shelter** is not a **Homeless Shelter**, **Day Shelter**, or **Accessory Overnight Shelter**.

Homeless Shelter - A facility the primary purpose of which is to provide on a free or not-for-profit basis access to temporary overnight shelter and indoor living quarters for persons experiencing houselessness or persons seeking temporary shelter from domestic violence or intimate partner violence, including human trafficking, which may include supportive services, such as meals, social, educational, or health services. ~~The facility shall be staffed.~~ The facility shall be staffed by paid employees or volunteers that manage daily operations and grounds maintenance to ensure compliance with applicable laws and regulations, and generally operates during the hours of dusk to dawn. A Homeless Shelter is not a Day Shelter, Accessory Overnight Shelter, or Extreme Weather Shelter.

Chapter 2, Part 2 Residential Zoning Districts

2.2.1 R-R Rural Residential District

A. Permitted Uses

1. General

~~Publicly owned and/or operated~~ Libraries, museums, historical buildings and grounds, arboretums, aquariums, and art galleries

2. The following uses are permitted provided that all structures and their accessory structures or uses observe a one hundred and fifty feet (150) front, street side, side and rear yard:

Colleges, schools, and institutions of learning (except training schools)

Convents and Monasteries

Religious Buildings

2.2.2 R-E Residential Estate District

A. Permitted Uses

Convents and Monasteries

~~Publicly owned and/or operated~~ Colleges, schools, and institutions of learning (except training schools)

~~Publicly owned and/or operated~~ Libraries, museums, historical buildings and grounds, arboretums, aquariums, and art galleries

~~Publicly owned and/or operated~~ Parks, playgrounds, and community centers

Religious Buildings

2.2.3 R-1 Residential Single Family District

A. Permitted Uses

Convents and Monasteries

~~Publicly owned and/or operated c~~ Colleges, schools, and institutions of learning (except training schools)

~~Publicly owned and/or operated l~~ Libraries, museums, historical buildings and grounds, arboretums, aquariums, and art galleries

~~Publicly owned and/or operated p~~ Parks, playgrounds, and community centers

Religious Buildings

2.2.8 U-N Urban Neighborhood District

A. Permitted Uses

Convents and Monasteries

~~Publicly owned and/or operated c~~ Colleges, schools, and institutions of learning (except training schools)

~~Publicly owned and/or operated l~~ Libraries, museums, historical buildings and grounds, arboretums, aquariums, and art galleries

~~Publicly owned and/or operated p~~ Parks, playgrounds, and community centers

Religious Buildings

2.2.9 R-5A Residential Multi-Family District

A. Permitted Uses

All uses permitted in the R-1 Residential Single Family District, as well as the following use(s):

~~Colleges, schools and institutions of learning (except training schools)~~

~~Libraries, museums, historical buildings and grounds, arboretums, aquariums, and art galleries~~

~~Parks, playgrounds, and community centers~~

~~Religious Buildings~~

Note: These uses are not being removed from the uses permitted in this district. The R-1 district has been revised to include these land uses; thus, they are allowed in R-5A ("All uses permitted in the R-1 Residential Single Family District, as well as...")

2.2.10 R-5B Residential Two-Family District

A. Permitted Uses

All uses permitted in the R-1 Residential Single Family District, as well as the following use(s):

~~Colleges, schools and institutions of learning (except training schools)~~

~~Libraries, museums, historical buildings and grounds, arboretums, aquariums, and art galleries~~
~~Parks, playgrounds, and community centers~~
~~Religious Buildings~~

Note: These uses are not being removed from the uses permitted in this district. The R-1 district has been revised to include these land uses; thus, they are allowed in R-5B ("All uses permitted in the R-1 Residential Single Family District, as well as...")

Chapter 4, Part 2 Conditional Uses

4.2.1 Intent and Applicability

The following uses are subject to the Conditional Use Permit process:

4.2.65	Private Institutional Use in a Single-Family Zoning District
4.2.656	Heavy Truck Off-Street Parking and Storage (C-3 District)

4.2.56 Homeless Shelter

A **Homeless Shelter** may be allowed in any zoning district upon the granting of a conditional use permit and compliance with the listed requirements. This section does not apply to any **Homeless Shelter** that may be permitted with special standards pursuant to Section 4.3.13 of this Land Development Code.

