

ORDINANCE NO. _____, SERIES 2023

AN ORDINANCE CREATING A NEW SECTION TO LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT CODE OF ORDINANCES (“LMCO”) CHAPTER 153 REGARDING THE PROCESSING OF APPLICATIONS FOR ZONING MAP AMENDMENTS IF THERE ARE DELINQUENT TAXES OR VALID LIENS HELD BY LOUISVILLE METRO THAT ARE UNPAID.

SPONSORED BY: COUNCIL MEMBER MADONNA FLOOD

WHEREAS, pursuant to KRS 100.211(1), a proposal for a zoning map amendment must comply with “any other applicable administrative regulatory requirements or approvals formally required by the local legislative body or applicable state law;” and

WHEREAS, Louisville Metro Government wants to ensure that property owners and applicants, when applying for a zoning map amendment, do not benefit from government services without first complying with their civic duty and paying their taxes and other liens owed to Louisville Metro Government; and

WHEREAS, when taxes are not paid and the delinquency rate rises, both Louisville Metro Government and other, responsible taxpayers shoulder an unfair burden; and

WHEREAS, Louisville Metro already has a similar requirement with respect to licenses to sell alcoholic beverages, as set forth in LMCO §113.17; and

WHEREAS, other cities, such as Nashville, Tennessee, Sioux City, Iowa, Austin, Texas, and Milwaukee, Wisconsin, have enacted provisions stating that zoning applications will not be processed if the owner owes taxes to the local government, or the subject property is encumbered by a local government lien; and

WHEREAS, the Commonwealth of Virginia and the State of New Jersey, have also enacted enabling legislation allowing local jurisdictions to enact similar provisions regarding the non-processing of zoning applications if there are taxes owed, or the

property is encumbered by a local government lien, and many local jurisdictions within those two states have enacted such provisions; and

WHEREAS, the Legislative Council of the Louisville/Jefferson County Metro Government (the “Council”) wishes to enact a provision requiring property owners and applicants, when applying for a zoning map amendment, be current on their taxes and any other liens owed to Louisville Metro Government.

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

SECTION I: Creates a new section of LMCO Chapter 153 as follows:

§ 153.XX APPLICATIONS FOR ZONING MAP AMENDMENTS NOT TO BE PROCESSED IF THERE ARE DELINQUENT TAXES OR VALID LIENS HELD BY LOUISVILLE METRO THAT ARE UNPAID.

(A) No application submitted by a property owner, or by an applicant on behalf of a property owner, for a change in zoning form and/or district shall be scheduled for a public hearing by Louisville Metro Planning Commission staff if, at the time the application is filed:

1) Louisville Metro has a lien on the property that is the subject of the application which has not been paid in full, provided all appeals of such liens have concluded or the time to appeal has expired (a “valid lien”); and/or

2) The property owner is delinquent in the payment of any taxes due to the Louisville Metro Government as of the date the application is submitted, provided all appeals of such taxes have concluded or the time to appeal has expired; and/or

3) The applicant, who may be either the property owner or an individual or entity other than the property owner, is delinquent in the payment of any taxes due to

the Louisville Metro Government as of the date the application is submitted, provided all appeals of such taxes have concluded or the time to appeal has expired; and/or

4) The applicant is subject to a valid lien by Louisville Metro that has not been paid in full, provided that all appeals of such liens have concluded and the time to appeal has expired.

Once the liens and/or delinquent taxes have been paid in full, the application may be scheduled for a public hearing by Louisville Metro Planning Commission staff.

(B) If the owner and/or applicant is not an individual, this section will also apply to (i) in the case of an owner and/or applicant that is a corporation, any shareholder owning 20% or more of voting stock, (ii) in the case of an owner and/or applicant that is a partnership, any partner, general partner or limited partner owning 20% or more of the partnership, or (iii) in the case of an owner and/or applicant that is a limited liability company, any member or manager owning 20% or more of the company.

(C) Once Louisville Metro Planning Commission staff has received a determination from the relevant Metro agencies that there are no taxes and/or liens due, that determination shall be relied upon conclusively. Any failure associated with those agencies' determination shall not invalidate the actions of the Planning Commission. Any interested party who believes that the information provided to the Metro agencies for their determination was inaccurate and/or incomplete shall raise such concerns either prior to or at the public hearing.

(D) This section shall apply to any application received after the effective date of this section and to any pending application received prior to the effective date which

has not been scheduled, as of the effective date, for a public hearing by the Louisville Metro Planning Commission.

SECTION II: This Ordinance 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: _____
O-054-23 – Ordinance Creating a New Section of LMCO 153 Regarding Zoning Applications and Delinquent Taxes (lf)