

# PLANNING AND ZONING

**Informational Bulletin No. 156  
(Revised 1999)**

*Legislative Research Commission  
Frankfort, Kentucky*



# **PLANNING AND ZONING**

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*Legislative Research Commission  
Frankfort, Kentucky  
May, 1999*



## **FOREWORD**

This bulletin contains KRS Chapter 100, the Commonwealth's local government planning and zoning enabling laws, as revised by the 1998 General Assembly. Also included is KRS 147A.125, a statute enacted by the 1990 General Assembly, requiring the establishment of regional planning councils in area development districts.

The purpose of this bulletin is to provide the reader with a quick reference to those statutes dealing with local planning and zoning questions, and it is not intended to supplant the official version of the statutes. Some of the major headings are different from those of the official text; they were simplified for the benefit of the reader.

The listing of local planning commissions appearing at the end of this bulletin is based on information obtained from the Department for Local Government in conjunction with the area development districts in December, 1998. Also included is a listing of all Kentucky cities and counties that offers useful demographic information about Kentucky's local governments. All population data is based upon current population estimates which have been calculated by the U.S. Bureau of the Census

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**CHAPTER 100**  
**PLANNING AND ZONING**  
**DEFINITIONS**

**100.111 Definitions.**

As used in this chapter, unless the context otherwise requires:

- (1) "Administrative official" means any department, employee, or advisory, elected or appointed body which is authorized to administer any provision of the zoning regulation, subdivision regulations, and if delegated, any provision of any housing or building regulation or any other land use control regulation;
- (2) "Agricultural use" means the use of a tract of at least five (5) contiguous acres for the production of agricultural or horticultural crops, including but not limited to livestock, livestock products, poultry, poultry products, grain, hay, pastures, soybeans, tobacco, timber, orchard fruits, vegetables, flowers or ornamental plants, including provision for dwellings for persons and their families who are engaged in the above agricultural use on the tract, but not including residential building development for sale or lease to the public;
- (3) "Board" means the board of adjustment unless the context indicates otherwise;
- (4) "Citizen member" means any member of the planning commission or board of adjustment who is not an elected or appointed official or employee of the city or county;
- (5) "Commission" means planning commission;
- (6) "Conditional use" means a use which is essential to or would promote the public health, safety, or welfare in one (1) or more zones, but which would impair the integrity and character of the zone in which it is located, or in adjoining zones, unless restrictions on location, size, extent, and character of performance are imposed in addition to those imposed in the zoning regulation;
- (7) "Conditional use permit" means legal authorization to undertake a conditional use, issued by the administrative official pursuant to authorization by the board of adjustment, consisting of two (2) parts:
  - (a) A statement of the factual determination by the board of adjustment which justifies the issuance of the permit; and
  - (b) A statement of the specific conditions which must be met in order for the use to be permitted;
- (8) "Development plan" means written and graphic material for the provision of a development, including any or all of the following: location and bulk of buildings and other structures, intensity of use, density of development, streets, ways, parking facilities, signs, drainage of surface water, access points, a plan for screening or buffering, utilities, existing manmade and natural conditions, and all other conditions agreed to by the applicant;
- (9) "Fiscal court" means the chief body of the county with legislative power, whether it is the fiscal court, county commissioners, or otherwise;
- (10) "Housing or building regulation" means the Kentucky Building Code, the Kentucky Plumbing Code and any other building or structural code promulgated by the Commonwealth or by its political subdivisions;
- (11) "Legislative body" means the chief body of the city with legislative power, whether it is the board of aldermen, the general council, the common council, the city council, the board of commissioners, or otherwise; at times it also implies the county's fiscal court;
- (12) "Mayor" means the chief elected official of the city whether the official designation of his office is mayor or otherwise;
- (13) "Nonconforming use or structure" means an activity or a building, sign, structure or a portion thereof which lawfully existed before the adoption or amendment of the zoning regulation, but which does not conform to all of the regulations contained in the zoning regulation which pertain to the zone in which it is located;

- (14) "Planning operations" means the formulating of plans for the physical development and social and economic well-being of a planning unit, and the formulating of proposals for means of implementing the plans;
- (15) "Planning unit" means any city or county, or any combination of cities, counties, or parts of counties engaged in planning operations;
- (16) "Plat" means the map of a subdivision;
- (17) "Political subdivision" means any city or county;
- (18) "Several" means two (2) or more;
- (19) "Public facility" means any use of land whether publicly or privately owned for transportation, utilities, or communications, or for the benefit of the general public, including, but not limited to, libraries, streets, schools, fire or police stations, county buildings, municipal buildings, recreational centers including parks, and cemeteries;
- (20) "Street" means any vehicular way;
- (21) "Structure" means anything constructed or made, the use of which requires permanent location in or on the ground or attachment to something having a permanent location in or on the ground, including buildings and signs;
- (22) "Subdivision" means the division of a parcel of land into three (3) or more lots or parcels except in a county containing a city of the first, second or third class or in an urban-county government where a subdivision means the division of a parcel of land into two (2) or more lots or parcels; for the purpose, whether immediate or future, of sale, lease, or building development, or if a new street is involved, any division of a parcel of land; provided that a division of land for agricultural use and not involving a new street shall not be deemed a subdivision. The term includes resubdivision and when appropriate to the context, shall relate to the process of subdivision or to the land subdivided; any division or redivision of land into parcels of less than one (1) acre occurring within twelve (12) months following a division of the same land shall be deemed a subdivision within the meaning of this section;
- (23) "Unit" means planning unit; and
- (24) "Variance" means a departure from dimensional terms of the zoning regulation pertaining to the height, width, or location of structures, and the size of yards and open spaces where such departure meets the requirements of KRS 100.241 to 100.247.

## **PLANNING UNITS**

### **100.113 Types of planning units permitted.**

Before any planning operations may begin, a planning unit must be formed and designated. Planning units may consist of a city or county, acting independently in accordance with KRS 100.117; cities and their county, jointly, in accordance with KRS 100.121; or groups of counties and their cities, regionally, in accordance with KRS 100.123.

### **100.117 Independent planning units.**

Any city or county may establish a planning program as an independent operation if the following required procedure is unsuccessful in establishing a joint planning unit encompassing the county and cities therein.

- (1) A city shall interrogate the county and every other city therein to determine whether they desire to enter into an agreement to form a joint planning unit. The interrogation shall be in writing, addressed to the various legislative bodies stating proposed reasonable terms for combination and the reasoned purpose and objectives. The political subdivisions which have been interrogated shall have sixty (60) days in which to answer in writing and the city may assume that the answer is negative if no response is received within the sixty (60) days. If the county answers in the negative, then the city may engage in an independent planning operation. If the county responds affirmatively, then a joint planning unit shall be established, and no city located in such county may form an independent planning unit. If a city has been operating under an agreement under which its planning operations have been

combined with one (1) or several counties or cities and the combination is broken, then it shall follow the procedure set forth in this subsection before it engages in an independent planning operation.

- (2) A county shall interrogate every incorporated city within its boundaries and otherwise be subject to following the procedure established for an independent city operation.
- (3) In a county where independent planning units have been created in accordance with this section, another interrogation shall not be permitted for a period of four (4) years from the date of the previous letter of interrogation. If another interrogation is initiated, the required procedure as defined by this section, shall be followed. If the result of such an interrogation is creation of a joint planning unit, as permitted by KRS 100.121, then all the existing independent planning units shall be dissolved, and no city located in such county may form an independent planning unit. A period of one (1) year from the date of the letter of interrogation shall be permitted for the newly formed joint planning unit to come into existence, during which time the other necessary steps required by this chapter must be complied with and the dissolution of the independent units shall be effective upon compliance with requirements of this chapter, for creation of the joint planning unit, or at the end of the one (1) year period, whichever is first.

#### **100.121 Joint planning units.**

- (1) At any time, the legislative bodies of cities and the fiscal court of the county containing the cities may enter into an agreement to form a joint planning unit by combining planning operations in order that they may carry out a joint city-county planning program. Combinations may include any combination of cities with their county or parts thereof; provided, however, that no self-excluded city in such county may form an independent planning unit.
- (2) When a planning unit includes a county and a city of the first class, then all other cities within the county shall also be parts of the unit.

#### **100.123 Regional planning units.**

At any time, the legislative bodies of the cities and counties comprising two (2) or more adjacent planning units whose combined territory form a logical functional area, or portion thereof, by reasons of physical, economic, or social features may enter into an agreement to form a regional planning unit. The agreement for such regional unit may permit the continuation of any of the joint units and their planning commissions, or may serve to replace them. If any joint units are to continue in operation, the agreement shall state clearly the division or assignment of functions between the regional and joint units. Such regional units, shall be financed by the legislative parties in accordance with the agreement.

#### **100.127 Written agreements -- Filing fees.**

- (1) All agreements for joint or regional planning units shall be in writing, and shall describe the boundaries of the area involved, and shall contain all details which are necessary for the establishment and administration of the planning unit in regard to planning commission organization, preparation of plans, and aids to plan implementation. The agreement shall be adopted as an ordinance by the legislative bodies which are parties to the agreement in accordance with the procedures for the adoption of an ordinance pursuant to KRS Chapters 67, 67A, 83, and 83A, and filed in the office of the county clerk of all counties which are parties to the agreement or which contain a city which is a party to the agreement. The county clerk may charge a fee of two and one-half dollars (\$2.50) for the filing of the agreement. Combination under this subsection shall be permitted notwithstanding the fact that the governmental units are also involved in area planning under KRS 147.610 to 147.705. Combined planning operations shall be jointly financed, and the agreement shall state the method of proration of financial support.
- (2) Agreements for planning units shall be in existence as long as at least two (2) of the original signators are operating under the combination despite the fact that other signators have withdrawn from the unit. In addition, any enlargement of a unit may be accomplished under

the existing agreement by filing a copy of the agreement in the office of the county clerk of all member counties along with a statement as to when it was admitted to the unit. The clerk may charge a fee of two and one-half dollars (\$2.50) for the filing.

- (3) If the planning unit, or any part thereof, has adopted regulations for historical districts under KRS 100.201 and 100.203, the planning agreement may provide for the creation of a three (3) or five (5) member board to advise the zoning administrator regarding issuance of permits in such districts, the board being guided by the standards and restrictions of the community's comprehensive plan and by the historical district regulations adopted by the planning unit.

#### **100.131 Area of jurisdiction.**

An independent city planning unit or members of a joint planning unit composed only of two (2) or more cities may exercise extraterritorial jurisdiction for the purposes of subdivision regulations and other regulations up to five (5) miles from all points upon the city's boundary, with the consent of the fiscal court, but not beyond the county boundary, nor within the boundary of any city not in the planning unit, provided, however, that where the extraterritorial jurisdiction of planning units overlap, the boundary shall be midway between them. The jurisdiction of joint city-county and regional planning units shall be coterminous with their political boundaries. Nothing herein shall prevent any planning unit from making planning studies of areas located outside its jurisdiction.

### **PLANNING COMMISSION**

#### **100.133 Planning commission -- Members, appointment -- Qualifications.**

- (1) Before a planning unit may engage in planning operations, a planning commission shall be appointed for the unit in conformance with an adopted agreement.
- (2) A planning commission shall consist of at least five (5), but not more than twenty (20) members.
- (3) The Governor shall have the privilege of appointing a member to the commission to which the capital city belongs in addition to the number of members specified for that planning commission.
- (4) Where extraterritorial jurisdiction is exercised for subdivision regulations or other regulations, the county judge/executive of each affected county may appoint a member to the planning commission of the planning unit exercising such jurisdiction in addition to the number of members specified for that planning commission.
- (5) At least two-thirds (2/3) of the members of every planning commission shall be citizen members.
- (6) A regional planning commission shall include at least one (1) citizen member from each joint planning unit who is also a member of the joint planning commission.
- (7) If one (1) city only joins with one (1) county, then each shall have equal representation.
- (8) Except as provided in KRS 100.137, at least one (1) of the county representatives of the planning commission of a joint planning unit containing a county with an unincorporated area population exceeding one thousand (1,000) persons shall be a resident of the unincorporated area of that county.
- (9) Whenever this chapter requires a city without its consent to belong to a joint planning unit, then KRS 100.137 shall apply.

#### **100.137 Planning commission in counties of 300,000 -- Qualifications -- Appointment.**

- (1) Counties with a population of 300,000 or more inhabitants shall be a planning unit and shall have a planning commission which commission shall be composed of three (3) members, who are nonresidents of the largest city of the county, appointed by the county judge/executive of such county; three (3) members who are residents of the largest city of the county appointed by the mayor of that city; and the mayor of the largest city, or his

designee; the county judge/executive, or his designee; the director of works of the largest city in the county, and the county road engineer. The county judge/executive and the mayor together shall ensure that three (3) of the six (6) appointees are citizens who have no direct financial interest in the land development and construction industry. If the commission appoints a citizen member to fill a vacancy, the commission shall ensure that the balance is maintained. All ten (10) members of the planning commission shall be required to disclose any personal or family commercial interest relevant to land use, new development supply, or new development construction. The disclosure shall be a written, signed statement of the general nature of the member's interest. The disclosure shall be filed with the commission's records under KRS 100.167 and shall be available for public inspection during regular business hours. A member shall not vote on an issue in which the member or member's family has an interest. The willful failure of a member to disclose an interest, or a member's voting on an issue in which the member or member's family has a known interest, shall subject the member to removal proceedings under KRS 100.157.

- (2) In counties containing a city of the first class, all legislation implementing or amending the plan or amended plan which affects cities of the first through fourth classes shall be enacted by such cities and all other legislation implementing the plan or amended plan shall be enacted by the fiscal court.
- (3) In all other counties the establishment of a planning unit is optional, but any planning unit established in other counties shall comply with the remaining provisions of this chapter.

#### **100.141 Appointing authority.**

The mayor of each city entitled to one or more members and the county judge/executive of each county shall appoint the members of the planning commission with the approval of their respective legislative bodies.

#### **100.143 Term of office.**

The term of office of all elected public officials appointed to a planning commission shall be the same as their official tenure in office. The term of office for other members of the planning commission shall be four (4) years, but the term of office of members first appointed shall be staggered so that a proportionate number serve one (1), two (2), three (3), and four (4) years respectively, and later appointments or reappointments shall continue the staggered pattern. The pattern for staggering the terms of the members first appointed shall be stated in a regulation or in the agreement under which the unit operates, as applicable.

#### **100.147 Vacancies.**

Vacancies on the planning commission, shall be filled within sixty (60) days by the appropriate appointing authority. If the authority fails to act within that time, the planning commission shall fill the vacancy. When a vacancy occurs other than through expiration of the term of office, it shall be filled for the remainder of that term.

#### **100.151 Oath of office.**

All members of a planning commission shall, before entering upon their duties, qualify by taking the oath of office prescribed by Section 228 of the Constitution of the Commonwealth of Kentucky before any judge, county judge/executive, notary public, clerk of a court, or justice of the peace within the district or county in which he resides.

#### **100.153 Reimbursement or compensation.**

In the agreement under which the planning unit operates, reimbursement for expenses or compensation, or both, may be authorized for citizen members of a planning commission. Reimbursement for expenses may be authorized for public officials and employees of participating cities and counties who are members of the planning commission, but such members shall receive no compensation.

### **100.157 Removal -- Effect of compact.**

- (1) Any member of a planning commission may be removed by the appropriate appointing authority for inefficiency, neglect of duty, malfeasance, or conflict of interest. Any appointing authority who exercises the power to remove a member of the planning commission shall submit a written statement to the commission setting forth the reasons for removal, and the statement shall be read at the next meeting of the planning commission, which shall be open to the general public. The member so removed shall have the right of appeal in the Circuit Court.
- (2) Notwithstanding subsection (1) of this section, and KRS 100.143, when a city of the first class and a county containing such city have in effect a compact pursuant to KRS 79.310 to 79.330, the terms of the appointed members on the commission shall be for three (3) years and until their successors are appointed and qualified. Upon the effective date of the compact, the mayor, and county judge/executive with the approval of the fiscal court, shall adjust the terms of the sitting members so that the terms of one (1) of each of their appointments expire in one (1) year, the term of one (1) of each of their appointments expire in two (2) years and the term of one (1) of each of their appointments expire in three (3) years. Upon expiration of these staggered terms, successors shall be appointed for a term of three (3) years.

### **100.161 Officers.**

Each planning commission annually shall elect a chairman, and any other officers which it deems necessary. All officers shall be citizen members, and shall be eligible for reelection at the expiration of his term.

### **100.163 Meetings.**

The planning commission shall conduct regular meetings as it deems necessary for the transaction of its business; but there shall be at least six (6) regular meetings annually. The schedule for regular meetings shall be expressed in the rules and regulations of the commission. Special meetings shall be held at the call of the chairman who shall give written or oral notice to all members at least seven (7) days prior to the meeting, which notice shall contain the date, time and place, and the subject or subjects which shall be discussed.

### **100.167 Minutes and bylaws.**

The planning commission shall adopt bylaws for the transaction of business, and shall keep minutes and records of all proceedings, including regulations, transactions, findings, and determinations, and the number of votes for and against each question, and if any member is absent or disqualified from voting, indicating the fact, all of which shall, immediately after adoption, be filed in the office of the commission or board, as applicable. If the commission has no office, such records shall be filed in the office of the county clerk. A transcript of the entire proceedings of a planning commission shall be provided if requested by a party, at the expense of the requesting party, and the transcript shall constitute the record.

### **100.171 Quorum -- Member may conduct hearing or preside.**

- (1) A simple majority of the total membership of a planning commission as established by agreement shall constitute a quorum, except that a planning unit created pursuant to KRS 100.137 may specify in its planning agreement that five (5) members of the planning commission shall constitute a quorum. Any member of a planning commission who has any direct or indirect financial interest in the outcome of any question before the body shall disclose the nature of the interest and shall disqualify himself from voting on the question, and he shall not be counted for the purpose of a quorum. A simple majority vote of all members present where there is a properly constituted quorum shall be necessary to transact any business of the commission, except that a vote of a simple majority of the total membership shall be necessary for the adoption or amendment of the comprehensive plan.



- (2) A planning commission may appoint one (1) or more of its members to act as a hearing examiner or examiners to preside over a public hearing and make recommendations to the commission based upon a transcript of record of the hearing.

**100.173 Employing planners or other persons.**

The planning commission may employ a staff or contract with planners or other persons as it deems necessary to accomplish its assigned duties under this chapter.

**100.177 Finances.**

The legislative bodies in the planning unit may appropriate out of general revenues for the expenses and accommodations necessary for the work of the commission. Any planning commission shall have the right to receive, hold, and spend funds which it may legally receive from any and every source both in and out of the Commonwealth of Kentucky, including the United States government, for the purpose of carrying out the provisions of this chapter. All bylaws shall describe the method for administration of funds, and an annual audit shall be performed of all receipts, expenditures, and funds on hand by the Auditor of Public Accounts or an independent certified public accountant. The report of every audit, including financial statements, shall be kept in the same manner prescribed in this chapter for other records. Every independently budgeted planning commission shall annually publish a financial statement, pursuant to the requirements set forth in KRS Chapter 424.

**100.181 Assigning other agency functions to commission.**

The legislative body or mayor of the city and the fiscal court or county judge/executive of the county may assign to the planning commission of the planning unit of which it is a member, or to an area planning commission if in existence, any powers, duties and functions relating to urban renewal, public housing, or community development.