- A. All bedrooms and sleeping areas shall meet the current occupancy limitations required in LMCO and any applicable building, fire, or life safety code.
- B. Nonresidential uses and services shall be incidental to the Homeless Shelter and provide a service to the users on the subject site. ~~excluding those that are accessory to the Homeless Shelter use, shall not be carried out unless otherwise permitted and approved as a separate use.~~
- C. When reviewing a conditional use permit application for a **Homeless Shelter**, the Board of Zoning Adjustment (BOZA) shall consider the number and/or location of other **Homeless Shelters, Rehabilitation Homes, and Transitional Housing** in the immediate vicinity.
- D. A **Homeless Shelter** shall meet the health, sanitation, structural, property maintenance, fire, and life safety requirements of any currently applicable federal, state, and local laws.
- E. The parking requirements for the use are set forth in Chapter 9 of this **Land Development Code**. The Board OZA may require additional or restrict parking ~~if warranted~~ based on the number of employees and the potential number of visitors to the site as described by the applicant in a parking study of similar uses.
- F. Signage for the use is permitted in accordance with Chapter 8 of this Land Development Code. The Board OZA may further restrict signage ~~if warranted.~~
- G. Additional Single-Family Residential Zoning District Standards (R-R, R-E, R-1, R-2, R-3, R-

4, R-5, or U-N):

1. Any building shall remain or shall be constructed so that the exterior design and ornamentation is residential in character and compatible with other residential architecture in the immediate neighborhood, so that there is no evidence from the street that the use is other than residential.
2. Where such a use is permitted in a structure which has been used as a residence, the permittee shall make no substantial alterations or improvements to the structure which would impair the structure's use as a residence at a later time.
3. Off-street parking not located within a drive-way shall be located to the side or rear of the building(s).

H. For a complete application submittal for any **Homeless Shelter** conditional use permit, in addition to the documentation required of all conditional use permit applications, the following additional information shall be provided:

1. Type of resident population to be served, if any;
2. The proposed maximum number of occupants/beds and maximum number of employees;
3. Floor plans of any building subject to the use (showing the location and dimensions of all bedrooms and sleeping areas);
4. A written statement, plans, and/or permits indicating how any building subject to the application meets or will be adapted to meet all applicable building codes for the use if approved; and
5. Rules of conduct and management plan.
6. A grounds management plan and schedule outlining the routine and regular maintenance of the subject property and its frontage along any street or alley to include daily trash removal, mowing and landscaping, parking lot upkeep, including weed and debris removal, and any other items to ensure compliance with the Louisville Metro Code of Ordinances

In the event a conditional use permit for a Homeless Shelter is approved, any change to the foregoing information must be approved by the **Board OZA** as a modification pursuant to Section 11.SA.1 of this **Land Development Code**.

I. A **Homeless Shelter** shall not operate without a license issued pursuant to LMCO Chapter 115 and, if required, any registration or license from the Commonwealth of Kentucky. The license must be active and in the name of the operator.

~~4.2.65 Private Institutional Use in a Single-Family Zoning District~~

~~Private institutional uses, except for such uses specifically regulated elsewhere in this LDC, may be allowed in the R-R, R-E, R-1, R-2, R-3, R-4, R-5, and U-N zoning districts upon the granting of a Conditional Use Permit and compliance with the listed requirements:~~

- ~~A. Except in the R-R zoning district, all structures, except fencing, and all off-street parking shall be at least 30 feet from any property line adjacent to an existing residential use or~~

~~residential zoning district. In the R-R zoning district all structures, except fencing, shall be at least 150 feet from any property line and all off-street parking shall be at least 30 feet from any property line.~~

~~B. The applicant must demonstrate that the impact of the traffic generated by the use can be mitigated.~~

~~C. Off-street parking not located within a driveway shall be located to the side or rear of the building(s). The number of required off-street parking spaces shall be determined by the Planning Director in consultation with the Director of Public Works based on the standards for the closest comparable use and on the particular parking demand and trip generation characteristics of the proposed use.~~

~~D. All activities shall be in compliance with the Metro Noise Ordinance (LMCO Chapter 99).~~

~~E. The Board of Zoning Adjustment may set hours of operation for the institutional use in order to minimize potential negative impacts on surrounding residential properties.~~

