

RESOLUTION OF THE URBAN COUNTY PLANNING COMMISSION

A RESOLUTION OF THE PLANNING COMMISSION SUGGESTING FURTHER AMENDMENTS TO ZOTA 25-0001 REGARDING THE MINISTERIAL APPLICATION OF OBJECTIVE STANDARDS REQUIRED BY HOUSE BILL 443, IN FURTHERANCE OF PUBLIC ENGAGEMENT.

WHEREAS, ZOTA 25-0001: Ministerial Review of Development Plans was proposed to comply with House Bill 443, enacted by the General Assembly of the Commonwealth of Kentucky, to take effect on July 1, 2025; and

WHEREAS, upon extensive review and discussion, and following public hearings on March 27, 2025 and April 10, 2025, the Planning Commission recommended approval of the Planning Staff Alternative Language of ZOTA 25-00001, with revisions adopting objective standards and a new development plan process, and issued a recommendation for the Lexington-Fayette Urban County Council to consider opportunities for public comment and participation; and

WHEREAS, there has been extensive discussion and public hearings, including testimony from Kentucky legislators regarding the intent of the bill not to exclude public engagement, all of which indicated there is a strong desire and need for opportunities for public input and engagement before ministerial approval of development plans based on objective standards; and

WHEREAS, House Bill 443 specifically states in Section (2) that “Ordinances, rules and regulations governing development plans may allow for discretion to be applied by the approving authority in circumstances where...(b) the approving authority determines, based on substantial evidence, that a strict ministerial application of the established objective standards would pose a specific threat to public health, safety or welfare in the affected area”; and

WHEREAS, the Planning Commission asserts that the “approving authority” able to exercise discretion as set out by Section 2(b) of the bill is the Planning Commission; and

WHEREAS, the Planning Commission asserts that it is desirable for the public to be heard when the approving authority determines based on substantial evidence that the ministerial application of the established objective standards would pose a specific threat to public health, safety, or welfare in the affected area of a development plan, prior to the ministerial approval of a development plan; and the Commission believes that this public engagement could be included in the process while complying with House Bill 443.

NOW, THEREFORE, BE IT RESOLVED BY THE LEXINGTON-FAYETTE URBAN COUNTY PLANNING COMMISSION:

Section 1 – As this Planning Commission is considered the approving authority of a development plan, it hereby resolves for all recommendations from the Technical Review Committee stating that development plans meet the adopted objective standards to appear on a Consent Agenda for the Planning Commission to ministerially approve said development plans. When the Consent Agenda is presented to the Planning Commission, the Commission resolves to afford an opportunity for the public to raise substantial evidence that strict ministerial application of an established objective standard would pose a specific threat to public health, safety or welfare in the affected area of a specific development plan and request a hearing on the application of that objective standard to that plan. If the approving authority determines that a request to be heard is not warranted, or if no public comment is provided, or if no substantial evidence is presented that a specific threat to public health, safety or welfare in the affected area is posed by the ministerial application of the established objective standard in question, the development plan would be ministerially approved by the approving authority as an item on the Consent Agenda. If the approving authority determines a request to be heard is warranted, a full public hearing would take place and a decision made regarding application of the established objective standard to the development plan by the approving authority upon conclusion of the public hearing.

Section 2 – That the Planning Commission hereby suggests that the Urban County Council adopt such further amendments to ZOTA 25-0001 as necessary in order to effectuate the process and intent set forth hereinabove.

Section 3 – That this Resolution shall become effective on the date of its passage

PASSED: May 21, 2025