**100.182 Effect of failure to comply strictly with procedural provisions or publication requirements -- Limitation.**

All other provisions of this chapter to the contrary notwithstanding, no comprehensive plan, land use or zoning regulation, subdivision regulation, public improvements program, or official map regulation shall be invalidated in its entirety for failure to strictly comply with any procedural provision of this chapter or with the requirements of KRS Chapter 424 in making any publication required to be made under this chapter, unless a court finds that the failure to strictly comply with any procedural requirement results in material prejudice to the substantive rights of an adversely affected person and that such rights cannot be adequately secured by any remedy other than invalidating the comprehensive plan, land use or zoning regulation, subdivision regulation, public improvements program, or official map regulation in its entirety.

**COMPREHENSIVE PLAN**

**100.183 Comprehensive plan required.**

The planning commission of each unit shall prepare a comprehensive plan, which shall serve as a guide for public and private actions and decisions to assure the development of public and private property in the most appropriate relationships. The elements of the plan may be expressed in words, graphics, or other appropriate forms. They shall be interrelated, and each element shall describe how it relates to each of the other elements.

**100.187 Contents of comprehensive plan.**

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 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. 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, 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; and
- (5) 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.

#### **100.191 Research requirements for comprehensive plan.**

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 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
- (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.

#### **100.193 Statement of goals and objectives -- Notice -- Hearing.**

- (1) The planning commission of each planning unit shall prepare and adopt the statement of goals and objectives to act as a guide for the preparation of the remaining elements and the aids to implementing the plans. The statement shall be presented for consideration, amendment, and adoption by each legislative body and fiscal court in the planning unit. Each legislative body and fiscal court in the planning unit may develop goals and objectives for the area within its jurisdiction which the planning commission shall consider when preparing or amending the comprehensive plan. During its preparation and that of the other plan elements, it shall be the duty of the planning commission to consult with public officials and

agencies, boards of health, school boards, public and private utility companies, civic, educational, professional, and other organizations, and with citizens.

- (2) During the preparation of the statement of goals and objectives, and at least fourteen (14) days prior to any public hearing on the adoption, amendment, or readoption of any element of the comprehensive plan, the planning commission shall give notice of the preparation of the statement or the hearing to the following public officials in each city and county adjacent to the planning unit:
  - (a) If the adjacent city or county is part of a planning unit, the notice shall be sent to the planning commission of that unit; or
  - (b) If the adjacent city or county is not part of a planning unit, the notice shall be sent to the chief executive officer of that city or county government.
- (3) The notice required in subsection (2) of this section, and a copy of the proposed comprehensive plan element, shall also be given to the regional planning council for the area in which the planning unit is located. The council shall coordinate the review and comments of local governments and planning commissions serving planning units affected by the proposal and make recommendations designed to promote coordinated land use in the regional planning council's area of jurisdiction.
- (4) Any planning commission which is adopting, amending, or readopting any element of the comprehensive plan may conduct a hearing to receive testimony from adjacent planning units, city or county governments, or the regional planning council of the affected area.

**100.197 Adoption of plan elements -- Periodic amendment or readoption.**

- (1) All elements of the comprehensive plan shall be prepared with a view towards carrying out the statement of goals and objectives. The various elements may be adopted as they are completed, or as a whole when all have been completed. The planning commission shall hold a public hearing and adopt the elements. The comprehensive plan elements, and their research basis, shall be reviewed from time to time in light of social, economic, technical, and physical advancements or changes. At least once every five (5) years, the commission shall amend or readopt the plan elements. It shall not be necessary to conduct a comprehensive review of the research done at the time of the original adoption pursuant to KRS 100.191, when the commission finds that the original research is still valid. The amendment or readoption shall occur only after a public hearing before the planning commission.
- (2) The elements of the comprehensive plan shall be reviewed by the planning commission at least once every five (5) years and amended if necessary. If the goals and objectives statement is proposed to be amended then the proposed amendments shall be submitted to the legislative bodies and fiscal courts in the planning unit for consideration, amendment, and adoption. If the goals and objectives statement is not proposed to be amended, it shall not be necessary to submit it to the legislative bodies and fiscal courts for action. If the review is not performed, any property owner in the planning unit may file suit in the Circuit Court. If the Circuit Court finds that the review has not been performed, it shall order the planning commission, or the legislative body in the case of the statement of goals and objectives element, to perform the review, and it may set a schedule or deadline of not less than nine (9) months for the completion of the review. No comprehensive plan shall be declared invalid by the Circuit Court unless the planning commission fails to perform the review according to the court's schedule or deadline. The procedure set forth in this section shall be the exclusive remedy for failure to perform the review.
- (3) Within thirty (30) days after its adoption, amendment, or readoption by the planning commission, a copy of each element of the comprehensive plan shall be sent to public officials in adjacent cities, counties, and planning units, following the procedures provided in subsection (2) of KRS 100.193.

**LAND USE MANAGEMENT**

**100.201 Interim and permanent land use regulations authorized.**

- (1) Except as provided in subsection (2) of KRS 100.137, when the planning commission and legislative bodies have adopted the statement of goals and objectives, and the planning commission has additionally adopted at least the land use element for the planning unit, the various legislative bodies and fiscal courts of the cities and counties, which are members of the unit, may enact interim zoning or other kinds of growth management regulations which shall have force and effect within their respective jurisdictions for a period not to exceed twelve (12) months, during which time the planning commission shall complete the remaining elements of the comprehensive plan as prescribed by KRS 100.187. Interim regulations shall become void upon the enactment of permanent regulations as provided in subsection (2) of this section, or after twelve (12) consecutive months from the date such interim regulations are enacted, whichever occurs first.
- (2) When all required elements of the comprehensive plan have been adopted in accordance with the provisions of this chapter, then the legislative bodies and fiscal courts within the planning unit may enact permanent land use regulations, including zoning and other kinds of growth management regulations to promote public health, safety, morals, and general welfare of the planning unit, to facilitate orderly and harmonious development and the visual or historical character of the unit, and to regulate the density of population and intensity of land use in order to provide for adequate light and air. In addition, land use and zoning regulations may be employed to provide for vehicle parking and loading space, as well as to facilitate fire and police protection, and to prevent the overcrowding of land, blight, danger, and congestion in the circulation of people and commodities, and the loss of life, health, or property from fire, flood, or other dangers. Land use and zoning regulations may also be employed to protect airports, highways, and other transportation facilities, public facilities, schools, public grounds, historical districts, central business districts, prime agricultural land, and other natural resources; to regulate the use of sludge from water and waste water treatment facilities in projects to improve soil quality; and to protect other specific areas of the planning unit which need special protection by the planning unit.
- (3) Land use and zoning regulations may include the designation of specifically defined areas to be known as urban residential zones, in which:
  - (a) The majority of the structures were in use prior to November 22, 1926; and
  - (b)
    1. The entire area embodies the distinctive characteristics of a type, period, or method of construction; or
    2. The entire area represents a significant and distinguishable entity whose components may lack individual distinction.

The usage of structures within an urban residential zone may be regulated on a structure-by-structure basis, permitting a mixture of uses in the zone, including single-family and multi-family, residential, retail, and service establishment, which stabilizes and protects the urban residential character of the area. The regulation of the usage of any structure shall be guided by the architecture, size, or traditional use of the building.

**100.202 Land use regulation permitting placement of all property within planning unit within a single zone -- Addressing land use proposals as conditional use.**

- (1) Subject to KRS 100.137(2), nothing in this chapter shall preclude the legislative bodies and fiscal courts of cities and counties comprising a planning unit from enacting a land use regulation which places all property within their respective jurisdictions in a single zone and addressing all land use proposals therein as conditional use permits.
- (2) The text of any land use regulation enacted pursuant to this section need not comply with the provisions of KRS 100.203, and may provide that the planning commission shall assume all powers and duties of a board of adjustment as provided in KRS 100.217 to 100.263. Any appeal from an action of the planning commission in granting or denying a variance or conditional use permit shall be taken pursuant to KRS 100.347(2).

**100.203 Content of zoning regulations -- Appeal -- Special provisions for urban-county governments.**

Cities and counties may enact zoning regulations which shall contain:

- (1) A text, which shall list the types of zones which may be used, and the regulations which may be imposed in each zone, which must be uniform throughout the zone. In addition, the text shall make provisions for the granting of variances, conditional use permits, and for nonconforming use of land and structures, and any other provisions which are necessary to implement the zoning regulation. The city or county may regulate:
  - (a) The activity on the land, including filling or excavation of land, and the removal of natural resources, and the use of watercourses, and other bodies of water, as well as land subject to flooding;
  - (b) The size, width, height, bulk, location of structures, buildings and signs;
  - (c) Minimum or maximum areas or percentages of areas, courts, yards, or other open spaces or bodies of water which are to be left unoccupied, and minimum distance requirements between buildings or other structures;
  - (d) Intensity of use and density of population floor area to ground area ratios, or other means;
  - (e) Districts of special interest to the proper development of the community, including, but not limited to, exclusive use districts, historical districts, planned business districts, planned industrial districts, renewal, rehabilitation, and conservation districts; planned neighborhood and group housing districts;
  - (f) Fringe areas of each district, by imposing requirements which will make it compatible with neighboring districts; and
  - (g) The activities and structures on the land at or near major thoroughfares, their intersections, and interchanges, and transportation arteries, natural or artificial bodies of water, public buildings and public grounds, aircraft, helicopter, rocket and spacecraft facilities, places having unique interest or value, flood plain areas, and other places having a special character or use affecting or affected by their surroundings;
- (2) The text may provide that the planning commission, as a condition to the granting of any zoning change, may require the submission of a development plan, which shall be limited to the provisions of the definition contained in KRS 100.111(8). Where agreed upon, this development plan shall be followed. As a further condition to the granting of a zoning change, the planning commission may require that substantial construction be initiated within a certain period of time of not less than one (1) year; provided that such zoning change shall not revert to its original designation unless there has been a public hearing;
- (3) A map, which shall show the boundaries of the area which is to be zoned, and the boundaries of each zone;
- (4) Text provisions to the effect that land which is used for agricultural purposes shall have no regulations except that:
  - (a) Setback lines may be required for the protection of existing and proposed streets and highways;
  - (b) All buildings or structures in a designated floodway or flood plain or which tend to increase flood heights or obstruct the flow of flood waters may be fully regulated; and
  - (c) Mobile homes and other dwellings may be permitted but shall have regulations imposed which are applicable, such as zoning, building, and certificates of occupancy;
- (5) The text may empower the planning commission to hear and finally decide applications for variances or conditional use permits when a proposed development requires a map amendment and one (1) or more variances or conditional use permits;
- (6) In any regulation adopted pursuant to subsection (5) of this section:
  - (a) The text shall provide that the planning commission shall assume all powers and duties otherwise exercised by the board of adjustments pursuant to KRS 100.231, 100.233, 100.237, 100.241, 100.243, 100.247, and 100.251, in a circumstance provided for by subsection (5) of this section; and
  - (b) The text shall provide that the applicant for the map amendment, at the time of the filing of the application for the map amendment, may elect to have any variances or conditional use permits for the same development to be heard and finally decided by

the planning commission at the same public hearing set for the map amendment, or by the board of adjustments as otherwise provided for in this chapter;

- (7) Any judicial proceeding to appeal the planning commission action authorized by subsection (5) of this section in granting or denying any variance or conditional use permit shall be taken pursuant to KRS 100.347(2);
- (8) In urban-county governments, in addition to any other powers permitted or required to be exercised by this chapter, the text of the zoning regulations may provide, as a condition to granting a map amendment, that the planning unit may:
  - (a) Restrict the use of the property affected to a particular use, or a particular class of use, or a specified density within those permitted in a given zoning category;
  - (b) Impose architectural or other visual requirements or restrictions upon development in areas zoned historic; and
  - (c) Impose screening and buffering restrictions upon the subject property;

The text shall provide the method whereby such restrictions or conditions may be imposed, modified, removed, amended and enforced.

#### **100.204 Effect of KRS 100.203.**

Nothing in KRS 100.203 shall be deemed to abrogate laws, regulations and ordinances of cities and counties which relate to health, safety and sewage requirements.

#### **100.205 Identical zoning regulations among cities and counties comprising joint planning unit not required.**

Except as provided in KRS 100.137(2), nothing contained in this chapter shall be construed or implied as requiring the legislative bodies of cities and counties comprising the same joint planning unit to adopt identical zoning regulations. Nor shall the adoption or amendment of a zoning regulation by the legislative body of any city or county contained within a joint planning unit be made contingent on the adoption or amendment of such zoning regulation by the legislative body of any other city or county within the planning unit.

#### **100.207 Text and map of zoning regulations -- Notice and publication.**

- (1) Before a city or county enacts zoning regulations, as authorized by KRS 100.201, the planning commission shall prepare the text and map of all zoning regulations and shall hold at least one (1) public hearing. Notice of the public hearing shall be given in accordance with the provisions of KRS Chapter 424.
- (2) Subsequent to the public hearing, the planning commission shall submit, along with their recommendation, a copy of the approved zoning regulation text and map to the various legislative bodies and fiscal courts for adoption. A majority of the entire legislative body or fiscal court shall be required for passage of an ordinance adopting these regulations. Notwithstanding publication requirements, the ordinance by which these regulations are originally adopted may be published by stating the title and general description of the regulations and referring to the place within the unit where a copy of the complete ordinance may be examined without charge.
- (3) The procedure for amending the zoning regulation text and map shall be as set forth in KRS 100.211.

#### **100.208 Transferable development rights.**

- (1) Any city, county, or urban-county government which is part of a planning unit may provide, by ordinance, for:
  - (a) The voluntary transfer of the development rights permitted on one (1) parcel of land to another parcel of land;
  - (b) Restricting or prohibiting further development of the parcel from which development rights are transferred; and

- (c) Increasing the density or intensity of development of the parcel to which such rights are transferred.
- (2) The ordinance shall designate and show on the zoning map areas from which development rights may be transferred and areas to which such rights may be transferred and used for development. These zones may be designated as separate use districts or as overlaying other zoning districts.
- (3) Any city within a county that adopts an ordinance providing for the transfer of development rights, may also adopt a transfer of development rights ordinance and the county and city by adoption of mutual provisions may provide for the transfer of development rights on land located in one to land located in another.
- (4) "Transferable development rights" means an interest in real property that constitutes the right to develop and use property under the zoning ordinance which is made severable from the parcel to which the interest is appurtenant and transferable to another parcel of land for development and use in accordance with the zoning ordinance. Transferable development rights may be transferred by deed from the owner of the parcel from which the development rights are derived and upon the transfer shall vest in the grantee and be freely alienable. The zoning ordinance may provide for the method of transfer of these rights and may provide for the granting of easements and reasonable regulations to effect and control transfers and assure compliance with the provisions of the ordinance.

**100.209 Amendment of comprehensive plan prior to annexation permitted -- Land use management regulation in newly annexed or reclassified territory.**

- (1) When a city which has adopted zoning or other land use regulations pursuant to this chapter proposes to annex unincorporated or accept the transfer of incorporated territory, it may amend its comprehensive plan and official zoning map to incorporate and establish zoning or other land use regulations for the property proposed for annexation or transfer prior to adoption of the ordinance of annexation or transfer. If the city elects to follow this procedure, the planning commission shall hold a public hearing, after the adoption of the ordinance stating the city's intention to annex or transfer property and prior to final action upon the ordinance of annexation or transfer, for the purpose of adopting the comprehensive plan amendment and making its recommendations as to the zoning or other land use regulations which will be effective for the property upon its annexation or transfer. Notice setting forth the time, date, location, and purpose of the public hearing shall be published as required by KRS Chapter 424 and shall be given to the owners of all properties within the area proposed for annexation or transfer and to adjoining property owners in accordance with KRS 100.212(2). The city legislative body shall take final action upon the planning commission's recommendations prior to adoption of the ordinance of annexation or transfer and shall include in the ordinance of annexation or transfer a map showing the zoning or other land use regulations which will be effective for the annexed or transferred property. If the city elects not to follow the procedure provided for in this section prior to the adoption of the ordinance of annexation or transfer, the newly annexed or transferred territory shall remain subject to the same land use restrictions, if any, as applied to it prior to annexation or transfer until those restrictions are changed by zoning map amendments or other regulations in accordance with this chapter.
- (2) When a city is created or when a city of the fifth or sixth class is reclassified to a city of the fourth class or higher in a county containing a city of the first class, and the intent is to regulate land use within the confines of the city, the process for adopting or amending the comprehensive plan and adopting zoning or other land use regulations shall be as provided for in this chapter. Until such actions have been taken, the properties within the city shall remain subject to the land use restrictions, if any, as applied prior to the creation or reclassification of the city.

**100.211 Procedure for amending zoning map and text of regulation -- Notice -- Hearing -- Time limit for final action.**

- (1) A proposal for a zoning map amendment may originate with the planning commission of the unit, with any fiscal court or legislative body which is a member of the unit, or with an

owner of the property in question. Regardless of the origin of the proposed amendment, it shall be referred to the planning commission before adoption. The planning commission shall then hold at least one (1) public hearing after notice as required by this chapter and make findings of fact and a recommendation of approval or disapproval of the proposed map amendment to the various legislative bodies or fiscal courts involved. The findings of fact and recommendation shall include a summary of the evidence and testimony presented by the proponents and opponents of the proposed amendment. A tie vote shall be subject to further consideration by the planning commission for a period not to exceed thirty (30) days, at the end of which if the tie has not been broken, the application shall be forwarded to the fiscal court or legislative body without a recommendation of approval or disapproval. It shall take a majority of the entire legislative body or fiscal court to override the recommendation of the planning commission and it shall take a majority of the entire legislative body or fiscal court to adopt a zoning map amendment whenever the planning commission forwards the application to the fiscal court or legislative body without a recommendation of approval or disapproval due to a tie vote. Unless a majority of the entire legislative body or fiscal court votes to override the planning commission's recommendation, such recommendation shall become final and effective and if a recommendation of approval was made by the planning commission, the ordinance of the fiscal court or legislative body adopting the zoning map amendment shall be deemed to have passed by operation of law.

- (2) A proposal to amend the text of any zoning regulation which must be voted upon by the legislative body or fiscal court may originate with the planning commission of the unit or with any fiscal court or legislative body which is a member of the unit. Regardless of the origin of the proposed amendment, it shall be referred to the planning commission before adoption. The planning commission shall hold at least one (1) public hearing after notice as required by KRS Chapter 424 and make a recommendation as to the text of the amendment and whether the amendment shall be approved or disapproved and shall state the reasons for its recommendation. In the case of a proposed amendment originating with a legislative body or fiscal court, the planning commission shall make its recommendation within sixty (60) days of the date of its receipt of the proposed amendment. It shall take an affirmative vote of a majority of the fiscal court or legislative body to adopt the proposed amendment.
- (3) Procedures prescribed in KRS 100.207 applicable to the publication of notice also shall apply to any proposed amendment to a zoning regulation text or map; provided that:
  - (a) Any published notice shall include the street address of the property in question, or if one is not available or practicable due to the number of addresses involved, a geographic description sufficient to locate and identify the property, and the names of two (2) streets on either side of the property which intersect the street on which the property is located; and
  - (b) When the property in question is located at the intersection of two (2) streets, the notice shall designate the intersection by name of both streets rather than name the two (2) streets on either side of the property.
- (4) When a property owner proposes to amend the zoning map of any planning unit other than a planning unit containing a city of the first class, the provisions of KRS 100.212 shall apply in addition to the requirements and procedures prescribed in subsection (3) of this section.
- (5) When a property owner proposes to amend the zoning map of any planning unit comprising any portion of a county containing a city of the first class, the provisions of KRS 100.214 shall apply in addition to the requirements and procedures prescribed in subsection (3) of this section.
- (6) In addition to the public notice requirements prescribed in subsection (3) of this section, when the planning commission, fiscal court, or legislative body of any planning unit originates a proposal to amend the zoning map of that unit, notice of the public hearing before the planning commission, fiscal court, or legislative body shall be given at least thirty (30) days in advance of the hearing by first class mail to an owner of every parcel of property the classification of which is proposed to be changed. Records by the property valuation administrator may be relied upon to determine the identity and address of said owner.



