

**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;
  - (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; and
  - (d) The uses set out in KRS 100.111(2)(c) may be subject to regulation as a conditional use;
- (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.

**Effective:** July 13, 2004

**History:** Amended 2004 Ky. Acts ch. 150, sec. 2, effective July 13, 2004. -- Amended 1986 Ky. Acts ch. 141, sec. 16, effective July 15, 1986; and ch. 190, sec. 1, effective

July 15, 1986. -- Amended 1974 Ky. Acts ch. 360, sec. 1. -- Created 1966 Ky. Acts ch. 172, sec. 30.