

Post-It® Fax Note	7671	Date	8/4/08	# of pages ▶	1
To	CHRIS	From	MITZI		
Co./Dept.		Co.			
Phone #		Phone #			
Fax #		Fax #			

SHIVELY

ORDINANCE NO. 2, SERIES 2008

AN ORDINANCE RELATING TO THE ADOPTION, AMENDMENT
AND MODIFICATION OF THE LAND DEVELOPMENT CODE FOR ALL OF
JEFFERSON COUNTY, KENTUCKY (DOCKET NO. 9-58-05) INCLUDING
AMENDMENTS RECOMMENDED BY THE LOUISVILLE METRO PLANNING
COMMISSION SINCE 2006

WHEREAS the City Council of the City of Shively (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 Docket No. 9-58-05 and

WHEREAS the Council has considered the amendments recommended by the Planning Commission since 2006 in Docket Numbers 9-1-06, 8495, 10414 and 10415 and

WHEREAS the Council concurs in the aforesaid findings of the Planning Commission and amendments subject to certain amendments, modifications and exceptions as provided herein.

NOW, THEREFORE, be it ordained by the City of Shively:

Section 1. The City Council of the City of Shively does hereby adopt the 2006

~~amendments to the Land Development Code of Jefferson County as set forth in the~~
minutes and records of the Planning Commission in Docket No. 9-58-05 and Chapters 1,

2, 3, 4, 5, 6, 8, 9, 10 and 11 of the Land Development Code are re-adopted in their entirety, excluding the appendices thereto, and further including amendments recommended by the Louisville Metro Planning Commission since 2006 in Docket Numbers 9-1-06, 8495, 10414 and 10415.

Section 2. Notwithstanding the foregoing, the City Council of the City of Shively reserves all powers assigned it by Kentucky Revised Statutes including, but not limited to, KRS 100, review and final approval of recommended zoning changes, review and approval of development plans in conjunction with form district and zoning map amendments.

Section 3. Notwithstanding the foregoing, the following amendments to Chapter 11 of the Land Development Code are hereby adopted:

11.4.7. Plan Certain Development

A. Designation of Binding Elements

1. The last sentence of section 11.4.7.A. of the Land Development Code is changed to read as follows:

Binding elements approved as any part of any development plan shall be applicable to all development plans subsequently prepared for a subject property, and shall be binding upon the future use and development of such property unless specifically waived by the City Council of the City of Shively upon recommendation by the Planning Commission.

E. Amendments to Binding Elements and Revised District Development Plans

1. Review Procedure

2. The first sentence of Section 11.4.7 E.1 of the Land Development Code is changed to read as follows:

Amendment to any binding element of an approved development plan, including any development plan expiration date, shall require approval by the City Council of the City of Shively upon recommendation by the Planning Commission.

11.6.2 Category I Review Procedure

3. The first sentence of Section 11.6.2 of the Land Development Code is changed to read as follows:

Prior to issuance of building permits, the Mayor of the City of Shively or his/her designee and the local building official shall assure that the plan is in compliance with the applicable provisions of this Code and all binding elements and conditions of approval.

11.6.3 Category II Review Procedure

4. The last two sentences of Section 11.6.2.A. of the Land Development Code are changed to read as follows:

The Planning Director shall recommend approval of the proposed development to the Mayor of the City of Shively or his/her designee if it complies with the requirements of this code, associated binding elements, if any, and other applicable law. In cases in which the Planning Director has reason to question the development plans' compliance with any provision of the Land Development Code, applicable binding elements and conditions of approval, the Director may forward the development plan to the Planning

Commission, or designated committee thereof, for review of the plan and a recommendation thereon to the Mayor of the City of Shively or his/her designee.

5. The second sentence of Section 11.6.3.B of the Land Development Code is changed to read as follows:

Building permits for Category 2 development shall be issued only in conformance with the development plan approved by the Mayor of the City of Shively or his/her designee and any applicable binding elements or conditions of approval of a district development plan.

11.6.4 Category 3 Review Procedure

6. The first sentence of Section 11.6.4.A of the Land Development Code is changed to read as follows:

In addition to those materials required by the appropriate building code, applications for permit for construction, activity meeting the Category 3 thresholds shall be accompanied by a development plan, which has been approved by the Mayor of Shively or his/her designee on the recommendation of the Planning Commission under the Community Design Review Procedure outlined below.

