

ORDINANCE NO. 031, SERIES 2020

**AN ORDINANCE AMENDING SEVERAL SECTIONS OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT CODE OF ORDINANCES (“LMCO”) CHAPTER 161 RELATING TO THE REGULATION OF NEIGHBORHOOD PLANS. (AS AMENDED)**

**SPONSORED BY: COUNCIL MEMBER KEISHA DORSEY**

**WHEREAS**, a new comprehensive plan for Louisville Metro, Plan 2040, was adopted in 2019, which plan recommends an update to LMCO 161.02 to 161.09 (the “Neighborhood Plans Ordinance”); and

**WHEREAS**, Plan 2040’s guiding C.H.A.S.E. principles (Connected, Healthy, Authentic, Sustainable and Equitable) create a more holistic approach to planning and development; and

**WHEREAS**, the neighborhood planning process is dynamic, and the current Neighborhood Plans Ordinance does not reflect current organizational structures and best practices; and

**WHEREAS**, the Legislative Council of the Louisville/Jefferson County Metro Government (the “Council”) passed Resolution No. 82, Series 2020 on August 20, 2020, requesting a review of policies and procedures for more equitable and inclusive development; and

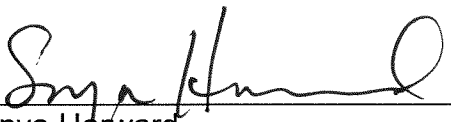
**WHEREAS**, the Office of Advanced Planning and Sustainability, with input from the Office of Planning and Design Services and Louisville Forward, has conducted this review, which included a review of various feedback received over the years on the various neighborhood and area plans, and has proposed the following amendments to the Neighborhood Plans Ordinance; and

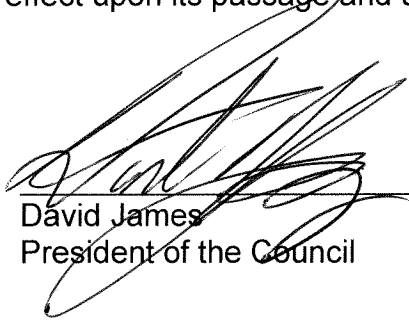
**WHEREAS**, based on the review and the evaluation of the Neighborhood Plans Ordinance over time, it is appropriate to make amendments necessary to continue the effectiveness of the Neighborhood Plans Ordinance.

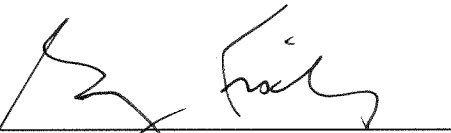
**NOW THEREFORE BE IT ORDAINED BY THE LEGISLATIVE COUNCIL OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT AS FOLLOWS:**

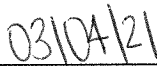
**Section I:** The attached amendments to LMCO Sections 161.01 to 161.09 are hereby adopted and approved.

**Section II:** This Ordinance 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: 

O-539-20 – Neighborhood Planning Ordinance (as amended) (lf)

**LOUISVILLE METRO COUNCIL  
READ AND PASSED  
February 25, 2021**

## **NEIGHBORHOOD PLANS**

### **§ 161.01 DEFINITIONS.**

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

**NEIGHBORHOOD** or **NEIGHBORHOOD BOUNDARIES.** The geographical area being studied for the purpose of neighborhood plan development in accordance with this chapter.

**NEIGHBORHOOD PLAN.** A document prepared in accordance with this chapter, as well as the policies and procedures established by ~~planning and design services~~ **Develop Louisville, or its successor**, and intended to address the planning needs and policy goals of the citizens of a particular geographic area of Louisville Metro. This term shall include small area studies and plans, corridor studies and plans, and other similar documents, provided the particular document is prepared in accordance with this chapter.

**PRIMARY RESIDENCE.** A primary residence is the main home of an individual. An individual has only one primary residence at a time. If an individual owns and lives in just one dwelling unit, then that property is their primary residence. If an individual owns or lives in more than one dwelling unit, then they must apply a “facts and circumstances” test to determine which property is their primary residence. While the most important factor is where they spend the most time, other factors are relevant as well. The more of these factors that are true of a home, the more likely that it is a primary residence: Factors include, but are not limited to, the address listed on an individual’s U.S. Postal Service address, Voter Registration Card, federal and state tax returns, driver’s license, state identification card, and/or voter registration.

