

ORDINANCE NO. _____, SERIES 2021

AN ORDINANCE AMENDING CHAPTERS 9 AND 11 OF THE METRO LAND DEVELOPMENT CODE RELATING TO REQUIRED NOTICE OF DEVELOPMENT ACTIVITY AS SUGGESTED IN PLAN 2040 COMPREHENSIVE PLAN (“PLAN 2040”).

SPONSORED BY: COUNCIL MEMBER MADONNA FLOOD

WHEREAS, Plan 2040 was adopted by the Legislative Council of the Louisville/Jefferson County Metro Government (the “Council”) effective January 1, 2019; and

WHEREAS, Plan 2040 includes five key principles, CHASE, and one of these principles is that to provide greater opportunities for citizens to engage within the development review process; and

WHEREAS, the Council passed Resolution 82, Series 2020 directing the Louisville Metro Planning Commission (the “Planning Commission”) and its staff to undertake a review of the Land Development Code (“LDC”) and develop recommendations thereto to the Council to reform the LDC for more equitable and inclusive development; and

WHEREAS, the Planning Commission adopted a resolution on August 25, 2020 directing Planning and Design Services staff to review the LDC and develop recommendations for more equitable and inclusive development; and

WHEREAS, Planning and Design Services staff conducted numerous public meetings, including listening sessions to take comments regarding equity issues within the LDC, and one issue identified multiple times through verbal and written comments was the need to notify tenants as well as property owners; and

WHEREAS, Planning and Design Services staff reviewed the LDC and developed text amendments to Chapter 9 and Chapter 11 regarding required notice of development activity; and

WHEREAS, the proposed text amendments went to the Planning Committee of the Planning Commission for public meetings on February 8, 2021 and March 22, 2021; and

WHEREAS, the Planning Commission on April 20, 2021 recommended that the Council adopt the proposed text amendments to the LDC as set forth in Planning Commission Resolution No. 20-LDC-0002; and

WHEREAS, Council approves and accepts the recommendation of the Planning Commission as set forth in Planning Commission Resolution No. 20-LDC-0002.

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

SECTION I: Chapter 9, Part 1 of the LDC, Section 9.1.16, Parking Waiver Provisions, is amended as follows:

A. General Parking Waivers. In extraordinary cases in which the requirements of this Part would create hardship in the use of a particular site, the Planning Commission may consider granting a General Parking Waiver.

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2. Application Requirements. General Parking Waiver applications must provide the following:

...

c. The names and addresses of:

...

vi. To "Current Resident" (actual name of resident not required) for all dwelling units located on properties where notice of First Tier Property Owners and Second Tier Property Owners is required by this part in accordance with Planning Commission and Board bylaws and policies. Addresses shall be obtained using available data from Louisville Metro Government, and those records may be relied upon conclusively to determine the dwelling units to be included in the supplemental notice.

SECTION II: Chapter 11, Part 4 of the LDC, Section 11.4.1 Origination of

Application, is amended as follows:

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B. Zoning and/or Form District Map Amendments not Associated with Specific Development Proposals

Legislative bodies with jurisdiction and the Planning Commission may initiate zoning and/or form district map amendments not associated with a specific development proposal. Such amendments shall, in cases where the applicant has no ownership interest in the subject property, be exempt from the development plan and binding element requirements of this Part. Notice for hearings to consider zoning or form district map amendments not associated with specific development proposals shall be given in accordance with KRS100. In addition, a supplemental notice to be addressed to “Current Resident” shall be mailed to all dwelling units located on properties where notice of owners is required by this part in accordance with Planning Commission bylaws and policies. Addresses shall be obtained using available data from Louisville Metro Government, and those records may be relied upon conclusively to determine the dwelling units to be included in the supplemental notice. Failure of any person to receive a notice addressed to “Current Resident” mailed in compliance with Planning Commission bylaws and policies shall not invalidate the actions of the Planning Commission.

SECTION III: Chapter 11, Part 4 of the LDC, Section 11.4.3 Neighborhood Meeting

Requirement, is amended as follows:

A. Prior to formally filing a change in zoning request a letter shall be sent from the developer/owner stating that a pre-application has been filed with PDS and announcing a public meeting held by developer/owner to discuss the proposed project. The neighborhood meeting shall not occur before 6:00 PM. The letter shall be mailed no less than 14 calendar days prior to the neighborhood meeting. The letter shall be sent to:

...

7. To “Current Resident” for all dwelling units located on properties where notice of First Tier Property Owners and Second Tier Property Owners is required by this part in accordance with Planning Commission bylaws and policies. Addresses for “Current Residents” shall be obtained using available data from Louisville Metro Government, and those records may be relied upon conclusively to determine the dwelling units to be included in the supplemental notice.

