

OFFICIAL USE ONLY

License #: _____

Date Mailed: ___/___/___



SUBMISSION DEADLINE
TO AVOID PENALTY:
JULY 31, 20--

**LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT WASTE MANAGEMENT DISTRICT
600 MERIWETHER AVENUE, LOUISVILLE KY. 40217
APPLICATION FOR LICENSE**

DATE OF APPLICATION: ___/___/___

- RENEWAL
- NEW APPLICANT

Please Choose Application Type:

- Landfill** (5% Gross Receipts - *Paid Quarterly*)
- Transfer Station** (2% Gross Receipts - *Paid Quarterly*)
- Recycler** (\$100 Initial / Annual Renewal)
- Construction/Demolition Facility** (\$100 Initial / Annual Renewal)
- Compost** (\$100 Initial / Annual Renewal)
- Haulers** of Residential/Commercial Garbage and Bulk Trash, Construction & Demolition Waste, Medical Waste, Collectors of Recyclables/Yard Waste from Residential and Commercial customers (*does not include: special or hazardous waste*)
(\$100 Initial / Annual Renewal) + \$10 PER VEHICLE

Business Name: _____

Doing Business As: _____

Facility Address: _____

Mailing Address: _____

Applicant: Name: _____

Phone: (office) _____ (cell) _____

Email: _____

Business owner(s) (list all over 10% interest)

NO CHANGE IN OWNERSHIP:

Name: _____ Percent: _____

Name: _____ Percent: _____

Name: _____ Percent: _____

ALL APPLICANTS MUST HAVE THIS APPLICATION SIGNED FOR PROCESSING:

OATH: I CERTIFY THAT THIS DOCUMENT AND ALL ATTACHMENTS WERE PREPARED UNDER MY DIRECTION OR SUPERVISION. THIS INFORMATION SUBMITTED IS, TO THE BEST OF MY KNOWLEDGE AND BELIEF, TRUE, ACCURATE AND COMPLETE.

PRINTED NAME AND TITLE: _____

SIGNATURE, AUTHORIZED AGENT & DATE _____

PLEASE NOTE: LICENSEES DO NOT TRANSFER. YOU ARE REQUIRED TO NOTIFY THE DISTRICT PRIOR TO CHANGES IN OWNERSHIP, FACILITY LOCATION, OR VEHICLE REGISTRATIONS.



Required documentation

1. **New applicants** seeking a license to operate an off-site Solid Waste Management Facility to include landfill, transfer station, Construction and Demolition Debris Facility, or composting facility shall submit a copy of the permits issued by the Commonwealth of Kentucky Energy and Environment Cabinet. Please contact the Kentucky Division of Solid Waste Management at (502) 564-6716 to determine if your facility would require a permit.
2. **New applicants** seeking a license to operate an off-site Solid Waste Management Facility to include landfill, transfer station, recycling, waste vehicle storage area, or composting facility shall submit a letter from Louisville Metro Planning and Design Department certifying the zoning of the property, upon which the operation will be located, meets the requirements of the Land Development Code. The certification shall include a zoning map, minutes of approved conditional use permits, variances, waivers, appeals and zoning cases. For questions contact Planning and Design at (502) 574-6230
3. **New applicants**, if doing business under an assumed name, shall provide proof the name has been registered with the county clerk's office.
4. **New applicants** shall provide proof that the applicant does have comprehensive general liability insurance.
5. **New applicants** shall provide a description of the owner/operators prior experience in the ownership and operation of the facility, wherever situated. The description shall disclose:
 - a. Any administrative, criminal, civil action pending alleging a violation of federal, state, or local law or regulation concerning solid waste management
 - b. For a five year period immediately preceding the date of filing, whether the owner/operator has been convicted of a crime, entered a plea of guilty, a plea of nolo contendere or such other plea of no contest to a felony or misdemeanor charge, been held liable in a civil or administrative action, or agreed to payment of any civil penalties or monies as part of the final disposition of any civil, administrative or criminal proceeding involving the violation of any federal, state or local law or regulation applicable to the management of a solid waste management facility.

6. **New Applicants** registered as a corporation with the Kentucky Secretary of State shall submit a list of persons who own 10% or more of the corporation's outstanding stock.
7. **New Applicants**, you must currently be in "**Good Standing**" with the Kentucky Secretary of State (*not required for sole proprietorships*) or, if a foreign corporation, that you are certified to do business in Kentucky. **If you are not**, you will need to contact the Secretary of State at (502) 564-3490 to *update/register* your information and request a "**Certificate of Existence**". A copy of the certificate will need to be included with this application.
8. **Renewal**, applicant must verify there have been no changes to the information and no changes to requirements 1 through 5. *If changes have been made attach new documentation.*
9. **Renewal**, applicant shall provide proof that they have comprehensive general liability insurance.
10. **Renewal**, applicants shall certify they are currently in "**Good Standing**" with the Kentucky Secretary of State (*not required for sole proprietorships*) or, if a foreign corporation, they are certified to do business in Kentucky. **If you are not**, you will need to contact the Secretary of State at (502) 564-3490 to be registered and proof of your registration shall be forwarded to this office.

Waste Haulers must, in addition to #1 through #10, complete the below requirements

1. For vehicles with a gross vehicle weight (GVWR) of less than 10,000 pounds
 - a. Attach a listing of vehicles used to collect solid waste that includes the vehicle identification number (VIN), make, model, and year.
2. Any vehicle with a gross vehicle weight (GVWR) exceeding 10,000 pounds the applicant must provide a copy of the Kentucky Department of Transportation-Division of Motor Carriers permit to transport solid waste (TC-18 and TC 95-41). If your vehicle is over the limit and you do not have a current permit contact the Kentucky Department of Transportation-Division of Motor Carriers at (502) 564-4127.
3. For residential collectors, a copy of the Variable Service Rate pricing structure must be included with new or renewal applications

Composting Facilities, Transfer Facilities, and Construction and Demolition Waste Facilities must, in addition to #1 through #10, include a site plan showing all parcels, site boundaries, easements, and locations designated as 100 year flood plain. Your site plan should also include the following:

1. Access gates and procedures to restrict unauthorized persons from entering the premises. Facilities must have an attendant on site during all operating hours.
2. Description and locations of records showing the amount of materials received, processed, and distributed and/or disposed. You will need to complete our report form quarterly (see attached)

3. Materials accepted by the facility for which the applicant is operating per definitions described on Chapter 51.001
4. Procedures for handling and removal incidental amounts of unpermitted waste received at the facility
5. Locations where incoming materials, materials processing, and finished material will be stored to meet the requirements as indicated in Chapter 51 for the facility in which the applicant is making application.
6. Location of fire lanes capable of handling firefighting vehicles in excess of 35,000 pounds in all weather conditions.
7. Location of on-site water supply that is approved by the local fire district having jurisdiction.
8. Transfer facilities handling municipal Solid Waste as defined in 51.001 shall include in the site plan the location and design of an enclosure having three side and a roof where the loading, unloading, and storage must take place. The plan must include a statement on how the enclosure will be equipped with a dust control system and system to control odors emanating from the structure.
9. Drainage plan that has been approved by the Metropolitan Sewer District and the Kentucky Division of Water.

**IN ORDER TO PROCESS YOUR LICENSE WITHOUT DELAY, PLEASE MAKE SURE
YOUR SIGNATURE AND ALL REQUIRED DOCUMENTATION ARE INCLUDED WHEN
YOU RETURN YOUR APPLICATION!**

THANKS

OFFICE USE ONLY

DATE RECEIVED: _____ INITIAL _____

FEE RECEIVED: \$ _____ CHK # _____

DATE APPROVED: _____ INITIAL _____

BOZA-Approved Applications




Step 1. Application

*If you are applying for a **Conditional Use Permit**, a pre-application is required. Otherwise, skip to [Formal Application](#)*

1. Submit a [Pre-Application](#) to begin the process. Pre-Applications are due on Mondays at 2:00 p.m. in order to be processed that week. A \$130 fee is due in order to process your pre-application.




2. A Case Manager is assigned to your case on Tuesday following the filing deadline. The Case Manager then contacts you to set up a Pre-Application Meeting.



3. Development plans submitted with the Pre-Application are distributed by the Case Manager to pertinent review agencies on Wednesday of the same week. Agencies have two weeks to review your plan and make any comments necessary.



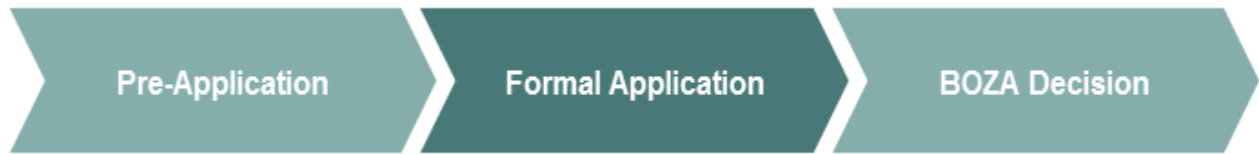
4. A Pre-Application Meeting is held with the Case Manager. Pre-Application Meetings are not required, but are encouraged, particularly for new applicants. At this meeting, the Case Manager reviews any agency comments with you. If a Pre-Application Meeting is not held, the Case Manager sends agency comments to you.



5. You are required to hold a neighborhood meeting in order to present your plans to neighbors and respond to their feedback. The neighborhood meeting can be held at any time during the Pre-Application phase, but must be held prior to filing a formal application. Contact your Case Manager for additional information on neighborhood meetings, including notice requirements.



