

**ARTICLE 18
AMENDMENTS**

18.1 General

18.1.1 Whenever the general health, safety, or welfare of the public, 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.

18.1.2 No amendment, supplement, change or repeal of regulations to the text of this Ordinance or to the Official Zoning Map shall be contrary to the stated goals and objectives of the Comprehensive Plan, except as noted in Section 18.6.

18.2 Petitions for Change of Zoning Regulations

18.2.1 Petitions, duly signed, may be presented to the Council, City Commission, or Fiscal Court requesting an amendment or change of the regulations of this Ordinance by:

1. The Planning Commission
2. By the owners of fifty percent (50%) or more of the real property area to which the petition relates.

As per KRS 100.211 an amendment may also be initiated by a legislative body.

18.2.2 When a landowner requests a change in the zoning classification of their land, the request must be accompanied by a fee payable to the Planning Commission in an amount set by the commission for such requests.

18.3 Planning Commission Procedure

Any proposed amendment, supplement, change or repeal of this Ordinance or parts thereof, or of the Official Zoning Map, not originating upon petition of the Planning Commission shall be referred to the Planning Commission for consideration and report before any final action is taken by the legislative bodies.

18.4 Notice of Public Hearing

18.4.1 Before voting upon any proposed amendment, notice of the time, place and reason for holding a public hearing on such amendment shall be given by one (1) publication in a newspaper of general circulation in the County, not earlier than fourteen (14) days or later than seven (7) days before the public hearing. Any published notice shall include the street address of the property in

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question or a geographic description sufficient to locate and identify the property.

18.4.2 Notice of certain hearings 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 in accordance with KRS 100.212(1)(a)(b).

18.4.3 Notice of the hearing will be given at least fourteen (14) days in advance of the hearing by First Class mail to an owner of every parcel of property adjoining the property the classification of which is proposed to be changed in accordance with KRS 100.212(2).

18.4.4 Notice of public hearing shall follow all other requirements set forth in KRS Chapter 424.

18.5 **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.

18.6 **Recommendation of Commission for Zoning Map Amendments**

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

1. The original zoning classification given to the property was inappropriate or improper; or
2. There have been major changes of an economic, physical, or social nature within the area involved which were not anticipated in the Comprehensive Plan adopted by the Planning Commission and which have substantially altered the basic character of such area; or
3. There have been changes to the number, types, or definitions of the zoning districts that render the original zoning classification given to the property inappropriate or improper.

The findings of fact made by the Planning Commission shall be recorded in the minutes and records of the Commission. A vote on a zone change shall not be taken in more than ninety (90) days after the public hearing.

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 fact and recommendation in writing to the appropriate legislative body within whose territorial jurisdiction the subject property lies.

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- 18.7** **Action by Appropriate Legislative Bodies on Zoning Map Amendments**
The appropriate legislative bodies shall not act upon a proposed amendment to the Official Zoning Map until it shall have received the written findings of fact and recommendation thereon from the Planning Commission.
- 18.8** **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 all legislative bodies.
- 18.9** **Action by Appropriate Legislative Bodies on text Amendments**
The appropriate legislative bodies 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. It shall take the approval by a majority of the entire voting membership of each legislative body to enact a text amendment.
- 18.10** **Special Conditions to the Granting of Zoning Changes**
As a condition to the granting of any zoning change, the Planning Commission will require the submission of a conceptual development plan 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 is initiated within one year; provided that such zoning change shall not revert to its original designation unless there has been a public hearing.
- 18.10.1** **REVERSION CLAUSE**
The Planning Commission shall on the date two (2) years from the adoption date of a petition to rezone, review the action which has taken place toward the development of the property rezoned. The Commission may, based upon its review and after a public hearing, instigate an order reverting the zoning of the property to that which existed prior to the rezoning.
- 18.10.2** **ZONE CHANGE RECONSIDERATIONS**
The Planning Commission may prohibit for one (1) year the reconsideration of a map amendment identical to denied map amendment.