
Chapter 11 Part 4 Zoning and Form District Map Amendments

11.4.1 Origination of Application

A. Zoning and/or Form District Map Amendments

Property owners, legislative bodies with jurisdiction and the Planning Commission may initiate zoning and/ or form district map amendments. All proposals for zoning and/or form district map amendments shall be referred to the Planning Commission for review and recommendation prior to legislative action on the proposed amendment.

B. Zoning and/or Form District Map Amendments not Associated with Specific Development Proposals

Legislative bodies with jurisdiction and the Planning Commission may initiate zoning and/ or form district map amendments not associated with a specific development proposal. Such amendments shall, in cases where the applicant has no ownership interest in the subject property, be exempt from the development plan and binding element requirements of this Part. Notice for hearings to consider zoning or form district map amendments not associated with specific development proposals shall be given in accordance with KRS100. In addition, a supplemental notice to be addressed to "Current Resident" shall be mailed to all dwelling units located on properties where notice of owners is required by this part in accordance with Planning Commission bylaws and policies. Addresses shall be obtained using available data from Louisville Metro Government, and those records may be relied upon conclusively to determine the dwelling units to be included in the supplemental notice. Failure of any person to receive a notice addressed to "Current Resident" mailed in compliance with Planning Commission bylaws and policies shall not invalidate the actions of the Planning Commission.

NOTE: Section B addresses what is commonly known as the area wide rezoning process. Other parties who want to change zoning or form districts under the provisions of section B should work through Division staff and/or their legislative body representative.

11.4.2 Pre-Application

Prior to formal application for Zoning District Map Amendments or Form District Map Amendments the applicant or applicant's agent shall file a plan and supporting materials with the Planning Director. The materials to be submitted shall be determined by the Planning Director or designee, and shall be identified on a checklist that is made available to the applicant. Planning Director's designee(s) shall be appointed in compliance with current Planning & Design Services administrative policies. The Planning Director shall review the materials submitted and provide the applicant with a report addressing, as appropriate, the following issues:

A. Comprehensive Plan Compliance

B. Zoning and Form District and Subdivision Regulation impacts

C. Site characteristics that may have a significant impact on the proposed development

No formal pre-application conference is required unless specifically requested by the applicant or Planning Director.

NOTE: Pre-application required but conference is optional.

11.4.3 Neighborhood Meeting Requirement

A. Prior to formally filing a change in zoning request a letter shall be sent from the developer/owner

stating that a pre-application has been filed with PDS and announcing a public meeting held by developer/owner to discuss the proposed project. The neighborhood meeting shall not occur before 6:00 PM. The letter shall be mailed no less than 14 calendar days prior to the neighborhood meeting. The letter shall be sent to:

1. First Tier Property Owners – The owner(s) of every parcel of property adjoining at any point, and every parcel directly across the street, from the property that is the subject of the application;
2. Second Tier Property Owners- The owner(s) of every parcel of property that adjoins the adjoining property or the property directly across the street from said adjoining property within 500 feet of the property that is the subject of the application;

3. Additional Owners -

- a. **In Traditional and Urban Core/Center Form Districts, the owner(s) of every parcel of property within 500 feet of the subject property (measured in a straight line from nearest property line to nearest property line), which were not included as First or Second Tier property owners.**
- b. **In Suburban Form Districts, the owner(s) of every parcel of property within 1,000 feet of the subject property (measured in a straight line from nearest property line to nearest property line), which were not included as First or Second Tier property owners.**
- c. **No notice shall be required for any property within these applicable buffers if there is an Expressway, Major Arterial Street, Railroad, or Perennial Stream between the subject property and the property that would receive notice;**

~~34.~~ Any person listed in the applicable ~~Planning and Design Services~~ Electronic Notification for Development Proposals List for the appropriate Council District will be sent an email notification;

~~45.~~ The mayor and city clerk of any second through sixth class city if the development is located within such a municipality;

~~56.~~ Metro Council district representative; ~~and~~

~~67.~~ PDS staff; **and**

~~78.~~ To “Current Resident” for all **first and second tier** dwelling units located on properties where notice ~~of First Tier Property Owners and Second Tier Property Owners~~ is required by this part in accordance with Planning Commission bylaws and policies. Addresses for “Current Residents” shall be obtained using available data from Louisville Metro Government, and those records may be relied upon conclusively to determine the dwelling units to be included in the supplemental notice.

B. The neighborhood meeting shall be held no more than 90 calendar days prior to the filing of formal application. At time of filing a change in zoning request, the applicant shall provide a summary of a public meeting between the applicant and the parties listed above. The summary shall include a list of those invited, those in attendance and a summary of the issues discussed.

