

ZONING ORDINANCE

ARTICLE 13

AMENDMENTS

1300 GENERAL

Whenever the public necessity, convenience, general welfare, or good zoning practices require, the legislative body may, by ordinance, after receiving a recommendation thereon from the Planning Commission, and subject to procedures by law, amend, supplement, change or repeal the regulations, restrictions, and boundaries or classification of property.

1310 APPLICATION FOR AMENDMENT

A proposal for amendment to the Official Zoning Map may originate with the Planning Commission, the City Council, and any other government body, the owner of the subject property, or by a person having written authorization from the owner of the subject property. A proposal for amendment to the text of this ordinance may originate with any person or governmental body. Regardless of the origin of the proposed amendment in such form and accompanied by such information as required by this ordinance and the Planning Commission. The Planning Commission will require the prior submission of a development plan prepared in accordance with Article 12 of this Ordinance, which when approved by the Commission, shall be followed. At the time of filing an application, a nonreturnable filing fee shall be paid according to the schedule of fees; however, there shall be no filing fee for an amendment requested by the City Council, the Planning Commission or any governmental agency. Upon the filing of an application Council, the Planning Commission or any governmental body, the Planning Commission shall promptly notify for a map amendment by a governmental body, the Planning Commission shall promptly notify the owner of the subject property by registered mail or certified mail, receipt requested.

1320 PLANNING COMMISSION PROCEDURE

Upon the filing of an application for an amendment to the Official Zoning Map or the text of this Ordinance, the Planning Commission shall study and

review the application as provided in ordinance and the bylaws of the Planning Commission.

The Planning Commission shall then hold at least one (1) public hearing after notice as required by KRS 424 and KRS 100 and shall make findings of fact and a recommendation for approval or disapproval of the proposed amendment to the various legislative bodies involved. 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 legislative body without recommendation for approval or disapproval.

1330 NOTICE OF PUBLIC HEARING

Notice of the time, place and reason for the required public hearing shall be given by one publication in the newspaper of general circulation in the County, not earlier than twenty-one (21) days or later than seven (7) days before the public hearing in accordance with KRS 424.130 and KRS 100.211.

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 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 two (2) streets on either side of the property.

When 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:

- A) 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:

- 1) 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
 - 2) The sign shall be constructed of durable material and shall state the telephone number of the Planning Commission; and
 - 3) It shall be the responsibility of the applicant to post the sign conspicuously on the property. The Enforcement Officer shall verify to the Planning Commission at the hearing that placement occurred pursuant to the provisions of this ordinance.
- B) 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 said owner. In the event such property is in 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.

In addition to the public notice requirements of this section, when the Planning Commission or legislative body of any planning unit originates a proposal to amend the zoning map of that unit, notice of the public hearing 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.

1340 PUBLIC HEARING ON APPLICATION

After notice of the public hearing as provided for above, the Planning Commission shall hold a public hearing on the proposed amendment.

1350 RECOMMENDATION OF COMMISSION FOR ZONING MAP AMENDMENT

Before recommending to the City Council that an application for amendment to the Zoning Map be granted, the Planning Commission, or the legislative body must find that the map amendment is in agreement with the community's Comprehensive Plan, or in the absence of such a finding, that:

- 1) The original zoning classification given to the property was inappropriate or improper, and that the proposed classification is proper, or
- 2) That there have been major changes of an economic, physical or social nature within the area involved which not anticipated in the Comprehensive Plan adopted by the Planning Commission and which have substantially altered the basic character of the area.

After voting to recommend that an application for amendment to the Official Zoning Map be granted or denied, the Planning Commission shall forward its findings of act and recommendation in writing to the City Council, if the subject property is within the territorial jurisdiction of the city at the time the Planning Commission's recommendation is made thereon.

1360 ACTION BY CITY COUNCIL ON ZONING MAP AMENDMENTS

The City Council shall not act upon a proposed amendment to the Official Zoning Map until it has received the written findings of fact and recommendation thereon from the Planning Commission. The 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, 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.

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.

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 Enforcement Officer and the Chairman of 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. The legislative body shall complete and file for recording with the County Clerk, a Certificate of Land Use Restriction for any map amendment approved with conditions by the City Council and/or legislative body.

1370 RECOMMENDATION OF COMMISSION FOR TEXT AMENDMENT

After voting to recommend that an application for amendment to the text of this ordinance be granted or denied, the Planning Commission shall forward its recommendation in writing to the City Council. In the case of a proposed amendment originating with a legislative body, the planning commission shall make its recommendation within sixty (60) days of the date of its receipt of the proposed amendment.

1380 ACTION BY CITY COUNCIL ON TEXT AMENDMENTS

The City Council shall not act upon a proposed amendment to the text of this ordinance until it shall have received the written recommendation thereon from the Planning Commission. If the proposed amendment originated with the Planning Commission, it shall take a majority of the entire City Council to override the recommendation of the Planning Commission. If the proposed amendment originated with a legislative body, it shall take an affirmative vote of the majority of the legislative body to adopt 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.

1390 SPECIAL CONDITIONS TO THE GRANTING OF ZONING CHANGES

As a condition to the granting of any zoning change, the Planning Commission shall require the submission of a development plan as per Article 12 which, where agreed upon, shall be followed. As a further condition to the granting of a zoning change, the planning unit may require that substantial construction be initiated within two years; provided that such zoning change shall not revert to its original designation unless there has been a public hearing.