

# **Bylaws, Policies, and Procedures Louisville Metro Planning Commission**



**Louisville Metro  
Planning Commission  
444 S 5<sup>th</sup> Street Ste. 300  
Louisville, KY 40202**

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**BYLAWS AND POLICIES  
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**

**Goals and Objectives**

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

- A. Management and execution of 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 the Comprehensive Plan, including recommendation of implementation of the plan to the appropriate legislative bodies.
- C. Planning and regulation without favor or prejudice to any individual, group, class, race, or creed.
- D. Approval of 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 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 any member is absent or disqualified from voting.
- G. Delegation of authority, where advisable and within the confines of the KRS and local ordinance, to standing committees and the Planning Director.
- H. Provision of public outreach and education regarding planning for the community to the general public and the appropriate agencies and organizations.
- I. Recognition and acknowledgement of national trends in planning theory and practice, and, 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**

**4.1 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 their 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.

**4.2 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 themselves and shall continue to serve until their successor has been appointed and qualified.

**4.3 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.

**4.4 Compensation** - All members shall be reimbursed for any necessary authorized expenses. Citizen members shall receive compensation per LMCO 32.840 (4).

**4.5 Orientation and Continuing Education**

- A. Each planning commissioner is required by KRS 100.346 to obtain the following:
  - 1. A minimum of four (4) hours of orientation training within one (1) year prior to appointment or within one year of appointment, one hour of which must be on the impact of planning and zoning policies and procedures on housing supply and accessibility.
  - 2. A minimum of eight (8) hours of continuing education within each period of four (4) consecutive calendar years, starting at the date of the individual's appointment, one hour of which must be on the impact of planning and zoning policies and procedures on housing supply and accessibility.
- 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 Planning Director or designee 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.

4.6 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.

4.7 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 Planning Commission office an official notice of the contribution, including the name of the contributor. For purposes of this Section, the definitions in KRS 121.015 shall be applicable.

#### 4.8 Planning Commission Adherence to Ethical Standards

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.

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**

5.1 Elected Officers - The elected officers shall be a Chair and a Vice-Chair and these positions shall be filled by citizen members.

### 5.2 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.

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

5.4 Vacancy in Office - A vacancy in the office of Chair shall be filled by the Vice- Chair. The vacancy thus created in the office of Vice-Chair 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 vote of those members present.

### 5.5 Duties of Officers

- A. The Chair shall:
  - 1. Preside at meetings of the Commission.
  - 2. Provide general supervision of the conduct of the affairs of the Commission.
  - 3. Advise the Planning Director as to member concerns.
  - 4. Appoint all committees and committee chairs.
  - 5. Perform such other duties as determined by the Commission, and the bylaws and policies adopted by the Commission.
- B. The Vice-Chair shall:
  - 1. In the absence of the Chair, or in the event of the temporary inability of the Chair to act, perform the duties of the Chair.
  - 2. Succeed to the Office of Chair 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**

6.1 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 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 Planning Director, and transacting such other business as may arise.
- C. Special. Special meetings shall be held at the call of the Chair. 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.

6.2 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, and bylaws.

6.3 Conflict of Interest

- A. All ten 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 member shall not vote on an issue in which the member or member's family has an interest.
- 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 themselves 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 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 prior to the Chair 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 Case No. . The nature of this conflict is . I formally disqualify myself from voting. Signed  
."

6.4 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.

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

#### 6.6 Virtual Meetings

- A. From time to time, there may be conditions under which having an in-person meeting would be dangerous, impractical, impossible, or illegal. Under such circumstances, the Planning Commission may allow for virtual meeting, subject to the requirements of this section, and as permitted by state statute.
- B. Definition. A virtual meeting is a meeting conducted via electronic audio and video equipment by the Planning Commission or a committee thereof by with commissioners, staff, applicants, and the public may “attend” using home computers, laptops, cell phones, or other devices. A virtual meeting must meet all regular requirements of an in-person meeting except for the requirement of a physical meeting location and as otherwise modified by this section.
- C. Security. In order to protect would-be attendees of a virtual meeting from malware and other electronic security risks, all virtual meetings shall be hosted on software approved by Office of Planning Staff in consultation with Metro IT. Any software in use by the Louisville Metro Government shall also be considered presumptively acceptable.
- D. Effect of return to normalcy. When the circumstances which justify the use of virtual meetings lapse, whether by the Planning Commission revoking its explicit grant of approval for the use of virtual meetings for the given condition or otherwise (such as a state of emergency being concluded), any virtual meetings which had been properly noticed to occur with 14 days of such change in circumstances may proceed to be held as virtual meetings, subject to the other conditions of this section.
- E. Outside of conditions described in Section 6.6, A above, the Planning Commission may conduct a virtual meeting to conduct minor business items not involving a public hearing (ex. Approval of minutes). A physical location will be designated for these meetings for those who are unable to attend virtually. Such meetings shall be subject to the same notification requirements as special meetings (as outlined in Article VI, Section 6.1, C above).

#### 6.7 Special Public Hearing Considerations

- A. Evening Hearing Petitions.
  - 1. The Petition for Evening Public Hearing Downtown (which requires 200 signatures) or the Petition for Evening Public Hearing at an Alternative Location (which requires 300 signatures) may still be submitted to the Office of Planning for consideration as permitted and outlined by applicable statute or ordinance.
  - 2. If the Office of Planning receives either of these petitions, a hearing date will be scheduled as specified in Table 1 in this section.