6. You are now ready to file a [formal application](#).



Step 2. Formal Application

1. Submit the appropriate application (found on our [application webpage](#)). Applications are due on Mondays at 2:00 p.m. in order to be processed that week.

2. Development plans submitted with the Formal Application are distributed by the Case Manager to pertinent review agencies on Wednesday of the same week. Agencies have two weeks to review your plan and make any comments necessary

3. Agencies send comments to you within two weeks of receiving your plan. The Case Manager also notifies you once all agencies have responded. If no comments need to be addressed, then you can skip to step 5.


4. Once you receive agency comments, please address these and resubmit your plans. Just like the original deadline, resubmittals are due on Mondays at 2:00 p.m. Steps 2 and 3 are then repeated; however, agencies have only one week to submit comments to you on any resubmitted plans.

5. When all review agency comments have been addressed, your application is ready for review by the Board of Zoning Adjustment ([BOZA](#)).




Step 3. Board of Zoning Adjustment


1. Once the date of a Public Hearing is set by the case manager, you are required to send public notification to adjoining property owners by mail. Neighbors must be sent notification 14 days prior to the Public Hearing. [Click here](#) for additional information on public notices and [here](#) for the affidavit of notification. Also, signs are required to be posted on the property (Planning & Design staff will post the signs). Those signed up with our neighborhood notification program will also be notified by email.




2. The Case Manager conducts a site inspection of the property to assess the impact of the proposed development on the surrounding area and prepares a staff report at least 6 days prior to the Public Hearing. The staff report is provided in advance to BOZA members for their review and, together with the meeting agenda, is usually posted three days before the meeting [here](#).



3. BOZA holds the Public Hearing. Public Hearings are typically held on the 1st and 3rd Monday of the month at 8:30 am. in the Old Jail Building located at 514 W. Liberty Street. Often, there are multiple cases on the agenda to be reviewed. Routinely, the staff person assigned to the case outlines the request, the applicant will present their information, and others in support will follow. Next, people with a neutral stance can speak, followed by those in opposition. The applicant then has time for rebuttal.



4. After the case has been heard, the Board will go into business session, where members will discuss and make a decision to approve or deny the request based upon all information presented. The decision is based upon your presentation, public testimony, and the staff report.



5. At the following BOZA hearing (usually two weeks later), the Minutes from your Public Hearing are voted on for approval. Once this happens, the file is transmitted to you and to proper agencies for their use.

Zoning Change

What is rezoning?

When a property owner wants to use their land in a way that is not currently permitted by the zoning regulations, the owner must request to rezone the property to a classification that permits the desired use or form. A rezoning is an action that must be approved by a legislative body, such as the Louisville Metro Council.

If you would like to rezone property that you own and want to learn more about the process, visit the [Applicant User Guide](#).

If you are a concerned citizen that would like to learn more about the rezoning process, visit the [Citizen User Guide](#).

What are zoning regulations?

In its traditional sense, zoning regulations are rules that determine how parcels of land may be used. In some communities, zoning regulations may also address the physical form of structures and how these structures relate to the environment in which they are placed. These regulations are known as form-based codes.

Why do we need zoning regulations?

Zoning regulations prevent a paper factory from being placed next to a daycare facility. In other words, zoning locates particular uses or building forms where they are most appropriate. Factors to consider include public utilities, accessibility, and the established development pattern of an area. These regulations are intended to protect the rights of property owners while promoting the general welfare of the community.

How is land zoned in Louisville?

The [Land Development Code](#) (LDC) is the regulatory document that determines zoning in Louisville. Since 2003, the LDC has used a two-tier zoning system. Traditional “use zones” govern permitted uses while 11 overlying “Form Districts” govern urban form and dimensional standards of structures. For more information on Louisville's zoning districts, [click here](#).

Additional information about rezoning in Louisville:

[Click here](#) for a one-page overview of the rezoning process.

[Click here](#) to open the Land Development Code and [here](#) for Cornerstone 2020.

[Click here](#) to link to the LOJIC webpage to learn about the zoning designation of a specific property.

Anyone interested in requesting a zoning change or viewing any public records on rezoning requests may come to the Planning and Design Services office (444 S. 5th Street, Suite 300, Louisville, 40202) Monday through Friday between the hours of 8:00 a.m. and 5:00 p.m.

Need more information? Call Planning and Design Services at (502) 574-6230

Nonconforming Rights



Step 1. Application

A nonconforming use is an established activity which lawfully existed at the time of the enactment of a zoning regulation which would not permit the activity anymore.

1. Submit a [Nonconforming Rights application](#).
2. Submit evidence that:
 - a. The use lawfully existed on the property prior to adoption, or amendment, of the zoning regulation that makes the use nonconforming,
 - b. The use existed continuously on the property since the time it became nonconforming, without an interruption of more than 12 consecutive months, and
 - c. The use has not been expanded, or relocated, on the property since the adoption of the zoning regulation that makes it nonconforming.

Step 2. Staff Determination

Planning & Design Services staff will make one of the following three decisions based on your application:

1. *The nonconforming use rights have been established for the property.* If this is the conclusion, the property owner, or prospective property owner, is advised that any changes made to the use or structure will result in a loss of nonconforming status. Any interested party can appeal the staff determination to the Board of Zoning Adjustment (BOZA). If staff concludes nonconforming rights exist, the department will issue a statement outlining the nonconforming rights. This statement must be recorded in the chain of title in the Jefferson County Clerk's Office to put others on notice of the establishment of nonconforming use.
2. *The nonconforming use rights have not been established for the property.* If this is the conclusion, the property owner, or prospective property owner, can appeal to BOZA.
3. *No conclusion has been reached because of insufficient, or conflicting, evidence.* If this is the case, the property owner, or prospective property owner, can provide additional documentation, or appeal the determination to BOZA.

BOZA Appeal (optional)

1. If you choose to appeal a staff determination to BOZA, follow the procedures detailed [here](#).

Appeals of Staff Determination (Heard by BOZA)

Applicability: The Board of Zoning Adjustment (BOZA) hears appeals of determinations in the following areas: written interpretations of the provisions of the Land Development Code and/or an official action, order, requirement, interpretation, grant, refusal, or decision of an administrative official, zoning enforcement officer, or code enforcement officer.




1. Submit a [BOZA Appeal application](#) within 30 days after the appellant or his agent receives notice of the action of the official. Applications must be signed by the person(s) seeking review of the staff determination or by their designated agent(s). Also, applications must be accompanied by supporting materials determined appropriate by the Planning Director. There is a \$350 fee for BOZA Appeals that should be paid when the application is submitted.

2. Once an appeal has been filed, the request will be scheduled for a public hearing in front of the Board of Zoning Adjustment. The applicant should submit all supporting evidence with the application.


3. Once the date of a Public Hearing is set by the case manager, you are required to send public notification by mail to adjoining property owners and those listed on the application. Neighbors must be sent notification 7 days prior to the Public Hearing. [Click here](#) for additional information on public notices and [here](#) for the affidavit of notification. Also, two other forms of public notification are required (PDS staff will take care of these): signs posted on the property and a legal ad in the Courier-Journal newspaper.

4. BOZA holds the Public Hearing. [Click here](#) to view meeting agendas and supporting documentation. Public Hearings are typically held on the 1st and 3rd Monday of the month at 8:30 a.m. in the Old Jail Building located at 514 W. Liberty Street. Often, there are multiple cases on the agenda to be reviewed. Routinely, the staff person assigned to the case outlines the request, the applicant will present their information, others in support will follow. People with a

neutral stance are next, followed by those in opposition. The applicant will have a time for rebuttal.



5. After the case has been heard, the Board will go into business session, where the members will discuss and make a decision based upon all of the information presented to them.



6. At the following BOZA hearing (usually two weeks later), the Minutes from your Public Hearing are approved. Once this happens, the file is transmitted to you and to proper agencies for their use. Often not an issue, but the Board is required to decide on the case within 60 days of the first hearing date.

Appeals of Commission Actions (Heard by the Legislative Body)

Applicability: Planning Commission approval or denial of any plan certain development plan or amendment to any plan certain development plan (including an amendment to a binding element of the plan) may be reviewed by the legislative body having zoning authority over the property in question – if the legislative body determines that such a review is warranted. Any such review may be, but is not required to be, conducted as a public hearing.




1. The owner(s) of the subject property or any aggrieved party may request a review by the legislative body by submitting a written letter to the appropriate legislative body stating the reason(s) why such a review is warranted. The legislative body with zoning authority over the subject site may initiate the review on its own by resolution. The letter needs to be filed with the appropriate legislative body or resolution adopted within 30 calendar days of the date the Planning Commission made the decision that is being appealed. The legislative body will forward a copy of the letter or resolution to the owner of the subject property, if the owner is not the applicant. A copy of the letter or resolution will also be forwarded to the Planning Commission.


2. Once the legislative body receives the letter, it will then determine whether a review of the Planning Commission’s action is warranted. It has 30 days to make this decision once it receives the letter. If the legislative body fails to make a decision within 30 days, this signifies that the review was deemed unnecessary and no further review by the legislative body may occur.

3. If the legislative body determines that a review is warranted, it will notify the Planning Commission, all parties of record to any Planning Commission or Committee hearing or meeting previously held regarding the subject plan, and all first and second tier adjoining property owners and registered neighborhood groups in writing of the date, time, and place that the review will be conducted. This letter will also note the right of the public to inspect the subject plans in the Planning & Design Services office. Lastly, if a public hearing will be held, the letter will note the right of the public to comment at the hearing.