### **§ 161.02 INITIATION OF NEIGHBORHOOD PLAN.**

**All neighborhood plans shall be initiated by either (i) Develop Louisville, or its successor, or (ii) a written request to Develop Louisville, or its successor, from the Metro Council member(s) of the district(s) the neighborhood that will be the subject of the neighborhood plan is located in. Other stakeholders in the neighborhood, including but not limited to, small cities or neighborhood associations, may request that Develop Louisville, or its successor, initiate a neighborhood plan. Factors used by Develop Louisville or its successor, in considering such stakeholder requests include, but are not limited to: funding availability, staff capacity, and if a neighborhood plan already exists for the neighborhood, the age of the existing neighborhood plan.**

### **§ 161.03~~2~~ PREPARATION AND CONTENTS OF NEIGHBORHOOD PLAN.**

(A) *Generally.* All neighborhood plans shall be prepared in accordance with the requirements of this chapter, as well as with all **Develop Louisville, or its**

~~successor, planning and design services~~ policies and procedures for neighborhood plans.

(B) **C.H.A.S.E. principles. All neighborhood plans shall be prepared in accordance with the five guiding principles, known as the C.H.A.S.E. principles, of Plan 2040, Louisville Metro Government's comprehensive plan: Connected, Healthy, Authentic, Sustainable, and Equitable.**

~~(C)~~ **Study area boundary. A geographic boundary for the neighborhood plan/study area shall be established at the beginning of the planning process.**

~~(B)~~ (D) *Mandatory sections.* Neighborhood plans or plan sections **and their recommendations** shall be prepared in accordance with the principles and guidelines of the adopted comprehensive plan, **including the five C.H.A.S.E. principles,** and shall include:

(1) *Introduction.* This section shall include a description of the neighborhood background, the purpose for initiating the plan, an overview of the planning process, and a map showing the neighborhood boundaries and location in the city. In addition, the introduction shall include a brief description of the research basis for the neighborhood plan, or a statement that the research relied upon for the adoption of the comprehensive plan currently in place is still valid and was relied upon for the adoption of the neighborhood plan.

(2) *Vision statement.* A concise statement that describes the **vision for image of** the neighborhood in the future, as held by neighborhood residents and other stakeholders, **in terms of both values and assets.**

(3) *Neighborhood identity.* A description of the neighborhood as it presently exists, including history, demographics, existing conditions, and defining characteristics of the neighborhood.

(4) *Land use/community form.* An explanation of the existing pattern of major public and private land uses, proposal for future patterns of land use to preserve or improve its general character.

(5) *Mobility.* A transportation section, including a description of all existing modes of transportation, a projected transportation system for all modes.

(6) **Housing. An analysis of existing housing patterns and challenges in the neighborhood, with recommendations for ways to increase housing diversity, availability, and affordability.**

~~(6)~~(7) *Plan Implementation.* Recommendations, **in accordance with the comprehensive plan,** set forth in the neighborhood plan, with implementation responsibility and time frame articulated.

~~(7)~~(8) *Executive summary.* A brief restatement of the vision statement and recommendations defined within each plan section, in a summary format, that is

consistent with the plan elements of the comprehensive plan. This section shall serve as the basis for the "executive summary" of the neighborhood plan, which will be adopted as a part of the comprehensive plan.

~~(C)~~**(E)** *Optional sections.* The neighborhood plan may also contain a section or sections relating to other areas of concern to the neighborhood. If included, these sections should contain an assessment of neighborhood issues and assets as they currently exist, and specific recommendations for improvement or preservation. These sections may include, but not be limited to:

- ~~(1)~~ **Housing;**
- ~~(2)~~ Economic Development;
- ~~(2)~~~~(3)~~ Environmental Resources;
- ~~(3)~~~~(4)~~ Community Facilities and Services;
- ~~(4)~~~~(5)~~ Parks, Open Space, and Recreation;
- ~~(5)~~~~(6)~~ Urban Design or Special District; **and**
- ~~(6)~~~~(7)~~ Historic Preservation;:-
- ~~(7)~~~~(8)~~ **Safety;**
- ~~(8)~~~~(9)~~ **Youth Engagement;**
- ~~(9)~~~~(10)~~ **Welcoming Community;**
- ~~(10)~~~~(11)~~ **Aging in Place; and**
- ~~(11)~~~~(12)~~ **Digital Infrastructure; and**
- ~~(12)~~ **Education.**

**(F) Public process. Development of the neighborhood plan shall be guided by a minimum of three (3) public engagements during the planning process, not including meetings of the Advisory Group or public meetings hosted by the Planning Commission or Metro Council. These engagements may include, but are not limited to, public in-person meetings or online digital engagements, at a time and place informed by the needs of the neighborhood. These engagements should be accessible to all, including any reasonable accommodations needed to overcome language, literacy, or technology barriers.**

**§ 161.043 ROLE OF DEVELOP LOUISVILLE PLANNING AND DESIGN SERVICES.**

**Develop Louisville, or its successor, Louisville Metro Planning and Design Services ("Planning and Design")** administers the neighborhood planning process. The role of **Planning and Design Develop Louisville, or its successor, staff** is to ensure that the neighborhood plan process is conducted in accordance with **Planning and Design Develop Louisville, or its successor,** policies and guidelines,

create or assist in the creation of neighborhood plans, conduct reviews of draft neighborhood plans for conformance with the Comprehensive Plan, Planning Commission policies, and this chapter.

