

100.211 Procedure for amending zoning map and text of regulation -- Notice -- Hearing -- Time limit for final action.

- (1) For the purposes of this section, "administratively complete" means that a proposal for a zoning map amendment is accurate and complete by meeting all the applicable requirements of this chapter and any other applicable administrative regulatory requirements or approvals formally required by the local legislative body or applicable state law.
- (2)
 - (a) A proposal for a zoning map amendment may originate with the planning commission of the unit, with any fiscal court or legislative body which is a member of the unit, or with an owner of the property in question.
 - (b) The proposed amendment shall be referred to the planning commission before adoption. The planning commission shall:
 1. Hold at least one (1) public hearing after notice as required by this chapter; and
 2. Make findings of fact and a recommendation of approval or disapproval of the proposed map amendment to the various legislative bodies or fiscal courts involved.
 - (c)
 1. The planning commission shall make its recommendation within sixty (60) days of the date of the receipt of the administratively complete proposed amendment.
 2. The originator of the proposed map amendment may waive the sixty (60) day requirement for the recommendation.
 3. If the planning commission fails to make a recommendation upon the proposal within sixty (60) days of its receipt of the administratively complete proposed amendment and the time has not been waived by the originator, the application shall be forwarded to the fiscal court or legislative body without a recommendation of approval or disapproval.
 - (d) Notwithstanding the provisions of paragraph (c) of this subsection:
 1. The planning commission of a consolidated local government shall make its recommendation within one hundred twenty (120) days of the date of the receipt of the administratively complete proposed amendment;
 2. The originator of the proposed map amendment may waive the one hundred twenty (120) day requirement for the recommendation; and
 3. If the planning commission of a consolidated local government fails to make a recommendation upon the proposal within one hundred twenty (120) days of its receipt of the administratively complete proposed amendment, and the time has not been waived by the originator, the application shall be forwarded to the legislative body of the consolidated local government without a recommendation of approval or disapproval.
 - (e) Notwithstanding the provisions of paragraph (c) of this subsection:
 1. The legislative body of the jurisdiction that created the planning

commission may, via ordinance, extend the provisions of paragraph (c) of this subsection to either ninety (90) or one hundred twenty (120) days; or

2. The legislative bodies which are members of a joint planning commission may, via ordinances passed separately, extend the provisions of paragraph (c) of this subsection to either ninety (90) or one hundred twenty (120) days.
 - (f) The findings of fact and recommendation shall include a summary of the evidence and testimony presented by the proponents and opponents of the proposed amendment.
 - (g) A tie vote shall be subject to further consideration by the planning commission for a period not to exceed thirty (30) days, at the end of which, if the tie has not been broken, the application shall be forwarded to the fiscal court or legislative body without a recommendation of approval or disapproval.
 - (h) It shall take a majority of the entire legislative body or fiscal court to override the recommendation of the planning commission and it shall take a majority of the entire legislative body or fiscal court to adopt a zoning map amendment whenever the planning commission forwards the application to the fiscal court or legislative body without a recommendation of approval or disapproval due to a tie vote.
 - (i) Unless a majority of the entire legislative body or fiscal court votes to override the planning commission's recommendation, such recommendation shall become final and effective and if a recommendation of approval was made by the planning commission, the ordinance of the fiscal court or legislative body adopting the zoning map amendment shall be deemed to have passed by operation of law.
- (3) A proposal to amend the text of any zoning regulation which must be voted upon by the legislative body or fiscal court may originate with the planning commission of the unit or with any fiscal court or legislative body which is a member of the unit. Regardless of the origin of the proposed amendment, it shall be referred to the planning commission before adoption. The planning commission shall hold at least one (1) public hearing after notice as required by KRS Chapter 424 and make a recommendation as to the text of the amendment and whether the amendment shall be approved or disapproved and shall state the reasons for its recommendation. In the case of a proposed amendment originating with a legislative body or fiscal court, the planning commission shall make its recommendation within sixty (60) days of the date of its receipt of the proposed amendment. It shall take an affirmative vote of a majority of the fiscal court or legislative body to adopt the proposed amendment.
- (4) Procedures prescribed in KRS 100.207 applicable to the publication of notice also shall apply to any proposed amendment to a zoning regulation text or map; provided that:
 - (a) Any published notice shall include the street address of the property in

question, or if one is not available or practicable due to the number of addresses involved, a geographic description sufficient to locate and identify the property, and the names of two (2) streets on either side of the property which intersect the street on which the property is located; and

- (b) When the property in question is located at the intersection of two (2) streets, the notice shall designate the intersection by name of both streets rather than name the two (2) streets on either side of the property.
- (5) When a property owner proposes to amend the zoning map of any planning unit other than a planning unit containing a city of the first class or a consolidated local government, the provisions of KRS 100.212 shall apply in addition to the requirements and procedures prescribed in subsection (4) of this section.
- (6) When a property owner proposes to amend the zoning map of any planning unit comprising any portion of a county containing a city of the first class or a consolidated local government, the provisions of KRS 100.214 shall apply in addition to the requirements and procedures prescribed in subsection (4) of this section.
- (7) In addition to the public notice requirements prescribed in subsection (4) of this section, when the planning commission, fiscal court, or legislative body of any planning unit originates a proposal to amend the zoning map of that unit, notice of the public hearing before the planning commission, fiscal court, or legislative body shall be given at least thirty (30) days in advance of the hearing by first-class mail to an owner of every parcel of property the classification of which is proposed to be changed. Records by the property valuation administrator may be relied upon to determine the identity and address of said owner.
- (8) The fiscal court or legislative body shall take final action upon a proposed zoning map amendment within ninety (90) days of the date upon which the planning commission takes its final action upon such proposal.

Effective: July 15, 2014

History: Amended 2014 Ky. Acts ch. 113, sec. 1, effective July 15, 2014. -- Amended 2002 Ky. Acts ch. 346, sec. 144, effective July 15, 2002. -- Amended 1990 Ky. Acts ch. 362, sec. 15, effective July 13, 1990. -- Amended 1988 Ky. Acts ch. 19, sec. 2, effective July 15, 1988; and ch. 144, sec. 9, effective July 15, 1988. -- Amended 1986 Ky. Acts ch. 134, sec. 2, effective July 15, 1986; and ch. 141, sec. 19, effective July 15, 1986. -- Amended 1978 Ky. Acts ch. 327 and sec. 1, effective June 17, 1978. -- Created 1966 Ky. Acts ch. 172, secs. 32 and 33.