4. If the legislative body decides to conduct a public hearing on the development plan, it will include a presentation by a staff member of the Planning Commission stating the reason(s) for action. In addition, any applicant for review of the Planning Commission's action pertaining to the plan should state why he/she believes the Planning Commission's action was not justified. The legislative body may hear any other such witnesses and review any other evidence at the hearing it deems appropriate.



5. If a public hearing is not held by the legislative body, the legislative body shall confine its review to the information that was presented to the Planning Commission or Committee.



6. The legislative body is required to complete its review within 90 days after it adopts the resolution granting the review. It may uphold, modify, or overturn the Planning Commission's decision, and may place conditions or binding elements on the plan. Alternatively, the legislative body may return the matter to the Planning Commission for further review. All resolutions and ordinances adopted by the legislative body on the matter will be forwarded by the legislative body to the Planning Commission.

BYLAWS

LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT BOARD OF ZONING ADJUSTMENT

ARTICLE I Name

The name of this Board shall be the Louisville/Jefferson County Metro Government Board of Zoning Adjustment ("Board"), as per Louisville Metro Ordinance, O-43-2-03.

ARTICLE II Purpose

The purpose of the Board shall be to direct the economic growth and physical development of Louisville Metro 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 Functions

The functions and duties of the Board shall include, but not be limited to, the following:

- A. Manages and conducts the business, activities, and affairs of the Board as prescribed by KRS – Chapter 100 and subsequent amendments and local ordinances and resolutions.
- B. Plans and regulates without favor or prejudice to any individual, group, class, race, or creed.
- C. Approves all policies, procedures, and regulations necessary for the management of the affairs of the Board.
- D. Conducts public hearings as prescribed in the adopted policies.
- E. Keeps minutes and records of all proceedings, including regulations, transactions, findings, and determinations, and the number of votes for and against each question, and if any member is absent or disqualified from voting, indicating the fact.
- F. Delegates to committees and/or staff designees such authority that is deemed advisable, and in accordance with statutes and regulations.
- G. Provides continuing liaison informational services insuring communication of planning progress to the general public and the appropriate agencies and organizations.

ARTICLE IV Office

The office of the Board of Zoning Adjustment shall be located at the Department of Planning and Design Services. The Board may delegate duties or functions to staff members as needed to carry out its assigned duties.

ARTICLE V Members

Section 1. Composition. The Board of Zoning Adjustment shall be composed of seven members as prescribed in KRS 100.217(2) and Louisville Metro Ordinance O-43-2-03:

- A. The Mayor shall appoint members to the Board and the Metro Council shall approve all appointments.
- B. No more than two (2) Members of the Board shall be citizen members of the Planning Commission.
- C. Members shall not hold any office incompatible with that of Board member, as set forth in KRS 61.080.

Section 2. Term of Office

Members shall serve three-year terms, except those first appointed to the Board shall serve the following staggered terms:

- A. Two (2) members shall serve one (1) year;
- B. Two (2) members shall serve two (2) years; and
- C. Three (3) members shall serve three (3) years.

Section 3. Vacancies. Vacancies shall be filled within sixty (60) days by the appropriate appointing authority (Mayor, with Council approval). 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. (KRS 100.217(5)).

Section 4. Compensation. Reimbursement for expenses or compensation or both may be authorized (but is not mandatory) for Board members.

Section 5. Orientation and Continuing Education

- A. Each Board member is required by KRS 147A.027 to obtain the following:

1. A minimum of four (4) hours of orientation training within one (1) year prior to appointment or within one hundred twenty (120) days of appointment.
 2. A minimum of eight (8) hours of continuing education within each period of two (2) consecutive calendar years, starting at the date of the individual's appointment.
- B. Appropriate subjects for education include, but are not limited to: land use planning; zoning; floodplains; transportation; community facilities; ethics; public utilities; wireless telecommunications 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 commission secretary 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 100.217(8).

Section 6. Removal of Members. Any member of the Board 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 Board setting forth the reasons for removal, and the statement shall be read at the next meeting of the Board of Zoning Adjustment, which shall be open to the general public. The member so removed shall have the rights of appeal in the circuit court. (KRS 100.217(8)).

ARTICLE VI

Officers

Section 1. Elected Officers. The elective officers shall be a Chairperson ~~Chairman~~, a Vice- Chairperson ~~Chairman~~, a Secretary, and any other officers it deems necessary.

Section 2. Nomination 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.

Section 3. Term of Office. Officers shall be elected for a term of one year or until their successors are elected and assume office. Any officer shall be eligible for re-election at the expiration of his/her term.

Section 4. Vacancy in Office. A vacancy in the office of Chairperson ~~Chairman~~ shall be filled by the Vice- Chairperson ~~Chairman~~. The vacancy created in the Offices of Vice- Chairperson ~~Chairman~~ or Secretary 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 votes of those members present.

Section 5. Duties of Officers

A. The Chairperson ~~Chairman~~ shall:

1. Preside at meetings of the Board;
2. Provide general supervision of the conduct of the affairs of the Board and assigned staff members;
3. Advise the Director of Planning and Design Services as to member concerns;
4. Appoint any committees and committee chairs;
5. Review and sign the approved minutes of all Board meetings and public hearings.
6. Perform such other duties as determined by the Board, the bylaws, and policies adopted by the Board.

B. The Vice- Chairperson ~~Chairman~~ shall:

1. In the absence of the Chairperson ~~Chairman~~, or in the event of the temporary inability of the Chairperson ~~Chairman~~ to act, perform the duties of the Chairperson ~~Chairman~~;
2. Succeed to the Office of Chairperson ~~Chairman~~ 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 Board.

C. The Secretary shall:

1. Attend all regular and special meetings and hearings, as well as any committee meetings, and keep a record of same, which shall be transcribed in the minute book of the Board;

2. Send notices of all meetings of the Board required to be sent by law, under these bylaws, or as directed by the Chairperson ~~Chairman~~;
3. Have charge of all books, papers and records of the Board, and shall attend to all correspondence of the Board;
4. Review and sign the approved minutes of all Board meetings and hearings.

The Secretary's clerical functions may be delegated to a member of the staff, upon resolution of the Board.

Section 6. Temporary Assumption of Duties.

- A. In the event that both the Chairperson ~~Chairman~~ and Vice-Chairperson ~~Chairman~~ of the Board shall be absent or unable for any reason to attend to the duties of their offices, the members of the Board may at any regular or special meeting appoint a Chairperson ~~Chairman~~ Pro Tem who shall attend to all the duties of such officer until such officer shall return, or be able to attend to his/her duties.
- B. If the Board Secretary is elected as Chairperson ~~Chairman~~ Pro Tem, his/her functions as Secretary must be delegated to a staff member, if this has not already occurred.

ARTICLE VII Meetings

Section 1. Regular, Annual, and Special Meetings.

- A. Regular. Regular meetings of the Board of Zoning Adjustment shall be held at 8:30 a.m. on the first and third Monday of each month at a place designated by the Board at its Annual Meeting, except when ordered otherwise by the Director of Planning and Design Services. If a Monday scheduled for a regular meeting is a holiday for which the office of the Board is closed, the regular meeting shall be held on the following day (Tuesday).
- B. Annual. The annual meeting shall be held immediately preceding the regular meeting held on the first Monday in July of the calendar year, and shall be for the purpose of electing officers, receiving annual reports of officers, committees, and the Director of Planning and Design Services, and transacting such other business as may arise.
- C. Special. Special meetings shall be held at the call of the Chairperson ~~Chairman~~. 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 considered. (KRS 100.221(1))

Section 2. Quorum. Four members of the Board of Zoning Adjustment shall constitute a quorum. The lack of a quorum shall not prevent a scheduled public hearing.

Section 3. Voting. A majority of all members present where a quorum of the Board is present shall be necessary to transact any official business, except a majority vote of the total Board membership is required to adopt or amend bylaws.

Section 4. Records. The Board shall keep minutes and records of all proceedings, including resolutions, transactions, findings and determinations; shall record the number of votes for and against each question presented; and shall indicate whether any member is absent or abstains from voting. All such records shall be filed in the office of the Board immediately following the meeting at which they occurred.

Section 5. Conflict of Interest. Any member of the Board of Zoning Adjustment who has a conflict of interest, including any direct or indirect financial interest in the outcome of any questions before the Board, or any interest that affects his/her impartiality of judgment in the matter, shall disclose the nature of the interest in writing to staff legal counsel prior to the hearing. The member also shall disqualify himself/herself from voting on the question, shall leave chambers until the matter has been resolved, and he or she shall not be counted for the purposes of a quorum. (See also KRS 100.221(2)).

Section 6. Absences. The third consecutive absence of a member from a meeting of the Board shall be made known to the officer who appointed, or has the power to appoint, such member (Mayor). Such continued absence without reason acceptable to the Board shall be considered prima facie evidence that such member has neglected his/her duties as a member of the Board, and the appointing officer (Mayor) shall notify the member to that effect, and may request the resignation of said member.

Section 7. Open Meetings and Public Hearings. Board of Zoning Adjustment meetings and public hearings shall be open to the public as required by the Kentucky Revised Statutes.

ARTICLE VIII Committees

Section 1. Membership. The Chairperson ~~Chairman~~ of the Board shall form and appoint any committees, and shall designate one member as chairperson ~~man~~ thereof.

Section 2. Meetings.