- (7) The fiscal court or legislative body shall take final action upon a proposed zoning map amendment within ninety (90) days of the date upon which the planning commission takes its final action upon such proposal.

**100.2111 Alternative regulation for zoning map amendment.**

A legislative body or fiscal court may adopt, in lieu of the provisions of KRS 100.211, a regulation to provide as follows:

- (1) A proposal for a map amendment may originate with the planning commission of the unit, with any fiscal court or legislative body which is a member of the unit, or with the owner of the property in question.
- (2) Regardless of the origin of the proposed amendment, it shall be referred to the planning commission before adoption.
- (3) The planning commission shall then hold at least one (1) public hearing after notice as required by KRS Chapter 424 and this chapter and make recommendations to the various bodies or fiscal courts involved.
- (4) A planning commission recommendation relating to the proposed amendment shall become final and the map amendment shall be automatically implemented subject to the provisions of KRS 100.347, all as set forth in the planning commission recommendations, unless within twenty-one (21) days after the final action by the planning commission:
  - (a) Any aggrieved person files a written request with the planning commission that the final decision shall be made by the appropriate legislative body or fiscal court; or
  - (b) The appropriate legislative body or fiscal court files a notice with the planning commission that the legislative body or fiscal court shall decide the map amendment.
- (5) It shall take a majority of the entire legislative body or fiscal court to override the recommendation of the planning commission.
- (6) All procedures for public notice and publication as well as for adoption shall be the same as for the original enactment of a zoning regulation, and the notice of publication shall include the street address of the property in question, or if one is not available, or if it is not practicable due to the number of addresses involved, a geographic description sufficient to locate and identify the property, and the names of the two (2) streets on either side of the property which intersect the street on which the property is located. If the property is located at the intersection of two (2) streets, the notice shall designate the intersection by name of both streets rather than name the two (2) streets on either side of the property.

**100.212 Notice of hearing on proposed map amendment.**

When in any planning unit except for a planning unit containing a city of the first class, a hearing is scheduled on a proposal by a property owner to amend any zoning map, the following notice shall be given in addition to any other notice required by statute, local regulation, or ordinance:

- (1) Notice of the hearing shall be posted conspicuously on the property the classification of which is proposed to be changed for fourteen (14) consecutive days immediately prior to the hearing. Posting shall be as follows:
  - (a) The sign shall state "zoning change" and the proposed classification change in letters three (3) inches in height. The time, place, and date of hearing shall be in letters at least one (1) inch in height; and
  - (b) The sign shall be constructed of durable material and shall state the telephone number of the appropriate zoning commission; and
- (2) Notice of the hearing shall be given at least fourteen (14) days in advance of the hearing by first class mail, with certification by the commission secretary or other officer of the planning commission that the notice was mailed to an owner of every parcel of property adjoining the property the classification of which is proposed to be changed. It shall be the duty of the person or persons proposing the map amendment to furnish to the planning commission the names and addresses of the owners of all adjoining property. Records maintained by the property valuation administrator may be relied upon conclusively to determine the identity and address of the owner. If the property is in condominium or

cooperative forms of ownership, the person notified by mail shall be the president or chairman of the owner group which administers property commonly owned by the condominium or cooperative owners. A joint notice may be mailed to two (2) or more co-owners of an adjoining property who are listed in the property valuation administrator's records as having the same address.

- (3) If the property the classification of which is proposed to be changed adjoins property in a different planning unit, or property which is not part of any planning unit, notice of the hearing shall be given at least fourteen (14) days in advance of the hearing, by first-class mail to certain public officials, as follows:
  - (a) If the adjoining property is part of a planning unit, notice shall be given to that unit's planning commission; or
  - (b) If the adjoining property is not part of a planning unit, notice shall be given to the mayor of the city in which the property is located or, if the property is in an unincorporated area, notice shall be given to the judge/executive of the county in which the property is located.

#### **100.213 Findings necessary for proposed map amendment -- Reconsideration.**

- (1) Before any map amendment is granted, the planning commission or the legislative body or fiscal court must find that the map amendment is in agreement with the adopted comprehensive plan, or, in the absence of such a finding, that one (1) or more of the following apply and such finding shall be recorded in the minutes and records of the planning commission or the legislative body or fiscal court:
  - (a) That the existing zoning classification given to the property is inappropriate and that the proposed zoning classification is appropriate;
  - (b) That there have been major changes of an economic, physical, or social nature within the area involved which were not anticipated in the adopted comprehensive plan and which have substantially altered the basic character of such area.
- (2) The planning commission, legislative body, or fiscal court may adopt provisions which prohibit for a period of two (2) years, the reconsideration of a denied map amendment or the consideration of a map amendment identical to a denied map amendment.

#### **100.214 Hearing on proposed map amendment in county containing city of the first class.**

When in any planning unit containing any portion of a county containing a city of the first class a hearing is scheduled on a proposal by a property owner to amend any zoning map the following notice shall be given in addition to any other notice required by statute by local regulation or ordinance to be given:

- (1) Notice of the hearing shall be posted conspicuously on the property the classification of which is proposed to be changed thirty (30) days immediately prior to the hearing. Posting shall be as follows:
  - (a) The sign shall state "zoning change" and the proposed classification change in letters three (3) inches in height. The time, place and date of hearing shall be in letters at least one (1) inch in height; and
  - (b) The sign shall be constructed of durable material and shall state the telephone number of the appropriate zoning commission;
- (2) Notice of the hearing shall be given at least thirty (30) days in advance of the hearing by first class mail, with certification by the commission secretary or other officer of the planning commission that the notice was mailed, to the mayor and city clerk of any city of the fifth or sixth class so affected, to an owner of every parcel of property adjoining at any point the property the classification of which is proposed to be changed, to an owner of every parcel of property directly across the street from said property, and to an owner of every parcel of property which adjoins at any point the adjoining property or the property directly across the street from said property; provided, however, that no first-class mail notice, required by this subsection, shall be required to be given to any property owner whose property is more than five hundred (500) feet from the property which is proposed to be changed. It shall be the duty of the person or persons proposing the map amendment to furnish to the planning

commission the names and addresses of the owners of all property as described in this subsection. Records maintained by the property valuation administrator may be relied upon conclusively to determine the identity and address of said owner. In the event such property is in condominium or cooperative forms of ownership, then the person notified by mail shall be the president or chairman of the owner group which administers property commonly owned by the condominium or cooperative owners. A joint notice may be mailed to two (2) or more co-owners of an adjoining property who are listed in the property valuation administrator's records as having the same address;

- (3) If the hearing has been scheduled for a time during normal working hours, and if, within fifteen (15) days of the scheduled date of the hearing the planning commission shall receive a petition from two hundred (200) property owners living within the planning unit requesting that the hearing be rescheduled for a time after normal working hours, then the planning commission shall reschedule the hearing for a time after normal working hours on a date no earlier than the date of the original hearing. The planning commission shall then publish notice of the new hearing time and date according to the provisions of KRS 100.211, except that notice shall occur at least seven (7) days prior to the public hearing. The sign required by subsection (1) of this section shall be changed to reflect the new hearing time and date at least seven (7) days prior to the public hearing. The persons who receive mail notice according to the provisions of subsection (2) of this section shall again be notified in the same manner of the new hearing time and date at least seven (7) days prior to the hearing. The hearing time shall not be changed more than once by the procedures of this section except in the event of intervening emergency which requires the cancellation of a hearing; and
- (4) Notice by mail shall include a list of the names and addresses of each person so notified, and a description of the procedure by which those notified can petition for a change in the hearing time.

## **BOARD OF ADJUSTMENT**

### **100.217 Board of adjustment -- Membership -- Appointment -- Terms -- Vacancies -- Oath -- Compensation -- Removal -- Officers -- Effect of compact.**

- (1) Before any zoning regulation may have legal effect within the planning unit, a board or boards of adjustment shall be appointed for the planning unit as stated in the agreement under which the unit operates. The agreement may provide for additional boards of adjustment with jurisdiction of a particular city or area within the planning unit. Provided, that the jurisdiction of the boards of adjustment so established shall be clearly defined as to territorial limits, that all territory within the planning unit is within the jurisdiction of some board of adjustment so established and that no territory is subject to the jurisdiction of more than one (1) board of adjustment, except as provided in KRS 100.203(5).
- (2) A board of adjustment shall consist of either three (3), five (5), or seven (7) members, all of whom must be citizen members, and not more than two (2) of whom may be citizen members of the planning commission.
- (3) The mayor shall be the appointing authority for cities, and the county judge/executive shall be the appointing authority for counties, subject to the approval of their respective legislative bodies.
- (4) The term of office for the board of adjustment shall be four (4) years, but the term of office of members first appointed shall be staggered so that a proportionate number serve one (1), two (2), three (3), and four (4) years respectively.
- (5) Vacancies on the board of adjustment shall be filled within sixty (60) days by the appropriate appointing authority. If the authority fails to act within that time, the planning commission shall fill the vacancy. When a vacancy occurs other than through expiration of the term of office, it shall be filled for the remainder of that term.
- (6) All members of boards of adjustment shall, before entering upon their duties, qualify by taking the oath of office prescribed by Section 228 of the Constitution of the

Commonwealth of Kentucky before any judge, county judge/executive, notary public, clerk of a court, or justice of the peace within the district or county in which he resides.

- (7) Reimbursement for expenses or compensation or both may be authorized for members on a board of adjustment.
- (8) Any member of a board of adjustment may be removed by the appropriate appointing authority for inefficiency, neglect of duty, malfeasance, or conflict of interest. Any appointing authority who exercises the power to remove a member of the board of adjustment shall submit a written statement to the commission setting forth the reasons for removal, and the statement shall be read at the next meeting of the board of adjustment, which shall be open to the general public. The member so removed shall have the right of appeal from the removal to the Circuit Court of the county in which he resides.
- (9) Notwithstanding subsection (4) of this section, when a city of the first class and a county containing such city have in effect a compact pursuant to KRS 79.310 to 79.330, the terms of the members on the board shall be for three (3) years and until their successors are appointed and qualified. Upon the effective date of the compact, if the board is not reorganized pursuant to subsection (1) of this section, the mayor, and county judge/executive with approval of the fiscal court, shall adjust the terms of the sitting members to provide that the terms of one-third (1/3) plus one (1) of the members expire in one (1) year, the terms of one-third (1/3) of the members in two (2) years and the terms of one-third (1/3) of the members expire in three (3) years. Upon expiration of these staggered terms, successors shall be appointed for a term of three (3) years.
- (10) Each board of adjustment annually shall elect a chairman, vice chairman, and secretary and any other officers it deems necessary, and any officer shall be eligible for reelection at the expiration of his term.

**100.221 Meetings of board -- Quorum -- Minutes -- Bylaws -- Hearing examiner.**

- (1) Each board of adjustment shall conduct meetings at the call of the chairman who shall give written or oral notice to all members of the board at least seven (7) days prior to the meeting, which notice shall contain the date, time and place for the meeting, and the subject or subjects which will be discussed.
- (2) A simple majority of the total membership of a board of adjustment as established by agreement shall constitute a quorum. Any member of a board of adjustment who has any direct or indirect financial interest in the outcome of any question before the body shall disclose the nature of the interest and shall disqualify himself from voting on the question.
- (3) All boards of adjustment shall adopt bylaws for the transaction of business and shall keep minutes and records of all proceedings, including regulations, transactions, findings, and determinations, and the number of votes for and against each question, and if any member is absent or abstains from voting, indicating the fact, all of which shall, immediately after adoption, be filed in the office of the board. If the board has no office, such records may be kept in custody of an officer of the board and shall be available to the general public. A transcript of the minutes of a board of adjustment shall be provided if requested by a party, at the expense of the requesting party, and the transcript shall constitute the record.
- (4) A board of adjustment may appoint one (1) or more of its members to act as hearing examiner to preside over a public hearing or public meeting and make recommendations to the board based upon a transcript or record of the hearing.

**100.223 Employing planners or other persons.**

Any board of adjustments may employ or contract with planners or other persons as it deems necessary to accomplish its assigned duties under this chapter.

**100.227 Finances.**

Any board of adjustments shall have the right to receive, hold, and spend funds which it may legally receive from any and every source both in and out of the Commonwealth of Kentucky,

including the United States government, for the purpose of carrying out the provisions of this chapter.

### **100.231 Subpoena power.**

Any board of adjustments shall have the power to issue subpoenas to compel witnesses to attend its meetings and give evidence bearing upon the questions before it. The sheriff shall serve such subpoenas. The Circuit Court may, upon application by the board compel obedience to such court or such subpoena by proceedings of contempt.

### **100.233 Administration of oaths.**

The chairman of any board of adjustments shall have the power to administer an oath to witnesses prior to their testifying before the board on any issue.

### **100.237 Conditional use permits.**

The board shall have the power to hear and decide applications for conditional use permits to allow the proper integration into the community of uses which are specifically named in the zoning regulations which may be suitable only in specific locations in the zone only if certain conditions are met:

- (1) The board may approve, modify, or deny any application for a conditional use permit. If it approves such permit it may attach necessary conditions such as time limitations, requirements that one (1) or more things be done before the request can be initiated, or conditions of a continuing nature. Any such conditions shall be recorded in the board's minutes and on the conditional use permit, along with a reference to the specific section in the zoning regulation listing the conditional use under consideration. The board shall have power to revoke conditional use permits, or variances for noncompliance with the condition thereof. Furthermore, the board shall have a right of action to compel offending structures or uses removed at the cost of the violator and may have judgment in personam for such cost.
- (2) Granting of a conditional use permit does not exempt the applicant from complying with all of the requirements of building, housing, and other regulations.
- (3) In any case where a conditional use permit has not been exercised within the time limit set by the board, or within one (1) year, if no specific time limit has been set, such conditional use permit shall not revert to its original designation unless there has been a public hearing. "Exercised," as set forth in this section, shall mean that binding contracts for the construction of the main building or other improvement have been let; or in the absence of contracts that the main building or other improvement is under construction to a substantial degree, or that prerequisite conditions involving substantial investment under contract, in development, are completed. When construction is not a part of the use, "exercised" shall mean that the use is in operation in compliance with the conditions as set forth in the permit.
- (4) The administrative official shall review all conditional use permits, except those for which all conditions have been permanently satisfied, at least once annually and shall have the power to inspect the land or structure where the conditional use is located in order to ascertain that the landowner is complying with all of the conditions which are listed on the conditional use permit. If the landowner is not complying with all of the conditions listed on the conditional use permit, the administrative official shall report the fact in writing to the chairman of the board of adjustment. The report shall state specifically the manner in which the landowner is not complying with the conditions on the conditional use permit, and a copy of the report shall be furnished to the landowner at the same time that it is furnished to the chairman of the board of adjustment. The board shall hold a hearing on the report within a reasonable time, and notice of the time and place of the hearing shall be furnished to the landowner at least one (1) week prior to the hearing. If the board of adjustment finds that the facts alleged in the report of the administrative official are true and that the landowner has taken no steps to comply with them between the date of the report and the date of the hearing, the board of adjustment may authorize the administrative official to revoke the conditional use permit

and take the necessary legal action to cause the termination of the activity on the land which the conditional use permit authorizes.

- (5) Once the board of adjustment has completed a conditional use permit and all the conditions required are of such type that they can be completely and permanently satisfied, the administrative official, upon request of the applicant, may, if the facts warrant, make a determination that the conditions have been satisfied, and enter the facts which indicate that the conditions have been satisfied and the conclusion in the margin of the copy of the conditional use permit which is on file. Thereafter said use, if it continues to meet the other requirements of the regulations, will be treated as a permitted use.
- (6) When an application is made for a conditional use permit for land located within or abutting any residential zoning district, written notice shall be given at least fourteen (14) days in advance of the public hearing on the application to the applicant, administrative official, the mayor and city clerk of any city of the fifth or sixth class so affected, within any county containing a city of the first class, an owner of every parcel of property adjoining the property to which the application applies and such other persons as the local zoning ordinance, regulations, or board of adjustment bylaws shall direct. Written notice shall be by first class mail with certification by the board's secretary or other officer that the notice was mailed. It shall be the duty of the applicant to furnish to the board the name and address of an owner of each parcel of property as described in this subsection. Records maintained by the property valuation administrator may be relied upon conclusively to determine the identity and address of said owner. In the event such property is in condominium or cooperative forms of ownership, then the person notified by mail shall be the president or chairperson of the owner group which administers property commonly owned by the condominium or cooperative owners. A joint notice may be mailed to two (2) or more co-owners of an adjoining property who are listed in the property valuation administrator's records as having the same address.
- (7) When any property within the required notification area for a public hearing upon a conditional use permit application is located within an adjoining city, county, or planning unit, notice of the hearing shall be given at least fourteen (14) days in advance of the hearing, by first-class mail to certain public officials, as follows:
  - (a) If the adjoining property is part of a planning unit, notice shall be given to that unit's planning commission; or
  - (b) If the adjoining property is not part of a planning unit, notice shall be given to the mayor of the city in which the property is located or, if the property is in an unincorporated area, notice shall be given to the judge/executive of the county in which the property is located.

#### **100.241 Variances.**

The board shall have the power to hear and decide on applications for variances. The board may impose any reasonable conditions or restrictions on any variance it decides to grant.

#### **100.243 Findings necessary for granting variances.**

- (1) Before any variance is granted, the board must find that the granting of the variance will not adversely affect the public health, safety or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or a nuisance to the public, and will not allow an unreasonable circumvention of the requirements of the zoning regulations. In making these findings, the board shall consider whether:
  - (a) The requested variance arises from special circumstances which do not generally apply to land in the general vicinity, or in the same zone;
  - (b) The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant; and
  - (c) The circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.

- (2) The board shall deny any request for a variance arising from circumstances that are the result of willful violations of the zoning regulation by the applicant subsequent to the adoption of the zoning regulation from which relief is sought.

**100.247 Variance cannot contradict zoning regulation.**

The board shall not possess the power to grant a variance to permit a use of any land, building, or structure which is not permitted by the zoning regulation in the zone in question, or to alter density requirements in the zone in question.

**100.251 Variance runs with the land.**

A variance applies to the property for which it is granted, and not to the individual who applied for it. A variance runs with the land and is transferable to any future owner of the land, but it cannot be transferred by the applicant to a different site.