3. Online petitions may be accepted so long as the petition includes an electronic signature, the signee's full name and address (including ZIP code), and otherwise meet the requirements for signatures on said petition. Exception, online petitions do not require the petition language to be located on all sheets but must be included in the online petition description.
4. Submittal of a petition will not halt the review process. Agency reviews may take place subsequent to petition submittal.
5. Office of Planning staff will schedule the public hearing date. Staff will work with the petitioner and applicants to find a suitable location.

6.8 Special Public Hearing Considerations During State of Emergency - The following shall apply during periods in which in-person public hearings and meetings are prohibited or discouraged by a State of Emergency declared either by the Office of the Governor of Kentucky or Office of the Mayor of Louisville Metro.

- A. Any rezoning case that proposes 100 or more housing units; or 100,000 or more square feet of development; or meets the threshold for a traffic impact study as outlined in Guidelines for Traffic Impact Studies and Air Quality Analysis in Jefferson County, Kentucky (Appendix 6E of the Land Development Code) shall be subject to the following:
  1. An evening public hearing, which interested parties may attend virtually or at a designated in-person location (as outlined in Table 6.1 below), will be scheduled if EITHER of the following conditions are satisfied: a.) More than fifty (50) percent of adjoining property owners who are required to be notified (per the notification requirements of the Land Development Code) submit opposition, OR b.) At least one hundred (100) residents within the Metro Council district and/or those Metro Council districts abutting the district in which the project is located submit opposition. If neither a. nor b. are met, then a public hearing shall be scheduled per the applicable procedures in Section 6.6.
    - a. "Opposition" shall be any letter, email, petition, or other written or electronic form of communication submitted to Planning & Design Services as a statement of opposition to a proposed zoning map amendment or the scheduling of a daytime virtual public hearing for a proposal.
    - b. Opposition shall include the name, address and ZIP code of the person submitting the documentation.
    - c. Opposition shall be submitted at least fifteen (15) calendar days prior to the scheduled public hearing date.
  2. Office of Planning staff will schedule the public hearing date. Staff will work with the petitioner and applicants to find a suitable location that can accommodate the required social distancing measures.

B. Evening Hearing Guidelines

Table 6.1		
Guideline Level	Threshold for Gatherings per Executive Order	Evening Hearing Guidelines
Level 1	Up to 100 people permitted at gatherings per Executive Order	Evening hearings (designated in-person location with livestream viewing/participation available) shall be scheduled for rezoning cases described in 6.7 and 6.8 above. At least one member of the Planning Commission shall be present at the in-person evening hearing location. All other members may attend virtually. Evening hearing will be livestreamed via software approved by Office of Planning Staff in consultation with Metro IT. All speakers are asked to pre-register at least 24 hours in advance of the start time of a scheduled meeting to assure adequate in- person space and online capacity is available. Speakers who are pre- registered will have priority regarding the order in which they speak. Those who do not pre-register will be allowed to speak at the discretion of the Chair and as time and space allow. Hearings shall be conducted in compliance with the applicable social distancing requirements outlined by the state or local guidelines.
Level 2	Greater than 100 people permitted at gatherings per Executive Order	Evening hearings (designated in-person location with livestream viewing/participation available) shall be scheduled for rezoning cases described in 6.7 and 6.8 above. At least one member of the Planning Commission shall be present at the in-person evening hearing location. All Planning Commissioners may attend evening hearings at in-person meeting location*. Evening hearings will be livestreamed via software approved by Office of Planning Staff in consultation with Metro IT. All speakers are asked to pre-register at least 24 hours in advance of the start time of a scheduled meeting to assure adequate in- person space and online capacity is available. Speakers who are pre- registered will have priority regarding the order in which they speak. Those who do not pre-register will be allowed to speak at the discretion of the Chair and as time and space allow. Hearings shall be conducted in compliance with the applicable social distancing requirements outlined by the state or local guidelines.
Level 3	End of State of Emergency or Capacity Restrictions are Lifted	Public hearings resume normal scheduling and operating procedures.

\* Planning Commissioner attendance shall be conditioned on being able to accommodate the technological requirements for conducting a proper virtual meeting involving multiple in-person attendees and the Kentucky Healthy at Work Guidance and Requirements for Venues and Public Spaces. Technological challenges that prohibit the proper livestreaming of the event and/or inability to meet the Kentucky Healthy at Work Guidance and Requirements for Venues and Public Spaces may result in only one planning commissioner attending meetings.

## ARTICLE VII Committees

### 7.1 Standing Committees

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

#### 7.1.1 Land Development and Transportation Committee

- a. Composition: The Land Development and Transportation Committee shall consist of five members of the Planning Commission or at least 50% of the currently appointed Planning Commission members.
- b. Quorum. Three (3) members of the Land Development and Transportation Committee shall constitute a quorum of the Committee.
- c. Meetings. The Land Development and Transportation Committee shall meet on the second and fourth Thursday of each month as needed, except when determined otherwise by the committee chairman or the Planning Commission.
- d. Duties. It shall be the duty of this committee to:
  1. Review plans for zoning changes and subdivisions to resolve technical problems.
  2. Review plans for street and alley closures and street and alley name changes to resolve technical problems.
  3. Schedule dates for applications to be presented in a public hearing and set extended time limits for those applications referred to the committee by the Planning Director or Planning Commission.
  4. Perform such other duties as may be prescribed in the adopted policies and as may be determined by the Planning Commission.