SECTION IV: Chapter 11, Part 4 of the LDC, Section 11.4.4 Application, is

amended as follows:

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F. Upon receipt of a complete application, as determined by the Planning Director, staff of Planning and Design Services shall cause notice of the application to be given. Not less than ten (10) calendar days prior to initial consideration of an application by either the Commission or a Committee thereof, notice of the application shall be given to first and second tier adjoining property owners. In addition, staff shall endeavor to assure that notice is given to all neighborhood groups who have registered to receive notice of development applications, as well as given to "Current Resident" for all dwelling units located on properties where notice of First Tier and Second Tier adjoining property owners is required. Addresses for "Current Resident" shall be obtained using available data from Louisville Metro Government, and those records may be relied upon conclusively to determine the dwelling units to be included in the supplemental notice.

SECTION V: Chapter 11, Part 4 of the LDC, Section 11.4.7 Plan Certain Development, is amended as follows:

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- F. Detailed District Development Plans
 - 1. Review Procedure

Detailed district development plan review shall require Planning Commission approval. Review of detailed district development plans shall require notice to adjoining property owners, notice to "Current Resident" for all dwelling units located on properties where notice of adjoining property owners is required, notice to those registered on Neighborhood Notice List and notice to those who spoke at Planning Commission public hearing. Notice shall be given at least 10 calendar days prior to review of the development plan by the Planning Commission or committee thereof, and shall be given in accordance with Planning Commission bylaws and policies. Addresses for "Current Resident" shall be obtained using available data from Louisville Metro Government, and those records may be relied upon conclusively to determine the dwelling units to be included in the supplemental notice. Failure of any person to receive a notice addressed to "Current Resident" mailed in compliance with Planning Commission bylaws and policies shall not invalidate the actions of the Planning Commission.

SECTION VI: Chapter 11, Part 5 of the LDC, Section 11.5.A3 Neighborhood Meeting Requirement, is amended as follows:

A. Prior to formally filing a conditional use permit request a letter shall be sent from the developer/owner stating that a pre-application has been filed with PDS and announcing a public meeting held by developer/owner to discuss the proposed project. The letter shall be mailed no less than 14 calendar days prior to the neighborhood meeting. The letter shall be sent to:

...

7. To “Current Resident” for all dwelling units located on properties where notice of First Tier Property Owners and Second Tier Property Owners is required by this part in accordance with Planning Commission and Board bylaws and policies. Addresses shall be obtained using available data from Louisville Metro Government, and those records may be relied upon conclusively to determine the dwelling units to be included in the supplemental notice.

SECTION VII: Chapter 11, Part 5 of the LDC, Section 11.5.A5 Public Hearing, is amended as follows:

A. Hearing Required – The Board shall hold at least one public hearing on each application for a Conditional Use Permit as required by KRS 100. Notice of the hearing shall be given as specified in KRS 100. Second tier adjoining property owners, as defined in Section 11.5A.3, shall also be notified of the hearing. In addition, a supplemental notice to be addressed to “Current Resident” shall be mailed to all dwelling units located on properties where notice of owners is required by this part in accordance with Planning Commission and Board bylaws and policies. Addresses shall be obtained using available data from Louisville Metro Government, and those records may be relied upon conclusively to determine the dwelling units to be included in the supplemental notice. Any person listed in the applicable Planning and Design Services Electronic Notification for Development Proposals List for the appropriate Council District will be sent an email notification. Failure of any person to receive a notice addressed to “Current Resident” mailed in compliance with Planning Commission and Board bylaws and policies shall not invalidate the actions of the Board.

SECTION VIII: Chapter 11, Part 5 of the LDC, Section 11.5.B3 Public Hearing, is amended as follows:

A. Hearing Determination – The Board shall determine those circumstance under which a public hearing shall be required. Notice of the hearing, if required, shall be given as specified in the By-Laws and Policies of the Board or by State Statute. Notice of the public hearing shall be provided to first tier property owners a minimum of 14 days prior to the public hearing. In addition, a supplemental notice to be addressed to “Current Resident” shall be mailed to all dwelling units located on properties where notice of first tier property owners is required by this part in accordance with Planning Commission and Board Adjustment bylaws and policies. Addresses shall be obtained using available data from Louisville Metro Government, and those records may be relied upon conclusively to determine the dwelling units to be included in the supplemental notice. In addition, staff shall endeavor to assure that notice is given to all neighborhood groups who have registered to receive notice of development applications. Failure of any person to receive a notice addressed to “Current Resident” mailed in compliance with Planning Commission and Board bylaws and policies shall not invalidate the actions of the Board.

