

The Citizens Coalition for Land Development Code Reform is an ad hoc, community-based group, formed by neighbors from neighborhoods all over Louisville. The coalition members are from over 20 zip codes in Louisville. We are a multi-generational and multi-racial group from the urban, suburban, and rural parts of Louisville Metro.

The coalition spent the past 4 weeks discussing the initial proposed changes released by Metro's Planning and Design Services. Through hours of discussion, we shared our excitement, concerns, and stories. We support many of the initial proposed changes to the Land Development Code and provide the following recommended changes.

NOTICES

We support Planning and Design Services' recommendation to open up the notice recipients to all residents of properties where notice of owners is required, not just property owners. In addition, we recommend extending the notice time and expanding the notice avenues.

Recommendation: There needs to be a better process for notification. And the process needs to be enforced. Notices should go to all required residents and owners 45 days in advance of a hearing/public meeting.

1. NOTICE METHODS

We understand currently the developer or proponent of the project is required to give notice through the U.S. Postal Service, the PDS Electronic Notification for Development Proposals List, and the Louisville Metro Website. We recommend expanding the notice requirement to include a broad-based internet media platform such as Louisville Metro Government Facebook

2. NOTICE RECIPIENTS

We recommend expanding the notice recipients to include residents, renters, and property owners within and including 500 feet of the subject property.

We also recommend displaying the method to join the PDS Electronic Notification for Development Proposals prominently on the front page of the PDS website.

3. NOTICE TIMING

We recommend changing the required timing for notice so the developer or the proponent of the project shall disseminate all required methods of notice at least forty-five (45) days prior to any hearing.

4. NOTICE VERIFICATION

We recommend requiring that before a hearing shall be called to order or allowed to commence, the developer or proponent of the project shall affirmatively prove that notice was given in compliance with 1, 2, and 3. The hearing officer, BOZA, LD&T, Planning & Zoning, Metro Council, or any other pertinent board does not have the discretion to waive or veto any of the notice requirements.

5. PENALTY FOR FAILURE TO GIVE REQUIRED NOTICE

We recommend requiring that if the developer or the proponent of the project cannot affirmatively prove that they fully complied with the notice provisions, no hearing shall be held at that time. If the developer or proponent of the project wishes to proceed with the project, they shall recommence the notice process and shall not be able to reschedule the hearing or schedule another hearing, until they comply with all of the notice requirements, including another forty-five (45) days notice.

Justification: Notice is the catalyst to engaging residents in the development process. The public deserves the right to know what is happening as well as the opportunity to share their support or concerns. The public also deserves to receive notice in ways that are easy to navigate and understand. The current system of navigating the city's cumbersome website to find the webpage to sign up for notices is not intuitive or user-friendly. The mail system is running much slower so extending the length of time that notice is sent will ensure residents and business owners receive the notice in a timely manner.

URBAN AG

Recommendation: We support the Urban Agriculture Coalition's recommended changes regarding urban agriculture in the Land Development Code.

ACCESSORY DWELLING UNITS

Recommendation: In zoning districts where a Conditional Use Permit (CUP) is required for an ADU, the property owner wanting to build an ADU could get the signatures of the adjoining property owners agreeing to the plan and submit those with their building plan to the city along with a \$25 processing fee in order to bypass the CUP requirement. If they do not get the signatures of the adjoining property owners, they would need to get a CUP. The cost of obtaining a CUP would be reduced to \$25. In both cases, PDS staff would assist them to understand the CUP process and help them prepare for a hearing. A plan to manage stormwater runoff caused by adding the additional impermeable surface from the ADU needs to be included with each structure's plan.

Justification: Allowing ADUs by right in every residential zoning district removes the neighbors' voice in the process. Plan 2040, in Community Form, Goal 1, Objective e. recommends "The community is engaged in the planning and development process." In Livability, Goal 3, Objective c., Plan 2040 recommends "Neighborhood and community groups are supported and empowered to participate in land use planning and policy-making processes." There are instances where ADUs could drastically change the neighborhood or a neighbor's experience in their home, especially in single-family home neighborhoods. Neighbors should have a voice. We acknowledge the process of obtaining a CUP may be a barrier to some folks. We are recommending an alternative that allows neighbors to communicate about their plans and build an ADU that would still hold the builder accountable. We would like to see a change within PDS to prioritize assisting residents to navigate these processes so they can be successful in obtaining their CUP and building their ADUs.

Recommended Text:

4.3.25 Accessory Dwelling Unit (ADU)

Accessory dwelling units may be permitted in all zoning districts that permit residential use either with a Conditional Use Permit or in accordance with the following special standards:

- A. (same as proposed)
- B. (same as proposed)

- C. (same as proposed)
- D. (same as proposed)
- E. (same as proposed)
- F.—Other Uses: An ADU shall not be used as a boarding and lodging house, a homeless shelter or transitional housing. An ADU shall not be used as a short-term rental.
- G. (same as proposed)
- H. (same as proposed)
- I. The owner(s) of every parcel of property adjoining the subject property at any point and every parcel directly across a street or alley have agreed by signature to the proposal.
- J. A satisfactory plan for surface stormwater runoff shall be submitted.

RESIDENTIAL SETBACKS

Recommendation: Maintain current setback requirements on RR and R-1

Justification: RR and R-1 are comprised of a very small number of properties, mostly in semi-rural and rural areas of Jefferson County. Reducing the setback on RR and R-1 from 75 feet to 15 feet would not allow for folks to live in a more rural, secluded setting since houses would be so close to the road.

TWO DWELLING UNITS PERMITTED IN MULTIFAMILY ZONING

We support the proposed change.

FLOOR AREA RATIOS

We support the proposed change.