11.4.4 Application

Submission Requirements

Applications for Zoning or Form District Map Amendments shall be signed by the property owner or his/her agent and filed with the Planning Director in accordance with these regulations and the Planning Commission By-Laws and Rules of Procedure. Applications shall be accompanied by

supporting material determined appropriate by the Planning Director and by the appropriate fee. The list of required supporting materials shall be available from the offices of the Commission. Failure to submit all required material may result in delay of the application review. At a minimum, the following materials shall be submitted with all applications for Zoning or Form District Map Amendments:

- A. A “Demonstration of Appropriateness” document which addresses as applicable:
 1. One of the following;
 - a. How the proposed amendment conforms to the Comprehensive Plan; or,
 - b. Why the existing zoning or form district classification is not appropriate and the proposed zoning or form district is appropriate; or,
 - c. What major changes of an economic, physical, or social nature, not anticipated by the Comprehensive Plan, have occurred in the vicinity of the proposed change substantially altering the basic character of the area; and,
 2. How utilities and essential public services will be provided to the property in question; and,
 3. The anticipated time period in which implementation of the proposed uses will be initiated provided the amendment is approved
- B. A site consisting of two (2) or more acres as of the date of passage of this ordinance shall be ineligible for filing an application for a zoning map amendment if 20% or more of a site has been removed at any time (i) within twenty-four (24) months prior to pre-application submittal, if the subject property is owned or acquired by the applicant up to twenty-four (24) months prior to the pre-application filing; or (ii) from the date the applicant had a purchase contract right to purchase the subject property prior to the pre-application filing; both without consultation and approval of the Planning Director or designee. In addition, no such tree removal shall take place in the time between pre-application submittal and final approval. This requirement shall not prohibit tree removal per Chapter 102.02 of the Louisville Metro Code of Ordinances for safety reasons (including dead tree removal), routine maintenance (including removal of invasive species), required geotechnical work, utility work, or anything protected by state statute. Existing and on-going tree farms and nurseries are exempt.
- C. An affidavit by the land owner shall be filed at time of rezone pre-application submittal indicating that 20% or less tree removal took place during the lesser of (i) the land owner’s ownership of the site, inclusive of any purchase contract right to purchase the subject property, or (ii) two (2) years prior to development submittal.
- D. A development plan of sufficient detail to demonstrate to the Planning Commission the character and objectives of the proposed development and the potential impacts of the development on the community and its environs. In instances where a general development plan is submitted, the Planning Commission may require submission of a detailed development plan prior to issuance of site disturbance and building permits. In certain instances, a preliminary subdivision plan will satisfy the requirements for a general or detailed development plan. These circumstances are identified in Part 2 of this Chapter. In addition, staff shall endeavor to assure that notice is given to all neighborhood groups who have registered to receive notice of development applications.
- E. Technical studies or reports required by this Land Development Code including but not limited to air quality, traffic, historic and cultural resource, geologic, hydrologic, and hydro-geologic.
- F. Upon receipt of a complete application, as determined by the Planning Director, staff of Planning and Design Services shall cause notice of the application to be given. Not less than ten (10) calendar days prior to initial consideration of an application by either the Commission or a

Committee thereof, notice of the application shall be given to first and second tier adjoining property owners. In addition, staff shall endeavor to assure that notice is given to all neighborhood groups who have registered to receive notice of development applications, as well as given to “Current Resident” for all dwelling units located on properties where notice of First Tier and Second Tier adjoining property owners is required. Addresses for “Current Resident” shall be obtained using available data from Louisville Metro Government, and those records may be relied upon conclusively to determine the dwelling units to be included in the supplemental notice.

11.4.5 Public Hearing

- A. Hearing Required – The Planning Commission shall hold at least one public hearing on each application for a Zoning or Form District Map Amendment. Notice of the hearing shall be given as specified in KRS 100 **and to the recipients listed in Section 11.4.3.A above**. In addition, staff shall endeavor to assure that notice is given to all neighborhood groups who have registered to receive notice of development applications.
- B. Submission of Materials – No less than fourteen (14) calendar days prior to an original Planning Commission hearing, or seven (7) calendar days prior to a continued hearing date set by the Commission, the applicant shall submit original or revised development plans, traffic and air quality, market studies, proposed binding elements, noise studies, lighting studies, geotechnical or other environmental studies, and any other studies or reports prepared by an expert and the findings of which the applicant intends to present at the which have been prepared in response to comments received during the review process. The applicant shall be responsible for the cost of additional notice resulting from failure to submit items within the required time frame. This section does not preclude the applicant from presenting, at the hearing, changes to the plan in response to concerns of the neighbors or Commission. Other interested parties (including but not limited to neighborhood organizations, adjoining property owners, etc.) submitting studies or reports prepared by an expert and proposed binding elements for review by the applicant and Planning Commission shall submit these materials no less than fourteen (14) calendar days prior to an original Planning Commission hearing, or seven (7) calendar days prior to a continued hearing date set by the Commission. This section does not preclude the applicant or other interested parties from presenting, at the hearing, changes to the plan including changed or revised binding elements in response to concerns of the neighbors or Commission, or rebuttal to submitted studies. Failure to submit these items within the required time frame may be considered grounds for postponing the hearing or deferring action on the proposal.
- C. Hearings shall follow the procedures established in the Planning Commission By-Laws and Procedures.
- D. Following the public hearing, the Planning Commission shall make a recommendation regarding the appropriateness of the Zoning District or Form District Map Amendment to the legislative body with zoning authority over the property in question. In addition, the Planning Commission shall by separate vote, approve, reject or defer action on the development plan submitted and considered in conjunction with the proposed Zoning or Form District Map Amendment.