



Louisville Metro Government

Meeting Agenda – Final

Planning and Zoning Committee

Chair Madonna Flood (D-24)

Vice Chair Scott Reed (R-16)

Committee Member Phillip T. Baker (D-6)

Committee Member Ben Reno-Weber (D-8)

Committee Member Jennifer Chappell (D-15)

Committee Member Betsy Ruhe (D-21)

Committee Member Robin Engel (R-22)

Committee Member Khalil Batshon (R-25)

May 02, 2023

1:00 PM

Council Chambers/Virtual

THIS MEETING IS BEING HELD VIA VIDEO TELECONFERENCE

- 10. O-054-23** 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.

Enactment #: Ordinance No. 092, Series 2023

Sponsors:

COMMITTEE ON COMMITTEES

Legislation Request

DATE: April 11, 2023
FILE ID O-054-23
FILE TYPE Ordinance
IN CONTROL Committee on Committees

ITEM TITLE:

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.

PRIMARY SPONSORS:

Madonna Flood

ADDITIONAL SPONSORS:

ATTACHMENTS:

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)



Louisville Metro Government

Master

File Number: O-054-23

File ID: O-054-23

Type: Ordinance

Status: New Business

Version: 1

Reference:

In Control: Planning and Zoning Committee

File Created: 03/14/2023

File Name:

Final Action:

Title: 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.

Internal Notes:

Agenda Date: 04/11/2023

Sponsors: Primary Madonna Flood (D-24)

Enactment Date:

Attachments: O-054-23 V.1 041323 Ordinance Creating New Section of LMCO 153 Regard Zoning Applications and Delinquent Taxes .pdf

Enactment Number:

Contact:

Hearing Date:

Entered by: Andrea.Derouen@louisvilleky.gov

Effective Date:

Related Files:

Approval History

Version	Seq #	Action Date	Approver	Action	Due Date
1	2	3/14/2023	Hollie Hopkins	Delegated	
1	3	3/14/2023	Laura Ferguson	Approve	3/16/2023
1	5	3/14/2023	Madonna Flood (D-24)	Approve	3/16/2023
1	6	3/15/2023	Metro Clerk's Office	Approve	3/23/2023

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:

Text of Legislative File O-054-23

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.

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(ii) 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

(iii) 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

(iv) 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.

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(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 (If)

ORDINANCE NO. 092, 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.

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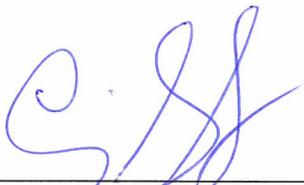
SECTION II: This Ordinance shall take effect upon its passage and approval or otherwise becoming law.



Sonya Harward
Metro Council Clerk



Markus Winkler
President of the Council



Craig Greenberg
Mayor

August 3, 2023

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 (If)

ORDINANCE NO. 052, SERIES 2024

AN ORDINANCE RELATING TO THE ZONING OF PROPERTY LOCATED AT 7601 VAUGHN MILL ROAD CONTAINING APPROXIMATELY 2.66 ACRES AND BEING IN LOUISVILLE METRO (CASE NO. 23ZONE0058).

SPONSORED BY: COUNCIL MEMBER MADONNA FLOOD

WHEREAS, the Legislative Council of the Louisville/Jefferson County Metro Government (the “Council”) has considered the evidence presented at the public hearing held by the Louisville Metro Planning Commission (the “Planning Commission”) and the recommendations of the Planning Commission and its staff as set out in the minutes and records of the Planning Commission in Case No. 23ZONE0058; and

WHEREAS, the Council concurs in and adopts the findings of the Planning Commission for the zoning change in Case No. 23ZONE0058 and approves and accepts the recommendation of the Planning Commission as set out in said minutes and records.

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

SECTION I: That the zoning of the property located at 7601 Vaughn Mill Road containing approximately 2.66 acres and being in Louisville Metro, as more particularly described in the minutes and records of the Planning Commission in Case No. 23ZONE0058, is hereby changed from R-4 Single Family Residential to C-1 Commercial; provided, however, said property shall be subject to the binding elements as set forth in the minutes of the Planning Commission in Case No. 23ZONE0058.

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



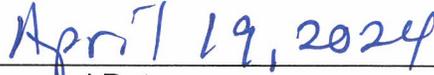
Sonya Harward
Metro Council Clerk



Markus Winkler
President of the Council



Craig Greenberg
Mayor

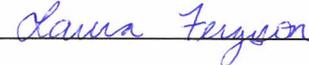


Approval Date

APPROVED AS TO FORM AND LEGALITY:

Michael J. O'Connell
Jefferson County Attorney



By: 

O-054-24- Zoning at 7601 Vaughn Mill Road (lf)

Harward, Sonya

From: Metcalf, Megan
Sent: Thursday, April 25, 2024 12:54 PM
To: Harward, Sonya; Kaplan, David
Subject: Re: Date Legislation was Signed?

Thank you Sonya!

Megan A. Metcalf, Esq.
Deputy General Counsel
Office of the Mayor
(d) (502) 574-7270
(c) (502) 930-6382

From: Harward, Sonya <Sonya.Harward@louisvilleky.gov>
Sent: Thursday, April 25, 2024 12:45:54 PM
To: Kaplan, David <David.Kaplan@louisvilleky.gov>; Metcalf, Megan <Megan.Metcalf@louisvilleky.gov>
Subject: RE: Date Legislation was Signed?

I spoke to Sarah Ward in your office today and she got me the date of Friday, April 19th. I'll send you the updated legislation by tomorrow.

Thanks,
Sonya



Sonya Harward
Louisville Metro Council Clerk
601 W. Jefferson Street, Ste. 103
Louisville, KY 40202
(502) 574-2704 (direct)
(502) 574-3902 (office)

From: Harward, Sonya
Sent: Thursday, April 25, 2024 8:24 AM
To: Kaplan, David <David.Kaplan@louisvilleky.gov>; Metcalf, Megan <Megan.Metcalf@louisvilleky.gov>
Subject: Date Legislation was Signed?
Importance: High

Good morning, David and Megan,
The approval date is not on the legislation but I can add it if you let me know what day the Mayor signed it. I'll send you a copy once I've added it as well.

Thanks,