

**BYLAWS
LOUISVILLE METRO PLANNING COMMISSION**

**ARTICLE I
Name**

The name of this Commission shall be the Louisville Metro Planning Commission.

**ARTICLE II
Purpose**

The purpose of the Planning Commission shall be to direct the economic growth and physical development of Jefferson County and the communities therein, and to guide such development in such a manner as to assure the prosperity, health, safety, morals and general welfare of the county and its communities.

**ARTICLE III
Functions Goals and Objectives**

The goals and objectives ~~functions and duties~~ of the Planning Commission shall include, but not be limited to, the following:

A. Management and execution of ~~Manages and conducts~~ the business, activities, and affairs of the Commission as prescribed by KRS – Chapter 100 and subsequent amendments and local ordinances and resolutions.

B. Development, review and maintenance of ~~Develops and maintains~~ the Cornerstone 2020 Comprehensive Plan, including recommendation of implementation of the plan and recommends to the appropriate legislative bodies ~~implementation of the plan~~.

C. Planning and regulation ~~Plans and regulates~~ without favor or prejudice to any individual, group, class, race, or creed.

D. Approval of ~~Approves~~ all policies, procedures, and regulations necessary for the management of the affairs of the Commission.

E. ~~Conducts~~ of public hearings as prescribed in the adopted policies and applicable statutes and ordinances. Those Commissioners present for a public hearing shall act as hearing examiners when a quorum is not available pursuant to {KRS 100.171}.

F. Maintenance, publication and retention of ~~Keeps~~ minutes and records of all proceedings, including details of all regulations, transactions, findings and determinations for each proceeding, and the number of votes for and against each question, and indicating whether if any member is absent or disqualifies from voting, ~~indicating the fact~~.

G. Delegation of authority, where advisable and within the confines of the KRS and local ordinance, Delegates to standing committees and the Director such authority that is deemed advisable.

H. Provision of public outreach and education regarding planning for the community Provides continuing liaison informational services insuring communication of planning progress to the general public and the appropriate agencies and organizations.

I. Recognizes and acknowledges Recognition and acknowledgement of national trends in planning theory and practice, and, if appropriate, implements them if appropriate implementation of such trends in its decision-making process.

J. Attention to the public interest in the planning process through the provision of full, clear, timely, useable and accurate information on planning issues, and the ability to have a meaningful role in the development of plans and programs.

ARTICLE IV Members

Section 1. Composition. The Planning Commission shall be composed of ten members as prescribed in KRS 100.137:

A. Eight members who are residents of Jefferson County, and appointed by the Mayor of Louisville-Jefferson County Metro Government, pursuant to the provision of KRS 67C.139.

B. The Mayor of Louisville-Jefferson County Metro Government or his or her designee.

C. The Director of the Metro Public Works Department, or the County Road Engineer, as determined by the Mayor of Louisville-Jefferson County Metro Government.

Section 2. Term of Office.

A. Public Officials. The term of elected public officials or their designees, the Director of the Metro Public Works Department or the County Road Engineer shall be the same as their official tenure in office pursuant to {KRS 100.143}.

B. Appointed Citizen Members. The term of office for all appointed citizen members shall be three years, with terms expiring on October 1 of the last year of the term. Members appointed prior to consolidation shall continue to serve the remainder of the terms for which the members were appointed and until their successors are appointed and qualified pursuant to KRS 100.137(2). A member is eligible to succeed himself, and shall continue to serve until his successor has been appointed and qualified.

Section 3. Vacancies.

A. Planning Commission Vacancies. Vacancies in the Planning Commission membership shall be filled within sixty days by the appropriate appointing authority. If the authority fails to act within that time, the Planning Commission shall fill the vacancy. When a vacancy occurs other than through expiration of the term of office, it shall be filled for the remainder of that term pursuant to (KRS 100.147). The Planning Commission shall act within one-hundred twenty days to fill the vacancy.

B. Board of Zoning Adjustment Vacancies. The Board of Zoning Adjustment, according to its bylaws and KRS Chapter 100, may include two citizen ~~one~~ members of the Planning Commission. Vacancies in Planning Commission representation membership on the Board of Zoning Adjustment shall be filled within sixty ~~60~~ days by the appropriate appointing authority. If the authority fails to act within that time, the Planning Commission shall fill the vacancy(ies). Vacancies shall be filled by a citizen member of the Planning Commission, by majority vote of that body, for a term of at least one quarter. At the expiration of that term, the appointed citizen member shall elect to continue serving on the Board of Zoning Adjustment or to be replaced by another citizen member to be selected in the same manner as described herein by the majority vote of the Planning Commission. Vacancies in the membership of the Board of Zoning Adjustment shall be filled in this manner until such time as the appointing authority fills the position appoints a (permanent Planning Commission member?) of the Board of Zoning Adjustment.

Section 4. Compensation. All members shall be reimbursed for any necessary authorized expenses. Citizen members shall receive ~~additional~~ compensation of fifty ~~(\$50.00)~~ dollars (\$50.00) for each commission meeting attended, but no such member shall be paid more than two thousand dollars (\$2,000); during any fiscal year of the Metro Government, ~~or for more than forty meetings attended during any fiscal year.~~

Section 5. Orientation and Continuing Education.

A. Each planning commissioner is required by KRS 147A.027 to obtain the following:

1. A minimum of four (4) hours of orientation training within one (1) year prior to appointment or within one hundred twenty (120) days of appointment.
2. A minimum of eight (8) hours of continuing education within each period of two (2) consecutive calendar years, starting at the date of the individual's appointment.

B. Appropriate subjects for education include, but are not limited to: land use

planning; zoning; floodplains; transportation; community facilities; ethics; public utilities; wireless telecommunication facilities; parliamentary procedure; public hearing procedures; administrative law; economic development; housing; public buildings; building construction; land subdivision; and powers and duties of the board of adjustment.

C. Certification of training is required. A written statement shall be filed with the Director or designee ~~planning commission secretary~~⁴ by December 31 of each calendar year identifying the date, subject matter, location, sponsor, and time spent in each program.

D. Failure to complete the education requirement or certification of educational activities shall subject the member to removal according to the provisions of KRS 100.157.

Section 6. Removal of members. Any member of the Commission may be removed by the appropriate appointing authority for inefficiency, neglect of duty, malfeasance, or conflict of interest. Any appointing authority who exercises the power to remove a member shall submit a written statement to the Commission setting forth the reasons for the removal, and the statement shall be read at the next meeting of the Planning Commission, which shall be open to the general public. The member so removed shall have the rights of appeal in the circuit court pursuant to (KRS 100.157).

~~Section 7². Disclosure of Campaign Contributions. Any Planning Commission member who contributes an amount in excess of \$100.00 in any one election to any candidate or slate of candidates for statewide-elected office or any elected office within Jefferson County, including any incorporated area therein, shall disclose said contributions by filing in the Planning Commission office an official notice giving his or her name, and the candidates or slates of candidates to whom he or she contributed, and the amount of each contribution. For purposes of this Section 7, the definitions in KRS 121.015 shall be applicable.~~

Section 7~~8~~. Disclosure of Solicitation of Campaign Contributions. Any Planning Commission member who solicits contributions for an election campaign of a candidate or slate of candidates for statewide-elected office or any elected office within Jefferson County from an individual or business entity appearing before the Commission shall disclose such activities before the case involving the individual or business entity may be heard by the Commission. Such disclosure shall be made verbally as part of the Commission's record, and in writing by filing in the

⁴ ~~Who is the Planning Commission Secretary? Should we update this to require filing with the Director?~~

² The Committee asked that Sections 7 and 8 be reviewed to determine whether they conflict with LMCO Chapter 21, the Metro Ethics Ordinance. Though these sections don't conflict with that ordinance, they do impose a higher burden than the terms of Chapter 21. Chapter 21 contains a prohibition against the solicitation/acceptance of political contributions for the purpose of influencing a covered individual, or for gaining access to or favors from a covered individual, but does not contain a requirement to disclose fundraising or contribution to political campaigns. These sections could be removed from the Bylaws without creating an opportunity for unethical behavior.

