

ORDINANCE NO. _____, SERIES 2021

AN ORDINANCE CREATING A NEW CHAPTER OF THE LOUISIVLLE METRO CODE OF ORDINANCES RELATING TO METRO COUNCIL'S REVIEW OF ANNEXATION REQUESTS SENT FROM SUBURBAN CITIES

SPONSORED BY: COUNCILMEMBER BILL HOLLANDER

WHEREAS, The Legislative Council of the Louisville/Jefferson County Metro Government (the "Council") occasionally receives annexation requests from suburban cities pursuant to KRS 67C.111(3); and

WHEREAS, KRS 67C.111(3) requires the Council to approve or deny such requests within sixty (60) calendar days of receipt of said request; and

WHEREAS, the Council believes that such decisions should not be made lightly due to the potentially serious impact on the impacted property owners, the impacted residents, Louisville Metro taxes, road funds, Public Works projects, and planning decisions in the area subject to annexation; and

WHEREAS, the statutory period for action requires such review start as quickly as possible so that the Council has sufficient time to review relevant information and make an informed decision; and

WHEREAS, previous resolutions the Council has passed on the subject of annexations have been insufficient to ensure the process is as informative and efficient as possible;

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

SECTION I: That there shall be a new chapter of the Louisville Metro Code of Ordinances, LMCO Chapter 166, which shall read as follows:

CHAPTER 166: SUBURBAN CITY ANNEXATION REQUESTS

§ 166.01 **TITLE**

§ 166.02 **LEGISLATIVE PURPOSE AND INTENT**

§ 166.10 **DEFINITIONS**

§ 166.11 **METRO RECEIPT OF SUBURBAN CITY ANNEXATION REQUEST**

§ 166.12 **AGENCY REVIEW OF ANNEXATION REQUEST**

§ 166.98 **SEVERABILITY**

§ 166.99 **PENALTY**

§ 166.01 **TITLE**

This chapter shall be known as “Suburban City Annexation Requests”

§ 166.02 **LEGISLATIVE PURPOSE AND INTENT**

(A) When Metro Council receives annexation requests from suburban cities pursuant to KRS 67C.111(3), it is required to approve or deny such requests within sixty (60) calendar days of receipt of said request.

(B) Metro Council believes that such decisions should not be made lightly due to the potentially serious effects on the impacted property owners, the impacted residents, Louisville Metro taxes, road funds, Public Works projects, and planning decisions in the area subject to annexation.

(C) The statutory period for action requires such review start as quickly as possible so that Metro Council has sufficient time to review relevant information and make an informed decision, and previous resolutions Metro Council has passed on the subject of annexations have been insufficient to ensure the process is as informative and efficient as possible.

§ 166.10 **DEFINITIONS**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ANNEXATION REQUEST. A request by a suburban city to Louisville Metro Government to annex property pursuant to KRS 67C.111(3).

METRO COUNCIL. The Legislative Council of the Louisville/Jefferson County Metro Government.

§ 166.11 **METRO RECEIPT OF SUBURBAN CITY ANNEXATION REQUEST**

(A) When any employee or member of Metro Council is in receipt of an annexation request, it shall be forwarded to the Metro Council Clerk as quickly as possible with all relevant attachments and information provided by the suburban city making the annexation request.

(B) The Metro Council Clerk shall notify the following individuals and agencies of any received annexation requests as quickly as possible:

- (1) The Council Member(s) for the district(s) where the annexation request is located
- (2) The Chair of the Committee which is charged with regularly handling annexation requests, if any
- (3) The Legislative Services Director of the Jefferson County Attorney
- (4) An individual designated by the Office of Management and Budget
- (5) An individual designated by Metro Public Works
- (6) An individual designated by Planning and Design Services

(7) The notice required by subsection (B) of this section shall include copies of all materials received by the Metro Council Clerk related to the annexation request.

(8) If the Metro Council Clerk receives additional materials related to the annexation request after sending out the notice required by subsection (B) of this section, they shall supplement the initial notice with those additional materials.

§ 166.12 **AGENCY REVIEW OF ANNEXATION REQUESTS**

(A) The Office of Management and Budget, Metro Public Works, and Planning and Design Services shall each designate a recipient for annexation requests and notify the Metro Council Clerk of such designation. The designee may be either an individual or an office, but in either case the agency shall be responsible for providing updated contact information when the designee changes.

(B) Each agency shall provide comments on the proposal to the parties identified in § 166.04(B) of this Chapter in a timely manner in no case taking longer than two (2) calendar weeks.

(1) The Office of Management and Budget's comments shall include the fiscal impact of the annexation request, such as loss of Metro tax dollars and road funds.

(2) Metro Public Works' comments shall include the road network impact of the annexation request, such as the effect on any current or proposed road network plans which might be impacted, and the current condition of all roads, sidewalks and other Metro assets in the area proposed to be annexed.

(3) Planning and Design Services' comments shall include the planning impact of the annexation request, such as differences between the Metro Land Development Code and that used by the annexing suburban city, the current uses of all land in the area proposed to be annexed and the development potential for the land.

(C) In addition to the comments required by this section, each agency shall provide a representative at the request of the sponsor of any annexation ordinance or any member of the Metro Council to speak and answer questions at relevant committee meetings.

§ 166.98 **SEVERABILITY**

If any provision of this chapter as now or later amended or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions that can be given effect without the invalid provision or application.

§ 166.99 **PENALTY**

Any person who violates any of the provisions of §§ 166.11 through 166.12 shall not be subject to any formal civil or criminal penalty; however, such violation will be reported to their superiors and shall not preclude disciplinary action up to and including termination.

SECTION II: This Ordinance shall take effect upon its passage and approval.

Sonya Harward

David James

Metro Council Clerk

President of the Council

Greg Fischer
Mayor

Approval Date

APPROVE AS TO FORM AND LEGALITY:

Michael J. O'Connell
Jefferson County Attorney

By: _____

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