

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

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

- 24 (3) (a) In counties containing a consolidated local government, all legislation  
25 implementing or amending the plan or amended plan which affects cities with  
26 a population equal to or greater than three thousand (3,000) based upon the  
27 most recent federal decennial census or any city with a population of less than

1 three thousand (3,000) based upon the most recent federal decennial census  
 2 that regulated land use under the provisions of this chapter prior to January 1,  
 3 2014, shall be enacted by such cities and all other legislation implementing  
 4 the plan or amended plan shall be enacted by the fiscal court or, in the case of  
 5 a consolidated local government, by the consolidated local government.

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

- 13 **1. Nuisance abatement;**
- 14 **2. Business licensing;**
- 15 **3. Building permit processes;**
- 16 **4. Code enforcement measures; and**
- 17 **5. The exercise of all other local powers that further a public purpose**  
 18 **and which do not conflict with a constitutional provision or law.**

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