

KENTUCKY GENERAL ASSEMBLY AMENDMENT FORM
2019 REGULAR SESSION
Unofficial Document

Amend printed copy of **HB 246/GA**

On page 1, line 3 to line 20, delete in its entirety and insert the following in lieu thereof:

"➔SECTION 1. A NEW SECTION OF SUBCHAPTER 12 OF KRS CHAPTER 154 IS
CREATED TO READ AS FOLLOWS:

(1) The General Assembly finds that:

(a) The path to increased prosperity, economic security, and growth of Kentucky's tax base depends upon the accelerated growth of business and associated jobs from business startups, the expansion of existing businesses and industries, and the recruitment of new employers to the Commonwealth. The success of the Commonwealth in growing its economy through new and expanded business and industries is a collaborative effort that requires close cooperation and support between state agencies charged with economic development responsibilities and local communities. It is the responsibility of the General Assembly to enact laws to effectuate this collaboration; and

(b) It is essential for the expansion of existing businesses and the attraction of new businesses that regulations or ordinances governing land use and the development of property contain only specific objective standards in order to provide certainty as to what will be required for new development, and that the requirement for specific land use is consistent with established judicial precedent in the Commonwealth. In

Amendment No. _____

Rep. Sen. Jared Carpenter

Committee Amendment _____

Signed: _____

Floor Amendment _____

LRC Drafter: Montgomery, Carla

Adopted: _____

Date: _____

Rejected: _____

Doc. ID: XXXX

Not for Filing

Unofficial Document

communities that have adopted planning and zoning regulations or ordinances in accordance with governing statutes enacted by the General Assembly, the best practice of support of job creation, business expansions, and the attraction of new employers is to have an adequate supply of developable land available and identified in the comprehensive plan for new business and industry as well as housing, including affordable housing, and other support services for businesses and their employees.

(2) The Cabinet for Economic Development, with input from the Department for Local Government, may prepare and submit biennially to the General Assembly, no later than September 1 of each odd-numbered year beginning on September 1, 2019, a report detailing:

(a) The best practices currently in place at the municipal and county level within the Commonwealth for assisting the creation and expansion of businesses and the attraction of new business; and

(b) Any practices, procedures, rules, or regulations currently in place at the municipal or county level that impair the ability of the Commonwealth or local community to create and expand businesses or to attract new businesses with employees and to provide the necessary support structures for those businesses and employees.

➔SECTION 2. A NEW SECTION OF KRS CHAPTER 100 IS CREATED TO READ AS FOLLOWS:

The rules and regulations governing subdivision plats and development plans contained in zoning regulations adopted pursuant to KRS 100.203 and subdivision regulations adopted pursuant to KRS 100.281 shall be in the form of specific, objective standards capable of ministerial application.

➔Section 3. KRS 100.187 is amended to read as follows:

Unofficial Document

The comprehensive plan shall contain, as a minimum, the following elements:

- (1) A statement of goals and objectives, which shall serve as a guide for the physical development and economic and social well-being of the planning unit;
- (2) (a) A land use plan element, which shall show proposals for the most appropriate, economic, desirable, and feasible patterns for the general location, character, extent, and interrelationship of the manner in which the community should use its public and private land at specified times as far into the future as is reasonable to foresee, ***and in no event less than twenty (20) years from the date of adoption of the comprehensive plan and thereafter from the date of completion of each periodic review performed in accordance with KRS 100.197.***
- (b) ***The land use plan element shall identify and make provision for sufficient vacant, developable land, and be based upon densities of development, intensities of development, and land absorption rates within the plan unit over the previous ten (10) years, to satisfy the needs of the community for industrial, commercial, residential, recreational, and other urban or agricultural land uses for the plan period.***
- (c) ***For purposes of this subsection, "vacant, developable land" shall not include property currently occupied by urban development; property owned by governmental, church, or charitable entities; flood ways, undevelopable wetlands, or floodplains; open space within existing developed areas as required by land use regulations of the planning unit; or lands not suitable for urban development due to steep slopes or environmental contamination.*** [~~Such land uses may cover, without being limited to, public and private, residential, commercial, industrial, agricultural, and recreational land uses~~];
- (3) A transportation plan element, which shall show proposals for the most desirable,

Unofficial Document

appropriate, economic, and feasible pattern for the general location, character, and extent of the channels, routes, and terminals for transportation facilities for the circulation of persons and goods for specified times as far into the future as is reasonable to foresee. The channels, routes, and terminals may include, without being limited to, all classes of highways or streets, railways, airways, waterways; routings for mass transit trucks, etc.; and terminals for people, goods, or vehicles related to highways, airways, waterways, and railways;

- (4) A community facilities plan element which shall show proposals for the most desirable, appropriate, economic, and feasible pattern for the general location, character, and the extent of public and semipublic buildings, land, and facilities for specified times as far into the future as is reasonable to foresee. The facilities may include, without being limited to, parks and recreation, schools and other educational or cultural facilities, libraries, churches, hospitals, social welfare and medical facilities, utilities, fire stations, police stations, jails, or other public office or administrative facilities;
- (5) (a) Provisions for the accommodation of all military installations greater than or equal in area to three hundred (300) acres that are:
1. Contained wholly or partially within the planning unit's boundaries;
 2. Abutting the planning unit's boundaries; or
 3. Contained within or abutting any county that contains a planning unit.
- (b) The goal of providing for the accommodation of these military installations shall be to minimize conflicts between the relevant military installations and the planning unit's residential population. These provisions shall be made after consultation with the relevant installation's command authorities to determine the needs of the relevant military installation. These consultations shall include but not be limited to questions of installation expansion, environmental impact, issues of installation safety, and

Unofficial Document

issues relating to air space usage, to include noise pollution, air pollution, and air safety concerns; and

- (6) The comprehensive plan may include any additional elements such as, without being limited to, community renewal, housing, flood control, pollution, conservation, natural resources, regional impact, historic preservation, and other programs which in the judgment of the planning commission will further serve the purposes of the comprehensive plan.

➔Section 4. KRS 100.191 is amended to read as follows:

All elements of the comprehensive plan shall be based upon but not limited to, the following research, analysis, and projections:

- (1) An analysis of the general distribution and characteristics of past and present population and a forecast of the extent and character of future population as far into the future as is reasonable to foresee;
- (2) An economic survey and analysis of the major existing public and private business activities, and a forecast of future economic levels, including a forecast of anticipated necessary actions by the community to increase the quality of life of its current and future population through the encouragement of economic development as far into the future as is reasonable to foresee;
- (3) Research and analysis as to the nature, extent, adequacy, and the needs of the community **as far into the future as is reasonable to foresee, and in no event less than twenty (20) years from the date of the adoption of the comprehensive plan and thereafter from the date of completion of each periodic review performed in accordance with KRS 100.197,** for the existing land and building use, transportation, and community facilities in terms of their general location, character and extent, including, the identification and mapping of agricultural lands of statewide importance and analysis of the impacts of community land use needs on these lands; and

Unofficial Document

(4) Additional background information for the elements of the comprehensive plan may include any other research analysis, and projections which, in the judgment of the planning commission, will further serve the purposes of the comprehensive plan.

➔SECTION 5. A NEW SECTION OF KRS CHAPTER 100 IS CREATED TO READ
AS FOLLOWS:

A comprehensive plan that fails to comply with Sections 3 and 4 of this Act shall not be relied upon by a planning commission or legislative body in taking action upon any zoning map amendment applied for after June 30, 2020.