

Article 13: Amendment Procedures

In order to make any amendment of the Zoning Regulation, either to the text or to the map, the procedures set out in KRS 100 and Sections 13.1 and 13.2 of this Ordinance shall be followed. If any use or density is not permitted in a zoning district by the provisions of the Zoning Regulation, it may not be permitted by any agency unless the Zoning Regulation is amended according to the Amendment procedure.

13.1 Zoning Regulations Text Amendment

A. Text Amendment Proposal.

A Zoning Regulations text amendment may originate with the Planning Commission or with the Fiscal Court or legislative body.

B. Planning Commission Public Hearing & Consideration.

Regardless of the origin of the proposed text amendment, the text amendment 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 Chapters 100 and 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 the Fiscal Court or legislative body, the Planning Commission shall make its recommendation within sixty (60) days of the date of its receipt of the proposed amendment.

C. Fiscal Court or Legislative Body Action.

Identical zoning regulations among the legislative bodies are not required. Each legislative body may each act independently of the other to amend the Zoning Regulation within its respective area of jurisdiction. The legislative body shall not act upon a proposed text amendment until it has received the written recommendation from the Planning Commission. It shall take an affirmative vote of the majority of the Fiscal Court or legislative body to adopt the proposed amendment. The legislative body shall take final action within ninety (90) days of the date upon which the Planning Commission takes its final action upon such proposal.

13.2 Zoning Map Amendment (Zone Change)

A. Zoning Map Amendment Proposal.

A proposal for a zoning map amendment may originate with the Planning Commission, Fiscal Court, legislative body, or owner of the property in question.

B. Planning Commission Public Hearing & Consideration.

- 1. Public Hearing.** Regardless of the origin of the proposed zoning map 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 KRS Chapters 100 and 424.
- 2. Consideration.** The Planning Commission shall make findings of fact and a recommendation of approval or disapproval of the proposed zoning map amendment to the appropriate Fiscal Court or legislative body. 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.

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3. Findings of Fact. Before any zoning map amendment is granted, the Planning Commission or Fiscal Court or legislative body 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 Fiscal Court or legislative body:
 - (a) The original zoning classification given to the property was inappropriate or improper, and that the proposed classification is proper, and
 - (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 adopted by the Planning Commission and which have substantially altered the basic character of the area.
4. Voting. 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.

C. Final Action

The Planning Commission recommendation relating to the proposed zoning map amendment shall become final and the map amendment shall be automatically implemented subject to the provisions of KRS 100.347, 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
- (b) The appropriate legislative body files a notice with the Planning Commission that the legislative body shall decide the map amendment.

If the legislative body chooses to decide the map amendment, the 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. The legislative body shall also notify the Planning Commission as to when the proposed map amendment will be heard by the legislative body prior to the legislative body's final action. It shall take a majority of the entire legislative body to override the recommendation of the Planning Commission and it shall take a majority of the entire legislative body to adopt a zoning map amendment whenever the Planning Commission forwards the application to the legislative body without a recommendation of approval or disapproval due to a tie vote. Unless a majority of the entire legislative body 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 legislative body adopting the zoning map amendment shall be deemed to have passed by operation of law.

- *Amended City of Bardstown, Ordinance B2015-27, September 25, 15; City of Bloomfield, Ordinance 2015-107, October 23, 2015; City of Fairfield, Ordinance 2015-PZ-02 & 03, November 13, 2015; City of New Haven, Ordinance #455, Series 2015, October 23, 2015; and, Fiscal Court, Ordinance #930.1-4, September 4, 2015 and Ordinance #930.1-5 through 930.1-10, October 23, 2015.*