Planning Commission office an official notice of the contribution, including the name of the contributor. giving his or her name and all candidates or slates of candidates for whom he or she is soliciting contributions. This disclosure requirement shall apply only when the Planning Commission member solicits in excess of one hundred dollars (\$100) ~~\$100.00~~ per candidate or slate of candidates in any one (1) election. For purposes of this Section ~~7~~ 8, the definitions in KRS 121.015 shall be applicable.

Section 8.9. Planning Commission Adherence to Ethical Standards. Ethics Ordinance.

A. All members of the Planning Commission shall adhere to the standards of conduct prescribed in the Louisville Metro Ethics Ordinance as contained in Chapter 21 of the Louisville/Jefferson County Metro Code of Ordinances.

B. All members of the Planning Commission shall adhere to the standards of conduct contained in the American Planning Association's policy entitled "Ethical Principles in Planning," adopted in May 1992 as that document may be updated or amended from time to time.

ARTICLE V Officers

Section 1. Elected Officers. The ~~elective~~ officers shall be a Chairman and a Vice-Chairman and these positions shall be filled by citizen members.

Section 2. Nominations and Elections.

- A. Nominations. Nominations for officers shall be made from the floor at the annual meeting.
- B. Election. The officers shall be elected annually by a majority vote of all members present at the annual meeting and shall assume office at the close of the annual meeting.

Section 3. Term of Office. Officers shall be elected for a term of one year or until their successors are elected and assume office.

Section 4. Vacancy in Office. A vacancy in the office of Chairman shall be filled by the Vice-Chairman. The vacancy thus created in the office of Vice-Chairman shall be filled at a special meeting or at the next regular meeting following notification that a vacancy exists. Nominations shall be from the floor and the election shall be by majority votes of those members present.

Section 5. Duties of Officers

- A. The Chairman shall:

1. Preside at meetings of the Commission.
 2. Provide general supervision of the conduct of the affairs of the Commission.
 3. Advise the Director of Planning and Design Services as to member concerns.
 4. Appoint all committees and committee chair~~men~~.
 5. Perform such other duties as determined by the Commission, and the bylaws and policies adopted by the Commission.
- B. The Vice-Chair~~man~~ shall:
1. In the absence of the Chair~~man~~, or in the event of the temporary inability of the Chair~~man~~ to act, perform the duties of the Chair~~man~~.
 2. Succeed to the Office of Chair~~man~~ for the unexpired term, in the event of a vacancy in that office.
 3. Assume such other duties as may be assigned to the office by the Commission.

ARTICLE VI Meetings

Section 1. Regular, Annual, and Special Meetings.

- A. Regular. Regular meetings of the Planning Commission shall be held on the first and third Thursday of each month at a time and place designated by the Commission, except when ordered otherwise by the Planning Commission or the Chair~~man~~ of the Commission.
- B. Annual. The annual meeting shall be the regular meeting held on the third Thursday in January of the calendar year and shall be for the purpose of electing officers, appointing a secretary or secretaries, receiving annual reports of officers, committees, and the Director of Planning and Design Services, and transacting such other business as may arise.
- C. Special. Special meetings shall be held at the call of the Chair~~man~~. All members shall be notified of such special meetings by written or oral notice at least seven days prior to the meeting. The notice shall specify the date, time, place and the

business to be conducted. In the event of an emergency, special meetings may be held without notice, provided all members of the Commission sign a written waiver of notice, such waiver specifying therein and pursuant to KRS 100.167 the time, place and business to be considered. For purposes of this Section C, electronically mailed communication shall constitute written notice. (~~KRS 100.167~~)

Section 2. Voting. A majority of all members present where a quorum of the Commission is present shall be necessary to transact any official business, except a majority vote of the total Commission membership is required to adopt or amend the comprehensive plan, ~~regulations,~~ and bylaws.

Section 3. Conflict of Interest.

- A. All ten (~~40~~) members of the Planning Commission shall be required to disclose any personal or family commercial interest relevant to land use, new development supply, or new development construction. The disclosure shall be a written, signed statement of the general nature of the member's interest. Members shall be eligible to participate in Commission decisions upon completion of the disclosure. The disclosure shall be filed with the Commission's records and shall be available for public inspection during regular business hours. Pursuant to KRS 100.137, a A member shall not vote on an issue in which the member or member's family has an interest. (~~KRS 100.137~~)
- B. Any member of the Planning Commission who has any direct or indirect financial interest in the outcome of any questions before the Commission shall disclose the nature of the interest and shall disqualify himself or herself from voting on the question, and he or she shall not be counted for the purposes of a quorum. (See also KRS 100.171(1)).
- C. Any member of the Planning Commission covered by Section A "A" above, shall complete the "Disclosure of Conflict of Interest" form adopted by the Planning Commission, shall sign the form, shall give the signed form to the Chair~~man~~ prior to the Chair~~man~~ calling the case, and shall leave the chambers to ensure that the member is not counted as part of the quorum. The provisions of this section shall be applicable to all members of any committees of the Planning Commission.
- D. The "Disclosure of Conflict of Interest" form shall state: "I, _____ a member of the Louisville Metro Planning Commission, pursuant to KRS 100.171(1) and the Planning Commission's bylaws, hereby disclose that I have a direct or indirect financial interest and/or a conflict of interest in ~~Docket~~ Case No. _____. The nature of this conflict is _____. I formally disqualify myself from voting. Signed _____."

Section 4. Quorum. Five members of the Planning Commission shall constitute a quorum. The lack of a quorum shall not prevent a scheduled public hearing. Rather, in the absence of a quorum, the Planning Commission members in attendance shall hereby be appointed as hearing officers pursuant to KRS 100.171. The Commission Chair or Vice-Chair shall preside if present, or in the absence of the Chair or Vice-Chair, the member in attendance with the longest membership on the Commission shall preside over the public hearing and the members shall make recommendations to the Commission in business session at its next regular meeting.

Section 5. Open Meetings and Public Hearings. Planning Commission meetings and public hearings shall be open to the public as required by the Kentucky Revised Statutes.

ARTICLE VII Committees

Section 1. Standing Committees

A. There shall be the following standing committees: Land Development and Transportation Committee, Site Inspection Committee, Planning Committee, and Development Review Committee, ~~and Policies and Procedures Committee.~~

1. Land Development and Transportation Committee

a. Meetings. The Land Development and Transportation Committee shall meet on the second and fourth Thursday of each month, except when determined otherwise by the committee chairman or the Planning Commission.

b. Duties. It shall be the duty of this committee to:

1. Review plans for zoning changes and subdivisions to resolve technical problems.

2. Schedule dates for applications to be presented in a public hearing.

3. Perform such other duties as may be prescribed in the adopted policies and as may be determined by the Planning Commission.

c. Quorum. Three ~~(3)~~ members of the Land Development and Transportation Committee shall constitute a quorum of the Committee.

