

ORDINANCE NO. 091, SERIES 2021

**AN ORDINANCE RELATING TO THE ZONING OF PROPERTIES LOCATED AT 9301-9309 SMYRNA PARKWAY AND PARCEL ID NOS. 066202630000 AND 066202760000 CONTAINING APPROXIMATELY 8.8 ACRES AND BEING IN LOUISVILLE METRO (CASE NO. 20ZONE0121). (AMENDMENT BY SUBSTITUTION)**

**SPONSORED BY: COUNCIL MEMBER JAMES PEDEN**

**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. 20ZONE0121; and

**WHEREAS**, on April 23, 2020, the Council passed Ordinance Number 050, Series 2020 titled “An Ordinance Amending The Metro Land Development Code Relating To Trees And Tree Canopy”; and

**WHEREAS**, the importance of trees and tree preservation, not just to the Council but to every resident of Louisville Metro, is manifest; and

**WHEREAS**, the changes in that ordinance included a twenty percent (20%) tree preservation requirement for lots which are fifty percent (50%) or more treed; and

**WHEREAS**, the applicant in this case submitted a plan with less than twenty percent preservation on a lot which is greater than fifty percent treed, requesting to pay the fee-in-lieu to make up the difference; and

**WHEREAS**, the process for the granting of the fee-in-lieu was not properly followed and the Planning Commission did not catch the issue or discuss the request; and

**WHEREAS**, the Council believes that approval of the zoning request would be improper without a full discussion and decision on the issue of tree preservation on the site; and

**WHEREAS**, the Planning Commission is the appropriate forum for discussion of this important issue; and

**WHEREAS**, hearing and decision requirements contained in KRS Chapter 100 are currently suspended per Senate Bill 150(9)(a) due to the ongoing COVID-19 related state of emergency; and

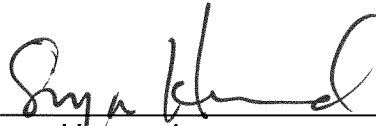
**WHEREAS**, this suspension of relevant deadlines by the State legislature affords both the Planning Commission and Metro Council ample time to consider this case; and

**WHEREAS**, the Council will make a final decision on the zoning request when the Planning Commission has completed its review of the tree canopy issues relevant to the case.

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

**SECTION I:** That the zoning of the properties located at 9301-9309 Smyrna Parkway and Parcel Id. Nos. 066202630000 and 066202760000 containing approximately 8.8 acres and being in Louisville Metro, as more particularly described in the minutes and records of the Planning Commission in Case No. 20ZONE0121, is hereby returned to the Planning Commission for further consideration, specifically regarding tree preservation and the fee-in-lieu request on the site.

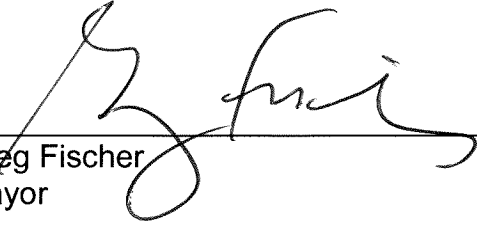
**SECTION II:** This Ordinance shall take effect upon its passage and approval.



Sonya Harward  
Metro Council Clerk



David James  
President of the Council



Greg Fischer  
Mayor

7/8/2021

Approval Date

**APPROVED AS TO FORM AND LEGALITY:**

Michael J. O'Connell  
Jefferson County Attorney

BY: 

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**LOUISVILLE METRO COUNCIL  
READ AND PASSED  
June 24, 2021**