

### **100.197 Adoption of plan elements -- Periodic amendment or reoption.**

- (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 reoption 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. The legislative bodies and fiscal courts shall take action upon the proposed statement of goals and objectives within ninety (90) days of the date upon which the legislative body or fiscal court receives the planning commission's final action upon such proposal. If no action is taken within the ninety (90) day period, the proposed amendments to the statement of goals and objectives shall be deemed to have been approved by operation of law. 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 reoption 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 (3) of KRS 100.193.

**Effective:** July 15, 2008

**History:** Amended 2008 Ky. Acts ch. 167, sec. 2, effective July 15, 2008. -- Amended 1990 Ky. Acts ch. 362, sec. 3, effective July 13, 1990. -- Amended 1986 Ky. Acts ch. 141, sec. 14, effective July 15, 1986. -- Created 1966 Ky. Acts ch. 172, sec. 28.