2. Site Inspection Committee

- a. Meetings. The Site Inspection Committee shall meet on call of the committee chairman or any two members of the committee. A site inspection is not considered a meeting and does not require a quorum.
- b. Duties. It shall be the duty of the Site Inspection Committee to:
 - 1. Designate one or more members to visit each site proposed for a change in zoning or parking waiver, and the surrounding area, ~~and to assess the impact of the proposed rezoning or parking waiver on the area.~~
 - 2. Make written comments on the approved site inspection form concerning ~~accessibility, compatibility and the impact of any significant historical or natural features affecting the~~ physical characteristics of the subject site and the surrounding area.
 - 3. Perform such other duties as prescribed in the adopted policies and as may be determined by the Planning Commission.

3. Planning Committee

- a. Meetings. The Planning Committee shall meet on call of the chairman or any two members of the committee.
- b. Duties. It is the duty of this committee to:
 - 1. Review the development and maintenance of the comprehensive plan in compliance with KRS 100.
 - 2. Review the development and determine the currency of various implantation measures, including:
 - a. Zoning regulations,
 - b. Subdivision regulations,
 - c. Small area, neighborhood or sector plans,
 - d. Capital Improvement Programming.

3. Review agency goals and objectives, both long term and short term.
4. Review annual and multiyear work programs.
5. Review any other land use and development policy document, assistance program or other such efforts as may come before the Committee.
6. Perform such other duties as prescribed in the adopted policies and as may be determined by the Planning Commission.

4. Development Review Committee

- a. Composition. The Development Review Committee is hereby created and shall consist of five ~~(5)~~ members of the Planning Commission.
- b. Meetings. The Development Review Committee shall meet each Wednesday except when determined otherwise by the committee chairman or the Planning Commission.
- c. Duties. It is the duty of this committee to:
 1. Review Category 3 development plans, conduct the required public meeting, and take action on the plans in accordance with Chapter 11, Part 6 of the Land Development Code.
 2. By unanimous vote where a quorum is present, to give final approval on:
 - A. Any subdivision plat not approved by staff, including the granting of waivers under Chapter 7, Part 1.80 of the Land Development Code.
 - B. General District Development Plans, if a public hearing is not required.
 - C. Amendments to binding elements on General District Development Plans, including expiration dates.

D. Detailed District Development Plans and additional binding elements.

E. General or Revised District Development Plans on cases remanded to the Planning Commission by the legislative body when it overturns the Planning Commission's recommendation of denial.

F. Revised preliminary plans, if a new public hearing is not required.

G. Community Facilities Review, if no public hearing is required, in accordance with (KRS 100.324).

H. Street name changes if all abutting owners agree.

I. Road dedications for purposes of maintenance purposes by the Louisville Metro Public Works Department in accordance with (KRS 178.400).

J. Signs, screening or landscaping plans where required by binding elements or other conditions.

K. Waivers pursuant to Chapter 11, Part 8, and Section 9.1.16 of the Land Development Code.

L. Development plans for regulated activities within a Development Review Overlay District.

M. Lighting plans for recreational facilities pursuant to LDC Section 4.1.3.B.6.

N. Land disturbing activity on unstable soils pursuant to LDC Section 5.13.2.

O. Design of outdoor amenities and focal points pursuant to LDC Section 5.13.2.

P. Changing image signs with a rate of change in excess of the restrictions set forth in LDC Chapter 8 Section 8.1.6.M.1 and 2, pursuant to ~~LDC Section 8.1.6.M.3~~.

Q. Elevator parking systems and vertical parking towers pursuant to LDC Section 9.1.8 and stacked and valet parking pursuant to LDC Section 9.1.9.

R. Alternative sites to meet tree canopy requirements pursuant to LDC Section 10.1.3.

S. Transfer of open space pursuant to LDC Section 10.5.5.

5. Policies and Procedures Committee

a. Meetings. The Policies and Procedures Committee shall meet on the call of the committee chairman or the Planning Commission.

b. Duties. It shall be the duty of this committee to:

1. Periodically review the Bylaws and Policies and Procedures of the Planning Commission and recommend updates to the full Commission for consideration.

B. Composition and Appointment. The standing committees shall be composed of three or more members appointed by the Chairman of the Planning Commission. All Commissioners may serve as voting alternatives for all committees when an appointed member is unable to attend the meeting.

C. Quorum. Unless otherwise specified, a majority of the members of a committee shall constitute a quorum of the committee.

Section 2. Special Committees. Special committees shall be appointed by the Planning Commission Chairman when deemed necessary by the Planning Commission.³

A. Technical Review Committee.

1. Composition. The Technical Review Committee ("TRC") shall be created at such time as the Commission Chair determines that the volume of new applications for major subdivisions has increased to a level at which it is no longer practical for such applications to be reviewed by another standing committee of the Commission. At such time, the TRC Technical Review Committee shall be comprised of the following:

³ Could we include TRC here as a special committee that gets constituted as necessary?

a. Core Members. Core Members shall be required to attend all TRC meetings and provide written comments on plans. Core Members shall include one staff representative from:

1. The Division of Planning and Design Services
2. The Department of Public Works and Assets
3. The Metropolitan Sewer District ~~Division of Inspections, Permits and Licenses~~

b. Full Members. Full Members may attend TRC meetings and are required to provide written comments on plans. Full Members shall include one staff representative from:

1. The Department of Health and Wellness
2. The Air Pollution Control District
3. The Department of Economic Development
4. The Division of Planning and Design Services, Urban Design Team
5. The Kentucky Department of Transportation
6. ~~The affected Fire Protection District~~ agency providing fire protection to the subject property

c. Advisory Members. Advisory Members are provided with copies of subdivision plans, and may attend TRC and/or provide written comments as necessary. Advisory Members include one staff representative from the following agencies or their successors:

1. Louisville Gas & Electric/EON
2. Louisville Water Company
3. Insight Cable
4. The Kentucky Division of Water or its successor
5. BellSouth/AT&T

2. Conduct of Business. The attendance of all Core Members shall be required for the conduct of business by the Technical Review Committee. Decisions on subdivisions shall be made by unanimous decision of all Core Members consensus, not by majority vote. Where a unanimous decision consensus cannot be made reached, or where variances or waivers are required, the application shall be forwarded to the Commission for additional review and final action.

3. Notice and Participation by Interested Parties. Notice of a TRC meeting shall be provided in accordance with the Land Development Code. Interested parties shall be afforded an opportunity to comment on proposed subdivisions, both in writing in advance of TRC's review of the proposal and in person during the TRC review of the plan.

4. Duties. The duties of the TRC include the review and approval of code-compliant major subdivisions. The TRC identifies and resolves technical issues and conflicting agency requirements to facilitate the approval of plans on behalf of the Planning Commission. Where TRC identifies an issue that cannot be resolved through plan revision, it shall refer the matter to the Planning Commission for consideration of any required variances or waivers in conjunction with the requested subdivision.

Section 3. Committee Membership. Public officials, interested citizens, or persons with a specialized knowledge may be appointed to serve on the Planning Committee or a sub-committee thereof, the Policyies and Procedures Committee or a sub-committee thereof, and Special Committees.