- A. Committees shall meet at such times and places as designated by the chairperson ~~man~~ of the committee.
- B. A majority of the members of a committee shall constitute a quorum.

- C. All reports of committees shall be made in writing, and the original copy thereof shall be filed and become part of the records of the Board.

Section 3. Ex-Officio Member. The Chairperson ~~Chairman~~ of the Board of Zoning Adjustment shall serve as an ex-officio member of all committees.

ARTICLE IX Parliamentary Authority

Robert's Rules of Order, Modern Edition, most current revision, shall govern the proceedings of the Board of Zoning Adjustment 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 Board of Zoning Adjustment at any regular or special meeting of the Board, provided that copies of the proposed amendment have been included in the notice of such meeting. At least seven days' prior notice shall be given.

Adopted July 7, 2003
Revised May 7, 2007

**POLICIES
LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT
BOARD OF ZONING ADJUSTMENT**

BOARD OF ZONING ADJUSTMENT POLICIES.....1.00

1.01 Policies may be:

- 1.01.01 adopted by a majority vote of the entire Board.
- 1.01.02 amended or rescinded by a majority vote of the entire Board after previous notice of at least three business days has been given, in accordance with the Bylaws or these policies.
- 1.01.03 suspended temporarily by a majority vote of those present.

ADMINISTRATIVE POLICIES.....2.00

2.01 The Department of Planning and Design Services shall house all official books, papers and records of the Board and shall be responsible for all official correspondence relative to hearings, meetings, resolutions and decisions of the Board, if any such delegation of duties are not specifically set forth in the Bylaws.

APPLICATION PROCEDURES POLICIES.....3.00

3.01 Applications

- 3.01.01 Every matter on which the Board is authorized or required to act, shall be presented in writing, or on forms provided by the Department of Planning and Design Services, for a specific presentation and shall include all information necessary for clear understanding and intelligent action by the Board. Such information, when requested by the Board, and/or the Department of Planning and Design Services, shall include, but not be limited to, maps, surveys, drawings, plans, charts, and descriptive data. All applicable fees must be paid at the time of application.
- 3.01.02 All matters to come before the Board shall be filed in the Board's office between 8:00 a.m. and 4:00 p.m., except on weekends and holidays
- 3.01.03 All appeals shall be filed in the Department of Planning and Design Services not later than thirty (30) days after the appellant, or his/her agent has received actual notice of the action of the Zoning or Code Enforcement Officer, or Building Inspector, from whose action the matter is appealed.
- 3.01.04 No new application or appeal shall be accepted for Board action within one year of Board, or Planning Commission action

on an application on the same, or substantially the same tract of property, unless the Board 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 issue; or
 - (b) any other difference that the Board finds to constitute a significant change from the original application.

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.

DOCKET PROCEDURES POLICY4.00

~~4.01 The filing deadline for docketing cases for a Board meeting shall be, as follows:~~

~~4.01.01 Public Hearing Cases - 4:00 p.m. on Tuesday, at least 20 days prior to the regular Board meeting; however, no more than eight (8) cases shall be docketed for public hearing at any regular meeting of the Board.~~

~~4.01.02 Other Requests For Board Action - 4:00 p.m. on Friday, at least 10 days prior to the regular Board meeting.~~

~~4.02 Each case to be brought before the Board of Zoning Adjustment for public hearing shall be assigned a docket case number to be assigned through the Hansen case management system, which shall consist of three parts to be separated by dashes.~~

~~4.02.01 The first part shall consist the letter "B."~~

~~4.02.02 The second part of the docket number shall indicate the number of applications that have been filed that calendar year.~~

~~4.02.03 The third part of the docket number shall reflect the last two digits of the calendar year in which said matter was filed.~~

4.013 The agenda of cases to be considered at any Board meeting shall be posted in the office of the Board not less than three (3) business days before such meeting.

4.024 A member of the staff, or authorized agent thereof, shall post at least one printed notice of the hearing in a conspicuous location on or near the property or premises affected in the case. Such notice shall be posted at least three (3) business days prior to the date of hearing of the case.

PUBLIC HEARINGS..... 5.00

5.01 Public hearings shall be held in the courtroom of the Old Jail Building, Sixth and Liberty Streets, unless the Chairperson ~~Chairman~~ of the Board, or Director of Planning and Design Services designates some other place.

5.02 Copies of the agenda and staff reports shall be made available for review by the public at all Board meetings and public hearings.

5.03 Cases set for public hearing on a given day shall be heard in the order in which they appear on the agenda unless the Chairperson ~~Chairman~~ directs otherwise.

5.04 The Chairperson ~~Chairman~~ may rule testimony out of order if the testimony is redundant or irrelevant or if it is not presented at the proper time.

5.05 The Chairperson ~~Chairman~~ shall have the authority to determine the admissibility of evidence.

5.06 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 Chairperson ~~Chairman~~ directs otherwise. If any party in attendance wishes to be heard on the record for a public hearing, said hearing may not be deferred, but may be continued after taking the testimony of those present, upon approval by the Board.

5.07 Within a reasonable time prior to the public hearing, any person planning to attend may request that the Board of Zoning Adjustment 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.

5.08 Each person who speaks at the public hearing shall furnish his or her name and address to the Board. All information presented orally to the Board shall be sworn testimony, and all individuals who come before the Board shall be required to swear an oath as to the veracity of the information they wish to present. Exceptions to this policy shall be granted for minors, who shall be permitted to give a first name only, prior to being sworn. Exceptions to this policy may also be granted for other individuals, at the discretion of the Chairperson, for good cause shown.

5.09 Each matter in the public hearing shall be heard in the following order:

5.09.01 The Chairperson ~~Chairman~~ of the Board of Zoning Adjustment, or other presiding officer, shall read the notice of the hearing.

- 5.09.02 A member of the staff shall present a summary of the staff report, and videotape presentation. The entire staff report, although not read, shall be made part of the record of the case.
- 5.09.03 The applicant, or his/her representative, shall make a statement giving reasons for the request. (If in the case of an appeal, the administrative official whose action is being appealed, or his/her representative, shall state his or her case, including documentary evidence.)
- 5.09.04 Other persons in favor of the application/administrative action shall be heard.
- 5.09.05 Those persons neither in favor of, nor opposed to application/administrative action, shall be heard.
- 5.09.06 Those persons opposed to the application (or the appellant, in the case of an appeal) shall be heard.
- 5.09.07 The applicant/administrative official, may be heard in rebuttal. Usually, only one person will be allowed to speak in rebuttal. Others may be allowed by the Chairperson ~~Chairman~~ for good cause.
- 5.10 The Board, at the discretion of the Chairperson, shall ~~may~~ limit the time each person may speak.
- 5.10.01 An accumulative time limit of 15 minutes ~~The same amount of time shall be granted to all those in support of the request, an accumulative time limit of 15 minutes shall be granted to all those in opposition to request, and an accumulative time limit of 15 minutes shall be granted to all interested parties those neither in support, nor opposition to the request. Rebuttal shall be limited to one-fourth the initial time given. With the exception of time limits extended under paragraph 5.10.02 below, those opposed, and those neither in support nor opposition to the request shall be given 15 minutes to present their remarks.~~ The applicant or his or her representative shall be granted a 5 minute rebuttal.
- 5.10.02 Hearing time limits may be extended by the Board of Zoning Adjustment Chairperson ~~Chairman~~. Persons interested in requesting an extended hearing time limit shall present their request, in writing, to the Chairperson, through Planning and Design Services, no less than one week in advance of the public hearing. Time limits shall be extended upon the recommendation of the Director, or for good cause shown by the applicant or an interested party.

5.11 The appellant or applicant may appear on his/her own behalf, or may be represented by a duly-authorized agent at the hearing. In the absence of any personal appearance by the appellant, applicant, or authorized agent at a hearing, the Board shall proceed to dispose of the matter, based upon the record before it.

5.12 At any time during the hearing, members of the Board may ask any person in attendance questions relating to the case. In addition, during a person's time to speak, he/she may ask relevant questions of prior adverse or neutral speakers concerning any information presented, subject to the reasonable control of the Board. If new information is presented for the first time during rebuttal, the Board may allow prior adverse or neutral speakers to comment or ask questions, provided that such comments or questions shall be limited in scope to the new information presented during rebuttal testimony.

5.13 All evidence should be presented at the public hearing. No evidence may be received into the record after the conclusion of the public hearing. All public hearing books and other information to be presented to the Board shall be submitted no later than the Wednesday prior to the public hearing. Applicants and others submitting materials should use every effort to present information supporting their positions using recyclable media.

5.14 Any exhibit which cannot be folded so as to fit easily into an 8 ½" x 14" folder shall be photographed and submitted in the form of a 35mm slide or other format determined to be acceptable by staff of Planning and Design Services.

5.15 Following the public hearing, the Board may take any of the following actions:

- 5.15.01 Approve or recommend approval of the request as submitted or modified
- 5.15.02 Deny or recommend denial of the request as submitted or modified
- 5.15.03 Close the hearing and defer action on the case to a regular business session of the Board
- 5.15.04 Continue the hearing to a later date for additional testimony related to the case.

