

LDC Reform Project

Text Amendment Report



Case Number:	21-LDC-0002
Text Amendment:	Notice Requirements
Timeline:	6-month
Project Manager(s):	Jay Lockett and Chastity White
LDC Reform Group(s):	Process and Education

DESCRIPTION:

An amendment to Chapter 11 to require notice of development proposals and public hearings be sent to residents in addition to property owners.

PLAN 2040 REVIEW

Increasing the notice requirements to engage all citizens in the planning process is consistent with the CHASE principles that are the underlying values of the Comprehensive Plan. Planning for all citizens must include residents, not only property owners. Highlights within the Chase Principles below:

Connected

Louisville Metro is connected through a multi-modal transportation system that considers **users of all abilities, all modes**, and provides safe, convenient access to jobs, housing opportunities, and regional and national transportation facilities. Louisville Metro is also primed for technological advances that will offer more opportunities for **citizens** and business. Louisville Metro leverages its natural environment and geographic position to **improve quality of life for all citizens**.

Healthy

Louisville Metro's built environment supports active lifestyles by ensuring that **all neighborhoods** promote a state of complete physical, mental and social well-being. The built environment supports the natural environment by considering air, water and soil quality while allowing for appropriate growth and development. **Citizens' quality and quantity of life is enhanced through equitable access** to parks and open space, recreation, healthcare and healthy food with no systematic and changeable differences in health between socially, economically, demographically or geographically defined populations.

Authentic

Louisville Metro is a compassionate community that recognizes its unique culture by supporting the evolution of its neighborhoods through **engaging all citizens**, encouraging local businesses, promoting art and culture, and recognizing important features such as buildings, parks, waterways, among others in the built and natural environment. Promoting preservation

and adaptive re-use of historic structures to support the community's growth and development aids in maintaining Louisville Metro's unique character.

Sustainable

Louisville Metro is a resilient community that **improves quality of life for all citizens by encouraging green practices in development and redevelopment** of buildings, transportation and infrastructure. Louisville Metro maintains its existing infrastructure and encourage sustainable, high-quality development practices that provide livable, walkable communities while being harmonious with the natural environment.

Equitable

Louisville Metro is a community that values diversity and recognizes that resources, opportunities, and outcomes must be shared by **all. Louisville Metro seeks to engage all citizens in the decision-making process and address the history of inequities and their ongoing impacts**, particularly among communities of color. Louisville Metro's built environment supports the creation of safe neighborhoods while providing equitable access to quality education, employment and affordable housing of choice for all citizens. The community enjoys the benefits of economic growth and improvements to the built and natural environment in and across neighborhoods.

The "Equitable" principle in particular explicitly states a need to "engage all citizens in the decision-making process." Increasing the notice requirements to be more inclusive are a necessary step to meet the intent of these principles.

EQUITY REVIEW:

These reforms would increase the accessibility and engagement for citizens and residents of the city. It would allow for greater notice to be sent to underserved communities who may be less likely to own property.

BEST PRACTICE RESEARCH:

Staff researched other cities' codes and notice requirements, as well as available American Planning Association research. The majority of cities require only a notice for property owners. The city of Austin, TX requires notice of utility customers within a notice area, which captures more renters and expands notice. Seattle has a more comprehensive notice requirement that includes tenants of rentals and managers of commercial leases. Louisville Metro would be taking a leadership position in pioneering the expansion of notice requirements to be more inclusive of all residents.

PROPOSED TEXT AMENDMENT:

The following are amendments to 11.4.1 Origination of Application:

- 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 as well as mailed to “Current Resident” for all dwelling units located on properties where notice of owners is required by this part.

The following are amendments to 11.4.3 Neighborhood Meeting Requirement:

- 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:
 - 1. First Tier Property Owners – The owner(s) of every parcel of property adjoining at any point, and every parcel directly across the street, from the property that is the subject of the application;
 - 2. Second Tier Property Owners- The owner(s) of every parcel of property that adjoins the adjoining property or the property directly across the street from said adjoining property within 500 feet of the property that is the subject of the application;
 - 3. 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;
 - 4. The mayor and city clerk of any second through sixth class city if the development is located within such a municipality;
 - 5. Metro Council district representative; and
 - 6. PDS staff.
 - 7. To “Current Resident” for all dwelling units located on properties where notice of owners is required by this part.

The following are amendments to 11.4.4 Application:

- 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 and to “Current Resident” for all dwelling units located on properties where notice of owners is required by this part. In addition, staff shall endeavor to assure that notice is given to all neighborhood groups who have registered to receive notice of development applications.

The following are amendments to 11.4.7 Plan Certain Development:

- 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 owners is required by this part, 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.

The following are amendments to 11.5A.3: Neighborhood Meeting Requirement:

- 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:
 - 1. First Tier Property Owners- The owner(s) of every parcel of property adjoining at any point, and every parcel directly across the street, from the property that is the subject of the application;
 - 2. Second Tier Property Owners - The owner(s) of every parcel of property that adjoins the adjoining property or the property directly across the street from said adjoining property within 500 feet of the property that is the subject of the application;
 - 3. The mayor and city clerk of any second through sixth class city if the development is located within such a municipality;
 - 4. 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;
 - 5. Metro Council district representative; and
 - 6. PDS staff.
 - 7. To “Current Resident” for all dwelling units located on properties where notice of owners is required by this part.

The following are amendments to 11.5A.5: Public Hearing:

- 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, as well as “Current Resident” for all dwelling units located on properties where notice of owners is required by this part. 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.

The following are amendments to 11.5B.3: Public Hearing:

- 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 as well as “Current Resident” for all dwelling units located on properties where notice of owners is required by this part. In addition, staff shall endeavor to assure that notice is given to all neighborhood groups who have registered to receive notice of development applications.

The following are amendments to 11.6.4.B: Category 3 Review Procedure:

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 and to “Current Resident” for all dwelling units located on properties where notice of owners is required by this part. In addition, staff shall endeavor to assure that notice is given to all neighborhood groups who have registered to receive notice of development applications.

The following are amendments to 11.7.1: Planning Commission Review of Staff Determinations:

- 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 and to “Current Resident” for all dwelling units located on properties where notice of owners is required by this part.

The following are amendments to 11.7.2: Planning Commission Review of Committee Determinations:

- 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 and to “Current Resident” for all dwelling units located on properties where notice of owners is required by this part.

The following are amendments to 11.7.3.B: Board of Zoning Adjustment Review of Staff Determinations:

2. Notice - Notice of the public hearing on the appeal shall be given in accordance with KRS Chapter 100 and to “Current Resident” for all dwelling units located on properties where notice of owners is required by this part.

The following are amendments to 11.7.5.D: Legislative Body Review of Commission Action on Development Plans:

4. To “Current Resident” for all dwelling units located on properties where notice of owners is required by this part.

The following are amendments to 11.8.3: Notice:

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 and to "Current Resident" for all dwelling units located on properties where notice of owners is required by this part. Such notice shall be given no less than ten (10) calendar days prior to the meeting at which the request is to be considered.

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