**100.253 Existing nonconforming use, continuance -- Change -- Effect of nonconforming use of ten years' duration -- Application.**

- (1) The lawful use of a building or premises, existing at the time of the adoption of any zoning regulations affecting it may be continued, although such use does not conform to the provisions of such regulations, except as otherwise provided herein.
- (2) The board of adjustment shall not allow the enlargement or extension of a nonconforming use beyond the scope and area of its operation at the time the regulation which makes its use nonconforming was adopted, nor shall the board permit a change from one nonconforming use to another unless the new nonconforming use is in the same or a more restrictive classification, provided, however, the board of adjustment may grant approval, effective to maintain nonconforming-use status, for enlargements or extensions, made or to be made, of the facilities of a nonconforming use, where the use consists of the presenting of a major public attraction or attractions, such as a sports event or events, which has been presented at the same site over such period of years and has such attributes and public acceptance as to have attained international prestige and to have achieved the status of a public tradition, contributing substantially to the economy of the community and state, of which prestige and status the site is an essential element, and where the enlargement or extension was or is designed to maintain the prestige and status by meeting the increasing demands of participants and patrons.
- (3) Any use which has existed illegally and does not conform to the provisions of the zoning regulations, and has been in continuous existence for a period of ten (10) years, and which has not been the subject of any adverse order or other adverse action by the administrative official during said period, shall be deemed a nonconforming use. Thereafter, such use shall be governed by the provisions of subsection (2) of this section.
- (4) The provisions of subsection (3) of this section shall not apply to counties containing a city of the first class, a city of the second class, or urban-county government.

**100.257 Administrative review.**

The board of adjustment shall have the power to hear and decide cases where it is alleged by an applicant that there is error in any order, requirement, decision, grant, or refusal made by an administrative official in the enforcement of the zoning regulation. Such appeal shall be taken within thirty (30) days.

**100.261 Procedure for all appeals to board.**

Appeals to the board may be taken by any person, or entity claiming to be injuriously affected or aggrieved by an official action, order, requirement, interpretation, grant, refusal, or decision of any zoning enforcement officer. Such appeal shall be taken within thirty (30) days after the appellant or his agent receives notice of the action of the official by filing with said officer and with the board a notice of appeal specifying the grounds thereof, and giving notice of such appeal to any and all parties of record. Said officer shall forthwith transmit to the board all papers

constituting the record upon which the action appealed from was taken and shall be treated as and be the respondent in such further proceedings. At the public hearing on the appeal held by the board, any interested person may appear and enter his appearance, and all shall be given an opportunity to be heard.

**100.263 Public notice of appeal hearing.**

The board shall fix a reasonable time for hearing the appeal and give public notice in accordance with KRS Chapter 424, as well as written notice to the appellant and the administrative official at least one (1) week prior to the hearing, and shall decide it within sixty (60) days. The affected party may appear at the hearing in person or by attorney.

**100.267 Restraint of construction without permit.**

If no building permit has been issued and a builder begins or continues to build, a restraining order may be obtained upon application to the proper court of record and evidence of the lack of a building permit shall establish a prima facie case for the issuance of the restraining order.

**100.271 Administrator of zoning regulations, powers.**

An administrative official shall be designated by the city or county to administer the zoning regulation, and, if delegated, housing or building regulations. The administrative official may be designated to issue building permits or certificates of occupancy, or both, in accordance with the literal terms of the regulation, but may not have the power to permit any construction, or to permit any use or any change of use which does not conform to the literal terms of the zoning regulation.

**SUBDIVISION MANAGEMENT**

**100.273 Land subdivision regulations by planning commission or fiscal court -- Procedures for urban-county government.**

- (1) Any planning commission which has completed the objectives, land use plan, transportation plan, and community facilities elements of a comprehensive plan may adopt regulations for the subdivision of land within its boundaries, except that, in the case of urban-county governments, the planning commission shall make recommendations to the legislative body of the urban-county government as to the regulations, and it shall take a majority of the entire legislative body to override the recommendation of the planning commission.
- (2) A county which does not wish to establish a planning program or form a planning unit may adopt regulations for the subdivision of land within its boundaries. In this case, the county shall be governed by the provisions of KRS 100.111(22), 100.277, 100.281, 100.283, 100.287 and 100.291, but any powers delegated to a planning commission in these sections shall instead be delegated to the fiscal court, any reference to the planning unit shall be considered a reference to the county, and any reference to the chairman of the planning commission shall be considered a reference to the county judge/executive.

**100.277 Commission approval required for subdivisions.**

- (1) All subdivision of land shall receive commission approval.
- (2) No person or his agent shall subdivide any land, before securing the approval of the planning commission of a plat designating the areas to be subdivided, and no plat of a subdivision of land within the planning unit jurisdiction shall be recorded by the county clerk until the plat has been approved by the commission and the approval entered thereon in writing by the chairman, secretary, or other duly authorized officer of the commission.
- (3) No person owning land composing a subdivision, or his agent, shall transfer or sell any lot or parcel of land located within a subdivision by reference to, or by exhibition, or by any other use of a plat of such subdivision, before such plat has received final approval of the



planning commission and has been recorded. Any such instrument of transfer or sale shall be void and shall not be subject to be recorded unless the subdivision plat subsequently receives final approval of the planning commission, but all rights of such purchaser to damages are hereby preserved. The description of such lot or parcel by metes and bounds in any instrument of transfer or other document used in the process of selling or transferring same shall not exempt the person attempting to transfer from penalties provided or deprive the purchaser of any rights or remedies he may otherwise have. Provided, however, any person, or his agent, may agree to sell any lot or parcel of land located within a subdivision by reference to an unapproved or unrecorded plat or by reference to a metes and bounds description of such lot and any such executory contract of sale or option to purchase may be recorded and shall be valid and enforceable so long as the subdivision of land contemplated therein is lawful and the subdivision plat subsequently receives final approval of the planning commission.

- (4) Any street or other public ground which has been dedicated shall be accepted for maintenance by the legislative body after it has received final plat approval by the planning commission. Any street that has been built in accordance with specific standards set forth in subdivision regulations or by ordinance shall be, by operation of law, automatically accepted for maintenance by a legislative body forty-five (45) days after inspection and final approval.
- (5) Any instrument of transfer, sale or contract that would otherwise have been void under this section and under any of its subsections previously, is deemed not to have been void, but merely not subject to be recorded unless the subdivision plat subsequently receives final approval of the planning commission. This subsection shall not apply to instruments of transactions affecting property in counties containing cities of the first class or in urban-counties created pursuant to KRS Chapter 67A.

#### **100.281 Contents of subdivision regulations.**

Subdivision regulations shall be based on the comprehensive plan, in those counties which have adopted a comprehensive plan, and all subdivision regulations shall contain:

- (1) The procedure for the submission and approval of preliminary and final plat and the recordation of final plats. The commission may delegate to its secretary or any other officer or employee the power to approve plats in accordance with the commission's adopted requirements, but all plats, preliminary and final, shall be approved or disapproved within ninety (90) days;
- (2) Specifications for the contents and the format of all subdivision plats;
- (3) Requirements for the design of streets, blocks, lots, utilities, recreation areas, other facilities, hazardous areas, and areas subject to flooding. Such requirements may deal with all forms of land use including residential, commercial, industrial, and other uses. If the subdivision plat includes a proposal for any street to cross a jurisdictional line out of the planning unit, the commission shall require that notice of the proposal be given to the planning commission serving the planning unit into which the road will cross. If there is no planning unit for that area, the notice shall be given to the affected city or county government;
- (4) Specifications for the physical improvements of streets, utilities, and other facilities, and the extent to which they shall be installed or dedicated as conditions precedent to approval of any plat, including the provision of good and sufficient surety to insure proper completion of physical improvements; and
- (5) Specifications for the extent to which land is to be used for public purposes shall be reserved as a condition precedent to approval by the commission of any subdivision plat. The planning commission may require a reservation, not to exceed two (2) years, for parks, open space, school, and other public uses.
- (6) The text may empower the planning commission to hear and finally decide applications for variances when a proposed development requires a subdivision and one (1) or more variances.
- (7) In any regulation adopted pursuant to subsection (6) of this section:
  - (a) The text shall provide that the planning commission shall assume all powers and duties otherwise exercised by the board of adjustment pursuant to KRS 100.231, 100.233,

100.237, 100.241, 100.243, 100.247, and 100.251 in a circumstance provided for by subsection (6) of this section; and

- (b) The text shall provide that the applicant for the subdivision at the time of the filing of the application for the subdivision may elect to have any variance for the same development to be heard and finally decided by the planning commission at the same public hearing set for the subdivision, or by the board of adjustment as otherwise provided for in this chapter.

### **100.283 Recording final plats.**

After the approval of a subdivision plat by the planning commission, it shall be recorded at the expense of the subdivider in the office of the county clerk. The plat shall be in the form of a rectangle and the clerk shall not be required to record a plat exceeding twenty-four (24) inches on one side and thirty-six (36) inches on the other. The county clerk shall provide a plat cabinet with an appropriate index for those plats which are too large to be placed in a plat book.

### **100.285 Revocation of subdivision plat.**

- (1) Upon application of all persons owning land comprising a subdivision, the planning commission may revoke the approval of a subdivision plat, including all dedications of public facilities, easements and rights-of-way.
- (2) Before any plat shall be revoked, all owners shall, as part of their application for revocation, state under oath that no person has purchased a lot shown on the plat.
- (3) A revocation shall become effective only upon:
  - (a) A notation on the margin of the recorded plat stating that such plat has been revoked and the date of such vote of revocation; such notation shall be signed by the chairman, secretary, or other duly authorized officer of the commission; and
  - (b) A written approval of such revocation filed with the commission, duly signed by each entity to which an offer of dedication of any public or private facility, easement or right-of-way was made on the plat.
- (4) The remedy provided in this section is in addition to all other remedies provided by law and shall not impair the right of the commission or any interested party from filing an action in Circuit Court for such relief as may be appropriate.

### **100.287 Department of Highways may review plats.**

The State Department of Highways may file with the planning commission of any planning unit exercising subdivision jurisdiction, a map of the territory within one (1) mile on either or both sides of any existing or proposed highway. After receipt of the map by the planning commission, no preliminary plats shall be approved by the commission until one (1) copy of such preliminary plat has been referred to the designated office of the Department of Highways for its review. If the Department of Highways desires to make any recommendations on the plan, it shall communicate such to the planning commission within fifteen (15) days after the receipt of the plat.

### **100.291 Restraint of subdivision construction.**

The planning commission shall have the power to apply for an injunction against any type of subdivision construction by the subdivider or the landowner where a subdivision's regulations have been violated.

### **100.292 Land sold in violation of chapter -- Plats filed -- Effect.**

When it has been discovered that land has been sold or transferred, or that a contract has been entered into for the sale or transfer of land in violation of the provisions of this chapter pertaining to the regulation of subdivisions, the owner or owners of record shall file plats of the land in accordance with this chapter. When land is sold or transferred, or a contract has been entered into for the sale or transfer of land in violation of this chapter, the land shall be governed by the subdivision regulations both prior to and after the platting of the land by the owner of record as if a plat had been filed in accordance with the provisions of this chapter pertaining to subdivision

regulations. Plats filed pursuant to this section may be filed by the last transferee in the chain of title including holders of deeds which may otherwise be void under KRS 100.277(2).

## **MAP FOR PLANNING UNIT**

### **100.293 Official map authorized.**

When all components of the comprehensive plan which are prescribed under this chapter as a minimum for a planning unit and a public facilities improvement program have been prepared and adopted, the commission and legislative bodies and fiscal courts of the cities and counties shall have the power to prepare and adopt an official map regulation. The regulation shall incorporate a map of the entire area under jurisdiction, but it may be accomplished by parts in which case the first part shall be passed as the original regulation and all other parts shall be treated as amendments to the original regulation.

### **100.297 Official map, contents -- Hearing, posting.**

- (1) The official map may show, without being limited to, the location and extent of existing and proposed public streets, including rights-of-way, watercourses, parks and playgrounds, public schools and building sites, and other public facilities needs.
- (2) Prior to the adoption or amendment of the official map, the planning commission shall review the map or changes to it in light of the comprehensive plan, shall hold a public hearing on the map or proposed changes pursuant to public notice as prescribed by KRS Chapter 424, and shall recommend its approval or disapproval to the legislative bodies.
- (3) After the passage of the official map regulation for all or part of the city or county, all streets, watercourses, parks and playgrounds, public buildings, public school sites, or other public facilities which have been approved under subdivision regulations as provided in this chapter, shall be posted to the official map; no public hearing need be held for such additions to the official map.

### **100.301 Adoption of map, how construed.**

The passage of the official map regulation shall not be deemed as opening or establishing of any street, or as a taking or as an acceptance of any land for a street, watercourse, or public ground; nor shall it obligate the city or county to improve or maintain any such street or facility.

### **100.303 Construction permits required.**

For the purpose of preserving the integrity of the official map of the city or county, no permit shall be issued for the construction or material alteration of any building within the lines of any streets, including right-of-way, watercourse, parks and playgrounds, public schools, or other public building sites shown on the official map, except as provided in this section. The official map of a city may include the area outside the city limits over which the approval of subdivision plats is required. Any persons desiring to construct or materially alter a building in the lines of any proposed facility shown on the official map shall apply to the administrative official of the city or county for a building permit. Unless such application is made and the permit is granted, no person shall recover any damages for the taking for public use of any structure or improvement constructed within the lines shown on the map, and any such structure or improvement shall be removed at the expense of the owner when the land is acquired for public use.

### **100.307 Permits for unprofitable land.**

If the land shown on the official map is not yielding a fair return, the board of adjustment shall have the power to grant a permit for the building which will, as little as practicable, increase the cost of future acquisition, and the board may impose reasonable requirements as a condition of granting such permits. Such a permit shall not be granted when the applicant will not be substantially damaged by placing his building outside the boundary lines of the proposed facility.



## MISCELLANEOUS PROVISIONS

### **100.311 Public improvement program.**

Any city or county may prepare and adopt a program and budget for capital improvements which the planning commission may recommend. The long-term capital improvements program shall list, in priority order of need, all of the public facility improvements proposed on the comprehensive plans for the entire time period covered thereby. The short-term capital improvements budget shall include those capital improvements which are programmed for the first five (5) or six (6) years, shall show estimates of cost, where applicable, for land acquisition, planning and design, construction and equipment, and all other necessary capital outlays, and shall relate such capital improvements costs to over-all city or county governmental costs by projecting revenues and expenditures for the five (5) or six (6) year period on a year by year basis. The resulting short-term capital improvements budget will assure the ability of the city or county to meet its capital needs without impairment to its operating needs. The first year of the short-term capital improvements budget shall automatically become part of that year's current operating budget, at which time the short-term capital improvements budget shall be revised and another year added. For purpose of year to year budget revision and updating, the long-term capital improvements program may be reviewed and revised at any time in keeping with the review and revision of the comprehensive plans. Nothing herein shall prevent any city or county from preparing and adopting a public facility improvement program in the absence of a proposed public improvements map regulation.

### **100.317 Relationship to official map.**

No proposed public facility improvements shall be placed upon the official map other than those included in the short-term capital improvements budget.

### **100.324 Public utility facilities excepted -- Review of proposed acquisition, disposition or change by commission.**

(1) All other provisions of this chapter to the contrary notwithstanding, public utilities operating under the jurisdiction of the Public Service Commission, except as specified in KRS 100.987 and subsection (5) of this section, or the Department of Vehicle Regulation or Federal Power Commission, any municipally-owned electric system, and common carriers by rail shall not be required to receive the approval of the planning unit for the location or relocation of any of their service facilities. Service facilities include all facilities of such utilities and common carriers by rail other than office space, garage space, and warehouse space and include office space, garage space, and warehouse space when such space is incidental to a service facility. The Public Service Commission and the Department of Vehicle Regulation shall give notice to the planning commission of any planning unit of any hearing which affects locations or relocations of service facilities within that planning unit's jurisdiction.

(2) The nonservice facilities excluded in subsection (1) of this section must be in accordance with the zoning regulations.

(3) Upon the request of the planning commission, the public utilities referred to in this section shall provide the planning commission of the planning unit affected with information concerning service facilities which have been located on and relocated on private property.

(4) Any proposal for acquisition or disposition of land for public facilities, or changes in the character, location, or extent of structures or land for public facilities, excluding state and federal highways and public utilities and common carriers by rail mentioned in this section, shall be referred to the commission to be reviewed in light of its agreement with the comprehensive plan, and the commission shall, within sixty (60) days from the date of its receipt, review the project and advise the referring body whether the project is in accordance with the comprehensive plan. If it disapproves of the project, it shall state the reasons for disapproval in writing and make suggestions for changes which will, in its opinion, better accomplish the objectives of the comprehensive plan. No permit required for construction or occupancy of such public facilities

shall be issued until the expiration of the sixty (60) day period or until the planning commission issues its report, whichever occurs first.

(5) Every utility which proposes to construct an antenna tower for cellular telecommunications services or personal communications services within a county containing a city of the first class shall submit the proposal to the planning commission of the affected planning unit. The planning commission shall review the proposal in light of its agreement with the comprehensive plan and locally-adopted zoning regulations and shall, within sixty (60) days from the date the proposal is submitted, make its final decision and advise the utility in writing whether the proposed construction is in accordance with the comprehensive plan and locally-adopted zoning regulations. If the planning commission fails to issue a final decision within sixty (60) days, it is presumed to have approved the proposal, and may not later appeal a decision of the Public Service Commission under KRS 278.650(3). If the planning commission disapproves of the proposed construction, it shall state the reasons for disapproval in its written decision and may make suggestions which, in its opinion, better accomplish the objectives of the comprehensive plan and the locally-adopted zoning regulations. No permit for construction of a cellular or personal communications services antenna tower, including any certificate of convenience and necessity required to be issued by the Kentucky Public Service Commission, shall be issued until the expiration of the sixty (60) day period or until the planning commission issues its final decision on the utility proposal, whichever occurs first.

## **GENERAL**

### **100.327 KRS 100.215 and 100.324 apply, when.**

Only after the statement of goals and objectives and land use plan elements of the comprehensive plan, at least, have been adopted for the unit, KRS 100.215 and 100.324 shall govern.

### **100.328 Bylaws and procedures.**

- (1) The planning commission shall have the authority to adopt all bylaws and procedures necessary to carry out the functions of this chapter.
- (2) The contents of and procedure for adoption and amendment of interim regulations, as provided in KRS 100.201 shall be the same as for permanent zoning or other kinds of growth management regulations.

### **100.329 Recording of plats.**

All final plats approved by the planning commission shall be recorded at the expense of the applicant in the office of the county clerk. A copy of all regulations and the official maps of each planning unit shall be filed with the appropriate agency as provided in this chapter, or as otherwise provided by law.

### **100.3291 Restrictions imposing highest standards apply.**

Whenever any other restrictions or covenants impose a higher standard than permitted by this chapter, then such other restriction or covenant shall govern.

### **100.331 Grant of legislative powers to fiscal courts.**

Fiscal courts are granted all the legislative powers granted to all cities for purposes of adopting regulations and legislation proposed under this chapter.

### **100.337 Enforcement by commission.**

Commission shall have a cause of action for all appropriate relief including injunctions against any governmental bodies or any aggrieved person who violates this chapter or regulations adopted hereunder.



### **100.345 Presiding body to adopt rules of procedure for public hearing.**

Whenever a public hearing is required by this chapter, the presiding body may prescribe the procedures to be followed. No information offered at the hearing shall be excluded for failure to follow judicial rules of evidence. The presiding body may adopt its own rules to determine the kind of information that will be received. Members of the presiding body may visit a site pertinent to a hearing prior to the final decision of the presiding body. All information allowed to be received shall constitute evidence upon which action may be based.

