

# Legal Research & Legislative Template

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# Legal Questions and Tasks

- Questions:
  - Which law and policy systems are needed to support neighborhoods?
  - Are there gaps in the law that would allow for health inequities within neighborhoods?
- Tasks:
  - Legal Policy Review
  - Legislative Template



# Legal Research Findings

UBN Factors	Legal/Policy Points	State	Notes
Housing	Affordability	KY, AL	Affordable housing
	Fair Housing (Renters) Nuisance Laws	NY, DE, OR MA, WI, NM	Provisions that ensure timely repairs, eviction limitations, etc. Calls for emergency are not nuisance activities
Built Environment	Zoning	AZ, CT	Limits zoning caps on multifamily units, addresses discrimination
	Land use	FL, MD, MN NC, FL, KY, NV	Allows more local comprehensive planning State-wide comprehensive plan
	Green infrastructure	MD, WA	Urban forestry, scorecard (roofs, runoff, etc.)
Transportation	Green transportation	CA, MA	Funding for bicycle and pedestrian projects, greenhouse gas reduction
	Public availability	HI, VM, IL	Public transportation infrastructure

# Comprehensive Plan Laws Nationwide

## Delaware

- CP required
- Legal document
- Development must be consistent with CP

## Florida

- CP required
- State oversight limited
- CP is a legal document – local develop must be consistent with the CP

## Oregon

- CP required
- Statewide goals are mandatory for local governments
- Required zoning regulations to implement the plan
- Legally binding goals, plans, and regulations



# The Comprehensive Plan-KY

- The CP is a planning guide for zoning processes in Kentucky communities with zoning laws and planning units.
  - The CP should consider future development. *Fritz v. Lexington-Fayette Urban County Gov't*, Ky. (1998).
  - But in no way is the Comprehensive Plan a final plan and it is continually subject to modification as developments continue to impact the land and change its foreseeable use.
- The zoning body is not bound to follow every detail of the plan. It is not final and subject to modification. *Ward v. Knippenberg*, Ky., (1967).
  - Kentucky courts defer to local expertise in zoning matters. KRS Chapter 100 gives wide latitude to the planning body. *Bellemeade Co. v. Priddle*, (Ky. 1973).
  - The Fiscal Court is entitled to review the evidentiary record made before the planning commission and is at liberty to make adjudicative findings different from those found by the planning commission.



# Comprehensive Plan – Legal Requirement Snapshot

## Minimum Requirements:

- Goals and objectives that guide physical development, **economic and social well-being** of the planning unit
- Proposal for use of public and private lands and their uses
- Plan for transportation elements
- Plan for community facilities



# Comprehensive Plan – Research Requirements

Prior to the adoption of a Comprehensive Plan, each planning unit must conduct “research, analysis and projections”, which support “all elements” of the Comprehensive Plan. Those elements are set forth in KRS 100.191 include:

- Analysis of present and future population trends;
- Present and future economic forecasts;
- Research and analysis of the community needs for existing land and building use; transportation and community facilities; identification and mapping of agricultural lands of statewide importance; and analysis of community land use needs on those lands; and
- Additional information, which the Planning Commission believes, will serve the purposes of the Comprehensive Plan.

# Working Legal Argument

- The research mandated for the comprehensive planning process should include an enumerated requirement for health-based “research, analysis and projections” to be conducted prior to the adoption of the Comprehensive Plan.
- Health-based Research Lens
  - Traditional Scholarly Research and Data
  - Community-based Participatory Research (Community Engagement)

