

RESOLUTION NO. _____, SERIES 2021

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

SPONSORED BY: COUNCIL MEMBER JAMES PEDEN

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 50, Series 2020 (the “Trees Ordinance”); and

WHEREAS, Council, in O-321-21, 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 has been disappointed with the strict adherence by many multifamily development projects since the Trees Ordinance passed to preserving and planting only the minimum required tree canopy; and

WHEREAS, Council recognizes both the need for more trees to combat negative environmental effects as well as the need for flexible development which allows for more land to be dedicated to trees while still being financially viable; and

WHEREAS, with the recent clarifying measures passed, Council now wishes to explore the possibility of some substantive changes to the Trees Ordinance which 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 should undertake a review of the current Land Development Code and adopt amendments thereto regarding the Tree Canopy requirement ~~for multifamily developments~~. Specifically, the Planning Commission’s review should include at least the following possibilities:

1. Lower the threshold for triggering tree preservation
2. Increase the percentage of trees required to be preserved when the tree preservation threshold is met
3. Increase the overall tree canopy requirement
4. Modify the current Methods of Compliance option so that a developer that cannot meet tree canopy requirements has the option to add an extra story beyond what is ordinarily permitted in order to construct fewer buildings on a smaller footprint with the same number of units (“build up” instead of “building out”)

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

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: _____