Section 4. Ex-Officio Member. The Chairmañ of the Planning Commission shall serve as an ex-officio member of all committees, with the exception of the Technical Review Committee, which shall be comprised of staff representatives as set forth above.

ARTICLE VIII

Director, Planning and Design Services

Section 1. Employment. The Director of Planning and Design Services shall be selected and employed by the Louisville-Jefferson County Metro Government, which shall determine the terms of his employment.

Section 2. Duties. Under the general supervision of the Mayor, the Director shall carry out the duties of the position as defined by the Metro Government personnel rules, policies, job descriptions and other related requirements as directed by the appointing authority. The ~~duties~~ of the Director shall include:

A. Present, at the annual Planning Commission meeting in January, a report of the activities of the Planning Commission of the preceding year and a statement of goals and objectives for the ensuing year.

B. When the Technical Review Committee has been constituted as set forth in these Bylaws, Schedule for Commission review those development proposals having been recommended by the Technical Review Committee for Commission action.⁴

C. ~~Revise standard forms and certificates contained in Chapter 7, Part 9 of the Land Development Code and~~ Create or revise any other forms as necessary for the administration of the business and affairs of the Planning Commission.⁵

D. Perform such other duties and responsibilities as may from time to time be requested ~~of him or her~~ by the Chairman of the Planning Commission or the Planning Commission.

E. Take action on behalf of the Planning Commission when specifically authorized to do so, and when such authorization is consistent with applicable regulations.

ARTICLE IX Parliamentary Authority

Robert's Rules of Order, Modern Edition shall govern the proceedings of the Planning Commission in all cases to which they are applicable and in which they are not inconsistent with these bylaws, Kentucky Revised Statutes, or local laws.

ARTICLE X Amendments

These Bylaws may be amended by a majority vote of the total membership of the Planning Commission at any regular meeting or special meeting of the Planning Commission provided that copies of the proposed amendment have been included in the notice of such meeting.

History:

Adopted January 30, 1986

Article IV Members—

Section 7 & 8 adopted April 19, 2001

Article VI Meetings—

Section I revised January 17, 2002

Revised August 2004

Revised May 18, 2006

⁴~~This needs to be revised to reflect TRC's status.~~

⁵~~Does this section need to be revised to make it clear that the Director can't revise the subdivision regulations? The certificates are contained in the text of Chapter 7, not in an appendix.~~

POLICIES
LOUISVILLE METRO PLANNING COMMISSION

PLANNING COMMISSION POLICIES.....1.00

1.01 Policies may be:

- 1.01.01 adopted by majority vote.
- 1.01.02 amended or rescinded by a 2/3 vote without previous notice, or by a majority vote after previous notice.
- 1.01.03 suspended temporarily by a majority vote.

ADMINISTRATIVE POLICIES.....2.00

2.01 The Director of Planning and Design Services shall have charge of all official books, papers and records of the Commission and shall be responsible for all official correspondence relative to hearings, meetings, resolutions and decisions of the Commission.

- 2.01.01 The Director of Planning and Design Services may assign certain duties listed in 2.01 to a staff member who shall be assigned the title of “Administrative Recorder.”

2.02 As soon as possible practicable after action by the Planning Commission, the Director of Planning and Design Services shall deliver to the applicable legislative body copies of the full and complete record of the case reflecting said action and other correspondence reflecting said action, with subsequent confirmation of the approval of the minutes.⁶

~~2.03 Immediate Transmittal of Minutes. The Planning Commission’s preference is to approve minutes from previous actions at its next regular meeting. However, under extraordinary circumstances and for good cause, the Planning Commission will may consider approving minutes for a case on the date of the hearing to allow the case to be transmitted to the applicable legislative body in a more expeditious time frame. Applicants wishing to obtain approval of the minutes and immediate transmittal of their request shall must make such a request in writing to the Director of Planning and Design Services no later than one week in advance of the public hearing date. The Director shall, in conjunction with the Chair of the Commission, determine whether adequate staff resources are available to accommodate the request, whether the circumstances of the request are of such a unique quality as to merit~~

⁶ Can we do this? Preliminarily, it appears that the majority of the record can be transmitted to the legislative body in the absence of approved minutes. However, no final action can be taken on the matter until the Planning Commission approves its minutes. Additional research is needed to determine whether a first reading or other steps can be taken without approved minutes.

~~immediate transmittal, and whether the Chair wishes to entertain the request. In no case will a request for immediate approval of the minutes and transmittal be granted if made at the public hearing.~~

APPLICATION PROCEDURES POLICIES.....3.0

3.01 Pre-application

~~3.01.01 Pre-applications for qualified projects using the green building incentives contained in the Land Development Code shall be expedited. Such pre-applications shall be processed within two weeks of their filing. Proposals for rezoning filed by property owners shall follow the pre-application procedures as described within the Land Development Code and Commission policies. It is essential that applicants for standard major subdivisions contact Planning and Design Services and other review agencies prior to submission of a formal application; however, no formal pre-application process is required.~~

~~3.01.02 Applications for processes requiring a formal pre-application conference shall not be filed (docketed) with the Commission until such procedure has been completed.~~

3.02 Applications

3.02.01 Every matter on which the Commission is authorized or required to act, shall be presented in writing or on forms provided by the Commission for a specific presentation and shall include all information necessary for clear understanding and intelligent action by the Commission. Such information, when requested by the Commission, shall include but not be limited to maps, surveys, drawings, plans, charts, and descriptive data.

3.02.02 All matters to come before the Commission shall be filed in the Commission's office between 8:00 a.m. and 5:00 p.m., except on weekends and holidays. The schedule for review of developments and applicable deadlines shall be maintained, posted and available through the staff of the Division of Planning and Design Services at said Division's offices.

3.02.03 No application for a change of zoning shall be accepted within two years of Commission action on an application on the same or substantially the same tract of property, unless the Commission finds and resolves that either:

(1) substantial land use, economic or social changes affecting the property have occurred in the interim, or

(2) the new application differs significantly from the original application. For purposes of this Policy, “differs significantly” shall mean (a) a different land use; or (b) any other difference that the Planning Commission finds to constitute a significant change from the original application.

Applications made by governmental agencies shall not be subject to this policy nor shall such governmental applications affect the filing of subsequent non-governmental applications.

~~3.0201.04. The staff of the Commission is to accept any application by a legislative body for a proposed map amendment(s) for privately owned property to a less restrictive classification⁷ and immediately inform the Planning Commission of its submission. The Commission shall determine whether the proposal appears to serve a predominantly public purpose or whether it appears to serve a private purpose which should not be exempt from the requirements of Chapter 11, Part 4 of the Land Development Code.⁸~~

3.02 Notice. Whenever notice of a public hearing or meeting, or of a staff-approvable decision is required pursuant to the Kentucky Revised Statutes, the Land Development Code, the Planning Commission Bylaws or these Policies, it shall be the responsibility of the applicant to ensure that proper notice is postmarked no later than ~~four~~ three calendar days in advance of the required notice period. Proof of notice shall be provided by affidavit to the Commission’s staff and the Commission’s staff shall be mailed a copy of the notice at the same time it is provided as required under the Land Development Code⁹

3.03 Notice of Filing of Application. When any application for a decision governed by the Land Development Code zoning regulations is filed with Planning and Design Service, notice of such filing shall be provided by the applicant to all parties entitled to notice of the hearing or meeting at which the request will be considered, and to registered neighborhood organizations registered with Planning and Design Services. Such notice shall be sent by US mail or to an e-mail address on file with Planning and Design Services, and shall be sent no later than ~~four~~ three days following the filing.