Chapter 4 Part 3 Permitted Uses with Special Standards

4.3.13 Homeless Shelters

Homeless Shelters may be allowed in the R-5A, R-6, R-7, R-8A, OR, OR-1, OR-2, OR-3, OTF, C-R, C-N, C-1, C-2, C-3, EZ-1, PRO, & PEC zoning districts and TNZD (Neighborhood Center, Neighborhood Transition Center, and multi-family residential where mapped areas) subject to the standards outlined below. A Homeless Shelter not meeting the special standards set forth in this section may be eligible for a conditional use permit pursuant to Section 4.2.56 of this Land Development Code

~~Homeless Shelters (R-5A, R-6, R-7, R-8A, OR, OR-1, OR-2, OR-3, OTF, C-R, C-N, C-1, C-2, C-3, EZ-1, PRO, PEC, TNZD)~~

~~In a R-5A, 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 or TNZD (Neighborhood Center, Neighborhood Transition Center, and multi-family residential where mapped areas) districts, a Homeless Shelter is permitted with the special standards set forth in this section. A Homeless Shelter not meeting the special standards set forth in this section may be eligible to be approved with a conditional use permit pursuant to Section 4.2.56 of this Land Development Code.~~

- A. All bedrooms and sleeping areas shall meet the current occupancy limitations required in **LMCO** and any applicable building, fire, or life safety code.
- B. Nonresidential uses and services shall be incidental to the Homeless Shelter use and provide a service to the users on the subject site ~~excluding those that are accessory to the Homeless Shelter use, shall not be carried out unless otherwise permitted and approved as a separate use.~~
- C. A **Homeless Shelter** shall meet the health, sanitation, structural, property maintenance, fire, and life safety requirements of any currently applicable federal, state, and local laws.
- D. In the R-5A, R-6, R-7, R-8A, OR, OR-1, OR-2, C-R, C-N, C-1, PRO, PEC, and TNZD districts, the maximum density (number of residents/beds per acre) shall be maximum

density of the applicable zoning district (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 U.S. Census Bureau) [Example: The R-5A 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 ($12.01 \times 2.98 = 35.79$).] In the OR-3, OTF, C-2, C-3, C-M, and EZ-1 districts, the maximum density (number of residents/beds) shall be no more than 400 residents/beds per acre.

- E. The parking requirements for the use are set forth in Chapter 9 of this Land Development Code.
- F. In the R-5A, R-6, R-7, R-8A zoning districts, signage shall be limited to a 12 square foot freestanding sign not to exceed six (6) feet in height unless within the Downtown form district in which case a 12 square foot attached sign shall be allowed. If located within any other zoning district, all signs shall be in accordance with the requirements of Chapter 8 of this Land Development Code.
- G. A management plan shall be maintained and made available for inspection upon request by Louisville Metro Government, guests, and/or the public. It shall include the following:
 - a. A grounds management plan and schedule outlining the routine and regular maintenance of the subject property and its frontage along any street or alley to include daily trash removal, mowing and landscaping, parking lot upkeep, including weed and debris removal, and any other items to ensure compliance with the Louisville Metro Code of Ordinances;
 - b. Population to be served and all available services;
 - c. Rules of Conduct, including the use of common spaces (indoor/outdoor) and expectations to maintain the health and safety of the population served and surrounding community.
- H. A **Homeless Shelter** shall not operate without a license issued pursuant to LMCO Chapter 115 and, if required, any registration or license from the Commonwealth of Kentucky.
- I. During white flag days and other emergency situations, additional occupants beyond the resident/bed capacity established by the maximum density set forth in D. shall be permitted for the duration of the emergency or white flag event with the approval and/or consent of the agencies responsible for health, sanitation, structural, property maintenance, fire, and life safety requirements. ~~as long as all safety standards (e.g. Fire Code) are maintained.~~

Note: The section numbers that follow should be considered placeholders subject to change depending upon the adoption date and any text amendments adopted in advance that may alter the specific section of the proposed regulation.