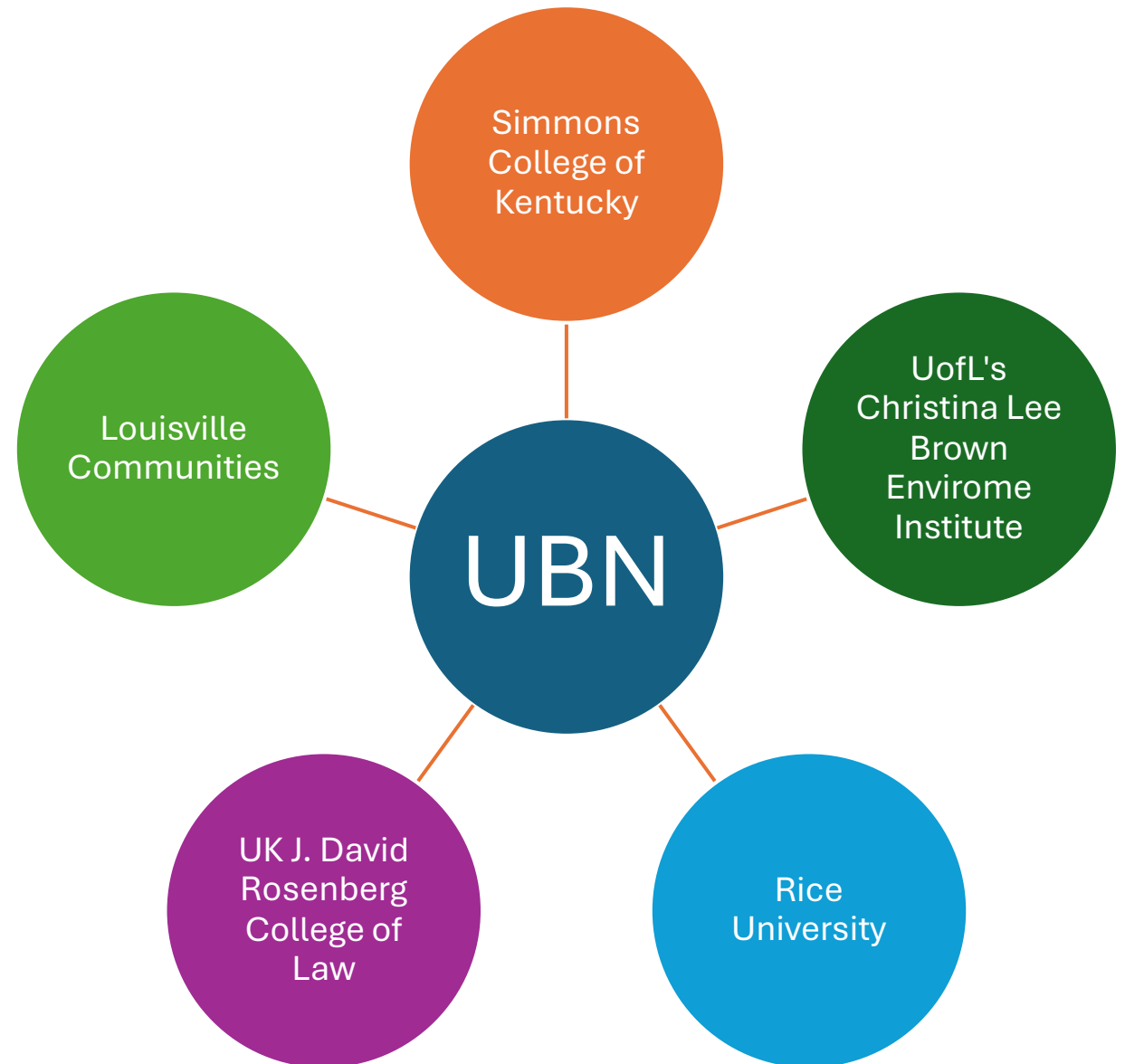


# Comprehensive Plan – Revision of Research Requirement

- (c) Research, data, and analysis used to inform the planning elements shall include, but aren't limited to:
  - (1) Surveys and studies related to appropriate land use and development
  - (2) Analysis of present and future population trends
  - (3) Economic and fiscal data specific to the municipality and adjacent areas
  - (4) Present economic status and future economic forecasts
  - (5) Analysis of transportation present and future needs
  - (6) Health needs assessments and evaluations
  - (7) Neighborhood plans, goals, and visions, if available
  - (8) Other data sources the municipality deems necessary for developing the Comprehensive Plan.

# Comprehensive Plan – Revision of Research Requirement

- Transdisciplinary Research
  - Economics
  - Health Outcomes
  - Social Impacts
  - Legal Structures
  - Civic Engagement
  - Equity Concerns



# Comprehensive Plan – Revision of Research Requirement

- Neighborhood Level Implications:
  - Policy recommendations for neighborhood plans
  - Carve out for community guidance and accountability measures

