

1 AN ACT relating to zoning and declaring an emergency.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 100.324 is amended to read as follows:

- 4 (1) All other provisions of this chapter to the contrary notwithstanding, public utilities  
5 operating under the jurisdiction of the Public Service Commission, except as  
6 specified in KRS 100.987, or the Department of Vehicle Regulation or Federal  
7 Energy Regulatory Commission, any municipally owned electric system, and  
8 common carriers by rail shall not be required to receive the approval of the planning  
9 unit for the location or relocation of any of their service facilities. Service facilities  
10 include all facilities of such utilities and common carriers by rail other than office  
11 space, garage space, and warehouse space and include office space, garage space,  
12 and warehouse space when such space is incidental to a service facility. **Nonservice**  
13 **facilities include generation facilities under ten (10) megawatts that are not**  
14 **required for baseload operation.** The Public Service Commission and the  
15 Department of Vehicle Regulation shall give notice to the planning commission of  
16 any planning unit of any hearing which affects locations or relocations of service  
17 facilities within that planning unit's jurisdiction.
- 18 (2) The nonservice facilities excluded in subsection (1) of this section must be in  
19 accordance with the zoning regulations.
- 20 (3) Upon the request of the planning commission, the public utilities referred to in this  
21 section shall provide the planning commission of the planning unit affected with  
22 information concerning service facilities which have been located on and relocated  
23 on private property.
- 24 (4) Any proposal for acquisition or disposition of land for public facilities, or changes  
25 in the character, location, or extent of structures or land for public facilities,  
26 excluding state and federal highways and public utilities and common carriers by  
27 rail mentioned in this section, shall be referred to the commission to be reviewed in

1 light of its agreement with the comprehensive plan, and the commission shall,  
2 within sixty (60) days from the date of its receipt, review the project and advise the  
3 referring body whether the project is in accordance with the comprehensive plan. If  
4 it disapproves of the project, it shall state the reasons for disapproval in writing and  
5 make suggestions for changes which will, in its opinion, better accomplish the  
6 objectives of the comprehensive plan. No permit required for construction or  
7 occupancy of such public facilities shall be issued until the expiration of the sixty  
8 (60) day period or until the planning commission issues its report, whichever occurs  
9 first.

10 ➔Section 2. Whereas nonbaseload generation facilities under 10 megawatts  
11 should be subject to zoning requirements immediately to ensure the proper development  
12 of public and private property for the health and safety of Kentucky's citizens, an  
13 emergency is declared to exist, and this Act takes effect upon its passage and approval by  
14 the Governor or upon its otherwise becoming a law.