SECTION IX: Chapter 11, Part 6 of the LDC, Section 11.6.4.B Category 3 Review

Procedure, is amended as follows:

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2. Notice – Not less than 10 calendar days prior to the proposed review session, notice of the proposed development and its scheduled review shall be given to adjoining property owners. In addition, a supplemental notice to be addressed to “Current Resident” shall be mailed to all dwelling units located on properties where notice of adjoining property owners is required by this part in accordance with Planning Commission bylaws and policies. Addresses shall be obtained using available data from Louisville Metro Government, and those records may be relied upon conclusively to determine the dwelling units to be included in the supplemental notice. In addition, staff shall endeavor to assure that notice is given to all neighborhood groups who have registered to receive notice of development applications. Failure of any person to receive a notice addressed to “Current Resident” mailed in compliance with Planning Commission bylaws and policies shall not invalidate the actions of the Planning Commission.

SECTION X: Chapter 11, Part 7 of the LDC, Section 11.7.1 Planning Commission

Review of Staff Determinations, is amended as follows:

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B. Notice – Notice of the administrative appeal shall be given to the applicant (if not the appellant) and all first tier property owners at least fourteen (14) calendar days prior to the meeting at which the Planning Commission will consider the administrative appeal. In addition, a supplemental notice to be addressed to “Current Resident” shall be mailed to all dwelling units located on properties where notice of first tier property owners is required by this part in accordance with Planning Commission bylaws and policies. Addresses shall be obtained using available data from Louisville Metro Government, and those records may be relied upon conclusively to determine the dwelling units to be included in the supplemental notice. Failure of any person to receive a notice addressed to “Current Resident” mailed in compliance with Planning Commission bylaws and policies shall not invalidate the actions of the Planning Commission.

SECTION XI: Chapter 11, Part 7 of the LDC, Section 11.7.2 Planning Commission

Review of Committee Determinations, is amended as follows:

...

B. Notice – Notice of the appeal shall be given to the applicant (if not the appellant) and all first tier adjoining property owners at least fourteen (14) calendar days prior to the meeting at which the Planning Commission will consider the administrative appeal. In addition, a supplemental notice to be addressed to “Current Resident” shall be mailed to all dwelling units located on properties where notice of first tier property owners is required by this part in accordance with Planning Commission bylaws and policies. Addresses

shall be obtained using available data from Louisville Metro Government, and those records may be relied upon conclusively to determine the dwelling units to be included in the supplemental notice. Failure of any person to receive a notice addressed to "Current Resident" mailed in compliance with Planning Commission bylaws and policies shall not invalidate the actions of the Planning Commission.

SECTION XII: Chapter 11, Part 7 of the LDC, Section 11.7.3.B Board of Zoning

Adjustment Review of Staff Determinations, is amended as follows:

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2. Notice - Notice of the public hearing on the appeal shall be given in accordance with KRS Chapter 100. In addition, a supplemental notice to be addressed to "Current Resident" shall be mailed to all dwelling units located on properties where notice of owners is required by this part in accordance with Planning Commission and Board of Zoning Adjustment bylaws and policies. Addresses shall be obtained using available data from Louisville Metro Government, and those records may be relied upon conclusively to determine the dwelling units to be included in the supplemental notice. Failure of any person to receive a notice addressed to "Current Resident" mailed in compliance with Planning Commission and Board of Zoning Adjustment bylaws and policies shall not invalidate the actions of the Board of Zoning Adjustment.

SECTION XIII: Chapter 11, Part 7 of the LDC, Section 11.7.5.D Legislative Body

Review of Commission Action on Development Plans, is amended as follows:

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4. To "Current Resident" for all dwelling units located on properties where notice of first tier and second tier property owners is required by this part in accordance with Planning Commission and Board of Zoning Adjustment bylaws and policies. Addresses shall be obtained using available data from Louisville Metro Government, and those records may be relied upon conclusively to determine the dwelling units to be included in the supplemental notice. Failure of any person to receive a notice addressed to "Current Resident" mailed in compliance with Planning Commission bylaws and policies shall not invalidate the actions of the legislative body.

SECTION XIV: Chapter 11, Part 8 of the LDC, Section 11.8.3 Notice, is amended

as follows:

Following receipt of a completed application, staff of the Commission shall provide notice of the request for modification or waiver to first tier adjacent property owners and parties of record to any previous Planning Commission hearing on the proposal now under consideration for waiver or modification. In addition, a supplemental notice to be addressed to "Current Resident" shall be mailed to all dwelling units located on properties where notice of first tier property owners is required by this part in accordance with

Planning Commission bylaws and policies. Addresses shall be obtained using available data from Louisville Metro Government, and those records may be relied upon conclusively to determine the dwelling units to be included in the supplemental notice. Such notice shall be given no less than ten (10) calendar days prior to the meeting at which the request is to be considered. Failure of any person to receive a notice addressed to "Current Resident" mailed in compliance with Planning Commission bylaws and policies shall not invalidate the actions of the Planning Commission.

SECTION XV: This Ordinance shall take effect July 1, 2021.

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-199-21 – LDC Amendments Regarding Notice (If)