

1 AN ACT relating to planning and zoning in consolidated local governments.

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

3 ➔Section 1. KRS 100.137 is amended to read as follows:

- 4 (1) Except in a consolidated local government, counties with a population of 300,000 or  
5 more inhabitants shall be a planning unit and shall have a planning commission which  
6 commission shall be composed of three (3) members, who are nonresidents of the  
7 largest city of the county, appointed by the county judge/executive of such county;  
8 three (3) members who are residents of the largest city of the county appointed by  
9 the mayor of that city; and the mayor of the largest city, or his designee; the county  
10 judge/executive, or his designee; the director of works of the largest city in the  
11 county; and the county road engineer. The county judge/executive and the mayor  
12 together shall ensure that three (3) of the six (6) appointees are citizens who have no  
13 direct financial interest in the land development and construction industry. If the  
14 commission appoints a citizen member to fill a vacancy, the commission shall ensure  
15 that the balance is maintained. All ten (10) members of the planning commission  
16 shall be required to disclose any personal or family commercial interest relevant to  
17 land use, new development supply, or new development construction. The disclosure  
18 shall be a written, signed statement of the general nature of the member's interest.  
19 The disclosure shall be filed with the commission's records under KRS 100.167 and  
20 shall be available for public inspection during regular business hours. A member shall  
21 not vote on an issue in which the member or member's family has an interest. The  
22 willful failure of a member to disclose an interest, or a member's voting on an issue  
23 in which the member or member's family has a known interest, shall subject the  
24 member to removal proceedings under KRS 100.157.
- 25 (2) A county with a consolidated local government created pursuant to KRS Chapter  
26 67C shall be a planning unit and shall have a planning commission which shall  
27 include eight (8) members who are residents of the planning unit, approved by the

1 mayor of the consolidated local government pursuant to the provisions of KRS  
2 67C.139. The membership of the planning commission shall also include the mayor  
3 of the consolidated local government, or his or her designee, and the director of  
4 public works of the consolidated local government, or his or her designee, or the  
5 county engineer as determined by the mayor. If the director of public works  
6 designates a designee, the designee shall be either a civil or highway engineer  
7 licensed under KRS Chapter 322, and shall have at least three (3) years' practical  
8 road building, road design, or transportation planning experience. The mayor shall  
9 ensure that four (4) of the eight (8) appointees are citizens who have no direct  
10 financial interest in the land development and construction industry. If the  
11 commission appoints a citizen member to fill a vacancy, the commission shall ensure  
12 that the balance is maintained. All ten (10) members of the planning commission  
13 shall be required to disclose any personal or family commercial interest relevant to  
14 land use, new development supply, or new development construction. The disclosure  
15 shall be a written, signed statement of the general nature of the member's interest.  
16 The disclosure shall be filed with the commission's records pursuant to KRS 100.167  
17 and shall be available for public inspection during regular business hours. A member  
18 shall not vote on an issue in which the member or member's family has an interest.  
19 The willful failure of a member to disclose an interest, or a member's voting on an  
20 issue in which the member or member's family has a known interest, shall subject the  
21 member to removal proceedings pursuant to KRS 100.157.

22 (3) (a) In counties containing a consolidated local government, all legislation  
23 implementing or amending the plan or amended plan which affects cities with a  
24 population equal to or greater than three thousand (3,000) based upon the  
25 most recent federal decennial census or any city with a population of less than  
26 three thousand (3,000) based upon the most recent federal decennial census  
27 that regulated land use under the provisions of this chapter prior to January 1,

1           2014, shall be enacted by such cities and all other legislation implementing the  
 2           plan or amended plan shall be enacted by the fiscal court or, in the case of a  
 3           consolidated local government, by the consolidated local government.

4           **(b) Nothing in this section shall be construed to limit the authority of a city that**  
 5           **is in a county containing a consolidated local government not meeting the**  
 6           **criteria of paragraph (a) of this subsection, and which is therefore not**  
 7           **authorized to enact zoning regulations within its boundaries, to enact**  
 8           **ordinances, regulations, and procedures that do not conflict with the use of**  
 9           **property permitted by the comprehensive plan. These ordinances,**  
 10          **regulations, and procedures are those governing:**

11          **1. Nuisance abatement;**

12          **2. Business licensing;**

13          **3. Building permit processes;**

14          **4. Code enforcement measures; and**

15          **5. The exercise of all other local powers that further a public purpose**  
 16          **and which do not conflict with a constitutional provision or law.**

17          (4) In all other counties the establishment of a planning unit is optional, but any planning  
 18          unit established in other counties shall comply with the remaining provisions of this  
 19          chapter.