

1 AN ACT relating to land use.

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

3 ➔Section 1. KRS 103.200 is amended to read as follows:

4 As used in KRS 103.200 to 103.285:

5 (1) "Building" or "industrial building" means any land and building or buildings  
6 (including office space related and subordinate to any of the facilities enumerated  
7 below), any facility or other improvement thereon, and all real and personal  
8 properties, including operating equipment and machinery deemed necessary in  
9 connection therewith, whether or not now in existence, which shall be suitable for  
10 the following or any combination thereof:

11 (a) Any activity, business, or industry for the manufacturing, processing or  
12 assembling of any commercial product, including agricultural, mining, or  
13 manufactured products and solar-generated electricity, together with storage,  
14 warehousing, and distribution facilities in respect thereof;

15 (b) Any undertaking involving the construction, reconstruction, and use of  
16 airports, mass commuting facilities, ship canals, ports or port facilities, docks  
17 or wharf facilities or harbor facilities, off-street parking facilities or of  
18 railroads, monorails, or tramways, railway or airline terminals, cable  
19 television, mass communication facilities, and related facilities;

20 (c) Any buildings, structures, and facilities, including the site thereof and  
21 machinery, equipment, and furnishings suitable for use as health-care or  
22 related facilities, including without limitation hospitals, clinics, nursing  
23 homes, research facilities, extended or long-term care facilities, including  
24 housing for the aged or the infirm and all buildings, structures, and facilities  
25 deemed necessary or useful in connection therewith;

26 (d) Any nonprofit educational institution in any manner related to or in  
27 furtherance of the educational purposes of such institution, including but not

- 1           limited to classroom, laboratory, housing, administrative, physical  
2           educational, and medical research and treatment facilities;
- 3           (e) Any facilities for any recreation or amusement park, public park, or theme  
4           park, including specifically facilities for the use of nonprofit entities in  
5           making recreational and cultural benefits available to the public;
- 6           (f) Any facilities involving manufacturing and service industries which process  
7           raw agricultural products, including timber, provide value-added functions, or  
8           supply ingredients used for production of basic agricultural crops and  
9           products;
- 10          (g) Any facilities incident to the development of industrial sites, including land  
11          costs and the costs of site improvements thereon, such as grading, streets,  
12          drainage, storm and sanitary sewers, and other facilities and structures  
13          incidental to the use of such site or sites for industrial use;
- 14          (h) Any facilities for the furnishing of water, if available on reasonable demand to  
15          members of the general public;
- 16          (i) Any facilities for the extraction, production, grading, separating, washing,  
17          drying, preparing, sorting, loading, and distribution of mineral resources,  
18          together with related facilities;
- 19          (j) Any convention or trade show facilities, together with all related and  
20          subordinate facilities necessary to the development and proper utilization  
21          thereof;
- 22          (k) Any facilities designed and constructed to be used as hotels and/or motels,  
23          together with all related and subordinate facilities necessary to the operation  
24          thereof, including site preparation and similar facilities;
- 25          (l) Any activity designed for the preservation of residential neighborhoods,  
26          provided that such activity receives approval of the heritage division and  
27          insures the preservation of not fewer than four (4) family units;

- 1 (m) Any activity designed for the preservation of commercial or residential  
 2 buildings which are on the National Register of Historic Places or within an  
 3 area designated as a national historic district or approved by the heritage  
 4 division;
- 5 (n) Any activity, including new construction, designed for revitalization or  
 6 redevelopment of downtown business districts as designated by the issuer;{  
 7 ~~and~~}
- 8 (o) Any use by an entity recognized by the Internal Revenue Service as an  
 9 organization described in 26 U.S.C. sec. 501(c)(3) in any manner related to or  
 10 in the furtherance of that entity's exempt purposes where the use would also  
 11 qualify for federally tax-exempt financing under the rules applicable to a  
 12 qualified 501(c)(3) bond as defined in 26 U.S.C. sec. 145; and
- 13 **(p) Any activity, including new construction, that would result in an increase of**  
 14 **forty-eight (48) units or more to the stock of residential multifamily housing**  
 15 **units.**
- 16 (2) "Bonds" or "negotiable bonds" means bonds, notes, variable rate bonds, commercial  
 17 paper bonds, bond anticipation notes, or any other obligations for the payment of  
 18 money issued by a city, county, or other authority pursuant to KRS 103.210 to  
 19 103.285.
- 20 (3) "Substantiating documentation" means an independent finding, study, report, or  
 21 assessment of the economic and financial impact of a project, which shall include a  
 22 review of customary business practices, terms, and conditions for similar types of  
 23 projects, both taxable and tax-exempt, in the current market environment.
- 24 ➔Section 2. KRS 100.347 is amended to read as follows:
- 25 (1) Any person or entity claiming to be injured or aggrieved by any final action of the  
 26 board of adjustment shall appeal from the action to the Circuit Court of the county  
 27 in which the property, which is the subject of the action of the board of adjustment,

1 lies. Such appeal shall be taken within thirty (30) days after the final action of the  
2 board. All final actions which have not been appealed within thirty (30) days shall  
3 not be subject to judicial review. The board of adjustment shall be a party in any  
4 such appeal filed in the Circuit Court.

5 (2) Any person or entity claiming to be injured or aggrieved by any final action of the  
6 planning commission shall appeal from the final action to the Circuit Court of the  
7 county in which the property, which is the subject of the commission's action, lies.  
8 Such appeal shall be taken within thirty (30) days after such action. Such action  
9 shall not include the commission's recommendations made to other governmental  
10 bodies. All final actions which have not been appealed within thirty (30) days shall  
11 not be subject to judicial review. Provided, however, any appeal of a planning  
12 commission action granting or denying a variance or conditional use permit  
13 authorized by KRS 100.203(5) shall be taken pursuant to this subsection. In such  
14 case, the thirty (30) day period for taking an appeal begins to run at the time the  
15 legislative body grants or denies the map amendment for the same development.  
16 The planning commission shall be a party in any such appeal filed in the Circuit  
17 Court.

18 (3) Any person or entity claiming to be injured or aggrieved by any final action of the  
19 legislative body of any city, county, consolidated local government, or urban-  
20 county government, relating to a map amendment shall appeal from the action to  
21 the Circuit Court of the county in which the property, which is the subject of the  
22 map amendment, lies. Such appeal shall be taken within thirty (30) days after the  
23 final action of the legislative body. All final actions which have not been appealed  
24 within thirty (30) days shall not be subject to judicial review. The legislative body  
25 shall be a party in any such appeal filed in the Circuit Court.

26 (4) The owner of the subject property and applicants who initiated the proceeding shall  
27 be made parties to the appeal. Other persons speaking at the public hearing are not

1 required to be made parties to such appeal.

2 (5) For purposes of this chapter, final action shall be deemed to have occurred on the  
3 calendar date when the vote is taken to approve or disapprove the matter pending  
4 before the body.

5 **(6) Notwithstanding any provision to the contrary, a person or entity may only appeal**  
6 **a final action pursuant to this subsection if the person or entity owns real**  
7 **property that is contiguous to a property whose status would be changed as a**  
8 **result of the final action.**