### **100.347 Appeal from board of adjustment, planning commission or legislative body action -- Final action defined.**

- (1) Any person or entity claiming to be injured or aggrieved by any final action of the board of adjustment shall appeal from the action to the Circuit Court of the county in which the property, which is the subject of the action of the board of adjustment, lies. Such appeal shall be taken within thirty (30) days after the final action of the board. All final actions which have not been appealed within thirty (30) days shall not be subject to judicial review. The board of adjustment shall be a party in any such appeal filed in the Circuit Court.
- (2) Any person or entity claiming to be injured or aggrieved by any final action of the planning commission shall appeal from the final action to the Circuit Court of the county in which the property, which is the subject of the commission's action, lies. Such appeal shall be taken within thirty (30) days after such action. Such action shall not include the commission's recommendations made to other governmental bodies. All final actions which have not been appealed within thirty (30) days shall not be subject to judicial review. Provided, however, any appeal of a planning commission action granting or denying a variance or conditional use permit authorized by KRS 100.203(5) shall be taken pursuant to this subsection. In such case, the thirty (30) day period for taking an appeal begins to run at the time the legislative body grants or denies the map amendment for the same development. The planning commission shall be a party in any such appeal filed in the Circuit Court.
- (3) Any person or entity claiming to be injured or aggrieved by any final action of the legislative body of any city, county or urban-county government, relating to a map amendment shall appeal from the action to the Circuit Court of the county in which the property, which is the subject of the map amendment, lies. Such appeal shall be taken within thirty (30) days after the final action of the legislative body. All final actions which have not been appealed within thirty (30) days shall not be subject to judicial review. The legislative body shall be a party in any such appeal filed in the Circuit Court.
- (4) The owner of the subject property and applicants who initiated the proceeding shall be made parties to the appeal. Other persons speaking at the public hearing are not required to be made parties to such appeal.
- (5) For purposes of this chapter, final action shall be deemed to have occurred on the calendar date when the vote is taken to approve or disapprove the matter pending before the body.

### **100.361 Construction of chapter.**

- (1) Nothing in this chapter shall apply or affect zoning regulations adopted pursuant to KRS Chapter 183.
- (2) Nothing in this chapter shall impair the sovereignty of the Commonwealth of Kentucky over its political subdivisions. Any proposal affecting land use by any department, commission, board, authority, agency, or instrumentality of state government shall not require approval of the local planning unit. However, adequate information concerning the proposals shall be furnished to the planning commission by the department, commission, board, authority, agency, or instrumentality of state government. If the state proposes to acquire, construct, alter, or lease any land or structure to be used as a penal institution or correctional facility, and the proposed use is inconsistent with or contrary to local planning regulations or the comprehensive plan for the area, the secretary of the Justice Cabinet, or his designee, shall notify, in accordance with KRS 424.180, the planning commission, the local governing body, who has jurisdiction over the area involved, and the general public of the state's proposals for the area, and he shall hold a public hearing on the proposals within the area at



least ninety (90) days prior to commencing the acquisition, construction, alteration, or leasing. A final report on the public hearing shall be submitted to the Governor and members of the General Assembly within twenty-five (25) days of the public hearing, and prior to commencing any construction, alteration, acquisition, or leasing of such property or facilities.

## **RECORDING OF LAND USE RESTRICTIONS**

### **100.3681 Filing of certificate of land use restrictions required -- Contents -- Amendments - - Effect of failure to file or file properly.**

- (1) Effective October 1, 1988, the county clerk of every county containing a planning unit which has enacted land use regulations pursuant to this chapter shall, upon receipt of a recording fee of ten dollars and fifty cents (\$10.50), file and maintain among the official records of his office certificates of land use restriction completed according to this section and KRS 100.3682 to 100.3684. The certificates shall be in the form designated in KRS 100.3683; shall be completed and filed by the secretary of the planning commission, board of adjustment, legislative body, or fiscal court which finally adopts or imposes the land use restriction described in the certificate; and shall be filed within thirty (30) days of the date upon which the body takes final action to impose or adopt the restriction. The certificate shall set forth the name and address of the property owner; the address of the property; the name of the subdivision or development, if there is one; the name and address of the body which maintains the original records containing the restriction; and shall indicate the type of land use restriction adopted or imposed upon the subject property on or after October 1, 1988, including variances, conditional use permits, conditional zoning conditions, unrecorded preliminary subdivision plats, and development plans; but not including zoning map amendments which impose no limitations or restrictions upon the use of the subject property other than those generally applicable to properties within the same zone and not including any recorded subdivision plat. The county clerk shall index the certificates by property owner and, if applicable, name of subdivision or development. The county clerk shall maintain in his office a record of the name and address of the agency having custody of the official zoning map for each planning unit within the county. All zoning map amendments shall be reflected on the official zoning map within thirty (30) days of the date upon which final action approving the amendments is taken by the planning unit.
- (2) The planning unit shall collect the county clerk's filing fee for the certificate from the applicant at the time any proceeding is initiated which may result in the imposition, adoption, amendment, or release of any land use restriction provided for in this chapter; and the planning unit may also charge the applicant a fee for the reasonable cost of completing and filing the certificate, not to exceed ten dollars and fifty cents (\$10.50), in addition to any other applicable filing or administrative fee, to compensate the planning unit for completing and filing the certificate. The fees permitted by this subsection shall be refunded to the applicant in the event no land use restriction is imposed or adopted as a result of the proceeding.
- (3) When a restriction reflected on the certificate is amended, a new certificate shall be filed. In the case of such amendment or in the event the original restriction is released, the previous certificate shall be released by the secretary of the body which amended or released the restriction in the same manner as releases of encumbrances upon real estate.
- (4) The failure to file, to file on time, or to complete the certificate properly or accurately shall not affect the validity or enforceability of any land use restriction or regulation. Any improper filing may be cured by a subsequent proper filing. Nothing herein shall affect the running of time for any appeal or other act for which a time limit is prescribed by this chapter.

### **100.3682 Certificate for contiguous properties and properties part of same proceeding.**

If a planning commission, fiscal court, or legislative body originates a zoning map amendment for more than five (5) contiguous properties, upon approval of the map amendment, there shall be filed a single certificate setting forth the required information for all the properties, and the

originating body shall pay a single filing fee for such certificate. When a land use restriction is imposed upon two (2) or more properties or lots in the same proceeding, including but not limited to the approval of an unrecorded preliminary subdivision plat or development plan for multiple lots, a single certificate shall be filed for all the properties or lots collectively and a single filing fee shall be paid therefor.

**100.3683 Form of certificate.**

The form for the certificate of land use restriction required by KRS 100.3681 shall be as follows:

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(s)

.....  
.....  
.....

2. ADDRESS OF PROPERTY

.....  
.....  
.....

3. NAME OF SUBDIVISION OR  
DEVELOPMENT (if applicable)

.....  
.....  
.....

4. TYPE OF RESTRICTION(s)

(Check all that apply):

.....Zoning Map Amendment to  
.....Zone

.....Conditional Zoning

.....Development Plan

.....Condition

.....Other .....  
specify

.....Unrecorded Subdivision Plat

.....Variance

.....Conditional Use Permit

5. NAME AND ADDRESS OF PLANNING COMMISSION, BOARD OF ADJUSTMENT,  
LEGISLATIVE BODY OR FISCAL COURT WHICH MAINTAINS THE ORIGINAL  
RECORDS CONTAINING THE RESTRICTION

.....  
.....  
.....  
.....  
.....

.....  
Signature of Completing Official

.....  
Name and Title of Completing  
Official (Type or print)

**100.3684 Effect of KRS 100.3681 to 100.3683.**

Nothing in KRS 100.3681 to 100.3683 shall affect other recording requirements imposed by this chapter.

**100.401 Legislative intent.**

The provisions of KRS 100.401 to KRS 100.419 may be cited as the "Binding Element Enforcement Act."

**100.403 Definitions for KRS 100.401 to 100.419.**

As used in KRS 100.401 to KRS 100.419, unless context requires otherwise:

- (1) "Land use enforcement officer" in a county containing a city of the first class means a zoning enforcement officer employed by a planning commission.
- (2) "Land use ordinance" in a county containing a city of the first class means an official action of a local government which is a regulation of a general and permanent nature relating to the use and development of land within the jurisdictional boundary of the planning commission. It is enforceable as a local law and shall include any provision of a code of ordinances adopted by a local government which embodies all or part of an ordinance.
- (3) "Local government" means a county containing a city of the first class and all the cities of the first through fourth classes within that county.
- (4) "Binding element" in a county containing a city of the first class means a binding requirement, provision, restriction, or condition imposed by a planning commission or its designee, or a promise or agreement made by an applicant in writing in connection with the approval of a land use development plan or subdivision plan.

**100.405 Enforcement of binding elements classified as civil offenses - Exception to powers of classification.**

It is the intention of KRS 100.401 to KRS 100.419 to strengthen the enforcement of binding elements which have been approved as part of a land use development plan in a county containing a city of the first class. This is intended to be done by extending to a planning commission in counties containing a city of the first class the authority to issue remedial orders and impose civil fines in order to provide an equitable, expeditious, effective, and inexpensive method of ensuring compliance with approved land use plans as they apply to binding element agreements. KRS 100.401 to KRS 100.419 are intended and shall be construed to provide an additional or supplemental means of obtaining compliance with local zoning ordinances and nothing contained in KRS 100.401 to KRS 100.419 shall prohibit the enforcement of local zoning ordinances by any other means authorized by law.

**100.407 Specific powers of planning commissions to enforce binding elements.**

- (1) The planning commission in counties containing a city of the first class may issue remedial orders and impose civil fines as a method of enforcing a binding element when a violation of that binding element has been classified as a civil offense in accordance with this KRS.
- (2) Subject to limitations set forth in KRS 100.401 to KRS 100.419, if a local government elects to enforce binding elements as a civil offense, it shall do so by ordinance, which shall provide:
  - (a) That a violation of the binding element is a civil offense; and
  - (b) A maximum civil fine that may be imposed for each violation of a binding element.
- (3) No local government shall classify the violation of a binding element as a civil offense if the violation would also constitute an offense under any provision of the KRS, including

specifically, and without limitation, any provision of the Kentucky Penal Code and any moving vehicle offense.

**100.409 Powers of land use enforcement officer to deal with violation - Citation - Response of alleged violation - Hearing - Final order.**

Each planning commission which has been given the authority by the local government to enforce binding elements shall have the power to:

- (1) Adopt rules and regulations to govern its operation and conduct of its hearings that are consistent with the requirements of KRS 100.401 to KRS 100.419.
- (2) Conduct hearings to determine whether there has been a violation of a binding element.
- (3) Subpoena alleged violators, witnesses, and evidence to its hearings. Subpoenas issued by the planning commission may be served by any land use enforcement officer.
- (4) Take testimony under oath. The chairman of the planning commission may administer oaths to witnesses prior to their testimony before the planning commission on any matter.
- (5) Make findings and issue orders that are necessary to remedy any violation of binding element.
- (6) Impose civil fines as authorized in the ordinance on any person found to have violated any binding element that the planning commission is authorized to enforce.

**100.411 Hearing before planning commission - Waiver of rights to hearing - Determination of existence of violation - Criminal order.**

- (1) When a land use enforcement officer, based upon personal observation or investigation, has reasonable cause to believe that a violation of a binding element has occurred, the officer may issue a warning notice and citation to the offender. Prior to issuing the citation, the officer shall issue a warning notice giving the offender a specified period of time in which to remedy the violation. If the person to whom the notice is given fails or refuses to remedy the violation within the time specified, the land use enforcement officer may issue a citation. However, if the violation is deemed by the land use enforcement officer to be a threat to public safety, then a citation shall be immediately issued without a prior warning notice.
- (2) Enforcement proceedings shall be initiated by the issuance of a citation by a land use enforcement officer.
- (3) The citation issued by the land use enforcement officer shall be in a form prescribed by the planning commission and shall contain, in addition to any other information required by the planning commission:
  - (a) The date and time of issuance;
  - (b) The name and address of the person to whom the citation is issued;
  - (c) The date and time the violation of the binding element was committed;
  - (d) The constituting of the violation of the binding element;
  - (e) A specific description of the binding element violated;
  - (f) The name of the land use officer;
  - (g) The civil fine that will be imposed for the violation if the person does not contest the citation;
  - (h) The procedure for the person to follow in order to pay the civil fine or to contest the citation; and
  - (i) A statement that if the person fails to pay the civil fine set forth in the citation or to contest the citation within the time allowed, the person shall be deemed to have waived the right to a hearing before the planning commission to contest the citation, and that the determination that a violation was committed shall be final.

- (4) After issuing a citation to an alleged violator, the land use enforcement officer shall notify the planning commission by delivering the citation to the administrative official designated by the planning commission.
- (5) All citations shall be hand delivered to the alleged violator.
- (6) When a citation is issued, the person to whom the citation is issued shall respond to the citation within fourteen (14) days of the date the citation is issued by either paying the civil fine set forth in the citation or requesting, in writing, a hearing before the planning commission to contest the citation. If the person fails to respond to the citation within fourteen (14) days, the person shall be deemed to have waived the right to a hearing to contest the citation and the determination that a violation was committed shall be considered final. In this event, the planning commission shall enter a final order determining that the violation was committed and imposing the civil fines set forth in the citation.

**100.413 Appeals from final order of planning commission and judgment of District Court.**

- (1) When a hearing before a planning commission has been requested, the planning commission, through its clerical and administrative staff, shall schedule a hearing. The hearing shall be conducted within thirty (30) days of the date of the request, unless the person who has requested the hearing requests or agrees to a continuance not to exceed thirty (30) days. Not less than seven (7) days before the hearing, the planning commission shall notify the person who requested the hearing of the date, time, and place of the hearing. The notice may be given by certified mail, return receipt requested; by personal delivery; or by leaving the notice at the person's usual place of residence with any individual residing therein who is eighteen (18) years of age or older and who is informed of the contents of the notice. Any person requesting a hearing before the planning commission who fails to appear at the time and place set for the hearing shall be deemed to have waived the right to a hearing to contest the citation and the determination that a violation was committed shall be final. In this event, the planning commission shall enter a final order determining that the violation was committed and imposing the civil fine set forth in the citation.
- (2) Each case before a planning commission shall be presented by an attorney who shall be counsel to the commission.
- (3) All testimony shall be under oath and shall be recorded. The planning commission shall take testimony from the land use enforcement officer, the alleged offender, and any witnesses to the alleged violation offered by the land use enforcement officer or the alleged offender. Formal rules of evidence shall not apply, but fundamental due process shall be observed and shall govern the proceedings.
- (4) After the hearing, the planning commission shall determine, based on the evidence presented, whether a violation was committed. When the commission determines that no violation was committed, an order dismissing the citation shall be entered. When the commission determines that a violation has been committed, the commission shall issue an order upholding the citation and may order the offender to pay a civil fine in an amount up to the maximum authorized by the ordinance, or may order the offender to remedy a continuing violation within a specified time to avoid the imposition of the fine, or both, as authorized by the ordinance.
- (5) Every final order of a planning commission shall be reduced to writing, which shall include the date the order was issued, and a copy of the order shall be furnished to the person named in the citation. If the person named in the citation is not present at the time a final order of the planning commission is issued, the order shall be delivered to that person by certified mail, return receipt requested; by personal delivery; or by leaving the notice at the person's usual place of residence with any individual residing therein who is eighteen (18) years of age or older and who is informed of the contents of the order.

**100.415 Responsibility for fines - Other remedies.**

- (1) An appeal from any final order issued by a planning commission may be made to the District Court of the county in which the planning commission is located. The appeal shall be taken within thirty (30) days of the date the order is issued. The appeal shall be initiated by the filing of a complaint and a copy of the commission's order in the same manner as any civil action under the Rules of Civil Procedure. The action shall be tried de novo and the burden shall be upon the planning commission to establish that a violation has occurred. If the court finds that a violation occurred, judgment shall be entered ordering the offender to pay the planning commission all fines assessed for the violation. If the court finds that the violation did not occur, the complaint shall be dismissed.
- (2) If no appeal from a final order of a planning commission is filed within the time period set forth in this section, the planning commission's order shall be deemed to be final for all purposes.

#### **100.417 Powers of local government to deal with serious violations.**

The person or the entity found to have committed a violation of a binding element shall be responsible for the amount of all fines assessed for the violation. A planning commission may bring civil action against any person or entity and have the same remedies as provided for the recovery of a debt.

#### **KRS 100.419 Short title for KRS 100.401 to 100.419.**

Nothing contained in KRS 100.401 to KRS 100.419 shall prohibit a local government from taking immediate action to remedy a violation of a binding element when there is reason to believe that the existence of the binding element violation presents a serious threat to public health, safety, and welfare, or if in the absence of immediate action, the effects of the binding element violation will be irreparable or irreversible.

### **RESIDENTIAL CARE FACILITIES FOR PERSONS WITH DISABILITIES**

#### **100.982 Definitions for KRS 100.982 to 100.984.**

As used in KRS 100.982 to 100.984, unless the context otherwise requires:

- (1) "Person with a disability" means a person with a physical, emotional, or mental disability, including, but not limited to, mental retardation, cerebral palsy, epilepsy, autism, deafness or hard of hearing, sight impairments, and orthopedic impairments, but not including convicted felons or misdemeanants on probation or parole or receiving supervision or rehabilitation services as a result of their prior conviction, or mentally ill persons who have pled guilty but mentally ill to a crime or not guilty by reason of insanity to a crime. "Person with a disability" does not include persons with current, illegal use of or addiction to alcohol or any controlled substance as regulated under KRS Chapter 218A.
- (2) "Residential care facility" means a residence operated and maintained by a sponsoring private or governmental agency to provide services in a homelike setting for persons with disabilities.
- (3) "Services" means, but is not limited to, supervision, shelter, protection, rehabilitation, personal development, and attendant care.

#### **100.984 Residential care facility for persons with disabilities.**

Any sponsoring private or governmental agency shall be permitted to operate a residential care facility in any residential district, zone, or subdivision subject only to compliance with the same limitations upon area, height, yard, screening, parking, number of dwelling units, and number of occupants per dwelling unit as apply to other residences in the district, zone, or subdivision. For purposes of determining the number of occupants in a residential care facility, or in any of the

dwelling units which comprise the facility, employees of the sponsoring agency providing services to persons with disabilities shall be counted only if their permanent residence is maintained at the facility. No conditional use permit not otherwise required for other residences within a zone or land use category shall be required for the operation of a residential care facility.

## **REGULATION OF CELLULAR ANTENNA TOWERS**

### **100.985 Definitions for KRS 100.985 and 100.987**

In addition to the definitions set forth in KRS 100.111, the following definitions shall apply to KRS 100.985 to 100.987:

- (1) "Cellular antenna tower" means a tower constructed for, or an existing facility that has been adapted for, the location of transmission or related equipment to be used in the provision of cellular telecommunications services or personal communications services;
- (2) "Cellular telecommunications service" means a retail telecommunications service that uses radio signals transmitted through cell sites and mobile switching stations;
- (3) "Co-location" means locating two (2) or more transmission antennas or related equipment on the same cellular antenna tower;
- (4) "Personal communication service" has the meaning as defined in 47 U.S.C. sec. 332(c);
- (5) "Uniform application" means an application for a certificate of convenience and necessity issued under KRS 278.020 submitted by a utility to the Public Service Commission to construct an antenna tower for cellular telecommunications services or personal communications service in a jurisdiction, that has adopted planning and zoning regulations in accordance with this chapter, except for any county that contains a city of the first class; and
- (6) "Utility" has the meaning as defined in KRS 278.010(3).

