

**ORDINANCE NO. \_\_\_\_\_, SERIES 2021**

**AN ORDINANCE RELATING TO THE TIME AND LOCATION OF  
PLANNING COMMISSION PUBLIC HEARINGS DURING STATES OF  
EMERGENCY**

**SPONSORED BY: COUNCIL MEMBER CINDI FOWLER**

**WHEREAS**, the Legislative Council of the Louisville/Jefferson County Metro Government (the “Council”) has closely observed the meetings of the Policies and Procedures Committee of the Louisville Metro Planning Commission (the “Planning Commission”) concerning changes to its By-Laws in light of the ongoing COVID-19 Crisis and related States of Emergency; and

**WHEREAS**, the changes being discussed concern Section 153.03 of the Louisville Metro Code of Ordinances (“LMCO”) and the process colloquially referred to as “Night Hearings”; and

**WHEREAS**, Night Hearing requests are important indicators of both citizen desire to participate in the public hearing process for a proposed project and public perception regarding the scale of a proposed project’s impact; and

**WHEREAS**, the Council believes the proposed changes, even if limited to emergency circumstances, carry significant weight, requiring the interests of residents, developers, Planning and Design staff, the Planning Commission, and others be carefully balanced; and

**WHEREAS**, the Council also believes that Public Health is of paramount concern during the pendency of the ongoing COVID-19 Crisis; and

**WHEREAS**, some of the most important steps consistently recommended by leading health experts to combat the spread of COVID-19 are social distancing and the wearing of masks; and

**WHEREAS**, the Governor of Kentucky had restricted public gatherings to various degrees throughout the COVID-19 Crisis because of the serious Public Health risks associated with such activity; and

**WHEREAS**, Night Hearings have historically garnered large crowds, often exceeding one hundred people, and holding such meetings during the COVID-19 related States of Emergency puts the health and safety of all attendees at risk.

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

**SECTION I:** The Louisville Metro Code of Ordinances § 153.03 is hereby amended to read as follows:

**§ 153.03 TIME AND LOCATION OF PLANNING COMMISSION PUBLIC HEARINGS**

(A) When public hearing dates are set by the Louisville Metro Planning Commission or a committee thereof, certain requirements must be followed in addition to procedures already in place.

(B) If the hearing has been scheduled at the Planning Commission regular place of business, and, if, no later than 15 days before the scheduled hearing date the Commission or committee thereof receives a petition for Evening Public Hearing at a Convenient Location (also known as a Night Hearing) from 300 or more property owners living within the affected Metro Council district and/or adjacent Council districts requesting that the hearing be rescheduled for a time 6:00 p.m. or later at a convenient location, the Planning Commission or committee thereof shall reschedule the hearing to a location in the vicinity of the property that is the subject of the hearing. The location shall be identified by the Planning Commission or committee thereof with input from the affected Metro Council District Office and petitioners, and the government center nearest the property that is the subject of the hearing shall be considered an appropriate location in all cases. The Planning Commission or committee thereof shall ensure that any location selected for the hearing can support a hearing, including the creation of a legally sufficient record of the proceedings. If a location suggested by the Council District Office or petitioners is rejected as inappropriate, the Planning Commission or committee thereof shall document in writing the reasons why the location is not suitable for the hearing. In

the event the nearest Louisville Metro Government Center is the Planning Commission's or committee's regular place of business, the Commission or committee thereof shall not be required to hold the rescheduled meeting at an alternative location, but may schedule the meeting for 6:00 p.m. or later at its regular place of business.

(C) Special Public Hearing Considerations During States of Emergency.

~~(C)~~(D) Should the Planning Commission or committee thereof find the ~~aforsaid~~ necessary ~~p~~Petition for Evening Public Hearing at a Convenient Location to be defective in any manner or if the Planning Commission or committee is unable to reserve the nearest Louisville Metro Government Center or another suitable location for the hearing within two calendar weeks after the originally scheduled hearing date, then the Planning Commission or committee may hold the hearing at its regular place of business but at 6:00 p.m. or later.

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

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Sonya Harward  
Metro Council Clerk

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David James  
President of the Council

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Greg Fischer  
Mayor

\_\_\_\_\_  
Approval Date

**APPROVE AS TO FORM AND LEGALITY:**

Michael J. O'Connell  
Jefferson County Attorney

By: \_\_\_\_\_