5.16 Variances not requiring a public hearing.

- 5.16.01 The Board may approve the following variances without a public hearing if the applicant submits the written consent of all first tier adjoining property owners:
 - a. Side yard and rear yard variances to permit a detached garage which is accessory to a single-family residential use or any addition to a principal single-family structure;

- b. Variances to permit a garage or building addition to cover more than 30% of the rear yard on property used for detached single-family residential use; (note, this provision applies to principle structures in the Neighborhood Form District (NFD) only. Accessory structures in the NFD can encroach up to 50% and cumulative encroachment of accessory and principal structures shall not exceed 50%. TNFD does not permit any encroachment into a rear yard.)
- c. Variances to permit any building to be closer than the required minimum distance to another building on the same lot;
- d. Variances to allow a reduction in the private yard area in the Traditional Neighborhood Form District;
- e. Variances to allow the accessory structure/use area to exceed the maximum depth in the Traditional Neighborhood Form District.
- f. A departure from a dimensional requirement of the Land Development Code of 10% or less.

5.16.02 Written consent as referenced in this Policy 5.16 shall be in the form of a document signed by each adjoining property owner immediately adjacent to the subject property and directly across the street from the subject property. At the time said consent is signed, the document shall be accompanied by a drawing to scale, including dimensions, showing the location of the existing and proposed structures in relation to property lines and in relation to each other.

5.16.03 Upon receipt of an application for variance that is eligible for approval by the Board without a public hearing, the staff shall docket such request at the next regular Board meeting, and such request shall be considered by the Board in open executive session.

ORDER OF BUSINESS..... 6.00

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 member of the Board, or the Director of Planning and Design Services and approved by the Chairperson ~~Chairman~~, the order of business shall be as follows:

- 1. Public Hearing
- 2. Business From Public Hearings

3. Unfinished Business
4. Business Session:
5. Approval of Board Minutes From Previous Meeting(s)
6. New Business
7. Non-Hearing Cases
8. Reports of Officers and Committees
9. Adjournment

PUBLIC RECORDS POLICY..... 7.00

- 7.01 The Board of Zoning Adjustment shall conform to KRS 61.870 - 61.884, regarding open records.
- 7.02 Board of Zoning Adjustment public records are located in the offices of Planning and Design Services, 531 Court Place, Suite 900. Regular office hours are from 8:00 a.m. to 5:00 p.m., Monday through Friday. The official custodian of the public records shall be as determined by the Louisville/Jefferson County Metro Government.
- 7.03 Pre-application materials are confidential and are not open to public inspection.

CODE OF ETHICS..... 8.00

- 8.01 Members of the Board and staff will not accept or solicit money, favors, or gifts that reasonably could influence their official actions.
- 8.02 Members of the Board and staff will not use confidential information to obtain money or favors for themselves or others.
- 8.03 Members of the Board and staff will not misuse their official position for personal gain or for the gain of others.

RECONSIDERATION POLICY..... 9.00

- 9.01 No appeal, application, or other matter acted upon by the Board may be reconsidered, except:
 - 9.01.01 Upon motion by a member of the Board who voted with the majority
 - 9.01.02. Said motion must be seconded by any member of the Board either for reconsideration, or rehearing.

9.01.03 Such motions for reconsideration shall be made, ~~and reconsideration shall occur,~~ within thirty (30) days of the Board's original vote. Hearings on successful motions for reconsideration shall take place at the next regularly scheduled meeting of the Board.

PREVIOUS JEFFERSON COUNTY BOARD OF ZONING ADJUSTMENT
RESOLUTIONS..... 10.00

10.01 The attached Resolutions of the former Jefferson County Board of Zoning Adjustment relating to variances which may be granted without a public hearing (adopted February 15, 1982), and to those resulting from a dedication of a right-of-way (adopted October 5, 1998) are hereby adopted.



Conditional Use Permit Application

Louisville Metro Planning & Design Services

Case No.: _____ Intake Staff: _____

Date: _____ Fee: _____

Applications are due on Mondays at 2:00 p.m. in order to be processed that week. Once complete, please bring the application and supporting documentation to: Planning and Design Services, located at 444 South 5th Street, Suite 300. For more information, call (502) 574-6230 or visit <http://www.louisvilleky.gov/PlanningDesign>.

Project Information:

This is a CUP for: _____
(e.g., daycare, accessory apartment, etc.)

Project Name: _____

Primary Project Address: _____

Additional Address(es): _____

Primary Parcel ID: _____

Additional Parcel ID(s): _____

Proposed Use: _____ Existing Use: _____

Existing Zoning District: _____ Existing Form District: _____

Deed Book(s) / Page Numbers²: _____

The subject property contains _____ acres. Number of Adjoining Property Owners: _____
(refer to tax map from PDS)

Has the property been the subject of a previous development proposal (e.g., rezoning, variance, appeal, conditional use permit, minor plat, etc.)? *This information can be found in the Land Development Report (Related Cases)*¹ Yes No

If yes, please list the docket/case numbers:

Docket/Case #: _____ Docket/Case #: _____

Docket/Case #: _____ Docket/Case #: _____

Contact Information:

Owner: *Check if primary contact*

Applicant: *Check if primary contact*

Name: _____

Name: _____

Company: _____

Company: _____

Address: _____

Address: _____

City: _____ State: _____ Zip: _____

City: _____ State: _____ Zip: _____

Primary Phone: _____

Primary Phone: _____

Alternate Phone: _____

Alternate Phone: _____

Email: _____

Email: _____

Owner Signature (required): _____

Attorney: *Check if primary contact*

Plan prepared by: *Check if primary contact*

Name: _____

Name: _____

Company: _____

Company: _____

Address: _____

Address: _____

City: _____ State: _____ Zip: _____

City: _____ State: _____ Zip: _____

Primary Phone: _____

Primary Phone: _____

Alternate Phone: _____

Alternate Phone: _____

Email: _____

Email: _____

Certification Statement: A certification statement must be submitted with any application in which the owner(s) of the subject property is (are) a limited liability company, corporation, partnership, association, trustee, etc., or if someone other than the owner(s) of record sign(s) the application.

I, _____, in my capacity as _____, hereby
representative/authorized agent/other

certify that _____ is (are) the owner(s) of the property which
name of LLC / corporation / partnership / association / etc.

is the subject of this application and that I am authorized to sign this application on behalf of the owner(s).

Signature: _____ Date: _____

I understand that knowingly providing false information on this application may result in any action taken hereon being declared null and void. I further understand that pursuant to KRS 523.010, et seq. knowingly making a material false statement, or otherwise providing false information with the intent to mislead a public servant in the performance of his/her duty is punishable as a Class B misdemeanor.



Certificate of Land Use Restriction

Name and Address of Property Owners

Address of Property

Name of Subdivision or Development (if applicable)

Deed Book and Page of Last Recording:

Tax Block and Lot number:

Planning Commission Docket Number:

Type of Restriction

_____ Zoning Map amendment

_____ Conditional Zoning Condition

_____ Development Plan

_____ Subdivision Plan

_____ Variance

_____ Conditional Use Permit

_____ Other _____
Specify

Name and address of Planning Commission, Board of Zoning Adjustment, Legislative body, or Fiscal court which maintains the original records containing the restrictions.

Louisville Metro Planning and Design Services
444 South Fifth Street, Suite 300
Louisville, Kentucky 40202

Stephen A Lutz, AICP
Planning Supervisor

Please submit the completed application along with the following items:

Project application and description

- Pre-App tax map (obtained at the pre-app meeting with the case manager)
- Land Development Report¹
- A copy of the current recorded deed² (*must show "End of Document" stamp on last page*)
- Legal description on a separate 8.5 x 11" sheet of paper
- Letter of explanation for the proposed development
- Completed Land Use Restrictions form

Site plan (please refer to the site plan requirements on page 4)

- Eleven copies of the site plan, 24" x 36" or other appropriate size to legibly convey the site plan requirements. All plans should be folded no larger than 9" x 9" with the bottom right corner as the front.

Mailing labels to notify Adjoining Property Owners (APOs)³

- Two sets of mailing label sheets for: 1st tier APOs; the Mayor and City Clerk of 5th and 6th class cities (if applicable); owner(s) of the property; and those listed on the application
- One copy of the APO mailing label sheets

Documentation of the Neighborhood Meeting⁴

- Copy of neighborhood meeting notice
- List of APOs and neighborhood group representatives who received the meeting notice
- Neighborhood meeting attendance sheet
- Summary of the meeting detailing specific items of concern and proposed resolutions

Fee (Cash, charge or check made payable to Planning & Design Services)

- Application Fee: \$ 1000.00
Clerk's Fee: \$ 25.50
(*If two or more applications are submitted simultaneously for the same site, only one Clerk's Fee is required.*)

Resources:

1. Land Development Reports can be obtained online by entering the site address at: <http://ags2.lojic.org/lojiconline/>
2. Deeds and plats can be found at the Jefferson County Clerk's Office, located at the 2nd floor of Metro Hall (527 West Jefferson Street, telephone: 502-574-6220). Many deeds, plats and other records are available online at: <http://www.landrecords.jcc.ky.gov/records/S0Search.html>
3. Adjoining property ownership information can be found at the Property Valuation Administrator (PVA) office at 531 Court Place, Suite 504 or via their website: <https://jeffersonpva.ky.gov/>
4. View agency comments at: <http://portal.louisvilleky.gov/codesandregs/mainsearch>. Enter your case number in the 'Permit/Case/Docket Number' search bar and then select your case under the 'Application Number' tab.

