

RESOLUTION NO. _____, SERIES 2022

A RESOLUTION REQUESTING THE PLANNING COMMISSION REVIEW THE METRO LAND DEVELOPMENT CODE REGULATIONS WITH REGARD TO LEGISLATIVE BODY REVIEW OF COMMISSION ACTION ON DEVELOPMENT PLANS AND THE “TWO-YEAR RULE.”

SPONSORED BY: COUNCIL MEMBER CINDI FOWLER

WHEREAS, the Legislative Council of the Louisville/Jefferson County Metro Government (the “Council”) has recently exercised its powers under Section 11.7.5 of the Land Development Code (the “LDC”) to review action by the Planning Commission on Development Plans; and

WHEREAS, the Council has noted inconsistencies within that section, particularly with regard to the time frames in subsections B and C; and

WHEREAS, the current method for initiating and carrying out Council review results in several actions conducted in quick succession in a tight time frame, which could result in more procedural action than actual review; and

WHEREAS, the so-called “Two-Year Rule”, which states that no zoning change application shall be accepted after Commission action on a zoning proposal on the same property unless there are substantial land use/economic/social changes in the interim OR the application differs significantly from the original one, is a critical part of the Metro zoning process; and

WHEREAS, rather than being contained in the Planning Commission policies, where it can only be modified by that body, the Two Year Rule should be elevated to a permanent place within the Land Development Code; and

WHEREAS, given that final action on zoning decisions rests with the Council, it should also have the ability to review applications for waiver of the Two-Year Rule; and

WHEREAS, the Council wishes to take advantage of the opportunity to both cleanup LDC Section 11.7.5 and add the Two-Year Rule to the list of reviewable actions at the same time, saving all interested parties time and resources on what otherwise might be two separate public hearing and decision processes.

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

SECTION I: The Planning Commission should undertake a review of the current Land Development Code and adopt amendments thereto regarding Legislative Body review of Development Plans and the Two-Year Rule.

SECTION II: This Resolution 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: _____