4.3.32 Day Shelter

A Day Shelter is permitted in the OR, OR-1, OR-2, OR-3, OTF, C-R, C-N, C-1, C-2, C-3, & EZ-1 zoning districts; or on any development site where a non-residential building is present, in existence prior to the adoption of these standards, and where the use will occur within the existing building; or as an accessory use to an institutional use (new construction permitted) subject to the following:

- A. A management plan shall be maintained and made available for inspection upon request by Louisville Metro Government, guests, and/or the public. It shall include the following:
 - 1. A grounds management plan and schedule outlining the routine and regular maintenance of the subject property and its frontage along any street or alley to include daily trash removal, mowing and landscaping, parking lot upkeep, including weed and debris removal, and any other items to ensure compliance with the Louisville Metro Code of Ordinances;
 - 2. Population to be served and all available services;
 - 3. Rules of Conduct, including the use of common spaces (indoor/outdoor) and expectations to maintain the health and safety of the population served and surrounding community.
- B. A Day Shelter located in a residential zoning district shall not be located within 1,000' (measured in a straight line from nearest property line to nearest property line) of another Day Shelter that serves the same population (For example, a shelter for men-only may be within 1,000' of a shelter for women-only).
- C. The Shelter shall meet the health, sanitation, structural, property maintenance, fire, and life safety requirements of any currently applicable federal, state, and/or local laws.

4.3.33 Accessory Overnight Shelter

An Accessory Overnight Shelter may be permitted in any zoning district subject to the following standards:

- A. A management plan shall be maintained and made available for inspection upon request by Louisville Metro Government, guests, and/or the public. It shall include the following:
 - 1. A grounds management plan and schedule outlining the routine and regular maintenance of the subject property and its frontage along any street or alley to include daily trash removal, mowing and landscaping, parking lot upkeep, including weed and debris removal, and any other items to ensure compliance with the Louisville Metro Code of Ordinances;
 - 2. Population to be served and all available services;
 - 3. Rules of Conduct, including the use of common spaces (indoor/outdoor) and expectations to maintain the health and safety of the population served and surrounding community.

- B. An Accessory Overnight Shelter shall not be ~~simultaneously operated~~ and located within 1,000' (measured in a straight line from nearest property line to nearest property line) of another Accessory Overnight Shelter that serves the same population.
- C. All sleeping areas shall meet the current occupancy limitations as set forth in the Louisville Metro Code of Ordinances (LMCO) and any applicable building, fire, or life safety code.
- D. The maximum occupancy shall not exceed 25 individuals, not including dependent children under the age of 18.
- E. In the case of a religious building occurring within a multi-tenant building or property, the Shelter shall be wholly contained within the existing walls of the religious building (e.g., tenant space) and shall not expand the size or scope of the religious building to accommodate such use, unless it is appropriately zoned for a Homeless Shelter, in which case, the Homeless Shelter regulations shall apply.
- F. In the event the religious activity ceases operations, the shelter may remain as the primary use on the subject site but shall not expand facilities, ~~their~~ services, or occupancy beyond those levels present at the time the religious activity ceased operation.
- G. The shelter shall meet the health, sanitation, structural, property maintenance, fire, and life safety requirements of any currently applicable federal, state, and/or local laws.
- H. The Shelter shall not operate without a license issued pursuant to LMCO Chapter 115 and, if required, any registration or license from the Commonwealth of Kentucky. The license must be active and in the name of the operator.

4.3.34 Extreme Weather Shelter

An Extreme Weather Shelter may be permitted in the OR, OR-1, OR-2, OR-3, OTF, C-1, C-2, C-3, & EZ-1 zoning districts; or on any development site where a non-residential building is present, in existence prior to the adoption of these standards, and where the use will occur within the existing building; or as an accessory use to an institutional use (new construction permitted) subject to the following:

- A. An Extreme Weather event shall include:
 - a. Wind Chill below 35 degrees Fahrenheit
 - b. Heath Index over 95 degrees Fahrenheit
 - c. Air Quality Index is rated Unhealthy (AQI value of 151 or higher)
 - d. A severe weather, winter storm, or flood watch or warning has been issued by the National Weather Service
- B. Temporary shelter may be provided for the duration of the weather event, including 24-hours before and after the event, unless an extension of this period is authorized by the

Planning Director in coordination with relevant agencies to ensure the health and safety of community members.

- C. All sleeping areas shall meet the current occupancy limitations as set forth in the Louisville Metro Code of Ordinances (LMCO) and any applicable building, fire, or life safety code.
- D. The Shelter shall not operate without a license issued pursuant to LMCO Chapter 115 and, if required, any registration or license from the Commonwealth of Kentucky. The license must be active and in the name of the operator.