GENERAL ASSEMBLY
COMMONWEALTH OF KENTUCKY

2012 REGULAR SESSION

HOUSE BILL NO. 123

AS ENACTED

MONDAY, MARCH 26, 2012

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ELISON LUNDERGAN GRIMES
SECRETARY OF STATE
COMMONWEALTH OF KENTUCKY
Mary Lee Helm

1 AN ACT relating to land use.

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

3 ➔Section 1. KRS 100.217 is amended to read as follows:

4 (1) ***(a)*** Before any zoning regulation may have legal effect within the planning unit, a
5 board or boards of adjustment shall be appointed for the planning unit as
6 stated in the agreement under which the unit operates. The agreement may
7 provide for additional boards of adjustment with jurisdiction of a particular
8 city or area within the planning unit. Provided, that the jurisdiction of the
9 boards of adjustment so established shall be clearly defined as to territorial
10 limits, that all territory within the planning unit is within the jurisdiction of
11 some board of adjustment so established and, that no territory is subject to the
12 jurisdiction of more than one (1) board of adjustment, except as provided in
13 KRS 100.203(5).

14 ***(b)*** In a county containing a consolidated local government where a planning
15 agreement is not required, there shall be one (1) board of adjustment which
16 shall be established by ordinance of the consolidated local government. Until
17 such time as the consolidated local government establishes and appoints a
18 board of adjustment pursuant to this subsection, the existing board of
19 adjustment for the county shall serve as the board of adjustment for the entire
20 planning unit.

21 ***(c) A city of the second class within a county containing a consolidated local***
22 ***government where a planning agreement is not required may establish, by***
23 ***ordinance, a board of zoning adjustment under the provisions of this***
24 ***section. If a city of the second class creates a board of zoning adjustment,***
25 ***then that board of zoning adjustment shall have exclusive jurisdiction***
26 ***within that city's territorial boundaries.***

27 (2) A board of adjustment shall consist of either three (3), five (5), or seven (7)

1 members, all of whom must be citizen members, and not more than two (2) of
2 whom may be citizen members of the planning commission.
3 (3) The mayor shall be the appointing authority for cities, and the county
4 judge/executive shall be the appointing authority for counties, subject to the
5 approval of their respective legislative bodies. The mayor shall be the appointing
6 authority for a consolidated local government pursuant to the provisions of KRS
7 67C.139.
8 (4) The term of office for the board of adjustment shall be four (4) years, but the term
9 of office of members first appointed shall be staggered so that a proportionate
10 number serve one (1), two (2), three (3), and four (4) years respectively.
11 (5) Vacancies on the board of adjustment shall be filled within sixty (60) days by the
12 appropriate appointing authority. If the authority fails to act within that time, the
13 planning commission shall fill the vacancy. When a vacancy occurs other than
14 through expiration of the term of office, it shall be filled for the remainder of that
15 term.
16 (6) All members of boards of adjustment shall, before entering upon their duties,
17 qualify by taking the oath of office prescribed by Section 228 of the Constitution of
18 the Commonwealth of Kentucky before any judge, county judge/executive, notary
19 public, clerk of a court, or justice of the peace within the district or county in which
20 he resides.
21 (7) Reimbursement for expenses or compensation or both may be authorized for
22 members on a board of adjustment.
23 (8) Any member of a board of adjustment may be removed by the appropriate
24 appointing authority for inefficiency, neglect of duty, malfeasance, or conflict of
25 interest. Any appointing authority who exercises the power to remove a member of
26 the board of adjustment shall submit a written statement to the commission setting
27 forth the reasons for removal, and the statement shall be read at the next meeting of

1 the board of adjustment, which shall be open to the general public. The member so
2 removed shall have the right of appeal from the removal to the Circuit Court of the
3 county in which he resides.
4 (9) Notwithstanding subsection (4) of this section, when a city of the first class and a
5 county containing such city have in effect a compact pursuant to KRS 79.310 to
6 79.330, the terms of the members on the board shall be for three (3) years and until
7 their successors are appointed and qualified. Upon the effective date of the compact,
8 if the board is not reorganized pursuant to subsection (1) of this section, the mayor,
9 and county judge/executive with approval of the fiscal court, shall adjust the terms
10 of the sitting members to provide that the terms of one-third (1/3) plus one (1) of
11 the members expire in one (1) year, the terms of one-third (1/3) of the members in
12 two (2) years, and the terms of one-third (1/3) of the members expire in three (3)
13 years. Upon expiration of these staggered terms, successors shall be appointed for a
14 term of three (3) years. Notwithstanding subsection (4) of this section, upon the
15 establishment of a consolidated local government in a county where a city of the
16 first class and a county containing such city have had in effect a cooperative
17 compact pursuant to KRS 79.310 to 79.330, the terms of the members on the board
18 shall be for three (3) years and until their successors are appointed and qualified.
19 Upon expiration of the terms of incumbent members, their successors shall be
20 appointed to three (3) year terms which are staggered.
21 (10) Each board of adjustment annually shall elect a chairman, vice chairman, and
22 secretary and any other officers it deems necessary, and any officer shall be eligible
23 for reelection at the expiration of his term.
24 ➔Section 2. KRS 219.410 is amended to read as follows:
25 (1) Nothing in KRS 219.310 to 219.410 shall be construed to include manufactured
26 homes, mobile homes, or recreational vehicles maintained by any persons on their
27 own premises and used exclusively to house their own farm labor.

1 (2) (a) Nothing in KRS 219.310 to 219.410 shall be construed to apply to
2 manufactured home parks, mobile home parks, or recreational vehicle parks
3 owned and operated on a temporary or seasonal basis by a city, county, charter
4 county, urban-county, or consolidated local government or its agencies.
5 (b) Nothing in KRS 219.310 to 219.410 shall be construed to apply to festivals
6 lasting not more than thirty (30) days that are organized and operated by a
7 city, county, charter county, urban-county, or consolidated local government
8 or its agencies.
9 (c) ***Nothing in KRS 219.310 to 219.410 shall be construed to apply to the***
10 ***temporary parking of recreational vehicles on public or private property, for***
11 ***not more than thirty (30) days, associated with festivals, fairs, sporting***
12 ***events, yard sales, or other publicly announced events.***
13 ***(d)*** All installations of manufactured homes and mobile homes shall be performed
14 by an installer certified under the provisions of KRS 227.560 in accordance
15 with the manufacturer's instructions, if available, or ANSI 225.1
16 Manufactured Home Installations.

Speaker-House of Representatives

President of Senate

Attest: Chief Clerk of House of Representatives

Approved Governor

Date 4-11-12