3.03.01. When an application, whether preliminary, informal, formal, or final, is submitted to the Louisville Metro Division of Planning and Design Services or its successor by a property owner, the Planning Commission or any legislative body that is a member of the

⁷ Why just for this?

⁸ Do we really need this section?

⁹ We also discussed providing early notice of the filing of an application given the significance of such a step to interested parties and neighborhood/advocacy groups. This issue needs additional discussion.

planning unit for a proposal to amend any zoning map, for approval of a development plan or changes to that plan or its binding elements, for a major subdivision plan, conditional use permit, variance or waiver of land use regulations, notice of the application shall be given within five days of the submittal of the application by first class mail or by electronic mail if the recipient has previously agreed to that type of notice to the following list of individuals. This notice is in addition to any notice required by the Kentucky Revised Statutes, local regulations or ordinances.

3.03.01.01 The mayor and city clerk of any city of the third, fourth, fifth or sixth class in which the property that is the subject of the application is located;

3.03.01.02 The owner(s) of every parcel of property adjoining at any point the property that is the subject of the application;

3.03.01.03 The owner(s) of every parcel of property directly across the street from the property that is the subject of the application;

3.03.01.04 The owner(s) of every parcel of property that adjoins the adjoining property or the property directly across the street from said adjoining property;

3.03.01.05 The owner(s) of any property within 500 feet of the property that is the subject of the application;

3.03.01.06 The Louisville Metro Council District representative for the property that is the subject of the application;

3.03.01.07 Any person who has previously spoken at a public meeting regarding any land use change on the property within the last ten years as documented in the official minutes for that meeting;

3.03.01.08 Any person listed in the applicable Planning and Design Service Neighborhood Notification List for the Council District.

3.03.02. It shall be the duty of the person or persons making the application to furnish to the Division of Planning and Design Services the names and addresses of the owners of all property described in this section. Records maintained by the Jefferson County Property Valuation Administrator may be relied upon conclusively to determine the identity and address of said owner(s). In the event a property described in this section is held in a cooperative or condominium form of ownership, the person entitled to notice under this section shall be the president or chairman of the owner group that administers the property in common ownership. A joint notice may be mailed to two or more co-owners of a property described in this section where those co-owners are listed in the Property Valuation Administrator's records as having the same address.

LAND DEVELOPMENT AND TRANSPORTATION (LD&T)/
DEVELOPMENT REVIEW COMMITTEE (DRC).....4.00

- 4.01 Concerned public agencies and other affected parties may attend LD&T and DRC Committee meetings to advise on or to express concerns of a technical nature related to matters coming before the Committee.
- 4.02 ~~Any proposal to revise a record plat may be scheduled for a public hearing where revised record plat in which lots shown on the plat have been previously sold to persons who have not consented in writing to the revision. may be scheduled for public hearing.~~ Notice of such a hearing shall be given with appropriate notice pursuant to Section 7.1.91 of the Land Development Code.
- 4.03 When a single tract requires a public hearing for more than one purpose, the LD&T Committee shall schedule the public hearing at the same time, if practicable. Joint hearings shall be held on a change in zoning and concurrent subdivision plans approval; ~~shall be held on a change in zoning and concurrent conditional use permit or variance requests~~; and may be held on other actions, as appropriate, such as joint hearing for change in zoning and sign-off on an Urban Renewal Plan.
- 4.04 In review of applications and other matters, the LD&T and the DRC Committees may consider, but are not limited to, the following:
 - 4.04.01 Technical review of applicable guidelines of the Comprehensive Plan
 - 4.04.02 The Land Development Code
 - 4.04.03 Comments, both written and oral, from governmental agencies, and public and private utilities
 - 4.04.04 Pertinent map, surveys, drawings, plans, charts, and descriptive data
 - 4.04.05 Pertinent traffic data for any development that warrants referral to the APCD and/or Metro Public Works Department for recommendation
 - 4.04.06 Written and oral comments of applicants or their representatives, or any interested parties
- 4.05 The Director of Planning and Design Services or his designee is authorized to approve any of the following proposals¹⁰:

¹⁰ Need to look at the LDC's section on delegation of authority to ensure there are no conflicts with this section.
NO PROBLEMS WITH CONFLICT. (TMZ, 8/29/2011)

- 4.05.01 Major subdivision record plats found to be in strict compliance with the approved subdivision preliminary plan and Chapter 7 of the Land Development Code.
- 4.05.02 Minor subdivision plats found to be in strict compliance with Chapter 7 of the Land Development Code where no preliminary plan has been approved for all or any part of the same property during the immediately preceding 3 years, and minor plats ~~not~~¹¹ dedicating the right-of-way required by Section 6.2.6 of the Land Development Code provided such plat has been reviewed and marked approved by ~~the Director of Planning and Design Services and~~ the Director of Metro Public Works.
- ~~4.05.03 Waivers, pursuant to Chapter 7 of the Land Development Code, resulting from dedication of right-of-way required by Section 7.1.8, which result in the creation of one or more substandard lots.¹²~~
- 4.05.034 Screening and landscaping plans required by binding elements or other conditions.
- 4.05.045 Sign plans for proposed signs, as long as they meet the requirements of the general plan, relevant binding elements and the Land Development Code.
- 4.05.056 Reduction and release of bonds after authorization from the appropriate works department and receipt of all required agency letters.
- 4.05.067 Amendment of binding elements or district development plan to allow an cumulative increase or decrease in square footage of all buildings in an approved development by no more than twenty-five percent (~~25%~~ 20%)¹³ of the amount specified on the approved district development plan, or to allow any decrease in square footage of buildings in an approved development. , but in no case shall this delegation of authority permit a change of by more than 1030,000 square feet of building square footage or a change in excess of the threshold established in the applicable Form District regulation for completing the Community Design Review process. , provided that Such amendments must result in a the proposed change that conforms with all applicable regulations, and does not alter the basic configuration of the structure and its location on the site as approved by the Planning Commission.

¹¹ Should this word be removed?

¹² Can the Director or designee grant a waiver?

¹³ Is 25% too large? Is it ok because of the restrictive language in the second-to-last sentence of the revised section?

- 4.05.078 First and second extensions of the expiration date for development plans and preliminary plans; and ~~Community Facility Reviews, other than major public projects that may significantly impact the community's future development or the quality of life in surrounding neighborhoods.~~
- 4.05.089 Revised preliminary plans for standard subdivisions, when no public hearing is required and when recommended for approval by the Technical Review Committee, the proposal conforms with applicable sections of the Land Development Code.
- 4.05.0940 Stacked parking spaces as specified in Section 9.1.9 of the Land Development Code.
- ~~4.05.11 District Development Plans requested in the PRO and PEC zoning districts, as specified in Sections 2.6.2 and 2.6.3 of the Land Development Code¹⁴.~~
- 4.05.102 Joint use parking, as well as determinations of numbers of spaces reasonably anticipated to be available during hours of operation, pursuant to Section 9.1.6 of the LDC Land Development Code, and Section 10.1 of the Development Code for all of Jefferson County.
- 4.05.113 The Director is authorized to delegate to the Building Official approval of Category 2 development plans, as defined in the applicable matrix (Design Standards, Thresholds and Applicability Tables found in Chapter 5 of the Land Development Code).
- ~~4.05.125 Shifts in building limit lines unless said shift results in a need for a variance, waiver or other discretionary approval.~~
- ~~4.05.13 Community Facility Reviews.~~
- 4.05.14 No staff member shall be required to approve any delegated items/proposals if he/she has reason question its accuracy, or its compliance with any subdivision, zoning or other regulations. The property owner may request any plan or minor plat, for which staff approval has been refused, to be placed on the docket of the LD&T appropriate sub-cCommittee.