#### ~~7.1.2. Site Inspection Committee~~

- ~~a. Meetings. The Site Inspection Committee shall meet on call of the committee chair 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.
  2. Make written comments on the approved site inspection form concerning 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.~~

### 7.1.32 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.
- c. Affected parties may attend Planning Committee meetings. Discussion items are placed on Business Session where they are vetted by the Committee. Public comment is taken during the Planning Commission's public hearing.
- d. The Planning Director or designee shall determine if regulatory changes to the Land Development Code are scheduled for Planning Committee or are directly noticed for a Planning Commission public hearing.

### 7.1.43 Development Review Committee

- a. Composition. The Development Review Committee shall consist of five members of the Planning Commission or at least 50% of the currently appointed Planning Commission members.
- b. Quorum. Three (3) members of the Development Review Committee shall constitute a quorum of the Committee.
- c. Meetings. The Development Review Committee shall meet on the first and third Wednesday of each month except when determined otherwise by the committee chairman or the Planning Commission.
- d. 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. Review plans for street and alley closures and street and alley name changes to resolve technical problems.
3. 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 Section 7.1.80 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 Reviews.
  - H. Road dedications for purposes of maintenance by the Louisville Metro Public Works Department in accordance with KRS 178.400.
  - I. Sign plans, screening or landscaping plans where required by binding elements or other conditions.
  - J. Waivers pursuant to Chapter 11, Part 8, and Section 9.1.16 of the Land Development Code.
  - K. Development plans for regulated activities within a Development Review Overlay District.
  - L. Lighting plans for recreational facilities pursuant to Section 4.1.3.B.6 of the Land Development Code.
  - M. Land disturbing activity on unstable soils pursuant to Section 4.7 of the Land Development Code.
  - N. Design of outdoor amenities and focal points pursuant to Section 5.12 of the Land Development Code.
  - O. Changing image signs with a rate of change in excess of the restrictions set forth in Chapter 8 of the Land Development Code.
  - P. Elevator parking systems and vertical parking towers pursuant to Section 9.1.8 and stacked and valet parking pursuant to Section 9.1.9 of the Land Development Code.
  - Q. Alternative sites to meet tree canopy requirements pursuant to Section 10.1.3 of the

Land Development Code.

R. Transfer of open space pursuant to Section 5.11.5 of the Land Development Code.

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

7.1.5 4 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 Chair of the Planning Commission. Any Commissioner may serve as a voting alternative for all standing 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.

7.2 Special Committees - Special committees shall be appointed by the Planning Commission Chair when deemed necessary by the Planning Commission.

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 shall be comprised of the following:

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 Office of Planning
2. The Department of Public Works and Assets or Department responsible for transportation review
3. The Metropolitan Sewer District

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 Office of Planning, Urban Design Team
5. The Kentucky Department of Transportation
6. The 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
2. Louisville Water Company
3. 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. Where a unanimous decision cannot be made, 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.

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

7.4 Ex-Officio Member - The Chair 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**  
**Planning Director**

**8.1 Employment** - The Director of the Office of Planning (Planning Director) shall be selected and employed by the Louisville-Jefferson County Metro Government, which shall determine the terms of their employment.

**8.2 Duties** - Under the general supervision of the Mayor, the Planning 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 Planning Director shall:

- 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. Schedule dates for applications to be presented in a public hearing. When an issue cannot be resolved through plan revision, the Planning Director shall refer the matter to the Land Development & Transportation Committee for consideration.
- C. 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 Committee for Commission action.
- D. Create or revise any other forms as necessary for the administration of the business and affairs of the Planning Commission.
- E. Assume duties prescribed to the Planning Commission regarding orientation and continuing education in KRS 100.346
- F. Perform such other duties and responsibilities as may from time to time be requested by the Chair of the Planning Commission or the Planning Commission.
- G. 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

Revised February 2, 2012

Revised December 19, 2013

Revised February 7, 2019

Revised June 4, 2020 (Virtual Meetings added)

Revised September 17, 2020 (Night Hearings during State of Emergency) Revised January 8, 2021 (Virtual Neighborhood Meeting requirements)

Revised July 1, 2021 (amended Article VI, Section 7 "Level 3 requirements" in Table 7.1

Revised October 17, 2024 (Added table of contents, Amended Article IV (removed BOZA references), and made clarifications throughout)

Revised December 4, 2025 (Amendments to Articles IV, VI, VII, and VIII regarding continuing education/orientation and LD&T duties)

Revised XXXX (Amendments to Article VII regarding Site Inspection and Planning Committee)

## **ARTICLE XI Policies**

### 11.1 Planning Commission Policies

11.1.1 Policies may be:

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

### 11.2 Administrative Policies

11.2.1 The Planning Director 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.

1. The Planning Director may assign certain duties listed in 11.2.1 to a staff member who shall be assigned the title of "Administrative Recorder."

11.2.2 As soon as practicable after action by the Planning Commission, the Planning Director shall deliver to the applicable legislative body copies of the full and complete record of the case reflecting said action.

### 11.3 Application Procedures

11.3.1 Pre-application

1. Pre-applications for qualified projects shall be processed within two weeks of their filing.

11.3.2 Applications

1. 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.
2. 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 Office of Planning at said offices.
3. 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.

