

ORDINANCE NO. 098, SERIES 2020

AN ORDINANCE RELATING TO THE ZONING OF PROPERTIES LOCATED AT 917 & 919 FOUNTAIN AVENUE AND 4700 WESTPORT ROAD CONTAINING APPROXIMATELY 0.59 ACRES AND BEING IN LOUISVILLE METRO (CASE NO. 19ZONE0094)(AMENDMENT BY SUBSTITUTION).

SPONSORED BY: COUNCILWOMAN PAULA MCCRANEY

WHEREAS, The Legislative Council of the Louisville/Jefferson County Metro Government (the "Council") has considered the evidence presented at the public hearing held by the Louisville Metro Planning Commission and the recommendations of its Staff as set out in the minutes and records of the Planning Commission in Case No. 19ZONE0094; and

WHEREAS, The Planning Commission's vote on the rezoning resulted in a 3-3 tie and was therefore subject to further consideration by the Planning Commission for a period not to exceed thirty (30) days per KRS 211(2)(g); and

WHEREAS, The Planning Commission did not call for any additional testimony, further discuss the case, or take any additional vote on the matter during that thirty (30) day period; and

WHEREAS, The Planning Commission forwarded the application to the Council without a recommendation at the conclusion of that thirty (30) days as required by KRS 211(2)(g); and

WHEREAS, The Council reads KRS 100.211(2)(g) as requiring some additional consideration after an initial tie including, at minimum, a business session discussion and follow-up vote to see if the tie might be broken; and

WHEREAS, Hearing and decision requirements contained in KRS Chapter 100 are currently suspended per Senate Bill 150(9)(a) due to the ongoing COVID-19 related state of emergency; and

WHEREAS, This suspension of relevant deadlines by the State legislature affords both the Planning Commission and Metro Council ample time to correct this oversight with respect to the requirements of KRS 100.211(g); and

WHEREAS, If the tie cannot be broken by a renewed vote, then the Council will review the matter without a recommendation;

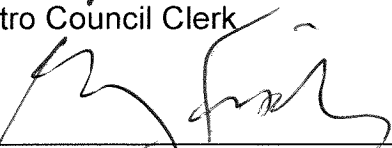
NOW THEREFORE BE IT ORDAINED BY THE LEGISLATIVE COUNCIL OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT AS FOLLOWS:

SECTION I: That the zoning of the properties located at 917 & 919 Fountain Avenue and 4700 Westport Road containing approximately 0.59 acres and being in Louisville Metro, as more particularly described in the minutes and records of the Planning Commission in Case No. 19ZONE0094, is hereby returned to the Planning Commission for further consideration and an attempt to break the previous tie vote as required by KRS100.211 (g).

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



Sonya Harward
Metro Council Clerk



Greg Fischer
Mayor



David James
President of the Council

8/26/2020

Approval Date

APPROVE AS TO FORM AND LEGALITY:

Michael J. O'Connell
Jefferson County Attorney

By: M. Alliday Hepkins

O-298-20 19ZONE0094 KRS 100.211(g) Re-Vote.docx (TF)

**LOUISVILLE METRO COUNCIL
READ AND PASSED**
August 20, 2020