

RESOLUTION NO. _____, SERIES 2023

A RESOLUTION REQUESTING THE PLANNING COMMISSION REVIEW THE METRO LAND DEVELOPMENT CODE REGULATIONS WITH REGARD TO APPLICATIONS FOR CERTAIN REVISED DEVELOPMENT PLANS.

SPONSORED BY: COUNCIL MEMBER CINDI FOWLER

WHEREAS, the Legislative Council of the Louisville/Jefferson County Metro Government (the “Council”) has recently exercised its powers under Section 11.7.5 of the Land Development Code (the “LDC”) to review action by the Planning Commission on Development Plans; and

WHEREAS, other Development Plans have come before Council for review because of binding elements requiring Council review of those revised plans; and

WHEREAS, in reviewing these Development Plans, several plans have given the appearance of a “bait and switch”, because the revised development plan coming before Council for review (i) proposes a dramatically different, usually more intense, use from the development plan that was previously approved as part of the zoning proposal, such as a change in use from commercial to industrial, or from single family residential to multi-family residential, and (ii) is filed in a relatively short period of time, three years or less, after the development plan associated with the zoning proposal was approved; and

WHEREAS, the Council wants to balance discouraging this type of activity while still allowing the majority of the revisions to development plans that occur as part of the development process to proceed; and

WHEREAS, the Council wishes to have the Planning Commission review amending the LDC to provide that, beginning with the effective date of the LDC amendment, once a detailed development plan has been approved in connection with a

zoning approval (the “Original Plan”), an application for a revised detailed development plan that (i) requires a Category 3 review and (ii) proposes a different use for 30% or more of the square footage of the site from what was approved in the Original Plan, cannot be filed for a period of five (5) years from the date the Original Plan was approved. For purposes of this amendment, a change in use is intended to mean only changes in use from residential to either commercial or industrial and vice versa, or a change in use from single family to multi-family and vice versa.

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

SECTION I: The Planning Commission should undertake a review of the current Land Development Code and adopt amendments thereto regarding the timing of when applications for certain types of revised development plans, as described above, can be filed after the Original Plan has been approved. Such recommendations shall be returned to Council within sixty (60) days of its receipt of this Resolution.

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: _____

R-009-22 Amend LDC Related Certain Revised Detailed District Development Plan Applications (If)