

ORDINANCE NO. \_\_\_\_\_, SERIES 2022

**AN ORDINANCE CREATING A NEW SECTION TO LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT CODE OF ORDINANCES (“LMCO”) CHAPTER 153 REGARDING THE EVIDENCE AND BASIS FOR DECISIONS OF THE LEGISLATIVE COUNCIL OF LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT IN ZONING CASES.**

**SPONSORED BY: COUNCIL MEMBER BILL HOLLANDER**

**WHEREAS;** Jefferson County, prior to merger, had adopted guidelines regarding evidence and the basis for decisions by the Fiscal Court in zoning matters in County Ordinance 30.33; and

**WHEREAS,** the Legislative Council of the Louisville/Jefferson County Metro Government (the “Council”) wishes to set forth guidelines regarding evidence and the basis for decisions by Council in zoning matters.

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

**SECTION I:** Creates a new subsection of LMCO Chapter 153 as follows:

**§ 153.XX EVIDENCE AND BASIS FOR DECISIONS ON ZONING MATTERS.**

(A) Council decisions on zoning matters shall be based on (i) the Planning Commission public record, which includes but is not limited to the staff report of the Planning Commission, the arguments at the Planning Commission public hearing, and any motions and determinations made thereon; and (ii) any additional public hearings held by Council.

(B) *Ex parte* communications with the property owner, the applicant, anyone who submitted comments to or testified before the Planning Commission, any other entity or individual, or any representatives of those entities and individuals (collectively,

“interested parties”) regarding zoning matters pending before Council shall be avoided by Council Members where possible. Notwithstanding the foregoing, it is acknowledged that Land Development Code 11.7.5(F) allows Council to place conditions or binding elements which may necessitate communications with the applicant or other interested parties regarding those conditions and/or binding elements.

(1) If an *ex parte* communication with an interested party occurs, the council member must make a disclosure prior to Council taking final action on the zoning matter, which disclosure shall contain the following information: The person, group or entity with whom the *ex parte* communication took place, the date(s) of the communications, and the substance of the *ex parte* communications. The disclosure may be made verbally or by written memorandum. Notwithstanding the foregoing, any *ex parte* communication from an interested party to the Council Member that does not receive a substantive response from the Council Member does not need to be disclosed.

(2) For purposes of this section, “communication” shall include all transmittals or information from an interested party to the Council Member, or vice versa, whether such transmittals be written, electronic, telephonic, oral, or in any other form, including but not limited to letters, correspondence, e-mails, texts, telephone conversations, in-person or virtual meetings, whether documented or not.

(C) Nothing in this section shall preclude Council Members or their staff from making a personal inspection of a site that is the subject of a zoning matter to familiarize the Council Members or their staff with the location and environs of such a site. Such a personal site inspection shall not include an independent fact finding investigation of the site.

**SECTION II:** This Ordinance shall take effect upon its passage and approval or otherwise becoming law.

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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

**APPROVED AS TO FORM AND LEGALITY:**

Michael J. O'Connell  
Jefferson County Attorney

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

O-088-22 – Ordinance Creating a New Section of Chapter 153 Regarding Evidence and Basis for Decision of Zoning Matters (If)