

RESOLUTION NO. _____, SERIES 2023

**A RESOLUTION REQUESTING THE PLANNING COMMISSION REVIEW
THE BOND PROCESS IN CHAPTER 7, PART 2 OF THE LAND
DEVELOPMENT CODE (“LDC”).**

SPONSORED BY: COUNCIL MEMBER _____

WHEREAS, Section 7, Chapter 2 of the Land Development Code (“LDC”), which among other things, provides for the types and amounts of bond instruments to ensure that road and drainage improvements are made, as well as the process by which such instruments are released, have been largely unaltered since 2006; and

WHEREAS, a comprehensive review of the bond instruments, process, and amounts is warranted, given the passage of time, to ensure that the amounts are sufficient; and

WHEREAS, in certain instances, the bond instruments have been released without the consent of the Louisville Metro Department of Public Works (“Public Works”) and/or the Louisville and Jefferson County Metropolitan Sewer District (“MSD”), which creates an unnecessary burden on those agencies, as well as the property owners who have bought lots from the subdivider or developer who posted the bond instruments; and

WHEREAS, in other instances, enforcement actions have been initiated after the subdivider or developer has been released from the bond instruments, again, creating a burden on the agencies and the subsequent purchasers; and

WHEREAS, in some instances, when the bond instruments have been released, the agencies have missed items that the subsequent purchasers could have brought to the agencies’ attention, if those purchasers had been given notice and an opportunity to comment prior to the release of the bond instruments; and

WHEREAS, a review of the process is warranted to see if there are opportunities to provide for (i) additional types of bond instruments and whether the required amounts should be increased, seventeen (17) years after these requirements were first created, (ii) additional penalties for those subdividers or developers who succeed in getting bond instruments released without Public Works or MSD's consent, (iii) better communication with and input from the impacted purchasers prior to the release of the bond instruments; and (iv) a review of the landscape plan for compliance prior to release of the bond instruments and (v) a review of the bond release process to improve efficiency and reduce unnecessary administrative burdens.

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

SECTION I: Planning Commission and its staff shall undertake a review of the bond process in Chapter 7, Part 2 of the LDC, with such review to include a review of the following:

- (a) The types of bond instruments that are acceptable to Public Works and/or MSD, along with the applicable amounts;
- (b) Whether additional penalties are needed in the event a bond instrument is released without the consent of Public Works and/or MSD;
- (c) Whether the ~~subdivider/builder~~process should improve communication with the ~~be required to provide a copy of its request for release to the~~ lot owner(s) in the subdivision; to improve transparency~~with the opportunity for the lot owner(s) to provide input regarding any issues or punch list items to Public Works and MSD~~ prior to those agencies releasing the bond instruments;

(d) Whether a requirement should be added to have either the landscape architect, Metro Planning & Design Services staff and/or zoning enforcement to review for compliance with the applicable landscape plan and any binding elements at the time of release request, so if the lots are is not in compliance, enforcement action can be taken against the subdivider/builder:-

~~(d)~~(e) Whether Metro Government can waive penalties or the land development code can eliminate liability against a community for any violations which were inadvertently missed during the bond release process.

SECTION II: This Resolution shall take effect upon its passage and approval or otherwise becoming law.

Sonya Harward
Metro Council Clerk

Markus Winkler
President of the Council

Craig Greenberg
Mayor

Approval Date

APPROVED AS TO FORM AND LEGALITY:

Michael J. O'Connell
Jefferson County Attorney

By: _____