Site Plan Requirements:

Plans must be drawn to engineer's scale

Description

- Owner's name and address
- Developer's name and address
- Engineer's name and address
- Site Address
- Tax block and lot number
- Zoning of property
- Zoning of adjacent properties
- Existing Use
- Proposed Use
- Plan date
- Revision date

Map Elements

- North Arrow
- Vicinity Map
- Legend
- Plan Scale

Site Information & Labels

- Street names
- Property lines with dimensions (new lots shall show bearings)
- Location, ownership, deed book & page of all adjacent property owners
- Form District boundaries and transition zones shown if required by regulations

Project Plan

- Right of way / sidewalks (with widths shown)
- Existing and/or proposed structures shown and identified
- Gross building footprint area
- Gross floor area of buildings
- Net and gross acreage of site
- Height of structures
- Off-street loading areas if applicable
- Accessory structures shown with required screening if applicable
- ILA/VUA calculations (may be shown on tree canopy plan) if applicable
- Landscape buffer areas in accordance with Chapter 10 of the LDC
- Parking calculations (minimums and maximums)
- Required building setbacks with dimensions
- Net and gross density, and number of dwelling units
- Typical dimensions of parking spaces and aisles

MSD Requirements *(All items shall be checked as included or marked N/A)*

- Existing MSD Easements
- Proposed MSD Easements
- MSD Standard EPSC notes
- SUB/WM number
- Landscape Buffer Areas/WPAs
- Downstream Facilities Capacity Request
- Existing Storm & Sanitary Sewer Systems
- Topography of Site + Minimum 50' beyond property lines
- Concept Drainage (i.e. proposed storm pipes, ditches, swales, and drainage flow arrows)
- Detention Basin Location, with outlet identified & MSD easement shown for basin
- Concept Sanitary Sewers (i.e. lateral extension or location of property service connection) & identification of outlet system
- Name of sewage treatment plant serving site
- Preliminary detention calculation ($x=CRA/12$) including basin surface area, depth, volume required and volume provided
- Limits of FEMA and/or Local Regulatory Floodplains, if applicable
- Approximate increase or reduction in impervious area, in square feet

Chapter 6 Facility Siting

Question 2

Land Development Code Provisions Relating to Off-site Solid Waste Management Siting

The following Land Development Code provisions apply to off-site solid waste management facilities in Louisville Metro. There may be varying requirements for facilities in the 12 cities with zoning authority (Anchorage, Douglass Hills, Graymoor-Devondale, Hurstbourne, Indian Hills, Jeffersontown, Lyndon, Middletown, Prospect, Shively, St. Matthews and St. Regis Park)

4.2.49 Solid Waste Management Facilities:

Solid Waste Management Facilities, including composting facilities, construction/demolition debris facilities, firewood production and sales, indoor recycling facilities, outdoor recycling facilities, and solid waste transfer stations may be permitted subject to the conditions and in the zoning districts listed in the following sub-sections. In addition, the following conditions apply to all of these types of facilities

NOTE: Water quality concerns for a composting facility currently need approval from the KY Division of Waste Management, KY Division of Water, and MSD.

- A. All of the facilities referenced in this sub-section 4.2.46 are required to have a license to operate from the Jefferson County Waste Management District (SWR 20.0).
- B. A specific written or site plan for vehicle cleaning facilities to prevent the tracking of mud, dirt or other debris onto any public roadway shall be reviewed and approved by the Director of Works before public hearing.
- C. A continuous fence a minimum of 6 feet high shall be placed along the boundaries of all work and storage areas and provided with gates of the same construction as the fence which shall remain locked at all times when active operations are not taking place and shall be properly maintained until all operations are completed.
- D. When adjoining any residential zoning district, the facility may not be operated on Sunday or earlier than 7:00 a.m. or later than 6:00 p.m. on any other day.
- E. In addition to these conditions, the following conditions apply to the respective category.
 1. Composting Facilities may be located in R-R, R-1, M-2, and M-3 Districts upon the granting of a Conditional Use Permit when developed in compliance with the following listed requirements:
 - a. All composting facilities must demonstrate compliance with the applicable state statutes dealing with said facilities (401 KAR Chapters 45 through 49).
 - b. No composting operation shall occur within 50 feet of any boundary of the site.
 - c. Additional landscaping is required in the buffer areas between composting activity areas and any adjacent non-industrial uses.
 - d. Provisions shall be made for the disposal of surface water falling on or crossing the site at all times during and after completion of the operations. No operation shall begin until approval has been obtained from the agencies responsible for surface water drainage and surface water quality.
 - e. The installation of roads, parking areas, buildings, structures, and operational facilities and equipment shall be located on the site so that adjoining properties will not be adversely affected.
 - f. Composting materials shall be moved off and onto the site in vehicles approved by the appropriate Director of Works.

- g. All composting operations shall be in strict conformity with the regulations of the Louisville and Jefferson County Board of Health; Air Pollution Control District; Kentucky Department for Environmental Protection and the Director of Works. Letters or Certificates of Approval of the plans by the above agencies indicating prior review shall be filed prior to the issuance of any Conditional Use Permit. Uses shall not begin until final approval has been obtained and filed in the Board of Zoning Adjustment docket file.
 - h. The operation shall be conducted so as not to create a nuisance or cause undue noise, vibration, dust, odor, or light to adjacent properties. The premises shall be kept in a neat and clean condition at all times. No debris shall be stored on the site except on areas where active composting operations are taking place. No fires shall be permitted. Any smoldering flame or spontaneous combustion shall be immediately extinguished.
 - i. Grinding or other heavy machinery associated with composting operations located within one-half mile of residentially used or zoned property shall provide information on sound levels resulting from operation of said equipment, and hours of operation. The Board may establish conditions necessary to protect nearby residents.
 - j. Except for protective fences, no building or structure erected in connection with the operation shall be located in any required yard or closer than 30 feet from any property line.
 - k. All composting facilities shall also meet the Jefferson County Waste Management District regulations covered in SWR 62.0.
2. **Construction/Demolition Debris Facilities** shall be located in the R-1, M-2, M-3, and EZ-1 Districts upon the granting of a Conditional Use Permit when developed in compliance with the following conditions.
- a. All construction/demolition debris facilities must demonstrate compliance with the applicable Jefferson County Waste Management District regulations (SWR 63.0, Construction/demolition Debris Facilities).
 - b. All work and storage areas shall be at least 100 feet from the exterior property lines. If there are any abutting residentially zoned or used parcels then all work and storage areas shall be at least 200 feet from the exterior property line.
 - c. Grinding or other heavy machinery associated with operations located within one-half mile of residentially used or zoned property shall provide information on sound levels resulting from operation of said equipment, and hours of operation. The Board may establish conditions necessary to protect nearby residents
3. **Indoor Recycling Facilities**, if not in conflict with other laws or ordinances, may be located in the M-2, M-3 and EZ-1 Industrial Districts upon granting of a Conditional Use Permit after the location and nature of such use have been approved by the Board of Zoning Adjustment. The Board of Zoning Adjustment shall review the Comprehensive Plan, the plans and statements of the applicant and shall not permit such buildings, structures, or uses until it has been shown that the public health, safety, and general welfare will be properly protected, and that necessary safe guards will be provided for the protection of surrounding property and person. Recycling and/or storage of the following materials:
- Glass and glass products
 - Paper and paper board and fiber
 - Non-ferrous metals
 - Ferrous metals (limited to food and beverage containers) Wallboard, Plastic and rubber products, and Insulation; may be permitted when developed in compliance with the following conditions:

- a. The operation including loading and unloading operations is completely enclosed in building(s) approved for such purposes by all applicable fire protection authorities.
 - b. The operation will not have or require any fire, smelting, fumes, chemicals or other toxic materials, hazardous waste or by-products, and the use and site shall conform to such other requirements and conditions as the Board in the exercise of sound discretion may require for the protection of surrounding property, persons, and neighborhoods values.
 - c. The building(s) shall be a minimum of 200 feet or a lesser distance if approved by the Board of Zoning Adjustment from any surrounding residential district(s). The Board may substitute additional screening requirements for a reduction of the 200-foot setback.
4. Outdoor Recycling Facilities (not constituting Scrap Metal Processing Facilities or Junkyards as defined in the Jefferson County Code of Ordinances) may be allowed in the M-3 Districts upon the granting of a Conditional Use Permit when developed in compliance with the following requirements:
- a. Outdoor recycling facilities located within one-half mile of residentially used or zoned property shall provide information on sound levels and hours of operation. The Board may establish conditions necessary to protect nearby residents.
 - b. All outdoor recycling work and storage areas shall be at least 100 feet from the exterior property lines. If there are any abutting residentially zoned or used parcels then all work and storage areas shall be at least 200 feet from the exterior property line.
 - c. Landscaping shall be placed between the exterior property lines and all outdoor recycling work and storage areas as described in Chapter 10.
 - d. The operation shall be conducted so as not to create a nuisance or cause undue noise, vibration, dust, odor, or light to adjacent properties. The premises shall be kept in a neat and clean condition at all times. No loose paper or debris shall be allowed on the site. Any smoldering flame or spontaneous combustion shall be immediately extinguished.
5. Solid Waste Transfer Stations may be allowed in the M-2 and M-3 Districts upon the granting of a Conditional Use Permit when developed in compliance with the following requirements:
- a. The minimum site size is 3 acres.
 - b. All on-site transferring of solid waste will be conducted entirely within an enclosed building(s).
 - c. Doors to the building(s) shall remain closed except to temporarily allow transport trucks to enter and exit the building.
 - d. Vehicle access to the site will be paved and will be provided only from a street classified as a collector or arterial, or from any street which leads directly from a collector street. Acceleration/deceleration lanes will be provided unless the appropriate transportation department determines they are not suitable at that particular location. All access driveways which provide site ingress or egress must be wide enough to accommodate two lanes of traffic. An area on the site must be provided between the entrance off the street and the solid waste transfer building to accommodate a minimum of ten vehicles and no vehicles will be allowed to back up on any public right-of-way.
 - e. All waste processing/storage activities of a solid waste transfer station must be located a minimum of 100 feet from any exterior property line, except the minimum shall be increased to 300 feet from any residentially used or zoned property.
 - f. All existing trees and vegetation on the solid waste transfer station site are to remain in an undisturbed condition in the setback areas established in Number 5, above. Where the natural growth does not provide an effective visual barrier from the view of

adjoining properties and/or from a public street, vegetation will be provided according to landscaping requirements as stated in Chapter 10.