1. Notification shall be given to anyone who spoke at previous hearings regarding change of zoning requests as well as all parties subject to the notification requirements of zoning map amendments as described in Section 11.4.3 of the Land Development Code.
2. The request shall be subject to public hearing by the Planning Commission as specified in Article VI of the Bylaws of the Louisville Metro Planning Commission.
3. 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.
4. Applications are considered complete applications when staff and other agencies have received all required information and notice is ready to be sent.

### 11.3.3 Notice

1. Whenever notice of a public hearing or meeting 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 for 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 Code.
2. It shall be the duty of the person or persons making the application to furnish to the Office of Planning:
  - (i) the names and addresses of the owners of all property described in this section, and
  - (ii) the addresses for all first and second tier dwelling units located on all property described in (i), to be addressed to “Current Resident.” Records maintained by the Jefferson County Property Valuation Administrator may be relied upon conclusively to determine the identity and address of said owner(s). Addresses for “Current Resident” shall be obtained using available data from Louisville Metro Government, and those records may be relied upon conclusively to determine the dwelling units to be included in the supplemental notice. 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 on behalf of the owner 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.

#### 11.3.4 Notice of Filing of Application

- ~~1. Notice of Filing of Application—Notice of any initial application (including applications by governmental entities), filed with the Office of Planning, related to
  - ~~(a) a zoning map or form district amendment,~~
  - ~~(b) a Detailed District Development Plan, General District Development Plan or detailed development plan for planned district developments, revised detailed district development plan or revised general district development plan,~~
  - ~~(c) a modification, deletion, or addition of a binding element or a condition of approval,~~
  - ~~(d) a waiver~~~~

~~shall be given to certain persons or entities by the methods indicated in paragraph 11.3.4 (3) below. The submittal date shall be the date when the Office of Planning accepts the application as administratively complete, meaning an application determined to contain the information necessary to initiate agency review. For case types that require the pre-application process (i.e., zoning/form district map amendment) this notification requirement shall be applied only to the pre-application submittal and shall not be required at the time the formal application is submitted. Once notice for an application has been given according to this section, no additional notice shall be required just because of changes in the application, unless the application has become a new case in the system. The notice required by this section, however, shall be in addition to any notice of further actions or hearings otherwise required by statute, ordinance or other regulation. Except for 11.3.4.(1C), this provision shall not be applicable to staff approvable proposals.~~

- ~~2. The notice shall include the property address, the assigned case number, the name of the case manager, and a brief description of the request.~~
- ~~3. For applications listed in 11.3.4 (1) as (a) through (d) above notice shall be given by the applicant, by depositing in the United States mail not more than seventeen (17) days following the submittal deadline date of the application to persons required to receive notice of public meetings according to the current Land Development Code and Planning Commission Policies and Procedures.~~
- ~~4. It shall be the duty of the applicant to furnish to the Office of Planning the names and addresses of the parties, and in the case of the supplemental notice to be addressed to “Current Resident,” the addresses of the current residents, notified as required above and a copy of the notice sent within seven (7) calendar days after such notices are mailed. Records maintained by the Jefferson County Property Valuation Administrator (PVA) may be relied upon conclusively to determine the identity and address of said owners. Addresses for “Current Resident” shall be obtained using available data from Louisville Metro Government, and those records may be relied upon conclusively to determine the dwelling units to be included in the supplemental notice. 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 on behalf of the owner shall be the president or chairperson 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.~~
- ~~5. If the applicant does not submit the confirmation that the mailing took place within the seventeen (17) day period as mentioned in the preceding paragraph, then Planning & Design Services staff will cease all review of the application in question. Once the applicant submits the mailing confirmation to Planning & Design Services staff, then the application will be reinserted into the next current review cycle within the Case Management System, or the application will be docketed for public meeting if determined ready and complete by the~~

~~case manager. The applicant will be responsible for any added costs associated with processing additional public meeting notices and/or meeting cancellation notices.~~

- ~~6. Cases that are noticed for their public meeting or neighborhood meeting less than seventeen (17) days after the submittal deadline date shall be exempt from these application notification requirements.~~

### 11.3.5 Neighborhood Meetings

1. Neighborhood meetings for zoning map amendments and subdivision requests shall be held in accordance with the applicable section of the Land Development Code.
2. Neighborhood Meeting Scheduling Requirements
  - i. Neighborhood meetings shall not be held on national holidays. Additionally, there shall be no neighborhood meetings scheduled for the week of Thanksgiving nor between December 23 and January 2. It is recommended that religious and other significant holidays be avoided.
  - ii. Neighborhood meetings shall not be held on the same night as regularly scheduled Metro Council meetings.
  - iii. Neighborhood meetings shall be held on weekdays (Friday evening is considered a weekend), starting no earlier than 6:00 p.m. and no later than 8:00 p.m.
  - iv. The date of the meeting must be a minimum of 14 days after the Neighborhood Meeting Notice is sent out. (NOTE: This includes the electronic notice emailed by Office of Planning staff.)
  - v. Neighborhood meetings shall be held inside a building with enough space and seating capacity to reasonably accommodate those invited to the meeting.
  - vi. Neighborhood meetings shall be held in Jefferson County, within reasonable proximity to the subject site.
  - vii. A virtual neighborhood meeting may be required in addition to a regular neighborhood meeting as a means of providing an additional option for interested parties to participate. This meeting may be held concurrently with the regular neighborhood meeting or on a separate date and time. The applicant shall be required to meet the Security and Increased Feedback requirements for Virtual Neighborhood Meetings described below.
3. Neighborhood Meeting Sign Posting Requirement for Zoning Map Amendment
  - a. For development sites totaling five (5) or more acres, notice of the neighborhood meeting for a requested zoning map amendment shall be posted conspicuously on the subject property at least ten (10) days prior to the meeting date. If the subject property contains frontage on more than one road (excluding Expressways/Interstates), one sign shall be posted along each road frontage.
  - b. The design of the sign shall be created by the Office of Planning and shall include the subject property address; existing and proposed zoning/form district; and the neighborhood meeting date, time, and location. The sign shall be constructed of a durable material.
  - c. The Office of Planning shall establish an approved retailer for the sign and provide the retailer's contact information and purchasing process to the applicant.
  - d. It shall be the responsibility of the applicant to purchase and post the sign in accordance with this section.
4. ~~3.~~ Neighborhood Meeting Content Requirements
  - a. The applicant/meeting moderator shall maintain a sign-in sheet of the attendees. Anyone who signs the sign-in sheet who did not receive the neighborhood meeting notice shall be added to the official mailing label matrix for all future notices

