

CHAPTER 83

(HB 321)

AN ACT relating to planning and zoning.

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

➔Section 1. KRS 147A.027 is repealed, reenacted as a new section of KRS Chapter 100, and amended to read as follows:

- (1) (a) Each planning commissioner and board of adjustment member of a planning unit shall, within one (1) year prior to **his or her** appointment **and one (1) year following**, ~~or within one hundred twenty (120) days of~~ appointment, attend a minimum of **three (3)** ~~four (4)~~ hours of orientation training in one (1) or more of the subjects listed in subsection (4) of this section **and at least one (1) additional hour of training on the impact of planning and zoning policies and procedures on housing supply and accessibility.**
- (b) Each planning professional, zoning administrator, and administrative official, and each planning professional's deputies and assistants, shall, within one (1) year prior to being employed, or within one hundred twenty (120) days of employment, attend a minimum of **seven (7)** ~~eight (8)~~ hours of orientation training in one (1) or more of the subjects listed in subsection (4) of this section **and at least one (1) additional hour of training on the impact of planning and zoning policies and procedures on housing supply and accessibility.**
- (c) Each of the individuals listed in paragraphs (a) and (b) of this subsection shall certify his or her attendance by a written statement filed with the secretary of his or her respective planning commission within **thirty (30) days of completing the orientation training required in paragraphs (a) and (b) of this subsection** ~~one hundred forty (140) days of appointment or employment~~. Each statement shall identify the date of each program attended, its subject matter, location, sponsors, and the time spent in each program.
- (2) (a) Each planning commissioner and board of adjustment member of a planning unit shall, within each period of **four (4)** ~~two (2)~~ consecutive calendar years, starting at the date of the individual's appointment, attend no less than **seven (7)** ~~eight (8)~~ hours of continuing education in any of the subjects listed in subsection (4) of this section **and at least one (1) additional hour of training on the impact of planning and zoning policies and procedures on housing supply and accessibility.**
- (b) Each planning professional, zoning administrator, and administrative official, and each planning professional's deputies and assistants, shall, within each period of two (2) consecutive calendar years, starting at the date of the individual's appointment, attend no less than **fifteen (15)** ~~sixteen (16)~~ hours of continuing education in any of the subjects listed in subsection (4) of this section **and at least one (1) additional hour of training on the impact of planning and zoning policies and procedures on housing supply and accessibility.**
- (c) Each of the individuals listed in paragraphs (a) and (b) of this subsection shall certify his or her attendance by a written statement filed with the secretary of his or her respective planning commission **within thirty (30) days of completing the continuing education required in paragraphs (a) and (b) of this subsection** ~~by December 31 of each calendar year~~. Each statement shall identify the date of each program attended, its subject matter, location, sponsors, and the time spent in each program.
- (3) The planning commission or the legislative body of the city, county, urban-county **government**, charter county government, or consolidated local government in which the planning commission has jurisdiction or, in the case of a joint planning unit, has representation in, shall be responsible for providing training as required by subsections (1) and (2) of this section or for providing funding to each planning commissioner, board of adjustment member, full-time planning professional, zoning administrator, administrative official, and planning professional's deputies or assistants so that each individual may obtain training as required by subsections (1) and (2) of this section from other sources.
- (4) The subjects for the education required by subsections (1) and (2) of this section shall include ~~but~~ not be limited to ~~any~~ **any of** the following: land use planning; zoning; floodplains; transportation; community facilities; ethics; public utilities; wireless telecommunications facilities; parliamentary procedure; public hearing

procedure; administrative law; economic development; housing; public buildings; building construction; land subdivision; and powers and duties of the board of adjustment. Other topics reasonably related to the duties of planning officials or planning professionals may be approved by majority vote of the planning commission prior to December 31 of the year for which credit is sought.

