

RESOLUTION NO. _____, SERIES 2018

A RESOLUTION REQUESTING THE LOUISVILLE METRO PLANNING COMMISSION TO REVIEW BONDING PROCEDURES AND FEE-IN-LIEU PAYMENTS IN THE LAND DEVELOPMENT CODE.

SPONSORED BY: COUNCILMAN JAMES PEDEN

WHEREAS, pursuant to the Land Development Code (“LDC”) 7.2.45 et seq., developers are required to post bonds as security to ensure completion of sidewalks, sewers, and other improvements;

WHEREAS, the financial amount of such security is determined in the discretion of the Metro Department of Public Works and the Metropolitan Sewer District;

WHEREAS, there have been numerous instances where such bond amounts have been insufficient to complete improvements causing Louisville Metro Government to expend taxpayer dollars to complete improvements in private developments which creates an undue financial burden on Louisville Metro Government and an unfair claim on citizens’ tax dollars;

WHEREAS, the LDC permits fee-in-lieu payments for certain required development improvements, such as sidewalks (LDC 6.2.6(B)(1)), landscaping (LDC 10.1.3(A)(4)), and amenity areas (LDC 5.12.2(A)(4)); and

WHEREAS, fee-in-lieu payments often do not reflect the actual cost of the required improvements which reduces the effectiveness of the application of the funds received for the alternative projects.

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

SECTION I: The Metro Council requests that the Louisville Metro Planning Commission review the bond/security requirements of the LDC to ensure that security for improvements in private developments is sufficient to cover all costs associated with the completion of required improvements in the event of the developers' default.

SECTION II: The Metro Council requests that the Louisville Metro Planning Commission review the fee-in-lieu procedures of LDC Sections 6.2.6, 10.1.3, and 5.12.2 to ensure that the fee accurately reflects the actual cost of the improvements that were required.

SECTION III: This Resolution shall take effect upon passage and approval.

H. Stephen Ott
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: _____