regarding the proposal. Also, any interested parties may contact the applicant to register as an attendee and be included on the sign-in sheet and added to the official mailing label matrix for all future notices regarding the proposal.

- b. The applicant/meeting moderator shall provide an overview of the proposal including the proposed zoning/form district being requested as applicable.
  - c. The applicant/meeting moderator shall have a thorough understanding of the proposal and be able to address any questions or concerns by those in attendance.
  - d. The applicant shall distribute the After the Neighborhood Meeting flyer to all attendees.
5. ~~4.~~ If sufficient evidence (as determined by the Planning Director) is submitted identifying a neighborhood meeting standard outlined in 11.3.5(2) and/or 11.3.5(3) was not complied with, the following consequences shall occur:
- a. If discovered prior to formal application filing, the formal application shall not be accepted until a neighborhood meeting is held in conformance with the standards outlined in 11.3.5(2) and/or 11.3.5(3)
  - b. If discovered after formal filing of the application, the public hearing shall be postponed or continued until the neighborhood meeting is held in conformance with the standards outlined in 11.3.5(2) and/or 11.3.5(3).

## 6. ~~5.~~ Virtual Neighborhood Meetings

- i. Definition. A virtual neighborhood meeting is a neighborhood meeting conducted via electronic audio and video equipment by an applicant which residents may 'attend' using home computers, laptops, cell phones, or other devices. A virtual neighborhood meeting must meet all regular requirements of an in-person neighborhood meeting except for the requirement of a physical meeting location and as otherwise modified by this section. (NOTE: A physical meeting location may be provided by the applicant in addition to the virtual neighborhood meeting if conditions permit in-person meetings.)
- ii. Virtual neighborhood meetings may be conducted in lieu of regular neighborhood meetings, upon explicit permission of the Planning Commission during periods in which in-person neighborhood meetings are prohibited or discouraged by a State of Emergency declared either by the Office of the Governor of Kentucky or Office of the Mayor of Louisville Metro, during which applicants may conduct a virtual neighborhood meeting to satisfy the neighborhood meeting requirements of the Land Development Code. Each virtual neighborhood meeting must be pre-approved by the Planning Director. A written request to the Planning Director shall be provided by the applicant. The request shall detail methods of notification, proposed information and proposed virtual platform.
- iii. Security. In order to protect would-be attendees of a virtual neighborhood meeting from malware and other electronic security risks, all virtual neighborhood meetings shall be hosted on platform approved by the Planning Director in consultation with Metro IT. Any platform in use by the Louisville Metro Government shall be considered acceptable.
- iv. Primary **Enhanced Notice**. Methods of notices must be approved by the Planning Director. The Primary Enhanced Notice shall be required for virtual neighborhood meetings and sent to all required parties at least fourteen (14) days in advance of the scheduled meeting date. The Primary Enhanced Notice shall be approved by the Planning Director or their designee prior to being mailed and shall include, but not be limited to, the following:
  1. A detailed summary of the proposal, including but not limited to the following depending on relevancy with the proposal:
    - Present and proposed zoning/form districts, land uses, patterns and lot counts
    - Proposed building heights and setbacks
    - Proposed landscaping, screening and buffering
    - Sanitary sewer availability
    - Stormwater management plans
    - Road and access modifications
  2. A color copy of the proposed development plan/subdivision plan with a minimum size of 8 1/2"x11".
  3. A LOJIC map showing the location of the proposal
  4. Contact information for the applicant and associated professionals (attorneys, engineers, etc.), including but not limited to designating a person as a primary point of contact, a phone number and email address, for any questions or comments. Notice shall also include a physical address to which

written comments may be mailed and incorporated into the meeting record. A resident who has received the notice by mail can request an in-person meeting, if conditions permit, due to lack of access to the technology needed to attend the virtual meeting.

5. Case number (if there is one) and contact information, including but not limited to a phone number and email address, for the Office of Planning case manager or supervisor.

6. Information on how to obtain case information online from Louisville Metro Office of Planning's online customer service portal.