¹⁴ Has this section ever been exercised? Should it be deleted?

4.06 The filing deadline for docketing of cases for consideration by the Planning Commission or a committee thereof shall be posted in the offices of the ~~Department~~ Division of Planning and Design Services and electronically on said Division's website, and shall ensure adequate time for full review, revision and notification of cases prior to a review session or public hearing, in accordance with the Land Development Code.

4.07 Committee Action

4.07.01 Any appointed standing committee may take appropriate action on any matter coming before it in accordance with the powers delegated to it by the Planning Commission Bylaws and the Land Development Code.

4.08 Binding Elements, Development Plans, ~~and~~ Preliminary Subdivision Plans, and Community Facility Reviews

4.08.01 Amendments to Binding Elements

- a. Amendments to binding elements shall be reviewed by the appropriate committee of the Planning Commission in a public meeting and shall be acted on or at a properly noticed public hearing ~~set, as appropriate~~.
- b. Notice of the following actions shall be provided in accordance with these Policies: ~~public meeting shall be given ten (10) days in advance and shall be given to adjoining property owners (first tier) and those individuals who provided testimony (oral or written) in support or opposition concerning a change in zoning. They shall be notified of:~~
 1. First approval of dDetailed district development plans ~~requesting first approval from LD&T on properties~~ that are adjacent to residential zones/uses.
 2. Revisions to binding elements or detailed district development plans that concern the following¹⁵:
 - i. Change in use
 - ii. Increased density for residential ~~(apartments)~~¹⁶ uses
 - iii. Increases of more than 205% in square footage floor area of any use¹⁷
 - iv. Screening and buffering plans¹⁸, and

¹⁵ If the threshold is not triggered, no notice is required. Does the case still need to go to the PC or a committee?

¹⁶ Why just for apartments? Why not other types of residential developments?

¹⁷ In the previous section on staff approvable matters, the 25% change is in square footage, not floor area. Do we want to make this section consistent with the previous one?

v. Changes in hours of operation

- c. No notice shall be required for revised detailed district development plans that were originally approved without notice to adjoining property owners, unless the revised development plan meets the conditions contained under Section b(2) above.
- ~~d. The applicant or owner shall be responsible for submitting a list of the current names and addresses of adjoining property owners and those who spoke in support or opposition at the hearing.~~
- ~~e. Amendments to a plan previously reviewed by a committee of the Planning Commission for which additional committee review is requested, must be received no less than two weeks prior to the committee meeting, to allow thorough staff review.¹⁹~~

~~4.08.02 It shall be the policy of the Planning Commission to require notification of notify adjacent property owners of requests for reductions of parking space requirements under Section 9.1.16(B) Infill Residential, when such requests total 10 or more spaces. The applicant for a waiver of 10 or more spaces shall should supply the names and addresses of all persons designated by the Property Valuation Administrator as owners of property within 200 feet of the subject property as part of the waiver application. These persons will be notified of the waiver request, and will be given 14 days to request indicate if a public hearing on the waiver request is needed.²⁰~~

4.08.03 The time period for obtaining a building permit or certificate of occupancy for development plans that have been involved in litigation shall be counted from the date on which the Court action is finally concluded. The applicant shall provide documentation as required by the Planning Commission Legal Counsel to ~~demonstrate~~ document the conclusion of the legal challenge to the project and to establish the date from which the mandatory time period should be reckoned. Planning and Design Services staff shall amend the approval stamp to reflect the revised expiration date, upon direction from the Commission's Legal Counsel.

4.08.04 Combined Category 3/Overlay District Review

Where an applicant is required to receive a Category 3 approval in addition to a ~~permit~~ approval from an Overlay District Committee, pursuant to Chapter 162 of the Louisville Metro Code of Ordinances, the following policies shall apply:

¹⁸ Does this conflict with the previous section on staff approvable matters—staff can approve those landscaping and screening plans required by a binding element or other condition?

¹⁹ The Land Development Code already requires these things—they can be removed from the Policies.

²⁰ ~~Is this consistent with Chapter 9 provisions?~~ We are going to address this section under a new section concerning notice.

a. The Planning Commission shall, at a regular meeting preceding the Overlay Committee meeting at which the development plan shall be presented, appoint a citizen member to serve as a hearing officer at the Overlay Committee hearing.

b. The hearing officer shall attend the Overlay Committee hearing on the development plan to ask questions and prepare a summary to present to the Planning Commission at its next regularly scheduled meeting. This Overlay Committee hearing shall be properly noticed in accordance with applicable provisions of the Land Development Code and serve in lieu of the Planning Commission holding an additional public meeting to Category 3 review the Category 3 plan.

c. The Planning Commission shall, following a report of the hearing officer, take action on the Category 3 component of the development plan in business session at its next regularly scheduled meeting.

d. Notice of the combined Category 3/Overlay Committee meeting shall be in accordance with the requirements set forth in Chapter 162 of the Louisville Metro Code of Ordinances, and the Land Development Code. ? What is the combined meeting? The hearing officer is just

4.08.05 Development Plans and Preliminary Subdivision Plans. Preliminary subdivision plans shall be considered the equivalent of a development plan for purposes of administration, approval and enforcement, and conditions of approval associated with a preliminary subdivision plan shall be assigned the same status as binding element associated with development plans.

4.08.06 Community Facility Reviews. Prior to submission of a proposal for a community facility requiring Committee review, the sponsoring agency shall conduct a public meeting to present the plan. Such meeting shall be noticed in the same manner as a neighborhood meeting for a zoning change pursuant to the requirements of Chapter 11 of the Land Development Code. A sign-in sheet and minutes from the meeting shall be submitted in addition to the remainder of the application materials.²¹

RESERVED DOCKET PROCEDURES POLICY.....5.00

5.01 Each case to be brought before the Planning Commission for public hearing shall be assigned a docket number using the Hansen case management system nomenclature, which

²¹ Is there some sort of determination made on whether staff or a committee reviews a particular CFR proposal?
ANSWER: The LDC states that CFR's will be addressed in accordance with state statutes, then provides the statutes on such reviews. There is no official process for classifying CFR's as staff approvable or committee approvable. It's possible that this could be one of the things delegated to the Director/staff for review and approval, with the understanding that if staff is not comfortable making the decision, the committee would do it. The new policy on neighborhood meetings would cover the need for public comment, and a summary of the meeting could be part of the application process, which would help staff decide whether the committee needed to take action or not.

shall consist of three parts to be separated by dashes. The first part shall consist of a number which specifies the type of request in accordance with the following classifications:

1. — Street and Alley Closings and Name Changes
2. — Category 2 Review
3. — Category 3 Review
4. — Cell Towers
5. — Transportation Planning
6. — Urban Renewal and Public Housing
7. — Community Facility Review
8. — Capital Improvement Program
9. — Zoning
10. — Subdivisions
11. — Neighborhood Plans
12. — Miscellaneous Policies or Resolutions
13. — Parkway and Scenic Corridor
14. — Special Committee
15. — Specific Area Planning
16. — Comprehensive Planning
17. — Special Reviews
18. — Road Dedications by Government
19. — Conservation Easement
20. — Designation of Historic Preservation Property

Minor subdivision plats are designated by MP followed by a three-digit sequential number, followed by the calendar year in which said matter was filed.