7. The language of the first sentence of Section 11.6.4.B.3 of the Land Development Code is changed to read as follows:

Review of the proposal shall take place in a public meeting before the Planning Commission or Committee thereof, and a recommendation shall be made to the Mayor of the City of Shively or his/her designee.

8. The language of the fourth sentence of Section 11.6.4.B.3 of the Land Development Code is changed to read as follows:

The Planning Commission or designated Committee shall make a recommendation on the proposed development to the Mayor of the City of Shively or his/her designee if it complies with the requirements of this code; associated binding elements, if any; and other applicable law.

9. The language of Section 11.6.4.C is changed to read as follows:

In addition to those materials required by the appropriate building code, applications for permit for construction activity meeting the Category 3 thresholds shall be accompanied by a development plan which has been approved by the Mayor of the City of Shively or his/her designee on recommendation of the Planning Director. Building permits for Category 3 development shall be issued only in conformance with the development plan approved by the Mayor of the City of Shively or his/her designee on the recommendation of the Planning Director and any applicable binding elements or conditions of approval of a district development plan.

11.7.1 Planning Commission Review of Staff Determination

10. Section 11.7.1.A of the Land Development Code is changed to read as follows:

Applicability – When the Planning Director, Director of Works or Local Building Official is authorized by this Land Development Code to take action on a proposal on behalf of the Planning Commission, such action may be appealed to the Planning Commission by filling an appeal no later than fourteen (14) calendar days after the date of the action.

All actions which have not been appealed to the Planning Commission, within fourteen

(14) calendar days shall not be subject to further administrative review or appeal. The Mayor of the City of Shively or his/her designee shall take final action on such an appeal on the recommendation of the Planning Commission.

11. Section 11.7.1.C is changed to read as follows:

Delegation to Committee – The Planning Commission may delegate the authority to consider and make recommendations to the Mayor of the City of Shively or his/her designee on appeals to its Land Development and Transportation Committee or other such Committee of the Commission duly created under the By-Laws of the Commission.

11.8.5 Findings Necessary for Granting of Waiver or Modification

12. The introductory language of Section 11.8.5 of the Land Development Code is changed to read as follows:

The Planning Commission may recommend to the City of Shively waivers or modifications of standards upon a finding that:

11.8.7 Delegation to Committee

13. Section 11.8.7 of the Land Development Code is changed to read as follows:

The Planning Commission may delegate the authority to consider and make recommendations on modifications or waivers to its Land Development and Transportation Committee or such other Committee of the Commission duly created under the By-Laws of the Commission. Such Committee shall make a recommendation regarding the appropriateness of any waivers or modifications to the City Council of the City of Shively.

Section 4. This ordinance shall take effect from and after passage, approval and summary publication as required by law.

First Reading June 2nd, 2008
Second Reading June 16th, 2008.
Passed and Approved June 16th, 2008.



Mayor Sherry S. Conner

Attest: Mitzi Kasitz
Mitzi Kasitz, City Clerk

Introduced by: Mr. McDonald

<u>City Council</u>	<u>Yea</u>	<u>Nay</u>
Burton	✓	—
Mayes	✓	—
McDonald	PRESENT	—
Miller	✓	—
Renn	✓	—
Wathen	—	—

CITY OF SHIVELY

CERTIFIED SUMMARY

ORDINANCE NO. 2, SERIES 2008

**AN ORDINANCE RELATING TO THE ADOPTION, AMENDMENT
AND MODIFICATION OF THE LAND DEVELOPMENT CODE FOR ALL OF
JEFFERSON COUNTY, KENTUCKY (DOCKET NO. 9-58-05) INCLUDING
AMENDMENTS RECOMMENDED BY THE LOUISVILLE METRO PLANNING
COMMISSION SINCE 2006**

I certify that the above styled ordinance adopts the 2006 amendments to the Land Development Code of Jefferson County (Docket No. 9-58-05) Chapters 1, 2, 3, 4, 5, 6, 8, 9, 10, and 11 of the said code, amendments recommended by the Louisville Metro Planning Commission and reserves certain enumerated zoning powers and all powers assigned by KRS 100 and other statutes. A complete copy of the ordinance may be reviewed at the office of the City Clerk, 3920 Dixie Highway, Shively, Kentucky 40216.

Introduced by: Mr. McDonald

WALTER L. CATO, JR.
Attorney at Law
2950 Breckenridge Lane, Suite 3
Louisville, Kentucky 40220
(502) 456-2100