7. The *After the Neighborhood Meeting* flier produced by Louisville Metro Office of Planning.

- v. **Secondary Notice.** A second notice shall be sent to all required parties at least seven (7) days prior to the scheduled meeting date. The Secondary Notice shall include the date, time, physical location (if applicable) and information on how to connect to the virtual neighborhood meeting, as well as contact information for the applicant and associated professionals as described in the Primary Notice requirements.
- vi. **Increased feedback.** Applicants who choose to host virtual neighborhood meetings shall:
  - 1. Include in its summary a transcript of any typed communication located in the chat associated with the virtual neighborhood meeting and written comments received before, during and after the meeting.
  - 2. Direct attendees of their virtual neighborhood meeting to the Louisville Metro Office of Planning should attendees wish to submit comments directly to Planning Commission.
  - 3. Submit a digital recording of the virtual neighborhood meeting to the Louisville Metro Office of Planning with application submittal.
- vii. **Effect of virtual neighborhood meeting.** An applicant who hosts a virtual neighborhood meeting which satisfies all requirements of this section may proceed with filing its formal application.
- viii. **Second neighborhood meeting.** The Planning Commission reserves the right to require any applicant who chooses to hold a virtual neighborhood meeting to hold a second, in-person neighborhood meeting before the Planning Commission makes its final decision on the application provided conditions permit such a meeting. Such a meeting may be required either by a vote of the body or upon request by Office of Planning Staff. Reasons for such a requirement may include, but are not limited to:
  - 1. The conditions justifying the virtual neighborhood meeting may have also negatively impacted its attendance
  - 2. Testimony from those noticed of the virtual neighborhood meeting that they

were unable to participate due to technological limitations

3. Any other reason under which the Planning Commission may regularly require an applicant to conduct an additional neighborhood meeting
- 
- ix. Effect of return to normalcy. When the circumstances which justify the exclusive use of virtual neighborhood meetings lapse, whether by the Planning Commission revoking its explicit grant of approval for the use of virtual meetings for the given condition or otherwise (such as a state of emergency being concluded), any virtual neighborhood meetings which had been properly noticed to occur within 14 days of such change in circumstances may proceed to be held as virtual neighborhood meetings, subject to the other conditions of this section. However, an in-person neighborhood meeting may be required in addition to the virtual neighborhood meeting at the discretion of the Planning Commission.

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

11.4.1 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.

11.4.2 A proposal to revise a record plat may be scheduled for a public hearing where lots shown on the plat have been previously sold to persons who have not consented in writing to the revision. Notice of such a hearing shall be given pursuant to Section 7.1.91 of the Land Development Code.

11.4.3 When a single tract requires a public hearing for more than one purpose, the Planning Director or 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 plan approval; a change in zoning and concurrent conditional use permit or variance requests; and may be held on other actions, as appropriate.

11.4.4 The Committees may limit the time each person may speak. All public meetings shall be subject to the following time limits.

- The applicant or their representative shall have no more than 15 minutes for their presentation (if there is more than 1 representative the cumulative time is still 15 minutes) and other persons in favor of the application shall have a total of no more than 3 minutes per person
- The opposition representative shall have a total of no more than 15 minutes for their presentation. Other Persons opposed to the application shall have a total of no more than 3 minutes each to offer comments on the proposal.
- Ceding time to another speaker is permitted at the discretion of the Chair. Anyone ceding time must be physically or virtually present for the entirety of the hearing. In no event shall any one speaker receive more than 15 minutes of ceded time. Rebuttal by the applicant or their representative shall be allotted no more than 5 minutes.

11.4.5 In review of applications and other matters, the LD&T and the DRC Committees may consider, but are not limited to, the following:

1. Technical review of applicable guidelines of the Comprehensive Plan
2. The Land Development Code
3. Comments, both written and oral, from governmental agencies, and public and private utilities
4. Pertinent map, surveys, drawings, plans, charts, and descriptive data
5. Pertinent traffic data for any development that warrants referral to the APCD and/or Metro Public Works Department for recommendation
6. Written and oral comments of applicants or their representatives, or any interested parties

11.4.6 The Planning Director or designee is authorized to approve any of the following proposals:

1. Major subdivision record plats found to be in strict compliance with the approved subdivision preliminary plan and the Land Development Code.
2. Minor subdivision plats found to be in strict compliance with 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 dedicating the right-of-way required by the Land Development Code provided such plat has been reviewed and marked approved by the Director of Metro Public Works.

3. Screening and landscaping plans required by binding elements or other conditions.
4. Sign plans for proposed signs, as long as they meet the requirements of the general plan, relevant binding elements and the Land Development Code.
5. Reduction and release of bonds after authorization from the appropriate works department and receipt of all required agency letters.
6. Amendment of binding elements or district development plan to allow a cumulative increase in square footage of all buildings in an approved development by no more than twenty-five percent (25%) of the amount specified on the approved district development plan, or to allow any decrease in square footage of buildings in an approved development. In no case shall this delegation of authority permit a change in excess of the threshold established in the applicable Form District regulation for completing the Community Design Review process (Category 3). Such amendments must result in a 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.
7. First extension of the expiration date for development plans and preliminary plans.
8. **Preliminary subdivision plans and revised preliminary subdivision plans for standard subdivisions when the proposal conforms with applicable sections of the Land Development Code. Conditions of approval associated with a preliminary subdivision plan shall be assigned the same status as binding elements associated with development plans.**
9. Stacked parking spaces as specified in the Land Development Code.
10. Joint use and off-site parking, as well as determinations of numbers of spaces reasonably anticipated to be available during hours of operation, pursuant to the Land Development Code, and the Development Code for all of Jefferson County.
11. The Planning 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).
12. Shifts in building limit lines unless said shift results in a need for a variance, waiver or other discretionary approval.
13. Community Facility Reviews.
14. No staff member shall be required to approve any delegated items/proposals if he/she has reason to 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 appropriate sub-committee.