### **100.987 Local government may plan for and regulate siting of cellular antenna towers by registering with the Public Service Commission -- Duties of utility or company proposing to construct antenna tower -- Confidentiality of information contained in application to the Public Service Commission -- Powers of planning commission -- Co-location.**

(1) A planning unit as defined in KRS 100.111 and legislative body or fiscal court that has adopted planning and zoning regulations, except for a county that contains a city of the first class as provided under KRS 278.650, may plan for and regulate the siting of cellular antenna towers in accordance with locally adopted planning or zoning regulations in this chapter by officially registering with the Public Service Commission. The registration shall be in the form of an official resolution adopted by the local planning commission. Nothing in this section shall require a planning unit and legislative body or fiscal court to plan for and regulate the siting of cellular antenna towers.

(2) Every utility or a company that is engaged in the business of providing the required infrastructure to a utility that proposes to construct an antenna tower for cellular telecommunications services or personal communications services within the jurisdiction of a planning unit that has adopted planning and zoning regulations in accordance with this chapter, except for a county that contains a city of the first class as provided under KRS 278.650, and that has officially registered with the Public Service Commission shall:

- (a) Submit a copy of the utility's completed uniform application to the planning commission of the affected planning unit to construct an antenna tower for cellular or personal telecommunications services within five (5) days of applying to the Public Service Commission for a certificate of necessity and convenience as required by KRS 278.020(1). The uniform application shall include a grid map that shows the location of all existing cellular antenna towers and that indicates the general position of proposed construction sites for new cellular antenna towers within an area that includes:
  1. All of the planning unit's jurisdiction; and



2. A one-half (1/2) mile area outside of the boundaries of the planning unit's jurisdiction, if that area contains either existing or proposed construction sites for cellular antenna towers;
  - (b) Include in any contract with an owner of property upon which a cellular antenna tower is to be constructed, a provision that specifies, in the case of abandonment, a method that the utility will follow in dismantling and removing a cellular antenna tower including a timetable for removal; and
  - (c) Comply with any local ordinances concerning land use, subject to the limitations imposed by 47 U.S.C. sec. 332(c), KRS 278.030, 278.040, and 278.280.

(3) Commencing from the time that a utility files a uniform application with the Public Service Commission, all information contained in the uniform application and any updates, except for information that specifically identifies the proposed location of the cellular antenna tower then being reviewed by the applying utility, shall be deemed confidential and proprietary within the meaning of KRS 61.878. The Public Service Commission and the local planning commission shall deny any public request for the inspection of this information, whether submitted under Kentucky's Open Records Act or otherwise, except when ordered to release the information by a court of competent jurisdiction. Any person violating this subsection shall be guilty of official misconduct in the second degree as provided under KRS 522.030.

(4) After receiving the uniform application to construct a cellular antenna tower, the planning commission shall:

- (a) Review the uniform application in light of its agreement with the comprehensive plan and locally adopted zoning regulations;
- (b) Make its final decision to approve or disapprove the uniform application; and
- (c) Advise the utility and the Public Service Commission in writing of its final decision within sixty (60) days commencing from the date that the uniform application is received by the planning commission or within a date certain specified in a written agreement between the local planning commission and the utility. If the planning commission fails to issue a final decision within sixty (60) days and if there is no written agreement between the local planning commission and the utility to a specific date for the planning commission to issue a decision, it is presumed that the local planning commission has approved the utility's uniform application.

(5) (a) If the planning commission disapproves of the proposed construction, it shall state the reasons for disapproval in its written decision and may make suggestions which, in its opinion, better accomplish the objectives of the comprehensive plan and the locally adopted zoning regulations. No permit for construction of a cellular or personal communications services antenna tower, including any certificate of convenience and necessity required to be issued by the Kentucky Public Service Commission, shall be issued until the planning commission approves the uniform application or the sixty (60) day time period has expired, whichever occurs first. If a planning commission rejects the uniform application to construct an antenna tower, the Public Service Commission may override the decision of the planning commission and issue a certificate of convenience and necessity for construction of the cellular or personal communications services antenna tower, if it determines that there is no acceptable alternate site and that the public convenience and necessity requires the proposed construction.

(b) Any party, other than the applying utility, that is aggrieved by the final action of a planning commission under this section, may intervene in the action to the Public Service Commission, but this appeal shall not automatically postpone action by the Public Service Commission.

(6) The planning commission may require the utility to make a reasonable attempt to co-locate additional transmitting or related equipment on any new or existing towers, if there is available space on the tower and the co-location does not interfere with the structural integrity of the tower and does not require the owner of the tower to make substantial alterations to the tower. A planning commission may provide the location of existing cellular antenna towers on which the commission deems the applying utility can successfully co-locate its transmitting and related equipment. If the local planning commission requires the utility to attempt co-location, the utility shall provide the local planning unit with a statement indicating that the utility has:

- (a) Successfully attempted to co-locate on towers designed to host multiple wireless service providers' facilities or existing structures such as a telecommunications tower or another

suitable structure capable of supporting the utility's facilities, and that identifies the location of the tower which the applying utility will co-locate its transmission and related facilities on; or (b) Unsuccessfully attempted to co-locate on towers designed to host multiple wireless service provider's facilities or existing structures such as a telecommunications tower or another suitable structure capable of supporting the utility's facilities and that:

1. Identifies the location of the towers which the applying utility attempted to co-locate on; and
2. Lists the reasons why the co-location was unsuccessful in each instance.

(7) The local planning commission may deny a uniform application to construct a cellular antenna tower based on a utility's unwillingness to attempt to co-locate additional transmitting or related equipment on any new or existing towers.

(8) In the event of co-location, a utility shall be considered the primary user of the tower, if the utility is the owner of the antenna tower and if no other agreement exists that prescribes an alternate arrangement between the parties for use of the tower. Any other entity that co-locates transmission or related facilities on a cellular antenna tower shall do so in a manner that does not impose additional costs or operating restrictions on the primary user.

## **PENALTIES**

### **100.991 Penalties.**

- (1) Any person or entity who violates any of the provisions of KRS 100.201 to 100.347 or any of the regulations adopted pursuant thereto for which no other penalty is provided, shall upon conviction, be fined not less than ten dollars (\$10) but not more than five hundred dollars (\$500) for each conviction. Each day of violation shall constitute a separate offense.
- (2) Any person, owner or agent who violates this chapter shall, upon conviction, be fined not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500) for each lot or parcel which was the subject of sale or transfer, or a contract for sale or transfer.
- (3) Any person who intentionally violates any provision of KRS 100.3681 to 100.3684 shall be guilty of a misdemeanor punishable by a fine of not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500).
- (4) A commission may appoint enforcement officers who shall have authority to issue citations for violations of this chapter which the officer has observed, but shall not have powers of peace officers to make arrests or carry deadly weapons. The defendant shall appear within a designated time pursuant to the citation.
- (5) The procedure for citations issued by an enforcement officer shall be as provided in KRS 431.015.

## **REGIONAL PLANNING COUNCIL**

### **147A.125 Regional planning council.**

- (1) Except as set forth in subsection (8) of this section, each area development district shall establish a regional planning council to act in an advisory capacity on planning matters throughout the district.
- (2) The regional planning council shall be composed of one (1) representative from each planning unit in the area development district. Each representative shall be appointed annually by the planning commission of each planning unit in the district. To be eligible for appointment to the council, a person shall be a member of the planning commission, or the planning commission's professional staff.
- (3) At its first regular meeting in each year, the council shall elect from its membership a president and vice president. The vice president shall have the authority to act as president of the council during the absence or disability of the president.
- (4) The council shall meet at the call of the president, but at least quarterly in each year.

- (5) To insure compatible treatment of planned development throughout the district, the council may review comprehensive plans of planning units within the district for regional impact, may develop regional transportation, infrastructure, and land use plans for the district, and may make recommendations regarding the regional impact of proposed comprehensive plans and plan amendments of planning units within the district.
- (6) The area development district shall provide staff and technical support as requested by the council. Existing land use planning services and functions of the area development district shall be placed under the direction and control of the council.
- (7) The council may offer training and education opportunities in the area of planning and zoning matters to planning commission members and staff in the district.
- (8) The requirements of this section shall not apply to any area development district in which fifty percent (50%) or more of the population resides in cities or counties which participate in a regional planning authority, council of governments, or other agency which is authorized to perform regional planning functions as described in this section.

**APPENDIX I**  
**LOCAL PLANNING COMMISSIONS**  
**IN KENTUCKY**



## Kentucky Local Planning Commissions

As listed by the  
Area Development Districts  
(October, 1998)

Area Development District	Type of Commission	Planning Commission Name
Barren River	2	City-County Planning Commission of Warren County
	2	Franklin-Simpson County Planning and Zoning Commission
	2	Hart County Joint Planning Commission
	2	Joint Brownsville-Edmonson County Planning Commission
	2	Joint City-County Planning Commission of Barren County
	2	Joint Logan-Cities Planning Commission
	1	Morgantown Planning and Zoning Commission
	2	Scottsville-Allen County Joint Planning Commission
Big Sandy	1	Magoffin County Planning Commission
	1	Paintsville Planning and Zoning Commission
	2	Pikeville-Elkhorn City-Pike County Joint Planning Commission
	1	Prestonsburg Planning Commission
Bluegrass	2	Anderson-Lawrenceburg Joint Planning Commission
	1	Berea Planning and Zoning Commission
	2	Bourbon, North Middletown, Millersburg, Burgin and Paris Joint Planning Commission
	1	Cedar Creek Watershed Planning Commission
	1	City of Carlisle Independent Planning Commission
	1	City of Stanford Planning Commission
	1	City of Stanton Planning and Zoning Board
	1	City of Crab Orchard Planning Commission
	2	Cynthiana-Harrison County-Berry Joint Planning Commission
	2	Danville, Perryville, Junction City and Boyle County Planning Commission
	2	Frankfort-Franklin County Planning Commission
	2	Georgetown, Sadieville, Stamping Ground, Scott County Planning Commission
	2	Harrodsburg-Mercer County Planning Commission
	1	Irvine Planning Commission
	2	Jessamine County-City of Wilmore-Joint Planning Commission
	1	Lancaster Planning and Zoning Commission
	2	Lexington-Fayette Urban-Co. Planning Commission
1	Nicholasville Planning Commission	
2	Richmond City Planning Commission	
2	Winchester Clark County Planning Commission	
2	Woodford County-Versailles-Midway Planning and Zoning Commission	

<b>Area Development District</b>	<b>Type of Commission</b>	<b>Planning Commission Name</b>
Buffalo Trace	2	Flemingsburg-Fleming County Planning Commission
	2	Mason County Joint Planning Commission
Cumberland Valley	1	Barbourville Planning and Development
	1	Corbin Planning and Zoning Commission
	2	London/Laurel County Planning Commission
	2	Manchester-Clay County Planning Commission
	1	Middlesboro City Planning Commission
	1	Pineville Planning and Zoning Commission
	1	Williamsburg City Planning Commission
FIVCO	1	Ashland Planning Commission
	1	Catlettsburg Planning and Zoning Commission
	2	Greenup County Joint Planning Commission
	2	Lawrence County Planning Commission
Gateway	2	Morehead Rowan County Lakeview Heights Planning Commission
	1	Mt. Sterling Planning and Zoning Commission
	1	Owingsville Planning Commission
Green River	1	City of Providence Planning Commission
	2	Hancock Urban Planning Commission
	2	Henderson-Henderson County Planning Commission
	2	McLean Joint City-County Planning Commission
	2	Owensboro Metro Planning Commission
	2	Union County Planning Commission
KIPDA	2	Bullitt County Planning Commission
	2	Henry County Planning Commission
	2	Louisville and Jefferson County Planning Commission
	2	Oldham County Joint Planning and Zoning Commission
	2	Taylorsville-Spencer County Joint Planning and Zoning Commission
	2	Triple S Planning and Zoning Commission
Kentucky River	1	City of Hazard Planning and Zoning Commission
	2	Hyden-Leslie County Planning Commission
	1	Jackson Planning Commission
	1	Whitesburg Planning Commission

<b>Area Development District</b>	<b>Type of Commission</b>	<b>Planning Commission Name</b>	
Lake Cumberland	1	Burnside Planning Commission	
	1	Campbellsville Planning and Zoning Commission	
	1	City of Burkesville Planning Commission	
	2	City of Columbia Planning Commission	
	2	Greensburg/Green County Planning and Zoning Commission	
	1	Liberty Planning Commission	
	1	Russell Springs Planning Commission	
	1	Somerset Planning and Zoning Commission	
	Lincoln Trail	1	Bradfordsville Independent Planning Commission
		1	Brandenburg Planning Commission
1		Cloverport Planning and Zoning Commission	
2		Hardin County Planning and Development Commission	
1		Hardinsburg Planning Commission	
1		Irvington Planning and Zoning Commission	
2		Joint City-County Planning Commission of Nelson County	
2		Land of Lincoln Planning Commission	
1		Lebanon Planning Commission	
1		Leitchfield Planning Commission	
1		Meade County Planning Commission	
1		Muldraugh Planning and Zoning Commission	
1		Planning Commission of Elizabethtown	
1		Radcliff Planning Commission	
1		Springfield Independent Planning Commission	
1		Prestonsburg Planning Commission	
1		Vine Grove Planning Commission	
1	Washington County Planning Commission		
1	West Point Planning Commission		
Northern Kentucky	1	Alexandria Planning and Zoning Commission	
	1	Bellevue Planning and Zoning Commission	
	2	Boone County Planning Commission (Florence and Walton)	
	2	Campbell County Planning Commission	
	1	Carrollton Planning and Zoning Commission	
	1	Cold Spring Planning and Zoning Commission	
	1	Ft. Thomas Planning and Zoning Commission	
	1	Ghent Independent Planning Commission	
	2	Grant County Planning Zoning Commission	
1	Highland Heights Planning Commission		



<b>Area Development District</b>	<b>Type of Commission</b>	<b>Planning Commission Name</b>
	2	Kenton County Planning and Zoning Commission
	1	Newport Planning and Zoning Commission
	2	Northern Kentucky Area Planning Commission
	1	Owenton Planning Commission
	1	Pendleton County-Falmouth Planning Commission
	1	The Planning and Zoning Commission of Dayton
	1	Warsaw Planning Commission
	1	Wilder Planning Commission
Pennyrile	2	Cadiz-Trigg County Planning Commission
	2	Eddyville-Kuttawa-Lyon County Joint Planning Commission
	1	Elkton Planning Commission
	2	Guthrie Planning Commission
	2	Hopkins County Joint Planning Commission
	2	Hopkinsville-Christian County Planning Commission
	1	Marion Planning Commission
	2	Muhlenberg County Joint City-County Planning Commission
	2	Princeton-Caldwell County Planning Commission
Purchase	1	Benton Planning and Zoning Commission
	1	Calvert City Planning Commission
	1	Fulton Planning Commission
	1	Hickman Planning and Zoning Commission
	1	Mayfield Planning and Zoning Commission
	2	McCracken County Planning Commission
	1	Murray Planning Commission
	1	Paducah Planning and Zoning Commission

1. Independent Planning Unit
2. Joint Planning Unit
3. Area Planning Unit

**APPENDIX II**

**KENTUCKY CITIES BY CLASS**

(January, 1994--based on 1990 population census)



<u>City</u>	<u>Population</u>	<u>County</u>	<u>Form</u>
<u>1st Class (Greater than 100,000)</u>			
Louisville	269,555	Jefferson	MA
Total # in class	1		
Total population in class	269,555		
<u>2nd Class (Greater than 20,000, less than 100,000)</u>			
Ashland	23,622	Boyd	CM
Bowling Green	41,688	Warren	CM
Covington	43,646	Kenton	CM
Frankfort	26,535	Franklin	CM
Hopkinsville	29,818	Christian	MC
*Lexington	225,366	Fayette	UCG
*Newport	18,871	Campbell	CM
Owensboro	53,577	Daviess	CM
Paducah	27,256	McCracken	CM
*Radcliff	19,778	Hardin	MC
Richmond	21,183	Madison	CM
Total # in class	11		
Total population in class	531,340		
<u>3rd Class (Greater than 8,000, less than 20,000)</u>			
Campbellsville	9,592	Taylor	MC
*Corbin	7,644	Whitley & Knox	CM
Danville	14,454	Boyle	CM
Erlanger	15,979	Kenton	MC
*Flatwoods	7,799	Greenup	MC
Florence	18,586	Boone	MC
Glasgow	12,777	Barren	MC
*Hazard	5,416	Perry	CM
*Henderson	25,945	Henderson	CM
Mayfield	9,935	Graves	MC
*Maysville	8,113	Mason	CM
Middlesboro	11,328	Bell	MC
Murray	14,442	Calloway	MC
Nicholasville	13,603	Jessamine	COMM
Paris	8,730	Bourbon	CM
*Pikeville	6,324	Pike	CM
Shively	15,535	Jefferson	MC
Somerset	10,735	Pulaski	MC
Winchester	15,799	Clark	CM
Total # in class	19		
Total population in class	232,310		
<u>4th Class (Greater than 3,000, less than 8,000)</u>			
Alexandria	5,592	Campbell	MC
*Anchorage	2,082	Jefferson	MC
*Augusta	1,336	Bracken	MC
Barbourville	3,658	Knox	MC
Bardstown	6,712	Nelson	MC
*Beaver Dam	2,904	Ohio	COMM

Bellevue	6,997	Campbell	MC
Benton	3,899	Marshall	MC
*Berea	9,129	Madison	MC
*Calvert City	2,531	Marshall	MC
*Carlisle	1,639	Nicholas	MC
Carrollton	3,715	Carroll	MC
*Cattletsburg	2,231	Boyd	MC
Central City	5,074	Muhlenberg	MC
Columbia	3,845	Adair	MC
Cumberland	3,112	Harlan	MC
Cynthiana	6,497	Harrison	COMM
Dawson Springs	3,192	Hopkins	MC
Dayton	6,576	Campbell	MC
Douglass Hills	5,431	Jefferson	MC
*Earlington	1,833	Hopkins	MC
*Edgewood	8,143	Kenton	MC
*Elizabethtown	18,167	Hardin	MC
*Elkhorn City	1035	Pike	MC
*Elkton	1,789	Todd	MC
Elsmere	6,847	Kenton	MC
*Eminence	2,055	Henry	MC
*Falmouth	2,378	Pendleton	MC
Flemingsburg	3,071	Fleming	MC
Fort Mitchell	7,438	Kenton	MC
*Fort Thomas	16,032	Campbell	MC
Fort Wright	6,404	Kenton	MC
Franklin	7,607	Simpson	MC
Fulton	3,078	Fulton	CM
*Georgetown	11,414	Scott	MC
Graymoor-Devondale	2,911	Jefferson	
Grayson	3,644	Carter	MC
Greenville	4,689	Muhlenberg	MC
*Harlan	2,686	Harlan	MC
Harrodsburg	7,335	Mercer	COMM
*Hickman	2,689	Fulton	CM
Highland Heights	4,223	Campbell	MC
Hillview	6,119	Bullitt	MC
*Hodgenville	2,721	Larue	MC
Hurstbourne	4,420	Jefferson	COMM
*Irvine	2,836	Estill	MC
*Jackson	2,466	Breathitt	MC
*Jeffersontown	23,223	Jefferson	MC
*Jenkins	2,751	Letcher	MC
La Grange	3,853	Oldham	MC
Lawrenceburg	5,911	Anderson	MC
Lebanon	5,695	Marion	MC
Leitchfield	4,965	Grayson	MC
London	5,757	Laurel	MC
Ludlow	4,736	Kenton	MC
*Lyndon	8,037	Jefferson	MC
*Madisonville	18,693	Hopkins	MC
*Manchester	1,634	Clay	MC
Marion	3,320	Crittenden	MC
*Martin	694	Floyd	MC
Middletown	5,016	Jefferson	COMM
Monticello	5,357	Wayne	MC
*Morehead	8,357	Rowan	MC
Morganfield	3,776	Union	MC
Mount Sterling	5,362	Montgomery	MC

