

1 AN ACT relating to land use.

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

3 ➔Section 1. KRS 82.660 is amended to read as follows:

4 (1) A city legislative body, except for urban-county governments, may by ordinance  
5 create one (1) or more overlay districts pursuant to this section to provide additional  
6 regulations for design standards and development within any area of the city  
7 determined to be:

8 (a) An area that has historical, architectural, natural, or cultural significance that  
9 is suitable for preservation or conservation; or

10 (b) An area that is located near a river or other body of water, or along an  
11 established commercial corridor that has a special character related to the  
12 location that is suitable for conservation.

13 **(2) (a) Prior to the establishment of an overlay district, a party seeking to have the**  
14 **overlay district established, whether it be private citizens, a historic**  
15 **preservation body, planning commission, or city government or a division of**  
16 **city government, shall circulate a petition meeting the requirements of KRS**  
17 **65.012(1) containing the signatures of at least seventy-five percent (75%) of**  
18 **the property owners within the area sought to be designated. A city may**  
19 **adopt a standard containing a percentage higher than seventy-five percent**  
20 **(75%).**

21 **(b) The petition shall clearly state that an overlay district is being considered**  
22 **and that, if the overlay district is created, the property owner may have**  
23 **certain architectural or landscaping restrictions placed upon the property or**  
24 **may have to adhere to certain guidelines set out under regulation of an**  
25 **overlay district in order to build new structures, perform maintenance to or**  
26 **tear down existing structures, or make changes to existing structures on the**  
27 **property, including changes to landscaping, that will maintain the historic**

1 or other significance or character as set out in the ordinance that will  
 2 govern the overlay district.

3 (c) The petition shall be certified by the city clerk, and the city clerk shall  
 4 forward the certification and the petition to the chief executive authority of  
 5 the city. The petition shall not be circulated for more than six (6) months  
 6 prior to its filing. No signer of the petition may withdraw his or her name or  
 7 have it taken from the petition after the petition has been filed. If the name  
 8 of any person has been placed on the petition for election without that  
 9 person's authority, the person may appear before the chief executive  
 10 authority of the city prior to the first reading of the ordinance creating the  
 11 overlay district, and, upon providing proof that the person's name was  
 12 placed on the petition without his or her authorization, the person's name  
 13 and personal information shall be eliminated by an order of the chief  
 14 executive authority of the city. When the person's name and personal  
 15 information have been eliminated, he or she shall not be counted as a  
 16 petitioner.

17 ~~(3)~~(2) Upon the establishment of an overlay district, development within the area  
 18 shall conform to all zoning regulations applicable to the area and shall also conform  
 19 to all overlay district regulations except as set out in subsection (4) of this section.

20 (4) (a) After an overlay district has been created, all property owners in the district  
 21 shall be notified by first-class mail of the following:

- 22 1. The fact that an overlay district is being created;
- 23 2. The regulations the property owner would be required to follow as set  
 24 out in the ordinance, or that would be incorporated by reference if not  
 25 a part of the ordinance; and
- 26 3. That the property owner may opt out of being included within the  
 27 requirements of the overlay district by notifying in writing the

1                   individual or agency so designated by the city, by first-class mail by a  
 2                   specified date which shall be not less than one hundred eighty (180)  
 3                   days after the date indicated by postmark on the notice mailed to the  
 4                   property owner pursuant to this section.

5           **(b) Any property whose owner responds within the time limits and in the**  
 6           **manner prescribed pursuant to paragraph (a)3. of this subsection shall not**  
 7           **be required to conform to the overlay regulations in an overlay district.**  
 8           **When the city accepts the notice, it shall notify in writing the property**  
 9           **owner, and shall forward a copy of the acceptance letter to all agencies**  
 10           **responsible for enforcing the regulations of the overlay district.**

11   ~~(5)~~~~(3)~~ An ordinance establishing an overlay district shall, at a minimum, include the  
 12       following provisions:

- 13       (a) An accurate description of the boundaries of the district;
- 14       (b) A description of the historical, architectural, cultural, aesthetic, natural, or  
 15       other distinctive characteristics of the district that are to be preserved or  
 16       conserved;
- 17       (c) A delegation of responsibility for the administration of overlay regulations to  
 18       an appropriate entity of city government pursuant to KRS 82.670;
- 19       (d) The standards, guidelines, or criteria that shall govern development within the  
 20       district to preserve, conserve, or protect the historical, architectural, cultural,  
 21       aesthetic, or other distinctive characteristics of the district. These standards,  
 22       guidelines, or criteria may be set out descriptively in the ordinance or by  
 23       illustration, and may incorporate by reference established architectural  
 24       standards or guidelines.~~[- and]~~

25   ~~(6)~~~~(4)~~ Any city participating in the Certified Local Government Historic  
 26       Preservation Program shall comply with the regulations of the Kentucky Heritage  
 27       Commission.

