

ORDINANCE NO. _____, SERIES 2022

A ORDINANCE AMENDING THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT CODE OF ORDINANCES CHAPTER 157 RELATED TO FLOODPLAIN REGULATIONS. (AS AMENDED)

SPONSORED BY: COUNCIL MEMBERS ANTHONY PIAGENTINI AND CASSIE CHAMBERS ARMSTRONG

WHEREAS, the Legislative Council of the Louisville/Jefferson County Metro Government (the “Council”) acknowledges that flood protection is a high priority in the community which has several flood prone areas; and

WHEREAS, the Council amended the Floodplain Regulations contained in Chapter 157 of the Louisville/Jefferson County Metro Code of Ordinances (“LMCO”) several years ago via Ordinance No. 157, Series 2017; and

WHEREAS, as part of those amendments, the Council designated that the compensation for development in the Floyds Fork watershed would be 1.0 times the displaced storage capacity while development in other major watersheds throughout the Jefferson County/Metro area were required to provide 1.5 times displaced storage capacity; and

WHEREAS, the Council sees no reason that the Floyds Fork watershed should be treated materially different than the other major watershed throughout the Jefferson County/Metro Area; and

WHEREAS, rather than lowering the other major watersheds to 1.0 times displaced storage capacity and risk reversing progress made on flooding issues, Council wishes to raise the displaced storage capacity in the Floyd’s Fork watershed to match the others at 1.5; and

WHEREAS, this increase in the displaced storage capacity ratio of the Floyd's Fork watershed should not only help protect property in and around the watershed from flooding issues but also is in keeping with the spirit and intent of the Floyds Fork DRO and other Metro projects and regulations dealing with Floyds Fork.

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

SECTION I: LMCO 157.03(c)(4)(b) is amended as follows:

For a floodplain permit issued under subsections (C)(2) or (C)(3), above, any development which displaces any storage capacity for floodwaters in the local regulatory floodplain shall provide floodplain storage compensation 1.5 times the displaced storage capacity ~~in the following watersheds: Beargrass Creek, Cedar Creek, Chenoweth Run, Goose Creek, Harrods Creek, Mill Creek, Ohio River, Pennsylvania Run, and Pond Creek. Floodplain storage compensation shall be provided 1.0 times the displaced storage capacity in the Floyds Fork watershed, with the exception of the Chenoweth Run watershed.~~ In the Ohio River Corridor, a floodplain compensation fee in an amount established by the administering agency may be assessed and paid to the administering agency in lieu of floodplain storage compensation or compensation elsewhere may be provided if approved by the administering agency.

SECTION II: This Ordinance shall not apply to detailed district development plans or subdivisions plans that have received preliminary MSD approval required for docketing for Louisville Metro Planning Commission review prior to the effective date.

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

Sonya Harward
Metro Council Clerk

David James
President of the Council

Greg Fischer
Mayor

Approval Date

APPROVED AS TO FORM AND LEGALITY:

Michael J. O'Connell
Jefferson County Attorney

By: _____

O-209-22 Amend LMCO 157 re Floyds Fork Compensation (As Amended).docx (TF 8-16-2022)