Mount Washington	5,256	Bullitt	MC
*Olive Hill	1,809	Carter	MC
*Owingsville	1,491	Bath	MC
Paintsville	4,354	Johnson	MC
Park Hills	3,321	Kenton	MC
*Pineville	2,198	Bell	MC
Prestonsburg	3,595	Floyd	MC
Princeton	6,940	Caldwell	MC
*Prospect	2,778	Jefferson	MC
Providence	4,123	Webster	MC
Russell	4,014	Greenup	MC
Russellville	7,454	Logan	MC
*Saint Regis Park	1,725	Jefferson	MC
*Salyersville	1,917	Magoffin	MC
Scottsville	4,278	Allen	MC
Shelbyville	6,155	Shelby	MC
Shepherdsville	4,805	Bullitt	MC
Southgate	3,266	Campbell	MC
*Springfield	2,875	Washington	MC
*St. Matthews	15,691	Jefferson	MC
*Stanton	2,795	Powell	MC
*Sturgis	2,184	Union	MC
Taylor Mill	5,530	Kenton	COMM
*Vanceburg	1,713	Lewis	MC
Versailles	7,269	Woodford	MC
Villa Hills	7,370	Kenton	MC
Vine Grove	3,582	Hardin	MC
*West Liberty	1,887	Morgan	MC
Williamsburg	5,493	Whitley	MC
Wilmore	4,215	Jessamine	MC
Total # in class	95		
Total population in class	477,402		

5th Class (Greater than 1,000, less than 3,000)

*Adairville	906	Logan	MC
Albany	2,062	Clinton	MC
Auburn	1,273	Logan	MC
Audubon Park	1,520	Jefferson	MC
Barbourmeade	1,386	Jefferson	COMM
*Bardwell	819	Carlisle	MC
Beattyville	1,131	Lee	MC
Beechwood Village	1,263	Jefferson	MC
*Benham	717	Harlan	MC
*Bloomfield	845	Nelson	MC
Brandenburg	1,857	Meade	MC
*Bromley	1,137	Kenton	MC
*Brooksville	670	Bracken	MC
*Brownsville	897	Edmonson	COMM
*Burgin	1,009	Mercer	MC
Burkesville	1,815	Cumberland	MC
Burnside	695	Pulaski	MC
*Butler	625	Pendleton	COMM
Cadiz	2,148	Trigg	MC
Calhoun	854	McLean	MC
Camargo	1,022	Montgomery	MC
*Campbellsburg	604	Henry	MC
Cave City	1,953	Barren	MC

Clay	1,173	Webster	MC
Clay City	1,258	Powell	MC
Clinton	1,547	Hickman	MC
Cloverport	1,207	Breckinridge	MC
Cold Spring	2,886	Campbell	MC
*Columbus	252	Hickman	MC
*Corydon	790	Henderson	MC
Crescent Springs	2,749	Kenton	MC
Crestview Hills	2,546	Kenton	MC
*Crittenden	731	Grant	MC
*Crofton	699	Christian	MC
*Drakesboro	565	Muhlenberg	MC
Dry Ridge	1,601	Grant	MC
Eddyville	1,889	Lyon	MC
Edmonton	1,477	Metcalfe	MC
Evarts	1,063	Harlan	MC
*Ferguson	929	Pulaski	MC
*Fleming-Neon	759	Letcher	MC
*Fredonia	490	Caldwell	MC
*Grand Rivers	351	Livingston	MC
Greensburg	1,990	Green	MC
Greenup	1,158	Greenup	MC
Guthrie	1,504	Todd	MC
*Hardin	595	Marshall	MC
Hardinsburg	1,906	Breckinridge	MC
Hartford	2,532	Ohio	MC
Hawesville	1,046	Hancock	MC
*Hindman	798	Knott	MC
Horse Cave	2,284	Hart	MC
Hurstbourne Acres	1,072	Jefferson	COMM
*Hustonville	313	Lincoln	MC
*Independence	10,444	Kenton	MC
Indian Hills	1,074	Jefferson	MC
Indian Hills-Cherokee	1,005	Jefferson	MC
Irvington	1,180	Breckinridge	MC
Jamestown	1,541	Russell	MC
Jeffersonville	1,854	Montgomery	MC
Junction City	1,983	Boyle	MC
*Kuttawa	535	Lyon	MC
La Center	1,040	Ballard	MC
*Lakeside Park	3,131	Kenton	MC
*Lancaster	3,421	Garrard	MC
Lebanon Junction	1,741	Bullitt	MC
*Lewisburg	772	Logan	MC
Lewisport	1,778	Hancock	MC
Liberty	1,937	Casey	MC
Livermore	1,534	McLean	MC
Louisa	1,990	Lawrence	MC
Loyall	1,100	Harlan	MC
Lynch	1,166	Harlan	MC
Lynnview	1,017	Jefferson	MC
*McKee	870	Jackson	MC
*Meadow Vale	798	Jefferson	MC
Midway	1,290	Woodford	MC
*Millersburg	937	Bourbon	MC
Minor Lane Heights	1,675	Jefferson	MC
Morgantown	2,284	Butler	MC
*Morton's Gap	987	Hopkins	MC
*Mt. Olivet	384	Robertson	MC

Mt. Vernon	2,654	Rockcastle	MC
Muldraugh	1,376	Meade	MC
Munfordville	1,556	Hart	MC
*North Middletown	602	Bourbon	COMM
*Northfield	898	Jefferson	MC
Nortonville	1,209	Hopkins	MC
Oak Grove	2,863	Christian	MC
Orchard Grass Hills	1,058	Oldham	MC
Owenton	1,306	Owen	MC
*Park City	549	Barren	MC
*Perryville	815	Boyle	MC
Pewee Valley	1,283	Oldham	MC
Pioneer Village	1,130	Bullitt	MC
*Plantation	830	Jefferson	MC
*Powderly	748	Muhlenberg	MC
Raceland	2,256	Greenup	MC
*Ravenna	804	Estill	MC
Rolling Hills	1,135	Jefferson	MC
Russell Springs	2,363	Russell	MC
*Sandy Hook	548	Elliott	MC
Sebree	1,510	Webster	MC
Silver Grove	1,102	Campbell	MC
Smiths Grove	703	Warren	COMM
South Shore	1,318	Greenup	COMM
Stanford	2,686	Lincoln	MC
Tompkinsville	2,861	Monroe	MC
Uniontown	1,008	Union	MC
Van Lear(dissolved 1995)	1,056	Johnson	COMM
Walton	2,041	Boone	MC
Warsaw	1,202	Gallatin	MC
***Washington	795	Mason	MC
Watterson Park	1,542	Jefferson	MC
West Buechel	1,343	Jefferson	MC
West Point	1,216	Hardin	MC
Whitesburg	1,636	Letcher	MC
*Wickliffe	851	Ballard	MC
*Wilder	691	Campbell	MC
*Williamstown	3,033	Grant	MC
Windy Hills	2,452	Jefferson	MC
Woodlawn Park	1,099	Jefferson	MC
Worthington	1,751	Greenup	MC
Total # in class	120		
Total population in class	171,836		

6th Class (Less than 1,000)

Allen	229	Floyd	MC
Annville	470	Jackson	
Arlington	449	Carlisle	MC
Bancroft	582	Jefferson	COMM
Barlow	706	Ballard	COMM
Bedford	761	Trimble	MC
Bellefonte	838	Greenup	MC
Bellemeade	927	Jefferson	COMM
Bellewood	329	Jefferson	MC
Berry	240	Harrison	MC
Blackey	207	Letcher	COMM
Blaine	271	Lawrence	MC



***Blandville (Inactive)	95	Ballard	
Blueridge Manor	565	Jefferson	COMM
Bonnieville	232	Hart	COMM
Booneville	300	Owsley	COMM
Bradfordsville	242	Marion	MC
Bremen	267	Muhlenberg	MC
Briarwood	658	Jefferson	COMM
Broadfields	273	Jefferson	COMM
*Brodhead	1,140	Rockcastle	
Broeck Pointe	325	Jefferson	MC
Brownsboro Farm	670	Jefferson	COMM
Brownsboro Village	361	Jefferson	COMM
California	130	Campbell	
Cambridge	193	Jefferson	
Campton	484	Wolfe	COMM
Caneyville	549	Grayson	MC
Carrsville	98	Livingston	MC
Centertown	383	Ohio	COMM
Cherrywood Village	340	Jefferson	MC
Clarkson	611	Grayson	COMM
Coal Run Village	262	Pike	COMM
Coldstream	862	Jefferson	
Concord	65	Lewis	MC
Corinth	137	Grant	COMM
Crab Orchard	825	Lincoln	COMM
Creekside	323	Jefferson	MC
Crescent Park	364	Kenton	MC
Crestview	356	Campbell	COMM
*Crestwood	1,435	Oldham	
Crossgate	261	Jefferson	MC
Dixon	552	Webster	COMM
Dover	297	Mason	COMM
Druid Hills	305	Jefferson	MC
Ekron	110	Meade	
Eubanks	354	Pulaski	COMM
Ewing	268	Fleming	COMM
Fairfield	142	Nelson	
Fairmeade	280	Jefferson	MC
Fairview	119	Kenton	MC
Fincastle	838	Jefferson	COMM
Fordsville	522	Ohio	MC
Forest Hills	454	Jefferson	COMM
***Foster	65	Bracken	
Fountain Run	259	Monroe	MC
Fox Chase	528	Bullitt	MC
Frenchburg	625	Menifee	COMM
Gamaliel	462	Monroe	MC
Germantown	213	Bracken	COMM
Ghent	365	Carroll	
Glencoe	257	Gallatin	MC
Glenview	653	Jefferson	
Glenview Hills	353	Jefferson	COMM
Glenview Manor	197	Jefferson	
Goose Creek	321	Jefferson	COMM
Goshen	903	Oldham	
Gratz	65	Owen	
Green Spring	768	Jefferson	
Hanson	450	Hopkins	COMM
Hazel	460	Calloway	MC

Hebron Estates	930	Bullitt	
Hickory Hill	152	Jefferson	COMM
Hills 'n Dales	154	Jefferson	
Hiseville	220	Barren	
Hollowcreek	991	Jefferson	MC
Hollyvilla	649	Jefferson	
Houston Acres	496	Jefferson	COMM
Hunters Hollow	286	Bullitt	MC
Hyden	375	Leslie	COMM
Inez	511	Martin	COMM
Island	446	McLean	
Keeneland	393	Jefferson	
Kenton Vale	154	Kenton	MC
Kevil	337	Ballard	MC
Kingsley	399	Jefferson	
Lafayette	106	Christian	
Lakeview Heights	252	Rowan	COMM
Langdon Place	874	Jefferson	COMM
Latonia Lakes	410	Kenton	
Lincolnshire	158	Jefferson	
Livingston	241	Rockcastle	
Lone Oak	465	McCracken	COMM
Loretto	820	Marion	MC
Mackville	200	Washington	
Manor Creek	179	Jefferson	COMM
Maryhill Estates	177	Jefferson	
McHenry	414	Ohio	MC
Meadowbrook Farm	163	Jefferson	COMM
Meadowview Estates	199	Jefferson	COMM
Melbourne	660	Campbell	
Mentor	169	Campbell	MC
Milton	563	Trimble	
Mockingbird Valley	193	Jefferson	
Monterey	164	Owen	
Moorland	467	Jefferson	
Murray Hill	619	Jefferson	
Nebo	227	Hopkins	COMM
New Castle	893	Henry	COMM
New Haven	796	Nelson	COMM
Norbourne Estates	461	Jefferson	
Norwood	372	Jefferson	
Oakland	202	Warren	MC
Old Brownsboro Place	348	Jefferson	
Park Lake	363	Oldham	
Parkway Village	707	Jefferson	COMM
Pembroke	640	Christian	COMM
Pippa Passes	195	Knott	
Pleasureville	761	Henry	
Plum Springs	361	Warren	
Plymouth Village	162	Jefferson	
Poplar Hills	377	Jefferson	
Prestonsville	205	Carroll	
Raywick	157	Marion	
Richlawn	435	Jefferson	MC
River Bluff	352	Oldham	
Riverwood	506	Jefferson	COMM
Robinswood	250	Jefferson	MC
Rochester	191	Butler	MC
Rockport	385	Ohio	MC

Rolling Fields	593	Jefferson	MC
Ryland Heights	279	Kenton	MC
Sacramento	563	McLean	
Sadieville	255	Scott	COMM
Salem	770	Livingston	COMM
Salt Lick	342	Bath	MC
Sanders	231	Carroll	
Sardis	171	Mason	
Science Hill	628	Pulaski	MC
Seneca Gardens	684	Jefferson	MC
Sharpsburg	315	Bath	
Simpsonville	907	Shelby	MC
Slaughtersville	235	Webster	MC
Smithfield	115	Henry	COMM
Smithland	384	Livingston	COMM
Sonora	295	Hardin	
South Carrollton	202	Muhlenberg	MC
South Park View	214	Jefferson	MC
Sparta	133	Gallatin	MC
Spring Mill	342	Jefferson	COMM
Spring Valley	425	Jefferson	MC
Springlee	451	Jefferson	
St. Charles	316	Hopkins	COMM
Stamping Ground	698	Scott	MC
#Strathmoor Gardens	300	Jefferson	MC
Strathmoor Manor	391	Jefferson	MC
Strathmoor Village	661	Jefferson	COMM
Sycamore	188	Jefferson	NA
Taylorville	774	Spencer	MC
Ten Broeck	128	Jefferson	
Thornhill	199	Jefferson	COMM
Trenton	378	Todd	
*Union	1,001	Boone	COMM
Upton	719	Hardin/Larue	MC
Vicco	244	Perry	
Visalia	190	Kenton	
Wallins Creek	261	Harlan	MC
Warfield	364	Martin	MC
Water Valley	321	Graves	
Waverly	345	Union	COMM
Wayland	359	Floyd	MC
Wellington	593	Jefferson	COMM
Westwood	734	Jefferson	COMM
Wheatcroft	206	Webster	
Wheelwright	721	Floyd	
Whipps Millgate	454	Jefferson	
White Plains	598	Hopkins	COMM
Whitesville	682	Daviess	COMM
Wildwood	266	Jefferson	MC
Willisburg	223	Washington	MC
Winding Falls	657	Jefferson	COMM
Wingo	568	Graves	COMM
Woodburn	343	Warren	MC
Woodbury	117	Butler	
Woodland Hills	714	Jefferson	
Woodlawn	308	Campbell	MC
Worthington Hills	973	Jefferson	
Worthville	191	Carroll	COMM
*Wurtland	1,221	Greenup	COMM

Total # in class 190  
 Total population in class 80,984

\*\*\*Dissolved

\*\*No listing by U.S. Census Bureau

\*\*Allenville (inactive since 1982) Todd

#According to KIPDA, no longer in existence

Total number of cities	436
Total population in urban areas	1,763,205
Percent of state population	47.8%

City Data Comparisons

<u>Class of city</u>	<u>#of Cities</u>	<u>% of total # of cities</u>	<u>% of total population</u>
1st	1	.2%	7.3%
2nd	11	2.5%	14.4%
3rd	19	4.4%	6.3%
4th	95	21.8%	12.9%
5th	120	27.5%	9.7%
6th	190	43.6%	4.6%

@Unincorporated

@Dycusburg 50 Crittenden

\*Staff notation only

MC-Mayor-Council; CM-City Manager; COMM-Commission; UCG-Urban County Government; and  
 MA-Mayor-Alderman



**APPENDIX III**

**KENTUCKY COUNTIES AND CITIES**

(January, 1994--based on 1990 population census)



<u>COUNTY</u>	<u>CITY</u>	<u>POPULATION</u>	<u>FORM</u>	<u>CLASS</u>
Adair (15,604)	Columbia	3,845	MC	4th
Allen (14,871)	Scottsville	4,278	MC	4th
Anderson (15,612)	Lawrenceburg	5,911	MC	4th
Ballard (7,837)	Barlow	706	COMM	6th
Ballard	Blandville	95		6th
Ballard	Kevil	337	MC	6th
Ballard	La Center	1,040	MC	5th
Ballard	Wickcliffe	851	MC	5th
Barren (34,408)	Cave City	1,953	MC	5th
Barren	Glasgow	12,777	MC	3rd
Barren	Hiseville	220		6th
Barren	Park City	549	MC	5th
Bath (9,857)	Owingsville	1,491	MC	4th
Bath	Salt Lick	342	MC	6th
Bath	Sharpsburg	315		6th
Bell (30,844)	Middlesboro	11,328	MC	3rd
Bell	Pineville	2,198	MC	4th
Boone (63,107)	Florence	18,586	MC	3rd
Boone	Union	1,001	COMM	6th
Boone	Walton	2,041	MC	5th
Bourbon (19,343)	Millersburg	937	MC	5th
Bourbon	North Middleton	602	COMM	5th
Bourbon	Paris	8,730	CM	3rd
Boyd (51,234)	Ashland	23,622	CM	2nd
Boyd	Cattlettsburg	2,231	MC	4th
Boyle (25,943)	Danville	12,449	CM	3rd
Boyle	Junction City	1,983	MC	5th
Boyle	Perryville	815	MC	5th
Bracken (8,066)	Augusta	1,336	MC	4th
Bracken	Brooksville	670	MC	5th
Bracken	Foster	65		6th
Bracken	Germantown	213	COMM	6th
Breathitt (15,143)	Jackson	2,466	MC	4th
Breckinridge (16,508)	Cloverport	1,207	MC	5th
Breckinridge	Hardinsburg	1,906	MC	5th
Breckinridge	Irvington	1,180	MC	5th
Bullitt (51,128)	Fox Chase	528	MC	6th
Bullitt	Hebron Estates	930		6th
Bullitt	Hillview	6,119	MC	4th
Bullitt	Hunters Hollow	286	MC	6th
Bullitt	Lebanon Junction	1,741	MC	5th
Bullitt	Mt. Washington	5,256	MC	4th
Bullitt	Pioneer Village	1,130	MC	5th
Bullitt	Shepherdsville	4,805	MC	4th
Butler (11,368)	Morgantown	2,284	MC	5th
Butler	Rochester	191		6th
Butler	Woodbury	117		6th
Caldwell (12,997)	Fredonia	490	MC	5th
Caldwell	Princeton	6,940	MC	4th
Calloway (31,287)	Hazel	460	MC	6th
Calloway	Murray	14,442	MC	3rd
Campbell (85,034)	Alexandria	5,592	MC	4th
Campbell	Bellevue	6,997	MC	4th
Campbell	California	130		6th
Campbell	Cold Spring	2,886	MC	5th
Campbell	Crestview	356	COMM	6th