#### **§ 161.054 NEIGHBORHOOD PLAN ADVISORY GROUP.**

(A) ~~Neighborhood~~ *Advisory Group appointment designation.* ~~A~~ The Advisory Group ~~shall be appointed by the Mayor, is designated by Develop Louisville, or its successor, upon the recommendation of and~~ with concurrence ~~from any relevant neighborhood associations or groups and~~ of the Metro Council member(s) of the district(s) in which the subject neighborhood is located. ~~Metro Council approval of the members of the neighborhood advisory group is not required. Staffing may consist of appropriate representatives from Planning and Design and the Department of Neighborhoods, or other appropriate Metro agencies (collectively, the "Metro Agencies"). In some cases, including, but not limited to situations which such a group would be impractical due to an extremely large geographical area under consideration, or where a study is requested by the Planning Commission, at the discretion of Planning and Design, no neighborhood advisory group may be appointed.~~

(B) ~~Neighborhood~~ *Advisory Group composition.*

(1) The ~~neighborhood~~ Advisory Group shall consist of at least seven individuals, with a recommended maximum of 20 individuals, to be determined during the pre-planning process based on neighborhood size and input from Develop Louisville, or its successor, and the impacted Metro Council member(s). The majority of the Advisory Group shall be composed and shall consist largely of individuals with a primary residence within the neighborhood study area.

(2) Other potential members of the Advisory Group may include, but are not limited to, the following:

- (a) Non-resident owners of property within the neighborhood study area ~~Property owners within the subject neighborhood boundaries;~~
- (b) Owners of businesses within the neighborhood study area ~~Owners of businesses or institution representatives located within the subject neighborhood boundaries;~~ and
- (c) Representatives of institutions within the neighborhood study area ~~Individuals with a primary residence within the subject neighborhood.~~

(3)(2) No more than one person per parcel, address, or business may serve on the Advisory Group task force.

(4)(3) The demographic composition of the Advisory Group shall be diverse in age, race, gender, ability, property ownership status, and socioeconomic status. At a minimum, the demographic composition of the Advisory Group shall be reflective of the overall demographics of Louisville Metro.

(C) ~~Neighborhood Advisory Group~~ role. The ~~neighborhood~~ Advisory Group's participation in the development of the neighborhood plan involves identifying important neighborhood issues and potential stakeholders, and working with staff to provide input on content and recommendations of the neighborhood plan. The ~~Neighborhood Advisory Group~~ shall perform a purely advisory role related to issues specific to development of the neighborhood plan, under leadership provided by Planning and DesignDevelop Louisville, or its successor, or its consultant. ~~No formal structure or process for meetings is required of the Neighborhood Advisory Group, no official positions within the Advisory Group exist, and the Neighborhood Advisory Group is not authorized to ratify or otherwise approve the contents of neighborhood plans. The Neighborhood Advisory Group has no authority to advise or make recommendations~~function does not include input on current discretionary reviews, infrastructure improvements projects, or development activities in progress within the neighborhood.

(D) ~~Neighborhood Advisory Group meetings~~. The ~~Neighborhood~~ Advisory Group, under the leadership of ~~the staff of Planning and DesignDevelop Louisville, or its successor~~, or its consultant, shall conduct meetings, which shall be open to the public. The meeting should be accessible to all, including reasonable accommodations need to overcome language, literacy or technology barriers. The agenda for the meetings shall be established by Planning and DesignDevelop Louisville staff, its successor, or its consultant. At a minimum, the Advisory Group shall conduct attendance prior to the meeting commencement. Attendance documentation shall consist of, but not be limited to legal name, address/parcel, and Advisory Group composition category. Detailed minutes of each meeting shall be made and kept in the neighborhood plan file at the offices of Planning and DesignDevelop Louisville.

(E) ~~Neighborhood Advisory Group meeting attendance~~. Any ~~Neighborhood~~ Advisory Group member who has more than one unexcused absence (absent without providing 24 hour non-emergency prior notification) may be replaced with concurrence at the recommendation of the sponsoring Metro Council members of the district(s) in which the neighborhood study area is located. A new ~~Neighborhood~~ Advisory Group member shall be designated appointed in his/her/their place as prescribed in the process contained herein.

