



# ZOTA-25-00001: MINISTERIAL REVIEW OF DEVELOPMENT PLANS

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*General Government and Planning Committee*

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## Introduction to HB 443

- Kentucky Legislature introduced and approved in 2024 legislative session
- Creates a new section of KRS Chapter 100 to require that local laws dealing with subdivision plats and development plans be set out by objective standards and applied ministerially, and to set out conditions for application of discretion
- Effective July 1, 2025





## Key Terms

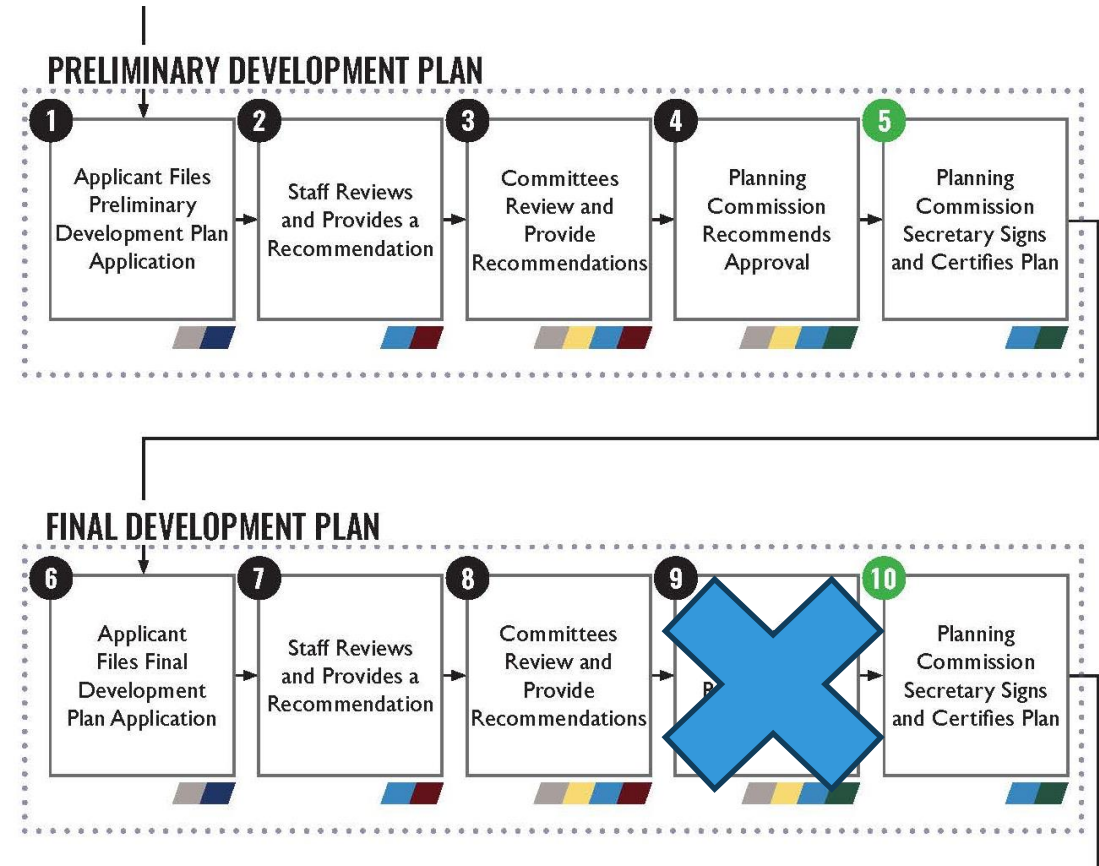
- **Objective standards**
  - Measurable, specific, unbiased, equitable
- **Applied ministerially**
  - An administrative act carried out in a prescribed manner not allowing for personal discretion
- Set out conditions for application of **discretion**
  - Establish parameters for when the Planning Commission would utilize discretion
  - Similar to a waiver of the Land Subdivision Regulations





## Anticipated Change to the Development Plan Process

- Preliminary DP with a Zone Change
  - No change to the process, zone change requests are discretionary
- Final DP
  - No change to Application, Staff Review and Technical Review Committee steps
  - Planning Commission Review would occur for a waiver or deviation of the standards, OR if a requirement would pose a specific threat to public health, safety, or welfare in the affected area





## Overview of the Proposed Changes

- Updating zoning ordinance definitions for clarity, consistency, and to address process changes
- Removing subjective criteria and processes and replacing them with objective criteria
- Creating objective standards in the Zoning Ordinance for items that traditionally were part of other Divisions' sign-off processes (DES, Traffic Engineering, etc.)
- Reducing the number of items that require hearings
- Implementing updated Development Plan process





## Public Input and Participation under HB443

- Mandatory shift to a ministerial process removes discretion, as well as the ability to consider public comment in review of Final Development Plans/Plats
- Review of the plans becomes a staff-level item, unless waivers are requested by the applicant or a specific health, safety, or welfare concern is identified
- Avenues for Public Participation
  - Plan-making stage
  - Policy-making stage
  - Preliminary Development Plans
  - During the waiver review process
  - During review of projects forwarded to the Planning Commission due to a specific Health, Safety, or Welfare concern raised by staff





## **Public Engagement and Comment**

- Met in person with various stakeholder groups
  - Commercial Property Association of Lexington
  - Building Industry Association
  - Fayette Alliance
  - Land use attorneys
- Notice mailed to 280 active neighborhood associations
- Written citizen comment submitted through email





## **Changes Made to Text in Response to Public Feedback**

- Eliminated portions of the text that did not have a direct bearing on HB 443
- Eliminated provisions that were not previously being applied or reviewed during the current sign-off process
- Further streamlined the review process by eliminating unnecessary pre-application requirements
- Edited the text for consistency and clarity







## **Planning Commission Recommendation**

- Held public hearings on 3-27-2025 and 4-10-2025
- Comments primarily concerned with public input opportunities, as well as the portions of the text that codify the sign-off standards
- Planning Commission recommended approval of the Staff Alternative language, with minor revisions
- The commission issued a strong recommendation for the Council to consider opportunities for public comment and participation



# Questions?



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