

RESOLUTION NO. 082, SERIES 2020

A RESOLUTION REQUESTING THE PLANNING COMMISSION REVIEW THE LAND DEVELOPMENT CODE AND DEVELOP RECOMMENDATIONS FOR MORE EQUITABLE AND INCLUSIVE DEVELOPMENT.

SPONSORED BY: COUNCILMEMBERS DORSEY, HOLLANDER, GEORGE, FLOOD, AND PRESIDENT JAMES

WHEREAS, following the Louisville Metro Planning Commission's ("Planning Commission's") recommendation, on June 14, 2018, the Legislative Council of the Louisville/Jefferson County Metro Government ("Council") passed Ordinance No. 085, Series 2018 adopting Plan 2040. Plan 2040 was also forwarded to the 12 cities with zoning authority in the Louisville Metro planning unit. The plan was formally adopted by each of the legislative bodies or deemed to have been approved by operation of law pursuant to Kentucky Revised Statutes; and

WHEREAS, Plan 2040 included five overarching principles that became the guiding force behind the development of the plan's goals, objectives, and policies. These guiding principles – Connected, Healthy, Authentic, Sustainable, and Equitable ("CHASE"), emerged from early public engagement activities and were further defined through the plan's public involvement process; and

WHEREAS, one of the CHASE principles, Equitable, focuses on the community's diversity and recognizes that resources, opportunities, and outcomes must be shared by all. The Planning Commission seeks to engage all citizens in the land use decision-making process and address the history of inequities and their ongoing impacts, particularly among communities of color; and

WHEREAS, according to Housing Goal 3: Policy 1, Plan 2040 encourages the provision of fair and affordable housing by providing a variety of ownership options and unit costs throughout Louisville Metro and calls for expanded opportunities for people to live in quality, variably priced housing in locations of their choice by encouraging affordable and accessible housing in dispersed locations throughout Louisville Metro; and

WHEREAS, according to Economic Development Goal 2: Objective E, Plan 2040 provides that land use policies promote an equitable distribution of accessible housing, recreations, and other community services; and

WHEREAS, according to Economic Development Goal 2: Policy 4, Plan 2040 calls for programs to be promoted and developed that support equitable growth and increase property values in historically underserved communities; and

WHEREAS, according to Community Form Goal 2: Policy 18, Plan 2040 encourages development and redevelopment in certain locations, implementing innovative practices for land use regulations such as form based coding and permissive zoning, and regularly reviewing and updating the Land Development Code (“LDC”) to ensure best practices are followed; and

WHEREAS, it is crucial in planning for an equitable future that Louisville Metro attains a greater understanding of its past and grows from both its intentional and unintentional missteps in policy decisions, beginning with the establishment of Louisville’s first City Planning Committee in 1908 and the striking down of Louisville’s racial occupancy ordinance by the U.S Supreme Court in 1917 (*Buchanan V. Warley*, 245 U.S 60 (1917)); and

WHEREAS, racial covenants and deed restrictions preventing the sale of property to non-whites was common practice until the U.S Supreme Court intervened in the case of an African American family in St. Louis, MO that purchased a home subject to a racially restrictive covenant in 1945. The U.S. Supreme Court ruled the practice unconstitutional in 1948 (*Shelley v. Kramer*, 334 U.S 1 (1948)); and

WHEREAS, redlining, a practice using residential securities maps to guide investment within cities was created by the Home Owners' Loan Corporation (founded 1933) and was used to systematically discriminate through the denial of loans or insurance to individuals located in certain geographic areas. The Home Owner's Loan Corporation disbanded in 1951 and the practice of redlining was officially rebuked in the Fair Housing Act of 1968; and

WHEREAS, the consequences of these practices and many others since the legal authority for zoning was recognized as constitutional by the U.S Supreme Court in 1926 (*Village of Euclid v. Ambler Realty Company*, 272 U.S. 365 (1926) and the adoption of Louisville's first comprehensive zoning ordinance in 1931 (Ord. No. 194, Series 1931) continue to adversely impact equitable and inclusive development throughout the Louisville Metro community; and

WHEREAS, the population of Louisville Metro will continue to grow and become more diverse; and

WHEREAS, the Council recognizes that the LDC contains regulations that disproportionately harm Louisville Metro's underserved and minority communities and that those regulations need to be identified and changed; and

WHEREAS, the LDC Diagnosis performed by Opticos Design for Develop Louisville and an Advancing Equity study conducted by Develop Louisville staff identified barriers to equitable and inclusive development. Each provided recommendations to amend the LDC to address equity and increase the usability of the LDC; and

WHEREAS, a community's ability to understand land use policies is predicated on the capacity of education, time, and resources thus creating inherent disparities in the participation of community driven development, ongoing engagement, and enforcement of existing policies; and

WHEREAS, the Planning Commission and its staff shall research best practices and make recommendations for ongoing community engagement, education, and communication on the practical application of the LDC (e.g. permitted uses with land use categories, ways to influence decision making, where to find resources, how to report violations, etc.); and

WHEREAS, based upon the current nationwide push to address racism and inequity within communities, the time has come to comprehensively review and address land use regulations and policies to ensure that development regulations and policies are equitable to all citizens of Louisville Metro.

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 LDC and develop recommendations thereto to the Council to reform the LDC for more equitable and inclusive development.

SECTION II: This Resolution shall take effect upon its passage and approval.

Sonya Harward

Sonya Harward
Metro Council Clerk

David James

David James
President of the Council

Greg Fischer

Greg Fischer
Mayor

8/26/2020

Approval Date

APPROVED AS TO FORM AND LEGALITY:

Michael J. O'Connell
Jefferson County Attorney

By:

Michael J. O'Connell

**LOUISVILLE METRO COUNCIL
ADOPTED
August 20, 2020**

R-102-20 LDC Reform Resolution (LF)