

1 AN ACT relating to planning and zoning.

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

3 ➔Section 1. KRS 100.111 is amended to read as follows:

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

- 5 (1) "Administrative official" means any department, employee, or advisory, elected, or
6 appointed body which is authorized to administer any provision of the zoning
7 regulation, subdivision regulations, and, if delegated, any provision of any housing
8 or building regulation or any other land use control regulation;
- 9 (2) "Agricultural use" means the use of:
- 10 (a) A tract of at least five (5) contiguous acres for the production of agricultural
11 or horticultural crops, including but not limited to livestock, livestock
12 products, poultry, poultry products, grain, hay, pastures, soybeans, tobacco,
13 timber, orchard fruits, vegetables, flowers, or ornamental plants, including
14 provision for dwellings for persons and their families who are engaged in the
15 agricultural use on the tract, but not including residential building
16 development for sale or lease to the public;
- 17 (b) Regardless of the size of the tract of land used, small farm wineries licensed
18 under KRS 243.155;
- 19 (c) A tract of at least five (5) contiguous acres used for the following activities
20 involving horses:
- 21 1. Riding lessons;
- 22 2. Rides;
- 23 3. Training;
- 24 4. Projects for educational purposes;
- 25 5. Boarding and related care; or
- 26 6. Shows, competitions, sporting events, and similar activities that are
27 associated with youth and amateur programs, none of which are

1 regulated by KRS Chapter 230, involving seventy (70) or less
 2 participants. Shows, competitions, sporting events, and similar activities
 3 that are associated with youth and amateur programs, none of which are
 4 regulated by KRS Chapter 230, involving more than seventy (70)
 5 participants shall be subject to local applicable zoning regulations;~~[-or]~~

6 (d) A tract of land used for the following activities involving horses:

- 7 1. Riding lessons;
- 8 2. Rides;
- 9 3. Training;
- 10 4. Projects for educational purposes;
- 11 5. Boarding and related care; or
- 12 6. Shows, competitions, sporting events, and similar activities that are
 13 associated with youth and amateur programs, none of which are
 14 regulated by KRS Chapter 230, involving seventy (70) or less
 15 participants. Shows, competitions, sporting events, and similar activities
 16 that are associated with youth and amateur programs, none of which are
 17 regulated by KRS Chapter 230, involving more than seventy (70)
 18 participants shall be subject to local applicable zoning regulations.

19 This paragraph shall only apply to acreage that was being used for these
 20 activities before July 13, 2004; or

21 (e) The production of hand-crafted functional or decorative products such as
 22 pottery, carved or turned wood products, furniture, textile- or fiber-based
 23 crafts, and sculpture, if the product is:

- 24 1. Crafted on a tract of land that is zoned for agricultural uses and is at
 25 least five (5) contiguous acres, regardless of whether or not the entire
 26 acreage is used for the crafting of that hand-crafted product; and
- 27 2. Licensed as Kentucky Proud™ under KRS 260.016 to 260.019;

- 1 (3) "Board" means the board of adjustment unless the context indicates otherwise;
- 2 (4) "Citizen member" means any member of the planning commission or board of
3 adjustment who is not an elected or appointed official or employee of the city,
4 county, or consolidated local government;
- 5 (5) "Commission" means planning commission;
- 6 (6) "Conditional use" means a use which is essential to or would promote the public
7 health, safety, or welfare in one (1) or more zones, but which would impair the
8 integrity and character of the zone in which it is located, or in adjoining zones,
9 unless restrictions on location, size, extent, and character of performance are
10 imposed in addition to those imposed in the zoning regulation;
- 11 (7) "Conditional use permit" means legal authorization to undertake a conditional use,
12 issued by the administrative official pursuant to authorization by the board of
13 adjustment, consisting of two (2) parts:
- 14 (a) A statement of the factual determination by the board of adjustment which
15 justifies the issuance of the permit; and
- 16 (b) A statement of the specific conditions which must be met in order for the use
17 to be permitted;
- 18 (8) "Development plan" means written and graphic material for the provision of a
19 development, including any or all of the following: location and bulk of buildings
20 and other structures, intensity of use, density of development, streets, ways, parking
21 facilities, signs, drainage of surface water, access points, a plan for screening or
22 buffering, utilities, existing manmade and natural conditions, and all other
23 conditions agreed to by the applicant;
- 24 (9) "Fiscal court" means the chief body of the county with legislative power, whether it
25 is the fiscal court, county commissioners, or otherwise;
- 26 (10) "Housing or building regulation" means the Kentucky Building Code, the Kentucky
27 Plumbing Code, and any other building or structural code promulgated by the

- 1 Commonwealth or by its political subdivisions;
- 2 (11) "Legislative body" means the chief body of the city, consolidated local government,
3 urban-county government, charter county government, or unified local government
4 with legislative power, whether it is the board of aldermen, the general council, the
5 common council, the city council, the board of commissioners, or otherwise; at
6 times it also implies the county's fiscal court;
- 7 (12) "Mayor" means the chief elected official of the city, consolidated local government,
8 urban-county government, charter county government, or unified local government,
9 whether the official designation of his office is mayor or otherwise;
- 10 (13) "Nonconforming use or structure" means an activity or a building, sign, structure, or
11 a portion thereof which lawfully existed before the adoption or amendment of the
12 zoning regulation, but which does not conform to all of the regulations contained in
13 the zoning regulation which pertain to the zone in which it is located;
- 14 (14) "Planning operations" means the formulating of plans for the physical development
15 and social and economic well-being of a planning unit, and the formulating of
16 proposals for means of implementing the plans;
- 17 (15) "Planning unit" means any city, county, consolidated local government, urban-
18 county government, charter county government, or unified local government, or any
19 combination of cities, counties, or parts of counties, or parts of consolidated local
20 governments engaged in planning operations;
- 21 (16) "Plat" means the map of a subdivision;
- 22 (17) "Political subdivision" means any city, county, consolidated local government,
23 urban-county government, charter county government, or unified local government;
- 24 (18) "Several" means two (2) or more;
- 25 (19) "Public facility" means any use of land whether publicly or privately owned for
26 transportation, utilities, or communications, or for the benefit of the general public,
27 including but not limited to libraries, streets, schools, fire or police stations, county

1 buildings, municipal buildings, recreational centers including parks, and cemeteries;

2 (20) "Street" means any vehicular way;

3 (21) "Structure" means anything constructed or made, the use of which requires
4 permanent location in or on the ground or attachment to something having a
5 permanent location in or on the ground, including buildings and signs;

6 (22) "Subdivision" means the division of a parcel of land into three (3) or more lots or
7 parcels except in a county containing a city with a population equal to or greater
8 than eight thousand (8,000) based upon the most recent federal decennial census or
9 in an urban-county government or consolidated local government where a
10 subdivision means the division of a parcel of land into two (2) or more lots or
11 parcels; for the purpose, whether immediate or future, of sale, lease, or building
12 development, or if a new street is involved, any division of a parcel of land;
13 provided that a division of land for agricultural use and not involving a new street
14 shall not be deemed a subdivision. The term includes resubdivision and when
15 appropriate to the context, shall relate to the process of subdivision or to the land
16 subdivided; any division or redivision of land into parcels of less than one (1) acre
17 occurring within twelve (12) months following a division of the same land shall be
18 deemed a subdivision within the meaning of this section;

19 (23) "Unit" means planning unit; and

20 (24) "Variance" means a departure from dimensional terms of the zoning regulation
21 pertaining to the height, width, length, or location of structures, and the size of
22 yards and open spaces where such departure meets the requirements of KRS
23 100.241 to 100.247.