5.01.01 — The second part of the docket number shall indicate the number of applications of that type which have been filed that calendar year.

5.01.02 — The third part of the docket number shall reflect the calendar year in which said matter was filed.

~~5.01.03 — An optional fourth part of the docket number may occur for the following: C — conditional use permit; V — variance; W — waivers of the Land Development Code; PW — parking waiver; DRO — Development Review Overlay; and WRO — Waterfront Review Overlay.~~

PLAN REVISIONS POLICY.....6.00

6.01 If a development plan, subdivision plan or other required submission(s) requires amendment or revision as the result of discussion or agreement in a public hearing on a request, the Commission ~~shall~~ may also delegate review of the revision to staff or continue the public hearing to a date certain, giving sufficient time for the applicant to submit and the staff to review the required amendments or revisions.

If the hearing cannot be continued to a date certain then notice of the continued public hearing shall be provided in accordance with statutory requirements.

PUBLIC HEARINGS.....7.00

7.01 Public hearings shall be held in the first floor courtroom of the Old Jail Building (514 W. Liberty) unless the ~~Chairman~~ of the Commission designates some other place.

7.02 Cases set for public hearing on a given day shall be heard in the order in which they appear on the agenda unless the ~~Chairman~~ directs otherwise.

7.03 The ~~Chairman~~ may rule testimony out of order if the testimony is redundant or irrelevant or if it is not presented at the proper time.

7.04 The ~~Chairman~~ shall have the authority to determine the admissibility of evidence.

7.05 When a matter is set and advertised for a public hearing, the hearing shall be conducted even if no interested party is present at the hearing unless the ~~Chairman~~ directs otherwise.

7.06 Within a reasonable time prior to the public hearing, any person planning to attend may request that the Planning Commission invite any governmental employee, who has commented in writing on the proposal, to come to the hearing for the purpose of answering questions relating to said comments.

7.07 Each person who speaks at the public hearing shall furnish his name and address to the Commission. All testimony presented to the Commission shall be sworn testimony given under oath to be administered by the ~~Chairman~~ of the Commission.

7.08 Each matter in the public hearing shall be heard in the following order:

7.08.01 The ~~Chairman~~ of the Commission, or other presiding officer, shall read the notice of the hearing.

7.08.02 A member of the staff shall present a summary of the staff report.

- 7.08.03 The applicant, or his representative, shall make a statement giving reasons for the request.
- 7.08.04 Other persons in favor of the application shall be heard.
- 7.08.05 Those persons opposed to the application shall be heard.
- 7.08.06 ~~Those persons neither in favor nor opposed shall be heard.~~ Persons wishing to ask question of previous speakers on their testimony shall be permitted to ask those questions following the conclusion of said testimony, or at other times at the discretion of the Chairman.²² Such questions shall be limited in scope to the previous speaker's testimony, and not related to general issues involved in the case.
- 7.08.07 The applicant, or his representative, may provide a summation rebuttal ~~if persons have testified in opposition summation following the conclusion of all other testimony in the case.~~ be heard in rebuttal. Usually, only one person will be allowed to speak in rebuttal. Others speakers may be allowed to respond to the summation by the Commission for good cause and at the discretion of the Chair.
- 7.09 The Commission may limit the time each person may speak.
- 7.09.01 Public Hearings rescheduled at the request of interested parties for a time or location other than the bimonthly public hearings shall be subject to the following time limits, unless waived by the Commission at the outset of the hearing. The applicant or his representative and others in favor of the application shall have 1 hour for their remarks. Persons opposed to the application shall have 75 minutes ~~1 hour~~ to offer comments on the proposal. Rebuttal Summation by the applicant or his representative shall be allotted no more than 15 minutes.
- 7.09.02 The regular bimonthly public hearings shall be subject to the following time limits, unless waived as described below. ~~The staff shall have 5 minutes for the staff presentation.~~ The applicant or his representative and other persons in favor of the application shall have a total of no more than 20 ~~40~~ minutes for their remarks. Persons opposed to the application shall have a total of no more than 25 ~~40~~ minutes to offer comments on the proposal. Rebuttal Summation by the applicant or his representative shall be allotted no more than 5 minutes. Hearing time limits shall may be extended in accordance with the following:
- a.) Upon the recommendation of the LD&T Committee; or,
- b. ~~Upon written request by the applicant to the Director (such request must be submitted no later than seven (7) days after the LD&T meeting at which the public hearing date is set or confirmed); or,~~

²² Does this revision address the issue of other interested party comments or do we still need some language to allow for this type of testimony?

~~e) Upon receipt, by the Director, of a petition containing the signatures of 25 property owners living within the affected district (such petition to be submitted no later than seven (7) days after the LD&T meeting at which the public hearing date is set or confirmed),~~

~~db) Hearing time limits may be extended By the Planning Commission Chairperson after consideration of the justification submitted with a written request for extended time filed by the requesting party no less than one week prior to the public hearing (such request to be received no less than one week prior to the public hearing).~~

- 7.10 At any time during the hearing, members of the commission may ask any person in attendance questions relating to the case. In addition, cross examination questions shall be allowed. Such questions cross examination shall be limited to subjects discussed by the witness being questioned cross-examined, and shall be during a person's time to speak, he may ask relevant questions of prior adverse speakers concerning any information presented. subject to the reasonable control of the Commission. If new information is presented for the first time during ~~rebuttal~~ summation, the Commission may allow prior adverse speakers to comment or ask questions, provided that such comments or questions shall be limited in scope to the new information presented during rebuttal summation²³ testimony.
- 7.11 All evidence should be presented at the public hearing. No new or additional evidence may be received into the record after the conclusion of the public hearing.
- 7.12 Any exhibit which cannot be folded so as to fit easily into an 8 ½" x 14" folder shall be submitted in a publicly accessible format determined to be acceptable by staff of Planning and Design Services.
- 7.13 Following the public hearing, the Commission may take any of the following actions:
- 7.13.01 Approve or recommend approval of the application as submitted or modified
 - 7.13.02 Deny or recommend denial of the application as submitted or modified
 - 7.13.03 Close the hearing and defer action on the case to a regular business session of the Commission
 - 7.13.04 Continue the hearing to a later date for additional testimony related to the case. If a petition was properly submitted in accordance with KRS Chapter 100 or Metro ordinance requiring the Commission to hold the original hearing in the evening, any continued hearings shall likewise be held in the evening in accordance with the provisions of KRS Chapter 100 or Metro ordinance, whichever is applicable. If the hearing is continued, the Commission may refer the case to any of its committees for further review and scheduling of the continued hearing.

²³ Are we calling it rebuttal or summation? Are we ok with the way cross examination is described?