#### 11.4.7 Committee Action

1. 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.

#### 11.4.8 Binding Elements, and Development Plans ~~and Preliminary Subdivision Plans~~

1. 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.
- b. Notice of the following actions shall be provided in accordance with these Policies:
  1. First approval of detailed district development plans on properties that are adjacent to residential zones/uses.
  2. Revisions to binding elements or detailed district development plans that concern the following:
    - i. Change in use
    - ii. Increased density for residential uses
    - iii. Increases of more than 25% in square footage of any use
    - iv. Changes in Screening and buffering plans, and
    - v. Changes in hours of operation
2. 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 document the conclusion of the legal challenge to the project and to establish the date from which the mandatory time period should be reckoned. Office of Planning staff shall amend the approval stamp to reflect the revised expiration date, upon direction from the Commission's Legal Counsel.
3. Combined Category 3/Overlay District Review

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

- 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 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.
- ~~4. 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.~~

## 11.5 Plan Revisions Policy

1. 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 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.

At a minimum, digital notices shall be sent to gov delivery recipients for cases with more than one continuance. At their discretion, the chair may require applicants to send postal notice.

## 11.6 Public Hearings

1. Public hearings shall be held in the first-floor courtroom of the Old Jail Building (514 W. Liberty) unless the Chair of the Commission designates some other place.
2. Cases set for public hearing on a given day shall be heard in the order in which they appear on the agenda unless the Chair directs otherwise.
3. The Chair may rule testimony out of order if the testimony is redundant or irrelevant or if it is not presented at the proper time.
4. The Chair shall have the authority to determine the admissibility of evidence.
5. 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 Chair directs otherwise.
6. 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. The Chair shall always maintain decorum during the hearing. Before testifying, each person shall clearly state their first and last name and their personal or business address for the record. All speakers shall speak clearly into the microphone provided or from their computers if attending virtually and shall refrain from speaking over other parties. No one shall be permitted to speak from the audience. All speakers shall address their remarks to the Chair and the Commission. Anyone who does not address the Commission shall have their testimony stricken from the record. The Chair shall have the right to expel from a hearing any person exhibiting a lack of decorum or causing disruptive or combative behavior. The Chair shall also have the right to pause the hearing until the disruption has ended. The Commission, by consensus, may adjourn the hearing and continue a case to another regular meeting of the Planning Commission at a time and location designated by the Commission. All testimony presented to the Commission shall be sworn testimony given under oath to be administered by the Chair of the Commission.
8. Each matter in the public hearing shall be heard in the following order:
  - i. The Chair of the Commission, or other presiding officer, shall read the notice of the hearing.
  - ii. A member of the staff shall present a summary of the staff report.

- iii. The applicant, or their representative, shall make a statement giving reasons for the request.
- iv. Other persons in favor of the application shall be heard.
- v. Those persons opposed to the application shall be heard.
- vi. Persons wishing to cross examine previous speakers on their testimony shall be permitted to cross examine following the conclusion of said testimony, or at other times at the discretion of the Chair. Cross examination shall be limited to subjects discussed by the speaker being questioned, shall be subject to the reasonable control of the Commission, and shall not be related to general issues involved in the case.

Anyone who asks questions must be sworn in by the Chair.

- vii. The applicant, or their representative, may provide a rebuttal if persons have testified in opposition in the case. No new testimony shall be given by the applicant during rebuttal unless it is a direct response to a question or concern brought up by the opposition. After rebuttal, those in attendance may ask follow-up questions of the applicant or their representative. Those questions may be written on a form available at the hearing and given to staff for the Chair to consider reading into the record and having the appropriate parties respond.

9. The Commission may limit the time each person may speak.

- i. All public hearings shall be subject to the following time limits, unless extended as described below. The applicant or their representative shall have no more than 15 minutes for their presentation (if there is more than 1 representative the cumulative time is still 15 minutes. and other persons in favor of the application shall have a total of no more than 3 minutes per person The opposition representative shall have a total of no more than 15 minutes for their presentation. Other Persons opposed to the application shall have a total of no more than 3 minutes each to offer comments on the proposal. Ceding time to another speaker is permitted at the discretion of the Chair. Anyone ceding time must be physically or virtually present for the entirety of the hearing. In no event shall any one speaker receive more than 15 minutes of ceded time. Rebuttal by the applicant or their representative shall be allotted no more than 5 minutes.
- ii. Public hearings that have been petitioned to be held in the evening shall be subject to the following time limits, unless extended as described below. The applicant or their representative shall have no more than 30 minutes for their presentation (if there is more than 1 representative the cumulative time is still 30 minutes. and other persons in favor of the application shall have a total of no more than 5 minutes per person. The opposition representative or organizer of the petition for the night hearing shall have a total of no more than 30 minutes for their presentation. Other Persons opposed to the application shall have a total of no more than 5 minutes each to offer comments on the proposal. Ceding time to another speaker is permitted at the discretion of the Chair. Anyone ceding time must be physically or virtually present for the entirety of the hearing. In no event shall any one speaker receive more than 15 minutes of ceded time. Rebuttal by the applicant or their representative shall be allotted no more than 5 minutes.