Campbell	Dayton	6,576	MC	4th
Campbell	Fort Thomas	16,032	MC	4th
Campbell	Highland Heights	4,223	MC	4th
Campbell	Melbourne	660		6th
Campbell	Mentor	169	MC	6th
Campbell	Newport	18,871	CM	2nd
Campbell	Silver Grove	1,102	MC	5th
Campbell	Southgate	3,266	MC	4th
Campbell	Wilder	691	MC	5th
Campbell	Woodlawn	308	MC	6th
Carlisle (5,243)	Arlington	449	MC	6th
Carlisle	Bardwell	819	MC	5th
Carroll (9,531)	Carrollton	3,715	MC	4th
Carroll	Ghent	365		6th
Carroll	Prestonsville	205		6th
Carroll	Sanders	231		6th
Carroll	Worthville	191	COMM	6th
Carter (24,991)	Grayson	3,644	MC	4th
Carter	Olive Hill	1,809	MC	4th
Casey (14,447)	Liberty	1,937	MC	5th
Christian (68,163)	Crofton	699	MC	5th
Christian	Hopkinsville	29,818	MC	2nd
Christian	Lafayette	106		6th
Christian	Oak Grove	2,863	MC	5th
Christian	Pembroke	640	COMM	6th
Clark (30,099)	Winchester	15,799	CM	3rd
Clay (22,250)	Manchester	1,634	MC	4th
Clinton (9,203)	Albany	2,062	MC	5th
Crittenden (9,239)	Marion	3,320	MC	4th
Cumberland (6,710)	Burkesville	1,815	MC	5th
Daviess (88,813)	Owensboro	53,549	CM	2nd
Daviess	Whitesville	682	COMM	6th
Edmonson (10,261)	Brownsville	897	COMM	5th
Elliott (6,549)	Sandy Hook	548	MC	5th
Estill (15,204)	Irvine	2,836	MC	4th
Estill	Ravenna	804	MC	5th
Fayette (232,562)	Lexington	225,366	UCG	2nd
Fleming (12,561)	Ewing	268	COMM	6th
Fleming	Flemingsburg	3,071	MC	4th
Floyd (44,038)	Allen	229	MC	6th
Floyd	Martin	694	MC	4th
Floyd	Prestonsburg	3,595	MC	4th
Floyd	Wayland	359	MC	6th
Floyd	Wheelwright	721		6th
Franklin (44,630)	Frankfort	26,535	CM	2nd
Fulton (8,040)	Fulton	3,078	CM	4th
Fulton	Hickman	2,689	CM	4th
Gallatin (5,678)	Glencoe	257	MC	6th
Gallatin	Sparta	133	MC	6th
Gallatin	Warsaw	1,202	MC	5th
Garrard (12,142)	Lancaster	3,421	MC	5th
Grant (16,896)	Corinth	137	COMM	6th
Grant	Crittenden	731	MC	5th
Grant	Dry Ridge	1,601	MC	5th
Grant	Williamstown	3,033	MC	5th
Graves (33,874)	Mayfield	9,935	MC	3rd
Graves	Water Valley	321		6th
Graves	Wingo	568	COMM	6th
Grayson (21,737)	Caneyville	549	MC	6th

Grayson	Clarkson	611	COMM	6th
Grayson	Leitchfield	4,965	MC	4th
Green (10,349)	Greensburg	1,990	MC	5th
Greenup (37,142)	Bellefonte	838	MC	6th
Greenup	Flatwoods	7,799	MC	3rd
Greenup	Greenup	1,158	MC	5th
Greenup	Raceland	2,256	MC	5th
Greenup	Russell	4,014	MC	4th
Greenup	South Shore	1,318	COMM	5th
Greenup	Worthington	1,751	MC	5th
Greenup	Wurtland	1,221	COMM	6th
Hancock (7,887)	Hawesville	1,046	MC	5th
Hancock	Lewisport	1,778	MC	5th
Hardin (84,456)	Elizabethtown	18,167	MC	4th
Hardin	Radcliff	19,772	MC	2nd
Hardin	Sonora	295		6th
Hardin	Vine Grove	3,586	MC	4th
Hardin	West Point	1,216	MC	5th
Hardin-Larue	Upton	719	MC	6th
Harlan (36,354)	Benham	717	MC	5th
Harlan	Cumberland	3,112	MC	4th
Harlan	Evarts	1,063	MC	5th
Harlan	Harlan	2,686	MC	4th
Harlan	Loyall	1,100	MC	5th
Harlan	Lynch	1,166	MC	5th
Harlan	Wallins Creek	261	MC	6th
Harrison (16,548)	Berry	240	MC	6th
Harrison	Cynthiana	6,497	COMM	4th
Hart (15,478)	Bonnieville	300	COMM	6th
Hart	Horse Cave	2,284	MC	5th
Hart	Munfordville	1,556	MC	5th
Henderson (43,801)	Corydon	790	MC	5th
Henderson	Henderson	25,945	CM	3rd
Henry (13,486)	Campbellsburg	604	MC	5th
Henry	Eminence	2,055	MC	4th
Henry	New Castle	893	COMM	6th
Henry	Pleasureville	761		6th
Henry	Smithfield	115	COMM	6th
Hickman (5,503)	Clinton	1,547	MC	5th
Hickman	Columbus	252	MC	5th
Hopkins (46,287)	Dawson Springs	3,129	MC	4th
Hopkins	Earlington	1,833	MC	4th
Hopkins	Hanson	450	COMM	6th
Hopkins	Madisonville	16,203	MC	4th
Hopkins	Morton's Gap	987	MC	5th
Hopkins	Nebo	227	COMM	6th
Hopkins	Nortonville	1,209	MC	5th
Hopkins	St. Charles	316	COMM	6th
Hopkins	White Plains	598	COMM	6th
Jackson (12,314)	Annville	470		6th
Jackson	McKee	870	MC	5th
Jefferson (670,837)	Anchorage	2,082	MC	4th
Jefferson	Audubon Park	1,520	MC	5th
Jefferson	Bancroft	582	COMM	6th
Jefferson	Barbourmeade	1,386	COMM	5th
Jefferson	Beechwood Village	1,263	MC	5th
Jefferson	Bellemeade	927	COMM	6th
Jefferson	Bellewood	329	MC	6th
Jefferson	Blueridge Manor	565	COMM	6th

Jefferson	Briarwood	658	COMM	6th
Jefferson	Broadfields	273	COMM	6th
Jefferson	Broeck Pointe	325	MC	6th
Jefferson	Brownsboro Farm	670	COMM	6th
Jefferson	Brownsboro Village	361	Comm	6th
Jefferson	Cambridge	193		6th
Jefferson	Cherrywood Village	340	MC	6th
Jefferson	Coldstream	862		6th
Jefferson	Creekside	323	MC	6th
Jefferson	Crossgate	261	MC	6th
Jefferson	Douglass Hills	5,431	MC	4th
Jefferson	Druid Hills	305	MC	6th
Jefferson	Fairmeade	280	MC	6th
Jefferson	Fincastle	838	COMM	6th
Jefferson	Forest Hills	454	COMM	6th
Jefferson	Glenview	653		6th
Jefferson	Glenview Hills	353	COMM	6th
Jefferson	Glenview Manor	197		6th
Jefferson	Goose Creek	321	COMM	6th
Jefferson	Graymoor/Devondale	2,911		4th
Jefferson	Green Spring	768		6th
Jefferson	Hickory Hill	152	COMM	6th
Jefferson	Hills 'n Dales	154		6th
Jefferson	Hollow Creek	991	MC	6th
Jefferson	Hollyvilla	649		6th
Jefferson	Houston Acres	496	COMM	6th
Jefferson	Hurstbourne	4,420	COMM	4th
Jefferson	Hurstbourne Acres	1,072	COMM	5th
Jefferson	Indian Hills	1,074	MC	5th
Jefferson	Indian Hills-Cherokee	1,005	MC	5th
Jefferson	Jeffersontown	23,223	MC	4th
Jefferson	Keeneland	393		6th
Jefferson	Kingsley	399		6th
Jefferson	Langdon Place	874	COMM	6th
Jefferson	Lincolnshire	158		6th
Jefferson	Louisville	269,555	MA	1st
Jefferson	Lyndon	8,037	MC	4th
Jefferson	Lynnview	1,017	MC	5th
Jefferson	Manor Creek	179	COMM	6th
Jefferson	Maryhill Estates	177		6th
Jefferson	Meadowbrook Farm	163	COMM	6th
Jefferson	Meadow Vale	798	MC	5th
Jefferson	Meadowview Estates	199	COMM	6th
Jefferson	Middletown	5,016	COMM	4th
Jefferson	Minor Lane Heights	1,675	MC	5th
Jefferson	Mockingbird Valley	193		6th
Jefferson	Moorland	467		6th
Jefferson	Murray Hill	619		6th
Jefferson	Norbourne Estates	461		6th
Jefferson	Northfield	898	MC	5th
Jefferson	Norwood	372		6th
Jefferson	Old Brownsboro Place	348		6th
Jefferson	Parkway Village	707	COMM	6th
Jefferson	Plantation	830	MC	5th
Jefferson	Plymouth Village	162		6th
Jefferson	Poplar Hills	377		6th
Jefferson	Prospect	2,788	MC	4th
Jefferson	Richlawn	435	MC	6th
Jefferson	Riverwood	506	COMM	6th

Jefferson	Robinswood	250	MC	6th
Jefferson	Rolling Fields	593	MC	6th
Jefferson	Rolling Hills	1,135	MC	5th
Jefferson	Seneca Gardens	684	MC	6th
Jefferson	Shively	15,535	MC	3rd
Jefferson	South Park View	214	MC	6th
Jefferson	Spring Mill	342	COMM	6th
Jefferson	Springlee	451		6th
Jefferson	Spring Valley	425	MC	6th
Jefferson	St. Matthews	15,691	MC	4th
Jefferson	St. Regis Park	1,725	MC	4th
Jefferson	Strathmoor Gardens	300	MC	6th
Jefferson	Strathmoor Manor	391	MC	6th
Jefferson	Strathmoor Village	661	COMM	6th
Jefferson	Sycamore	188	MA	6th
Jefferson	Ten Broeck	128		6th
Jefferson	Thornhill	192	COMM	6th
Jefferson	Watterson Park	1,378	MC	5th
Jefferson	Wellington	593	COMM	6th
Jefferson	West Buechel	1,343	MC	5th
Jefferson	Westwood	734	COMM	6th
Jefferson	Whipps Millgate	454		6th
Jefferson	Wildwood	266	MC	6th
Jefferson	Winding Falls	657	COMM	6th
Jefferson	Windy Hills	2,452	MC	5th
Jefferson	Woodland Hills	714		6th
Jefferson	Woodlawn Park	1,099	MC	5th
Jefferson	Worthington Hills	973		6th
Jessamine (32,355)	Nicholasville	13,603	COMM	3rd
Jessamine	Wilmore	4,215	MC	4th
Johnson (23,614)	Paintsville	4,354	MC	4th
Kenton (143,550)	Bromley	1,137	MC	5th
Kenton	Covington	43,646	CM	2nd
Kenton	Crescent Park	364	MC	6th
Kenton	Crescent Springs	2,749	MC	5th
Kenton	Crestview Hills	2,546	MC	5th
Kenton	Edgewood	8,143	MC	4th
Kenton	Elsmere	6,847	MC	4th
Kenton	Erlanger	15,979	MC	3rd
Kenton	Fairview	119	MC	6th
Kenton	Fort Mitchell	7,438	MC	4th
Kenton	Fort Wright	6,570	MC	4th
Kenton	Independence	10,444	MC	5th
Kenton	Kenton Vale	358	MC	6th
Kenton	Lakeside Park	3,131		
Kenton	Latonia Lakes	410		6th
Kenton	Ludlow	4,736	MC	4th
Kenton	Park Hills	3,321	MC	4th
Kenton	Ryland Heights	279	MC	6th
Kenton	Taylor Mill	5,530	COMM	4th
Kenton	Villa Hills	7,370	MC	4th
Kenton	Visalia	190		6th
Knott (18,233)	Hindman	798	MC	5th
Knott	Pippa Passes	195		6th
Knox (30,360)	Barboursville	3,658	MC	4th
Larue (11,920)	Hodgenville	2,721	MC	4th
Laurel (45,253)	London	5,757	MC	4th
Lawrence (14,720)	Blaine	271	MC	6th
Lawrence	Louisa	1,990	MC	5th

Lee (7,882)	Beattyville	1,131	MC	5th
Leslie (13,725)	Hyden	375	COMM	6th
Letcher (27,044)	Blackey	48	COMM	6th
Letcher	Fleming-Neon	759	MC	5th
Letcher	Jenkins	2,751	MC	4th
Letcher	Whitesburg	1,636	MC	5th
Lewis (13,094)	Concord	65	MC	6th
Lewis	Vanceburg	1,713	MC	4th
Lincoln (20,489)	Crab Orchard	825	COMM	6th
Lincoln	Hustonville	313	MC	5th
Lincoln	Stanford	2,686	MC	5th
Livingston (9,157)	Carrsville	98	MC	6th
Livingston	Grand Rivers	351	MC	5th
Livingston	Salem	770	COMM	6th
Livingston	Smithland	384	COMM	6th
Logan (24,942)	Adairville	906	MC	5th
Logan	Auburn	1,273	MC	5th
Logan	Lewisburg	772	MC	5th
Logan	Russellville	7,454	MC	4th
Lyon (7,134)	Eddyville	1,889	MC	5th
Lyon	Kuttawa	535	MC	5th
Madison (63,707)	Berea	9,126	MC	4th
Madison	Richmond	21,155	CM	2nd
Magoffin (13,370)	Salyersville	1,917	MC	4th
Marion (16,608)	Bradfordsville	242	MC	6th
Marion	Lebanon	5,695	MC	4th
Marion	Loretto	820	MC	6th
Marion	Raywick	157		6th
Marshall (27,880)	Benton	3,899	MC	4th
Marshall	Calvert City	2,531	MC	4th
Marshall	Hardin	595	MC	5th
Martin (12,833)	Inez	511	COMM	6th
Martin	Warfield	364	MC	6th
Mason (17,199)	Dover	297	COMM	6th
Mason	Maysville	7,169	CM	3rd
Mason	Sardis	171		6th
Mason	Washington	795	MC	5th
McCracken (63,707)	Lone Oak	465	COMM	6th
McCracken	Paducah	27,256	CM	2nd
McCreary(15,603)	Whitley City(unincorp)			
McLean (9,655)	Calhoun	854	MC	5th
McLean	Island	446		6th
McLean	Livermore	1,534	MC	5th
McLean	Sacramento	563		6th
Meade (24,210)	Brandenburg	1,857	MC	5th
Meade	Ekron	110		6th
Meade	Muldraugh	1,376	MC	5th
Menifee (5,164)	Frenchburg	625	COMM	6th
Mercer (19,511)	Burgin	1,009	MC	5th
Mercer	Harrodsburg	7,335	COMM	4th
Metcalf (8,978)	Edmonton	1,477	MC	5th
Monroe (11,462)	Fountain Run	259		6th
Monroe	Gamaliel	462	MC	6th
Monroe	Tompkinsville	2,861	MC	5th
Montgomery (19,669)	Camargo	1,022	MC	5th
Montgomery	Jeffersonville	1,854	MC	5th
Montgomery	Mount Sterling	5,362	MC	4th
Morgan (13,102)	West Liberty	1,887	MC	4th
Muhlenburg (31,044)	Bremen	267	MC	6th

Muhlenburg	Central City	5,074	MC	4th
Muhlenburg	Drakesboro	565	MC	5th
Muhlenburg	Greenville	4,689	MC	4th
Muhlenburg	Powderly	748	MC	5th
Muhlenburg	South Carrollton	202	MC	6th
Nelson (31,199)	Bardstown	6,712	MC	4th
Nelson	Bloomfield	845		5th
Nelson	Fairfield	142		6th
Nelson	New Haven	796	COMM	6th
Nicholas (6,805)	Carlisle	1,639	MC	4th
Ohio (21,171)	Beaver Dam	2,904	COMM	4th
Ohio	Centertown	383	Comm	6th
Ohio	Fordsville	522	MC	6th
Ohio	Hartford	2,532	MC	5th
Ohio	McHenry	414	MC	6th
Ohio	Rockport	385	MC	6th
Oldham (36,461)	Crestwood	1,435		6th
Oldham	Goshen	903		6th
Oldham	La Grange	3,853	MC	4th
Oldham	Orchard Grass Hills	1,058	MC	5th
Oldham	Park Lake	263		6th
Oldham	Peewee Valley	1,283	MC	5th
Oldham	River Bluff	452		6th
Owen (9,355)	Gratz	65		6th
Owen	Monterey	164		6th
Owen	Owenton	1,306	MC	5th
Owsley (5,196)	Booneville	232	COMM	6th
Pendleton (12,703)	Butler	625	COMM	5th
Pendleton	Falmouth	2,378	MC	4th
Perry (31,052)	Hazard	5,416	CM	3rd
Perry	Vicco	244		6th
Pike (73,351)	Coal Run Village	262	COMM	6th
Pike	Elkhorn City	1035	MC	4th
Pike	Pikeville	6,324	CM	3rd
Powell (11,933)	Clay City	1,258	MC	5th
Powell	Stanton	2,795	MC	4th
Pulaski (51,498)	Burnside	695	MC	5th
Pulaski	Eubanks	354	COMM	6th
Pulaski	Ferguson	929	MC	5th
Pulaski	Science Hill	628	MC	6th
Pulaski	Somerset	10,735	MC	3rd
Robertson (2,146)	Mt. Olivet	384	MC	5th
Rockcastle (15,020)	Brodhead	1,140		6th
Rockcastle	Livingston	241		6th
Rockcastle	Mt. Vernon	2,654	MC	5th
Rowan (20,967)	Lake View Heights	252	COMM	6th
Rowan	Morehead	8,357	MC	4th
Russell (15,233)	Jamestown	1,641	MC	5th
Russell	Russell Springs	2,363	MC	5th
Scott (25,288)	Georgetown	11,414	MC	4th
Scott	Sadieville	255	COMM	6th
Scott	Stamping Ground	698	MC	6th
Shelby (25,829)	Shelbyville	6,155	MC	4th
Shelby	Simpsonville	907	MC	6th
Simpson (15,510)	Franklin	7,607	MC	4th
Spencer (7,041)	Taylorsville	774	MC	6th
Taylor (21,804)	Campbellsville	9,592	MC	3rd
Todd (11,052)	Elkton	1,789	MC	4th
Todd	Guthrie	1,504	MC	5th

Todd	Trenton	378		6th
Trigg (10,876)	Cadiz	2,148	MC	5th
Trimble (6,273)	Bedford	761	MC	6th
Trimble	Milton	563		6th
Union (16,317)	Morganfield	3,776	MC	4th
Union	Sturgis	2,184	MC	4th
Union	Union Town	1,008	MC	5th
Union	Waverly	345	COMM	6th
Warren (78,933)	Bowling Green	41,688	CM	2nd
Warren	Oakland	202	MC	6th
Warren	Plum Springs	361		6th
Warren	Smith's Grove	703	COMM	5th
Warren	Woodburn	343	MC	6th
Washington (10,506)	Mackville	200		6th
Washington	Springfield	2,875	MC	4th
Washington	Willisburg	223	MC	6th
Wayne (17,953)	Monticello	5,357	MC	4th
Webster (13,644)	Clay	1,173	MC	5th
Webster	Dixon	552	COMM	6th
Webster	Providence	4,123	MC	4th
Webster	Sabree	1,510	MC	5th
Webster	Slaughtersville	235	MC	6th
Webster	Wheatcroft	206		6th
Whitley (34,051)	Corbin	7,644	CM	3rd
Whitley	Williamsburg	5,493	MC	4th
Wolfe (6,936)	Campton	484	COMM	6th
Woodford (20,853)	Midway	1,290	MC	5th
Woodford	Versailles	7,269	MC	4th