- (5) Each local planning commission shall keep in its official public records originals of all statements and the written documentation of attendance required in subsection (6) of this section filed with the secretary of the planning commission pursuant to subsections (1)(c) and (2)(c) of this section for three (3) years after the calendar year in which each statement and appurtenant written documentation is filed.
- (6) Each planning commissioner, board of adjustment member, full-time planning professional, zoning administrator, administrative official, and planning professional's deputies or assistants shall be responsible for obtaining written documentation signed by a representative of the sponsor of any continuing education course for which credit is claimed, acknowledging the fact that the individual attended the program for which credit is claimed. That documentation shall be filed with the secretary of the planning commission as attachments to the statements required by subsections (1)(c) and (2)(c) of this section.
- (7) If a planning commissioner or board of adjustment member fails to:
 - (a) Complete the requisite number of hours of orientation training and continuing education within the time allotted under subsections (1) and (2) of this section;
 - (b) File the statement required by subsections (1)(c) and (2)(c) of this section; or
 - (c) File the documentation required by subsection (6) of this section;

the planning commissioner shall be subject to removal from office according to the provisions of KRS 100.157, and the board of adjustment member shall be subject to removal according to the provisions of KRS 100.217.

- (8) No city, county, urban-county **government**, charter county **government**, consolidated local government, planning commission, board of adjustment, or any entity performing local planning under KRS Chapter 100, shall employ a planning professional, zoning administrator, administrative official, or a planning professional's deputy or assistant, who fails to complete the requisite number of hours of orientation and continuing education required by subsections (1) and (2) of this section in the capacity of a planning professional, zoning administrator, administrative official, or planning professional's deputy or assistant.

➔ Section 2. KRS 100.347 is amended to read as follows:

- (1) Any person or entity claiming to be injured or aggrieved by any final action of the board of adjustment **and that owns real property within the same zone where the property that is the subject of the final action is located** shall appeal from the action to the Circuit Court of the county in which the property ~~that, which~~ is the subject of the action of the board of adjustment~~;~~ lies. ~~The~~~~Such~~ appeal shall be taken within thirty (30) days after the final action of the board. All final actions which have not been appealed within thirty (30) days shall not be subject to judicial review. The board of adjustment shall be a party in any~~such~~ appeal filed in the Circuit Court **under this subsection.**
- (2) Any person or entity claiming to be injured or aggrieved by any final action of the planning commission **and that owns real property within the same zone where the property that is the subject of the final action is located** shall appeal from the final action to the Circuit Court of the county in which the property ~~that, which~~ is the subject of the commission's action~~;~~ lies. ~~The~~~~Such~~ appeal shall be taken within thirty (30) days after ~~the~~~~such~~ action **of the commission.** Such action shall not include the commission's recommendations made to other governmental bodies. All final actions which have not been appealed within thirty (30) days shall not be subject to judicial review. Provided, however, any appeal of a planning commission action granting or denying a variance or conditional use permit authorized by KRS 100.203(5) shall be taken pursuant to this subsection. In such case, the thirty (30) day period for taking an appeal begins to run at the time the legislative body grants or denies the map amendment for the same development. The planning commission shall be a party in any~~such~~ appeal filed in the Circuit Court **under this subsection.**
- (3) Any person or entity claiming to be injured or aggrieved by any final action of the legislative body of any city, county, consolidated local government, or urban-county government, relating to a map amendment **and that owns real property within the same zone where the property that is the subject of the final action is located** shall appeal from the action to the Circuit Court of the county in which the property ~~that, which~~ is the subject of the map amendment~~;~~ lies. ~~The~~~~Such~~ appeal shall be taken within thirty (30) days after the final action of the legislative body. All final actions which have not been appealed within thirty (30) days shall not be subject

to judicial review. The legislative body shall be a party in any ~~such~~ appeal filed in the Circuit Court ***under this subsection.***

- (4) The owner of the subject property and applicants who initiated the proceeding shall be made parties to the appeal. Other persons speaking at the public hearing are not required to be made parties to such appeal.
- (5) For purposes of this chapter, final action shall be deemed to have occurred on the calendar date when the vote is taken to approve or disapprove the matter pending before the body.

Signed by Governor March 25, 2025.