Hearing time limits may be extended in accordance with the following:

1. By request at the LD&T Committee; or,
  2. By the Planning Commission Chair 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; or,
  3. By the Planning Commission chair at the public hearing.
10. At any time during the hearing, members of the commission may ask any person who has given testimony questions relating to the case.
11. All evidence shall be presented at the public hearing. No new or additional evidence may be received into the record after the public hearing has been closed. -
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 the Office of Planning.
13. Following the public hearing, the Commission may take any of the following actions:
- a. Approve or recommend approval of the application as submitted or modified
  - b. Deny or recommend denial of the application as submitted or modified
  - c. Close the hearing and defer action on the case to a regular business session of the Commission
  - d. Continue the hearing to a later date for additional testimony related to the case.
    - i. 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. By consensus, continued hearings may be held at a location designated by the Commission.

### 11.7 Order of Business

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 Planning Director and approved by the Chairman, the order of business shall be as follows:

1. Approval of Planning Commission minutes
2. Consent agenda/ Business Session
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 (as needed)
6. Chairperson/Planning Director's report (as needed)
7. Adjournment

### 11.8 Public Records Policy

1. The Planning Commission shall conform to KRS 61.870 to 61.884 regarding open records.
2. Planning Commission public records are located in the Office of Planning, 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 their designee.

### 11.9 Code of Ethics

1. Members of the Commission and its staff will not accept or solicit money, favors, or gifts which reasonably could influence their official actions.
2. Members of the Commission and its staff will not use confidential information to obtain money or favors for themselves or others.
3. Members of the Commission and its staff will not use their official position for personal gain or for the gain of others.
4. 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.
5. 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.

### 11.10 Reconsideration Policy

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

### 11.11 Binding Element Enforcement Policies

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:

1. Violations of binding elements shall be generally categorized as follows:
  - a. 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;
  - b. 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;
  - c. 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.
2. The fines for uncontested violations of binding elements shall be based on the level of the violation in accordance with the following:

- a. Level 1 - \$1000
- b. Level 2 - \$2000
- c. Level 3 - \$4000

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

- 3. Fines shall be paid by certified check make payable to the Louisville Metro Government and delivered by hand or certified mail to the Administrative Official.
- 4. The Planning Director, or his or her designee, 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.
- 5. 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.
- 6. Hearings to contest a citation shall be requested in writing on a form provided by the Office of Planning. Hearing requests shall include the subject citation and the form providing all relevant docket number(s), the specific violation, the name and address of the alleged violator, and reasons for dispute of the citation. Hearing requests shall be mailed, emailed, or hand delivered to the Administrative Official.
- 7. The Planning Commission may subpoena alleged violators, witnesses, and evidence to its hearings. Subpoenas shall be signed by the Chair of the Planning Commission and shall be served by a land use enforcement officer.
- 8. 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, Chair, or, anyone authorized to administer said oath.
- 9. Hearings on binding element violations shall be conducted as follows:
  - a. The Chair 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.
  - b. 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 their attorney.
  - c. The alleged violator or their 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 their attorney, may be cross-examined by legal counsel to the Commission. The alleged violator may, but shall not be required, to testify.
  - d. 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 11.02 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.

**History:**

Adopted January 30, 1986

**11.2 Administrative Policies (Amended on October 17, 2024)**

Adopted November 6, 1986

Revised February 2, 2012

Revised October 17, 2024

**11.3 Application Procedures (Amended on October 17, 2024)**

Adopted March 5, 1987

Revised March 20, 2003

Revised February 2, 2012

Revised December 19, 2013

Revised June 4, 2015

Revised February 7, 2019

Revised May 23, 2019

Revised May 21, 2020

Revised January 21, 2021

Revised October 17, 2024

Revised December 4, 2025

Revised XXXXXX

**11.4 Land Development & Transportation/Development Review Committee (Amended on October 17, 2024)**

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

Revised February 2, 2012

Revised December 19, 2013

Revised February 7, 2019

Revised October 17, 2024

Revised December 4, 2025

Revised XXXXXX

**5.00 Docket Procedures Policy (This section was indicated as RESERVED prior to October 17, 2024)**

Adopted March 5, 1987

Revised March 20, 2003

Revised May 18, 2006

Revised February 2, 2012

**11.5 Plan Revisions Policy (Amended on October 17, 2024)**

Adopted April 5, 1990

Revised June 15, 2000

Revised February 2, 2012

Revised October 17, 2024

**11.6 Public Hearings (Amended on October 17, 2024)**

Adopted November 1997

Revised January 29, 1998

Revised April 19, 2001

Revised March 20, 2003

Revised May 18, 2006

Revised February 2, 2012

Revised October 17, 2024

**11.7 Order of Business (Amended on October 17, 2024)**

Adopted July 6, 1995

Revised May 18, 2006

Revised February 2, 2012

Revised October 17, 2024

**11.8 Public Records Policy (Amended on October 17, 2024)**

Adopted November 6, 1986

Revised March 20, 2003

Revised May 18, 2006

Revised February 2, 2012

Revised October 17, 2024

**11.9 Code of Ethics (Amended on October 17, 2024)**

Revised February 2, 2012

**11.10 Reconsideration Policy (Amended on October 17, 2024)**

**11.11 Binding Element Enforcement Policies (Amended on October 17, 2024)**

Adopted October 13, 1998

Revised August 21, 2003

Revised October 17, 2024

Revised December 4, 2025