

11.6.1 Development Plan Categories

For purposes of review procedure, developments are divided into three distinct categories based upon the size thresholds established in the Form District regulations applicable to the location of the proposed development. The categories are:

- A. Category 1 - Development proposals which do not meet the size threshold for applicability of Form District design standards.
- B. Category 2 - Development proposals which meet the minimum size threshold for applicability of Form District design standards but do not meet the size threshold for completing the Community Design Review process.
- C. Category 3 - Development proposals which meet the size threshold for completing the Community Design Review Process.

The review process for each category of development is outlined in the sections below. Initial or revised submissions shall follow the procedure determined by the size of the new or additional development proposed unless a higher level of review is required by another section of this code.

NOTE: Plans filed before the effective date of the LDC shall be reviewed for compliance with the regulations in effect at the time of filing. See **Section 1.1.8**

11.6.2 Category 1 Review Procedure¹

Prior to issuance of building permits, the local building official shall assure the plan is in compliance with the applicable provisions of this code and all binding elements and conditions of approval². These provisions include but are not limited to: allowable uses; yard and setback requirements; height; landscaping; environmental assessment; and parking. In cases in which the building official has reason to question the development plan's compliance with any provision of the Land Development Code, applicable binding elements and conditions of approval, the building official may forward the development plan to the Planning Director for a review and action on the plan.

¹ See Appendix 1C for changes to this section in effect within the City of Middletown.

² See Appendix 1B for specific changes to this sentence in effect within the City of Jeffersontown.

11.6.3 Category 2 Review Procedure³**A. Application for Planning Director Approval**

Applications for Category 2 development approval shall be submitted on forms supplied by the department. Applications shall be signed by the property owner or his/her agent and filed with Planning and Design Services. 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 Planning and Design Services. Failure to submit all required material may result in delay of the application review. At a minimum, the application shall be accompanied by a development plan of sufficient detail to demonstrate to the Planning Director that the proposed development is in compliance with the applicable requirements of these regulations and any applicable binding elements or conditions of approval. The Planning Director shall approve the proposed development 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 plan's 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 and action on the plan.⁴

Note: Category 2 procedure outlined within PDS information handout

B. Issuance of Building Permits

In addition to those materials required by the appropriate building code, applications for permit for construction activity meeting the Category 2 thresholds shall be accompanied by a development plan which has been approved by the Planning Director. Building permits for Category 2 development shall be issued only in conformance with the development plan approved by the Planning Director and any applicable binding elements or conditions of approval of a district development plan.⁵

³ See Appendix 1C for changes to this section if effect within the City of Middletown.

⁴ See Appendix 1B for specific changes to this paragraph in effect within the City of Jeffersontown.

⁵ See Appendix 1B for specific changes to this paragraph in effect within the City of Jeffersontown.

11.6.4 Category 3 Review Procedure⁶**A. Commission Approval Required**

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 Planning Commission under the Community Design Review Procedure outlined below. The Planning Commission may delegate this review process to a Committee of the Commission. The Technical Review Committee process defined in Chapter 7 shall satisfy the Community Design Review Process required for subdivisions that meet the threshold established in the form district regulations. In conjunction with its review of development proposals that require Conditional Use Permits or Variances, the Board of Zoning Adjustment is authorized to review and approved Category 3 reviews in accordance with this part.⁷

B. Community Design Review Process

1. Application Required - Applications for development plan approval shall be submitted on forms supplied by the department. Applications shall be signed by the property owner or his/her agent and filed with Planning and Design Services 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.
2. Notice – Not less than 10 calendar days prior to the proposed review session, notice of the proposed development and its scheduled review shall be given to 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.

⁶ See Appendix 1C for changes to this section in effect within the City of Middletown.

⁷ See Appendix 1B for specific changes to this paragraph in effect within the City of Jeffersontown.

3. Review Session – Review of and action on the proposal shall take place in a public meeting before the Planning Commission or Committee thereof. No less than ten (10) calendar days prior to an original or continued review session date, the applicant shall submit original or revised development plans, studies, reports, etc. which have been prepared in response to comments received during the review process. This section does not preclude the applicant from presenting, at the review session, changes to the plan in response to concerns of the neighbors, agency review staff or the Planning Commission. The Planning Commission or designated Committee shall approve the proposed development if it complies with the requirements of this code; associated binding elements, if any; and other applicable law.⁸

C. Issuance of Building Permits

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 Planning Director. Building permits for Category 3 development shall be issued only in conformance with the development plan approved by the Planning Director and any applicable binding elements or conditions of approval of a district development plan.⁹

For example, if a site plan for a 300 unit apartment complex is approved under the Category 3 process, building permits for each 10 unit building may be issued without additional Category 3 review.

D. Multiple Phase Projects

Developments that are constructed in multiple phases shall not be required to undergo the Category 3 review procedure more than once. If a plan has been approved in accordance with this section, building permits for construction of portions of the approved development may be issued without additional Category 3 review.

11.6.5 Plan Certain Development Plans

Note: See section 11.4.6 Plan Certain Development

⁸ See Appendix 1B for specific changes to this paragraph in effect within the City of Jeffersontown.

⁹ See Appendix 1B for specific changes to this paragraph in effect within the City of Jeffersontown.