

RESOLUTION NO. _____, SERIES 2022

A RESOLUTION REQUESTING THE PLANNING COMMISSION REVIEW THE METRO LAND DEVELOPMENT CODE REGULATIONS WITH REGARD TO TREES AND TREE CANOPY (AS AMENDED).

SPONSORED BY: COUNCIL MEMBER MARKUS WINKLER

WHEREAS, the Legislative Council of the Louisville/Jefferson County Metro Government (the “Council”) passed Resolution 146, Series 2018 directing the Planning Commission to review the Land Development Code (“LDC”) with regard to the preservation and planting of trees; and

WHEREAS, the Planning Committee of the Planning Commission conducted meetings on February 25, 2019, March 11, 2019, April 8, 2019, and May 28, 2019 and the Planning and Design Services staff held a series of community meetings to gather input regarding trees and tree canopies. Interested stakeholders from the real estate industry and members of the general public participated in these meetings and discussions; and

WHEREAS, Planning and Design Services staff concluded that the proposed amendments were consistent with the applicable policies of Plan 2040; and

WHEREAS, on July 24, 2019, the Planning Commission recommended that the Metro Council adopt the proposed revised regulations as set forth in its minutes; and

WHEREAS, the Planning and Zoning Committee of the Council held meetings on September 17, 2019, October 1, 2019, October 15, 2019, October 29, 2019, November 12, 2019, February 11, 2020, February 25, 2020, and March 10, 2020, and amended the proposed revised regulations; and

WHEREAS, on April 23, 2020, Council enacted the proposed revised regulations with amendments made by the Planning and Zoning Committee in Ordinance 050, Series 2020 (the “Trees Ordinance”); and

WHEREAS, Council, in ~~O-321-21~~ Ordinance 106, Series 2021, modified the language of the Trees Ordinance pertaining to Sections 10.1.4 and 10.1.9 of the LDC to clarify the intent previously expressed by the Planning and Zoning Committee at the meeting held on March 10, 2020, which is that the waiver in Subsection 10.1.4 of the LDC, which is also covered by 10.1.9 of the LDC, be rarely granted based on specific, documented factors with respect to the subject site; and

WHEREAS, Council, in ~~R-425-21~~ Resolution 107, Series 2021, requested the Planning Commission undertake a review of the current Land Development Code and adopt amendments thereto regarding the Tree Canopy requirements; and

WHEREAS, the results of such Resolution have not yet been returned to Council; and

WHEREAS, Council would like to add to the list of topics for the Planning Commission to consider in its review of the Tree Canopy requirements; and

WHEREAS, the first two topics contained in this Resolution are meant to address situations where particular developments or uses may be more heavily impacted by the current Tree Canopy requirements that was anticipated; and

WHEREAS, the third topic is intended to ensure the “tree-in-lieu” calculation is sufficient to cover the value of the trees that otherwise would have been required on-site;

and

WHEREAS, these additional topics, in conjunction with those listed in ~~R-125-21~~ Resolution 107, Series 2021, will require a study, public hearing, and recommendation by the Planning Commission.

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

SECTION I: The Planning Commission has been directed by ~~R-125-21~~ Resolution 107, Series 2021 to undertake a review of the current Land Development Code and adopt amendments thereto regarding the Tree Canopy. The following topics ~~possible changes~~ should be added to that review and, if possible, returned to Council with a recommendation within one hundred eighty (180) days:

1. Reducing or reversing the increased tree canopy requirements on sites which pre-existed the April 23, 2020 revisions and were only partially developed, resulting in the undeveloped portions being subject to different requirements than the already developed ones
2. Reducing or reversing the increased tree canopy requirements on industrial sites where large, site-centered warehouses which are the standard for the industry may necessitate using the tree-in-lieu or other waivers to have a chance at compliance.
3. Examining the “tree-in-lieu” calculation to ensure Metro receives adequate funds when an applicant requests to pay the fee instead of providing the required trees on-site.

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: _____

R-065-22 Amend LDC Possible Tree Canopy Requirement Reductions (As Amended).docx (TF 5-19-22)