1 ~~(7)(5)~~ Upon the effective date of the establishment of an overlay district, no person  
 2 other than those opting out of the overlay district regulations under subsection  
 3 (4) of this section, shall begin any major structural change or any ordinary repairs to  
 4 any building or structure or change or create any surface parking lot, or clear a  
 5 parcel or lot of trees or other major vegetation, or change the appearance to signage  
 6 within an overlay district until the city has issued a permit, without cost, certifying  
 7 that the person has complied with the provisions of the overlay district regulations  
 8 governing the district. This prohibition shall not apply to emergency repairs that  
 9 need to be made to a building or structure within an overlay district.

10 ➔SECTION 2. A NEW SECTION OF KRS CHAPTER 100 IS CREATED TO  
 11 READ AS FOLLOWS:

12 (1) After the effective date of this Act, before a city, consolidated local government,  
 13 charter county government, urban-county government, or unified local  
 14 government enacts an ordinance, a zone designation, or a zoning map  
 15 amendment under the provisions of KRS 100.201(2) relating to historical  
 16 districts, or any type of lawful instrument that places controls over the aesthetic  
 17 character of a zone in relationship to the area's historical or other aesthetic  
 18 context, KRS 100.201(3), KRS 100.203 (1)(e) and (g), and KRS 100.203(8), or any  
 19 other section of this chapter dealing with historical districts, or any type of  
 20 ordinance or map amendment that places controls over the aesthetic character of  
 21 a zone in relationship to the area's historical or other aesthetic context, the  
 22 provisions of subsection (2) of this section shall be met.

23 (2) (a) Prior to the passage of an ordinance, a zone designation, or a zoning map  
 24 amendment meeting the criteria as set out in subsection (1) of this section, a  
 25 party seeking to have the ordinance passed, zone designated, or zoning map  
 26 amended, whether it be private citizens, a historic preservation body,  
 27 planning commission, or city, consolidated local government, charter

1           county government, urban-county government, or unified local government,  
2           or division or subunit thereof, shall circulate a petition meeting the  
3           requirements of KRS 65.012(1) containing the signatures of at least  
4           seventy-five percent (75%) of the property owners within the area of the  
5           zone. A city, consolidated local government, charter county government,  
6           urban-county government, or unified local government may adopt a  
7           standard containing a percentage higher than seventy-five percent (75%). A  
8           county shall meet the requirements of KRS 67.083(9) before proceeding  
9           with the passage of an ordinance, a zone designation, or a zoning map  
10           amendment.

11           (b) The petition shall clearly state that a zone is being considered, shall identify  
12           the type of zone, and that if the zone is created or amended, that the  
13           property owner may have certain architectural or landscaping restrictions  
14           placed upon the property or may have to adhere to certain guidelines set out  
15           under regulation of the zoning regulations in order to build new structures,  
16           perform maintenance to or tear down existing structures, or make changes  
17           to existing structures on the property, including changes to landscaping,  
18           that will maintain the historic or other significance or character as set out  
19           in the ordinance that will govern the zone.

20           (c) The petition shall be certified by the city clerk of a city, or the county clerk  
21           of a unit of local government other than a city, and the clerk shall forward  
22           the certification and the petition to the chief executive authority of the local  
23           government. The petition shall not be circulated for more than six (6)  
24           months prior to its filing. No signer of the petition may withdraw his or her  
25           name or have it taken from the petition after the petition has been filed. If  
26           the name of any person has been placed on the petition for election without  
27           that person's authority, the person may appear before the chief executive

1 authority of the local government prior to the first reading of the ordinance  
2 creating or amending the zone, and, upon providing proof that the person's  
3 name was placed on the petition without his or her authority, the person's  
4 name and personal information shall be eliminated by an order of the chief  
5 executive authority of the local government. When the person's name and  
6 personal information have been eliminated, he or she shall not be counted  
7 as a petitioner.

8 (3) (a) After an ordinance, a zone designation or a zoning map amendment  
9 meeting the criteria set out in subsection (1) of this section is effective, all  
10 property owners in the area shall be notified by first-class mail of the  
11 following:

12 1. The fact that an ordinance, a zone designation, or a zoning map  
13 amendment meeting the criteria set out in subsection (1) of this  
14 section has been created;

15 2. The regulations the property owner is required to follow as set out in  
16 the ordinance, zone designation, or zoning map amendment, or that  
17 are incorporated by reference if not a part of the action; and

18 3. That the property owner may opt out of being included within the  
19 requirements of the ordinance, zone designation, or zoning map  
20 amendment meeting the criteria set out in subsection (1) of this  
21 section by notifying in writing the individual or agency so designated  
22 by the local government, by first-class mail by a specified date which  
23 shall be not less than one hundred eighty (180) days after the date  
24 indicated by postmark on the notice mailed to the property owner  
25 pursuant to this section.

26 (b) Any property whose owner responds within the time limits and in the  
27 manner prescribed pursuant to paragraph (a)3. of this subsection shall not

1           be required to conform to the regulations in an ordinance, zone  
2           designation, or zoning map amendment meeting the criteria set out in  
3           subsection (1) of this section. When the city, consolidated local government,  
4           charter county government, urban-county government, or unified local  
5           government accepts the notice, it shall notify in writing the property owner,  
6           and shall forward a copy of the acceptance letter to all agencies responsible  
7           for enforcing the regulations of the overlay district.