- g. Solid waste transfer stations must be served by public water and sewer facilities.
 - h. All solid waste transfer stations shall comply with all the requirements of the Sanitary Code of the Louisville and Jefferson County Board of Health or its successor. These facilities shall pay special attention to Section 1302.3 regarding the storage of garbage and rubbish.
 - i. All solid waste transfer stations shall also meet applicable Jefferson County Waste Management District regulations (SWR 61.0).
6. Firewood Production and Sales may be located on parcels of land of at least one acre in size and located in any district upon the granting of a Conditional Use Permit when developed in compliance with the following listed requirements:
- a. No firewood production, composting, or mulching shall occur within 50 feet of any boundary of the site.
 - b. Additional landscaping is required in the buffer areas between firewood production, composting, and mulching activity and any adjacent residentially-used property.
 - c. The operation shall be conducted so as not to create a nuisance or cause undue noise, vibration, dust, odor, or light to adjacent properties. The premises shall be kept in a neat and clean condition at all times. No debris shall be stored on the site except on areas where active firewood production and sales and accessory composting operations are taking place. No fires shall be permitted. Any smoldering flame or spontaneous combustion shall be immediately extinguished.
 - d. Grinding or other heavy machinery associated with firewood production and accessory composting operations located within one-half mile of residentially use or zoned property shall provide information on sound levels resulting from operation of said equipment, and hours of operation. The Board may establish conditions necessary to protect nearby residents.
 - e. Except for protective fences, no building or structure erected in connection with the operation shall be located in any required yard or closer than 30 feet from any property line.
 - f. Composting and mulching operations may be permitted as an accessory use to the firewood production and sales activity. All composting facilities shall meet the Jefferson County Waste Management District regulations covered in SWR 62.0.
 - g. Outdoor sales and storage shall comply with the requirements of Section 4.4.8 of the Land Development Code, unless waived by the Board.
 - h. Signage shall comply with applicable requirements of the Land Development Code, except at least one freestanding sign not to exceed 6 feet in height and 15 square feet in area shall be permitted on any residentially zoned property that would not otherwise be permitted to have a sign under the Land Development Code.

Adopted 1-19-10
(PP)

**BYLAWS OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT
WASTE MANAGEMENT DISTRICT**

ARTICLE I

NAME

**THE NAME OF THIS BOARD SHALL BE LOUISVILLE/JEFFERSON COUNTY
METRO GOVERNMENT WASTE MANAGEMENT DISTRICT**

ARTICLE II

PURPOSE

The purpose of the LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT WASTE MANAGEMENT DISTRICT Board is to provide for the management of solid waste within the geographical boundaries of Louisville Metro, including reduction, collection, transportation and disposal in a manner that will protect the public health and welfare, prevent the spread of disease and creation of nuisances, conserve our natural resources, and enhance the beauty and quality of our environment.

ARTICLE III

POWERS AND DUTIES OF WASTE MANAGEMENT DISTRICT BOARD

1. The Waste Management District shall have those powers and duties assigned to solid waste management districts under KRS 68.178 and KRS Chapters 109 and 224, as such statutes may be amended and supplemented from time to time, which powers include, but are not limited to, the powers and duties set forth in this subchapter.
2. Preparation and submission to the Cabinet of a 'Five Year Solid Waste Management Plan' and 'Solid Waste Management Area Annual Report' or other reports as required from time to time, including any revisions or amendments thereto for Metro Government;
3. The planning, initiating, acquiring, constructing, maintaining and operating of solid waste management facilities;
4. The authority to condemn land necessary for the acquisition of solid waste management facilities pursuant to the Eminent Domain Act of Kentucky and to exercise police power in respect thereto;
5. The authority set forth in KRS Chapter 58 to issue bonds and other instruments of indebtedness at private or public sale for the purpose of financing and refinancing solid waste management facilities;
6. The authority to promulgate regulations as to the licensure, construction, maintenance and operation of solid waste management facilities, including requiring the use of one or more solid waste management facilities by persons within Metro Government or designated ordinances thereof;

7. The right to sue and be sued and to make contracts, including, but not limited to, long-term contracts and contracts with other districts, counties, cities and other governmental agencies directed toward the establishment of a multi-county or regional solid waste management area;

8. The right to charge reasonable fees and rentals for providing and/or regulating solid waste management facilities in order to finance the District's operations, service its indebtedness and provide adequate funds for facility replacement. KRS 68.178 provides that the fiscal court of any county may license off-site waste management facilities located within the county with the imposition of a license fee. Therefore, pursuant to KRS 67C.101, the Metro Government has the authority to impose license fees. The Metro Government has assigned to the Louisville/Jefferson County Waste Management District all powers or duties given to it by KRS 68.178;

9. The right to acquire by bequest, gift, grant or purchase such real and personal property or any interest therein as may be deemed appropriate in its area of operation, title to any such property to be in the name of and vested in the District;

10. The Waste Management District Board shall provide a universal collection program, pursuant to KRS Chapter 224, for all municipal solid waste in the county, provided, however, the Board may assure access to the collection system through a registration program of waste haulers or by contracting with a person, county, or city or a combination thereof, for the entire county or portions thereof, as deemed to be in the best interest of the Metro Government; and

11. The Waste Management District Board may adopt such rules and regulations as are necessary to carry out the purposes for which the Waste Management District was created and necessary for the adequate management of solid waste in a manner adequate to protect the public health and consistent with such rules and regulations as may be promulgated by the Cabinet.

12. Notwithstanding any other provision of the Kentucky Revised Statutes to the contrary, Louisville Metro Solid Waste Management District shall not regulate special wastes as defined in KRS 224.50-760, other than sludge from water and waste water treatment facilities as it pertains to land-farming, or solid waste from agricultural or mining operations.

13. Louisville Metro Solid Waste Management District exercises its right under KRS Chapter 58 to charge a reasonable fee to transporters for the handling of their waste at a solid waste management facility approved by the cabinet.

14. Louisville Metro Solid Waste Management District is authorized to sell or market materials and energy recovered from solid waste and to enter into long-term contracts guaranteeing supply to insure markets for the sale of recovered products.

15. The Louisville Metro Solid Waste Management District maintains the right according to KRS 224.40-315, to make a 'determination' that a Solid Waste Facility making application for permit to the Commonwealth of Kentucky, that the facility is consistent with the Districts solid waste management plan.

ARTICLE IV

OFFICERS

1. The business, activities and affairs of the Waste Management District shall be managed, controlled and conducted by a Board composed of five directors appointed by the Mayor. One director shall be a resident of and representative of the area covered by each of the three Fiscal Court Commissioner Districts. The fourth director shall be a resident of and represent the Urban Services District. The fifth director shall be an at-large resident of the county and shall serve as chairperson of the Board. One of the members shall be a resident of a rural area of the county.

2. Except for the initial appointment to the Board, each director shall serve a two-year term and until his or her successor is appointed and qualified; A director is eligible to succeed him self or her self. Should a duly appointed director die, resign, be removed or refuse to act (fail to attend three successive regular meetings of the Board), appointment shall be only for the unexpired term.

3. A director may be removed by the Mayor pursuant to KRS 65.007.

4. The Chairman shall select from the Board members, a Vice-Chairman who will serve for two years.

5. Any vacancies on the Board shall be filled by appointment by the Mayor.

6. Duties of the Chairperson shall be as follows:

- a. Preside over meetings of the Board
- b. Call special meetings of the Board
- c. Oversee implementation of the Board actions
- d. Delegate duties to various Board Members or Advisory Committee members from time to time in order to implement Board actions and policies
- e. Perform other such duties as the Board may designate.

7. Duties of the Vice Chairman shall be as follows:

- f. Performs duties of the chairman when the chairman is incapacitated or absent
- g. Shall perform other such duties as the Board may designate.

ARTICLE V

MEETINGS

1. The Board shall meet the 2nd Tuesday of every even-numbered calendar month at 5:30 p.m. at the Metropolitan Sewer District, 1st Floor Board Room, 600 W. Liberty Street, Louisville, Kentucky 40202.

2. Notice of the meeting and an agenda shall be mailed or emailed to each member prior to the meetings.

3. Special Meetings: The Chairman or any two (2) members of the Board may, at any time, call a special meeting by either written or oral communication giving the time and place of such meeting, provided that at least three days notice are given.

4. Voting: A majority vote in the affirmative of the members of the Board shall be necessary for the adoption of any motions, measures or resolution.

5. Unanimous Consent: Routine actions by the Board may be taken by general or unanimous consent without motion, debate or vote. The Chairman shall ask for objections and if no objections then state the action taken or to be taken.

6. Quorum: The members of the Board shall constitute a Quorum at any Board meeting.

7. Conflict of Interest: No member of the Board shall vote on a question in which he/she has an interest beyond that of a member of the Board. Any member having a conflict of interest shall disqualify himself/herself in all cases where a conflict of interest is raised.