#### ~~§ 161.05 NEIGHBORHOOD PLAN STUDY AREA BOUNDARY.~~

~~Neighborhood boundary approval.~~ The Louisville Metro Planning Commission shall establish and approve the study area boundary for the neighborhood plan as follows:

(A) ~~Planning and Design, in consultation with the Neighborhood Advisory Group and its consultant, shall recommend a study area boundary for the neighborhood plan;~~

(B) ~~Planning and Design staff shall forward the recommended neighborhood plan study area boundary recommended to the Planning Commission for review;~~

~~(C) The Planning Commission shall then establish and approve a neighborhood plan study area boundary without a public hearing. Individuals who have registered with the Planning and Design Neighborhood Notification Program shall be given notice of the meeting at which the study area boundary is approved no less than ten days prior to the meeting. The Planning Commission is authorized to adjust the boundary as it deems necessary.~~

#### § 161.06 USE OF NEIGHBORHOOD PLANS.

(A) *Use by the Metro Council.*

(1) If the Metro Council adopts a neighborhood plan or plan section, it shall thereafter consider the recommendations and proposals of the plan in the development of county-wide plans and strategies, the review of policy, the allocation of resources, the provision of services and the preparation and review of budgets, both general and community development; and

(2) The Council may also exercise its authority under KRS 100.211 to act as applicant for form district or zoning change proposals recommended by the plan to establish a development pattern compatible with the neighborhood plan or plan sections. This shall in no way bind the Metro Council to approve any form district or zoning change proposal. The Metro Council shall objectively discharge its responsibilities pursuant to KRS Ch. 100.

(3) The neighborhood plans or plan sections shall be introduced as official planning evidence in the review of zoning change proposals for determining agreement with the community's Comprehensive Plan.

(B) *Use by executive branch.* Adopted neighborhood plans or plan sections shall be used by the executive branch of Metro Government and various associated agencies as guides in the development of county-wide plans and policies, the review of policy, the allocation of resources, the provision of services and the preparation and review of budgets, both general and community development.

#### § 161.07 REVIEW AND ADOPTION OF NEIGHBORHOOD PLAN.

(A) *Neighborhood meeting requirement.* Prior to submitting the draft neighborhood plan to the Planning Commission for a public hearing, **the plan shall be made available for public review and comment at a public meeting, in addition to other public presentations such as online engagement. This meeting/presentation is not included in the minimum of three (3) public engagements required during the planning process in §161.03(F). The plan should be accessible to all, including any reasonable accommodations needed to overcome language, literacy or technology barriers. a neighborhood meeting shall be held to discuss the plan and accept public comments. No less than ten days prior to the neighborhood meeting, notice of the meeting shall be posted in public locations in the neighborhood determined by Planning and Design staff, in the office of Planning and Design, and on the Planning and Design website.**



(B) *Planning Commission public hearing and recommendation.* After a neighborhood plan has been prepared in accordance with this chapter, and before it is acted on by the Metro Council, the Louisville Metro Planning Commission shall hold at least one public hearing and make a recommendation to Metro Council on the neighborhood plan, including what portions, if any, of the executive summary of the neighborhood plan should be adopted by Metro Council as an amendment to the comprehensive plan. The Planning Commission shall publish notice of the public hearing not less than seven nor more than 21 days prior to the hearing, in accordance with KRS Chapter 424.

(C) *Metro Council adoption.* After the Planning Commission has held a public hearing and made a recommendation on a neighborhood plan, the Metro Council may enact an ordinance adopting the neighborhood plan as recommended by the Planning Commission, or with modifications. Additionally, the Metro Council may specifically adopt an Executive Summary of the neighborhood plan as an amendment to the comprehensive plan.

#### **§ 161.08 AMENDMENTS AND REVIEWS.**

All neighborhood plans or plan sections may be reviewed and amended by the Metro Council at any time. The Planning Commission or Metro Council may initiate updates to previously completed neighborhood plans, including plans that were completed, but that were not formally adopted by the legislative body. Executive summaries of such plans may be adopted as part of the comprehensive plan if found to comply with the adopted goals and objectives of the comprehensive plan in place at the time of the proposed update or adoption. Such review and amendment shall follow the procedures set forth under §§ 161.01 through 161.07.

#### **§ 161.09 ADOPTED NEIGHBORHOOD PLANS.**

Neighborhood plans adopted by the Metro Council in accordance with this chapter shall be listed in Table XIV: Land Development Code, contained in the Louisville/Jefferson County Metro Government Table of Special Ordinances.