ORDER OF BUSINESS.....8.00

The order of business is a sequence in which business normally occurs at a session. Unless deviation from the normal sequence is requested by a Commissioner or the Director of Planning and Design Services and approved by the Chairman, the order of business shall be as follows:

1. Approval of Planning Commission minutes
2. Consent agenda
3. Non-hearing cases, postponed public hearing cases, subdivision cases, other cases
4. New business, public hearing on each application followed immediately by action (approval, denial, continuance or deferral) on that application. Sustainable permit applications may be prioritized at the discretion of the Chair.
5. Standing Committee report
6. Chairperson/Director's report
7. Adjournment

PUBLIC RECORDS POLICY.....9.00

- 9.01 The Planning Commission shall conform to KRS 61.870 to 61.884 regarding open records.
- 9.02 Planning Commission public records are located in the offices of Planning and Design Services, 444 S. Fifth Street, Suite 300. Regular office hours are from 8:00 a.m. to 5:00 p.m., Monday through Friday. The official custodian of the public records is named by the Planning Director or his designee.

CODE OF ETHICS.....10.00

- 10.01 Members of the Commission and its staff will not accept or solicit money, favors, or gifts which reasonably could influence their official actions.
- 10.02 Members of the Commission and its staff will not use confidential information to obtain money or favors for themselves or others.
- 10.03 Members of the Commission and its staff will not misuse their official position for personal gain or for the gain of others.
- 10.04 Members of the Commission and its staff will adhere to the standards set forth in the American Planning Association's adopted guidance document entitled "Ethical Principles in Planning," dated May, 1992, as that document may be amended from time to time.
- 10.05 Members of the Commission will comply with the requirements of Metro's Ethics Ordinance as set forth in Chapter 21 of the Louisville/Jefferson County Metro Code of Ordinances.

RECONSIDERATION POLICY.....11.00

11.01 Any reconsideration of a recommendation on a rezoning application shall be granted only upon a request by the appropriate legislative body.²⁴

BINDING ELEMENT ENFORCEMENT POLICIES.....12.00

For purposes of the Binding Element Enforcement Act, KRS 100.401 *et seq.*, and Chapter 153 of the Louisville Metro Code of Ordinances, the following shall apply:

12.01 Violations of binding elements shall be generally categorized as follows:

12.01.01 The violation of a binding element shall be considered a Level 1 violation if it can be corrected easily and quickly, and does not cause a nuisance to the public and neighboring property owners;

12.01.02 The violation of a binding element shall be considered a Level 2 violation if it is the second violation of the same binding element, if it causes a minor nuisance to the public and neighboring property owners, or if it is difficult or time consuming to correct;

12.01.03 The violation of a binding element shall be considered a Level 3 violation if the same binding element has been violated three or more times, if the violation causes a major nuisance to the public and neighboring property owners, or if the violation cannot be corrected.

12.02 The fines for uncontested violations of binding elements shall be based on the level of the violation in accordance with the following:

12.02.01 Level 1 - \$1000

12.02.02 Level 2 - \$2000

12.02.03 Level 3 - \$4000

Each day shall constitute a separate violation for which a separate fine may be assessed.

12.03 Fines shall be paid by certified check make payable to the Louisville-Jefferson County Metro Government and delivered by hand or certified mail to the Administrative Official.

12.04 The Planning Manager of the Compliance Services section shall function as the Administrative Official for purposes of KRS 100.401 *et seq.*, Chapter 153 of the Louisville Metro Code of Ordinances, and the Binding Element Enforcement Policies of the Planning Commission.

²⁴ Do we need a reconsideration policy for non-zoning-related applications? Do appeals stand in for reconsideration since most other cases are heard at a committee level? QUESTION: Does the Kentucky Administrative Procedure Act allow reconsideration? ANSWER: No.

- 12.05 Enforcement officers may issue a citation without a prior warning notice when a violation of a binding element causes a threat to public safety. A “threat to public safety” shall be deemed to exist when the land use enforcement officer reasonably believes that the activity or condition constituting the violation has a substantial likelihood of causing physical injury or danger to the public.
- 12.06 Hearings to contest a citation shall be requested in writing, either by utilizing the hearing request portion of the citation or by letter. Hearing requests by letter shall include the date of issuance of the citation, docket number, specific violation, name and address of the alleged violator, and reasons for dispute of the citation. Hearing requests shall be mailed or hand delivered to the Administrative Official.
- 12.07 The Planning Commission may subpoena alleged violators, witnesses, and evidence to its hearings. Subpoenas shall be signed by the Chairman of the Planning Commission and shall be served by a Land Use Enforcement Officer.
- 12.08 All testimony presented at binding element enforcement hearings shall be under oath, which oath shall be administered at the public hearing by the court reporter, Chairman, or, anyone authorized to administer said oath.
- 12.09 Hearings on binding element violations shall be conducted as follows:
- 12.09.01 The Chairman of the Planning Commission or other presiding officer shall announce the case by stating the docket number, the name of the alleged offender, and the alleged binding element violation.
- 12.09.02 Legal counsel to the Planning Commission shall present the case against the alleged violator, which may include but not be limited to calling witnesses, taking relevant testimony of the land use officer, and witnesses to the alleged violation, and may present any physical, demonstrative, or other evidence. Each witness who is called to testify by legal counsel to the Planning Commission may be cross-examined by the alleged violator or his or her attorney.
- 12.09.03 The alleged violator or his or her attorney may present the case of the alleged violator, which may include but not be limited to calling witnesses, taking relevant testimony of the land use officer, and witnesses to the alleged violation, and may present any physical, demonstrative, or other evidence. Each witness who is called to testify by the alleged violator, or his or her attorney, may be cross-examined by legal counsel to the Commission. The alleged violator may, but shall not be required, to testify.
- 12.09.04 The Planning Commission shall then determine, based on the evidence presented, whether a violation was committed. When the Planning Commission determines that no violation was committed, an order dismissing the citation shall be entered. When the Planning Commission determines that a violation has been committed, it shall issue an order upholding the citation and may order the offender to pay a civil fine in an

amount up to the maximum authorized by Chapter 153 of the Louisville Metro Code of Ordinances, without regard to the criteria in Policy ~~12~~13.02 above, or may order the offender to remedy a continuing violation within a specified time to avoid the imposition of a fine, or both, as authorized by Chapter 153 of the Louisville Metro Code of Ordinances.

POLICIES
LOUISVILLE METRO PLANNING COMMISSION

History:

Adopted January 30, 1986

2.00 Administrative Policies

Adopted November 6, 1986

3.00 Application Procedures

Adopted March 5, 1987

Revised March 20, 2003

4.00 Land Development & Transportation/
Development Review Committee

Adopted March 5, 1987

Revised April 5, 1990

Revised June 15, 2000

Revised January 17, 2002

Revised March 20, 2003

Revised April 3, 2003

Revised May 18, 2006

5.00 Docket Procedures Policy

Adopted March 5, 1987

Revised March 20, 2003

Revised May 18, 2006

6.00 Plan Revisions Policy

Adopted April 5, 1990

Revised June 15, 2000

7.00 Public Hearings

Adopted November 1997

Revised January 29, 1998

Revised April 19, 2001

Revised March 20, 2003

Revised May 18, 2006

8.00 Order of Business

Adopted July 6, 1995

Revised May 18, 2006

9.00 Public Records Policy

Adopted November 6, 1986

Revised March 20, 2003

Revised May 18, 2006

12.00 Binding Element Enforcement Policies

Adopted October 13, 1998

Revised August 21, 2003