8. Public Notice: The Board will notify the Courier Journal, Neighborhood Associations, and other community groups prior to meeting, including regularly scheduled meetings and special meetings. Notification will be at least 72 hours in advance, unless there is an absolute emergency, in which case notice will be given 24 hour in advance.

9. Mailing List: The Board shall maintain a mailing list of citizens who attend meetings and which to be notified of Board activities. The mailing list will be purged once per year.

10. Open Meetings: There will be no closed meetings of the Board or its Committees except where executive sessions are provided for by state statute.

11. Minutes: Minutes will record all discussions pertaining to agenda items. Points pro and con will be included for each item, and a description of public input. Tape recordings of all meetings will be available for public review.

12. Meeting Space: Meetings will be held at a large enough space for all to have a seat and where the public will be able to see and hear all proceedings easily.

13. Recordings: The public will be allowed to tape record or video tape all meetings.

14. Handouts: All materials to be addressed at the board meetings will be available as handouts to the public. Large documents will be available in smaller numbers for the public to view during the meeting. One copy of each handout will be kept for public viewing.

15. Public Input: The following public comments periods will be incorporated into all meetings:

A. An open comment period of 10 minutes at the beginning or end of each meeting, during which citizens can present materials or ideas not directly pertaining to the agenda.

B. Public comment periods following discussion of each agenda item and prior to each vote. Each speaker will have 4 minutes, and this may be limited at the Chairman's discretion.

C. Citizens wishing to speak in the open comment period should, if possible, notify the Board before the meeting so that adequate time can be allocated.

16. Presentations: Persons wishing to be placed on the agenda should:

A. Make request 2 weeks prior to the meeting.

B. Requests should include the person or groups making the request, the time needed for presentation and the subject to be addressed.

C. Priority will be given to those request addressing subjects related to other agenda items.

D. Priority will be given to subjects related to impending decisions or deadlines.

17. Request for Proposals: All requests for proposals and other letters soliciting information from persons or organizations outside the Solid Waste Management Board will include a statement, "All proposals (materials) which does not contain sufficient information for the adequate assessment by the public will not be considered." Allowances will be made for trade secrets.

ARTICLE VI

PUBLIC HEARINGS

1. Reasons for Public Hearings: Public Hearing shall be held for but not limited too: 'Consistency Determination' with the Jefferson County Solid Waste Management Plan; Amendments to the Host Agreement; Amendments to the Area's Solid Waste Management Plan.

2. Request for Consistency Determination: Applicants must submit a written request outlining the proposal under consideration by the Board for a consistency determination to the Louisville/Jefferson County Louisville Metro Solid Waste Management District.

3. Board Actions: A public notice outlining the applicant's request of consistency shall be published in the newspaper with general circulation in the area. The notice shall include a request for public comment on the issue of consistency with the Area's Solid Waste Management Plan regarding the Application/Notice of Intent received; outline of the proposal by the requestor; notice of the intent of the Board to make a determination of consistency after public notice and opportunity for public comment and hearing; where the proposal may be obtained; how to submit written comment as well as written comment deadline date; date, time, location of the public hearing.

The notice must run seven (7) days and allow for a public hearing, if requested. The time frame for public comment shall be a minimum of seven (7) days. The hearing may be held immediately after the public comment period.

4. Board Ruling: The Board shall, after oral and written public input, and consideration of the request, determine by resolution if the application is consistent or inconsistent with the Area's Solid Waste Management Plan.

a. If the application is consistent with the plan, the Board shall pass a resolution outlining the consistency with the plan and submits the resolution to the applicant and the state Division of Solid Waste Management; original proof of the public notice is also sent to the division.

b. If the application is not consistent with the plan, the Board has two options:

1. Based on written and/or oral comments of the public notice for consistency and hearing from the public, and after consideration by the Board, the Board shall pass a resolution stating the application's inconsistency with the plan and submit same to the applicant and the state Division of Solid Waste Management; Original proof of the public notice is also sent to the division.

2. KRS 224.40-315 (3) requires the cabinet to submit a written finding stating, "in detail the reasons why it did not accept the determination by the Board for the area" regarding inconsistency with the plan

OR

c. Based on written and/or oral comments of the public notice for consistency from the public, and after consideration by the Board the Board may elect to consider amending their Area Solid Waste Plan.

5. Area Solid Waste Plan Amendments: The Board shall submit the first consistency determination public notice and resolution to the Kentucky Division of Solid Waste Management along with the required 'Form A'. The Board shall also send the applicant a cover letter indicating the intent to conduct a public notice period to consider amending the plan to include the applicant's request.

a. Submit 'Form A' to the Kentucky Division of Solid Waste Management outlining the pages of the plan to be affected by the proposed amendment with the formal written description as required.

b. The Kentucky Division of Solid Waste Management will review and notify the Board of the completeness of the Form A and instructing the Board to complete Form B, which includes a thirty day public notice and allows for a public hearing, if requested.

6. Based on written and/or oral comments from the public at the end of the thirty (30)day public notice of the proposed amendment and public hearing if requested), the Board will decide if they want to pass the resolution approving the amendment.

a. If the vote is to approve the proposed amendment the Board will pass a resolution to amend the plan and submit the resolution and all required documentation (Form E) to the division. (Continue with (5))

OR

b. If the vote is to not approve the proposed amendment, the Board will notify the division by letter and submit the letter and all required documentation (Form E) to the division and a copy of the letter to the applicant. The division will file the paperwork with the solid waste management plan.

7. The division reviews the paperwork for completeness and notifies the Board to:

a. Publish a public notice outlining the applicants request for a determination of consistency with the current plan. The public notice must run a minimum of seven (7) days and allow for a public hearing, if requested.

b. The Board, after oral and/or written public input, determines by resolution the application's consistency with the plan.

c. The Board submits the resolution and supporting documentation (Form E) outlining consistency with the plan to the division with a copy of the resolution to the applicant.

d. The division reviews the submitted material for completeness and notifies the Board the process is complete.

8. Public Hearing shall:

a. Be held in a facility that is convenient to the local public and public transportation services;

b. Be held during a time span that is convenient for the public to attend;

c. Be advertized in a public newspaper that has a general circulation in the community. The notice should give the time, date, and place of the meeting;

d. Provide an opportunity and mechanism to comment on issues being considered by the Board. This may be accomplished through oral presentations or through submittal of written comments.

9. Public Hearing Proceedings: The Chairman of the Board or an appointed representative shall preside over the hearing. The hearing proceedings shall be recorded either by a court reporter or by tape recording for latter transcription, if necessary.

a. The hearing moderator shall open the hearing in an atmosphere that will cause those in attendance feel that the Board is earnestly seeking the opinion and suggestion of any individual in regard to the issue before the Board. The moderator should then state the reason for the hearing and the issue before the Board that is subject to the hearing. It should be stated that the Board has not

made a determination on that issue, and that statements made at the hearing will be considered by the Board before a final decision is made.

b. The person or persons proposing the issue that is before the Board for consideration shall have an opportunity of unlimited time to make their presentation to the Boards. The response to the proposal by a representative of Metro government or State government shall also be of unlimited time.

c. A question and answer period shall then be provided for between members of the Board and the persons or persons making the proposal, and between members of the Board and representatives of Metro or State governments. The questions and answer period will enable those members of the general public wishing to comment on the issue before the Board to make informed statements.

d. The Board shall take public comment on the issue pending. Those members of the general public wishing to make an oral statement must have signed the registration form at the entrance to the hearing room prior to the start of the hearing. Each individual or organization will be allowed five minutes in which to make their statement; the time allowed for each commentator may be extended at the sole discretion of the hearing moderator. The Board will also take written statements on the issue pending.

e. If the Board is to make a final decision at the hearing on the issue pending, the written comments submitted to the Board shall be read into the record by the hearing moderator or a member of the Board (the reading of each written comment will stop after five minutes). The hearing moderator shall then state that all present were given the opportunity to be heard. The Board shall then discuss, deliberate, and make a final decision on the pending issue.

f. If the Board shall not make a final decision at the time of the hearing, the hearing moderator shall state that all present were given the opportunity to be heard, that all written statements and a transcript of the oral proceedings of the hearing will be available to the public at the office of the Louisville Metro Solid Waste Management Division until such time as the Board reconvenes to deliberate and make a final decision on the pending issue. The time, date, and place of the next meeting of the Board shall be announced.

ARTICLE VII

COMMITTEES

1. The Board shall create at least one standing Advisory Committee for the purpose of securing regular input on solid waste management issues

2. The committee shall consist of nine members who shall serve for one year:

a. Representative from the Environmental Health

b. Representative from Louisville Metro Solid Waste Management Division

- c. Representative from the Louisville Metro Government
- d. Representative from League of Cities
- e. Three representatives of the local solid waste industry
- f. An individual who is a member or affiliated with a citizen's environmental organization

3. The Board may create additional committees for such purposes and needs as may arise in the performance of the Board's duties.

ARTICLE VIII

PARLIAMENTARY AUTHORITY

A. Parliamentary Authority: The rules contained in the current edition of Roberts Rules of Order shall govern the Board in all cases.

ARTICLE IX

RULES

The Board may adopt from time to time operational rules as it sees fit and as the need arises. These rules may not conflict with the ordinance that created the Board or these by-laws.

ARTICLE X

AMENDMENTS TO BY-LAWS

The by-laws may be amended at any regular or special meeting of the Board by the affirmative vote of three members, provided the amendment has been submitted in writing at the previous meeting.

