

**CITY OF DOUGLASS HILLS**  
**ORDINANCE #6, SERIES 2023**

**AN ORDINANCE AMENDING CHAPTER 80 ESTABLISHING**  
**ZONING PROCEDURES**

**WHEREAS**, the City Council has determined that the processes set out in Chapter 80 of its codified ordinances should be updating and clarified, the City having gone through a process of review with the Council's Zoning Committee, the City Attorney and outside legal counsel to recommend updates,

**NOW THEREFORE**, be it ordained by the City of Douglass Hills

**Section 1.** Chapter 80 of the City of Douglass Hills Codified Ordinance is hereby amended to read as follows:

ARTICLE II. ZONING PROCEDURES

§ 80.100 CLERK TO LOG ENTRY FOR ZONING MATTER

(A) The City Clerk shall receive the record of a zoning matter submitted to the Louisville and Jefferson County Planning Commission, hereinafter called "Planning Commission." The record shall include the staff report, transcript of evidence at the commission's public hearing and the minutes of the commission meeting containing its recommendation concerning any zoning matter, hereinafter called "recommendation". The City Clerk shall enter the matter in a docket book kept by the City Clerk for zoning matters only. Entries shall be made as the matter progresses and shall show the following:

(1) Name of the applicant and Planning Commission docket number;

(2) Date the Planning Commission's recommendation was received;

(3) Date that a copy of the Planning Commission's recommendation **and the full record transmitted by the Planning Commission** was sent by the City Clerk to each member of the City Council, the Mayor and the City Attorney;

(4) A brief description of the location of the property; and

(5) All subsequent proceedings.

(B) The City Clerk shall promptly notify the Mayor of any zoning matter received and recorded in accordance with subsection (A).

§ 80.101 ZONING COMMITTEE APPOINTED; RECOMMENDATIONS

~~For any zoning matter received in accordance with § 80.100, t~~The Mayor shall appoint ~~an ad hoc~~ **a standing** zoning committee consisting of a Councilmember who shall serve as chairman and two (2) other councilmembers. ~~The~~ **Any** zoning matter shall be referred to the Zoning

Committee and the committee shall, before the next meeting of the City Council, review the Planning Commission's recommendation.

(B) After its review and at the next meeting of City Council, the Zoning Committee shall **report to the City Council the results of its review, which may be recommend to the council** as follows:

- (1) To approve the Planning Commission's recommendation;
- (2) To approve the Planning Commission's recommendation with modifications;
- (3) To override the Planning Commission's recommendation;
- (5) To refer the matter back to the Planning Commission for further action;
- (6) **To make no recommendation for or against the proposal, recommend binding elements, or provide any other information or guidance the Committee deems useful for the City Council.**

(C) ~~If the recommendation of the Zoning Committee pursuant to subsection (B) involves an amendment to the zoning map, the committee chairman shall direct~~ **Any decision of the City Council approving or denying a zoning matter must be made through an ordinance or municipal order drafted by the City Attorney** ~~to draft an ordinance accordingly containing findings which support the City Council's decision. If the Committee's recommendation is to deny a map amendment, the chairman will request the City Attorney to draft an order accordingly.~~

#### § 80.102 COUNCIL TO DECIDE ON ZONING MATTERS; HEARING AUTHORIZED

(A) As set out in § 80.101, **an ordinance or municipal order approving or denying a zoning matter** ~~if the Zoning Committee's recommendation is to grant a map amendment, an ordinance providing for the amendment~~ **shall be drafted and docketed for consideration at the earliest City Council meeting after the date of the decision of the Planning Commission. Final action by the City Council on any re-zoning request must occur no later than 90 days from the date of the Planning Commission recommendation.** ~~receive its first reading at the Council meeting at which the Committee makes its recommendation.~~

(B) After receiving the Committee's recommendation, the City Council may elect to act on the zoning matter at a subsequent meeting of the City Council without holding a public hearing or with only an argument-type hearing. In this case no additional evidence will be considered or received by the Council. The City Council may accept the Planning Commission's recommendation or it may determine, from the Planning Commission record adjudicative facts which differ from the Planning Commission's findings. In the event the Council finds facts which differ, the Council may elect not to follow the Planning Commission's recommendation.

(C) In extraordinary cases, the City Council may elect to hold its own trial-type hearing, and make findings of adjudicative facts based upon the evidence received at the hearing. The City Council shall, on evidence received at its hearing, base its decision to accept, override or modify

the Planning Commission's recommendation, or to return the matter to the Planning Commission for further action.

#### § 80.103 HEARING PROCEDURE

(A) The City Council shall give notice of the date, time and place of a trial-type hearing held pursuant to § 80.102 to each attorney and person who entered their appearance when the matter was before the Planning Commission. The notice shall be mailed not less than seven (7) days before the public hearing.

(B) An accurate record of the public hearing shall be mechanically or stenographically made, at the applicant's cost.

(C) Witnesses who testify at the public hearing shall be subject to proper cross-examination by other interested parties.

(D) The Mayor, with the assistance of the City Attorney, shall preside over the hearing, and shall determine a procedure, designed to permit a full and orderly presentation of the evidence in accordance with due process requirements, to be followed.

#### § 80.104 EVIDENCE WHICH MAY BE CONSIDERED

Except the evidence presented at a public hearing pursuant to § 80.102, the City Council shall not consider additional evidence including, but not limited to exhibits, petitions, letters, or personal contacts in reaching a decision on any zoning matter. The City Council may, however, permit supplemental documentary evidence such as plats and plans to be filed, provided the opposing party may file evidence in rebuttal of the supplemental evidence.

#### § 80.105 ZONING ACTION BASED ON PLANNING COMMISSION RECOMMENDATION; EXCEPTIONS

(A) Action by the City Council in zoning matters shall be based upon either:

(1) The record of the Planning Commission, including the staff report and transcript of evidence before the Commission at its public hearing; or

(2) Evidence received at a public hearing held by the City Council.

(B) If the City Council returns the matter to the Planning Commission for further recommendation or other action, it shall:

(1) Set forth in writing the specific reasons for returning the matter to the Commission; and



(2) Advise the Commission of the type of further action the Council desires the Commission to take.

(C) It shall take a majority vote of the entire City Council to override the recommendation of the Planning Commission. **The Mayor cannot vote in case of a tie when considering a rezoning.**

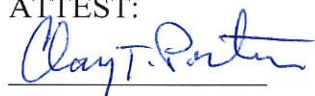
§ 80.106 ETHICAL CONDUCT REQUIRED

Members of the City Council shall not permit personal contacts by persons interested in zoning matters for the purpose of discussing or influencing the outcome of any zoning matter before the City Council for consideration.

**Section 2:** This ordinance shall take effect upon its passage and approval by the Council of the City of Douglass Hills, Kentucky and by publication or distribution as required by law.

First Reading: 12/07/2023  
Second Reading: 01/04/2024  
Passed and approved this day 4<sup>th</sup> of Jan, ~~2023~~ 2024

  
\_\_\_\_\_  
Bonnie Jung, Mayor

ATTEST:  
  
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Clay Porter, City Clerk

Those in Favor 6  
Those Opposed 0