

## CHAPTER 337

## (SB 197)

AN ACT relating to planning and zoning.

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

SECTION 1. A NEW SECTION OF KRS CHAPTER 100 IS CREATED TO READ AS FOLLOWS:

- (1) *The Kentucky General Assembly hereby recognizes and affirms that the protection of property values is a legitimate issue to local governments and the enactment of regulations designed to protect property values is a proper exercise of local government legislative power.*
- (2) *As used in this section, unless the context requires otherwise:*
  - (a) *"Compatibility standards" means standards that have been enacted by a local government under the authority of this section for the purpose of protecting and preserving the monetary value of real property located within the local government's jurisdiction;*
  - (b) *"Local government" means a city, county, urban-county government, charter county government or consolidated local government that is engaged in planning and zoning under KRS Chapter 100;*
  - (c) *"Manufactured home" means a single-family residential dwelling constructed after June 15, 1976, in accordance with the National Manufactured Home Construction and Safety Standards Act of 1974, 42 U.S.C. Section 5401, et. seq., as amended, and designed to be used as a single-family residential dwelling with or without permanent foundation when connected to the required utilities, and which includes the plumbing, heating, air conditioning, and electrical systems contained therein;*
  - (d) *"Qualified manufactured home" means a manufactured home that meets all of the following criteria:*
    1. *Is manufactured on or after July 15, 2002;*
    2. *Is affixed to a permanent foundation and is connected to the appropriate facilities and is installed in compliance with KRS 227.570;*
    3. *Has a width of at least twenty (20) feet at its smallest width measurement or is two (2) stories in height and oriented on the lot or parcel so that its main entrance door faces the street;*
    4. *Has a minimum total living area of nine hundred (900) square feet; and*
    5. *Is not located in a manufactured home land-lease community; and*
  - (e) *"Permanent foundation" means a system of supports that is: capable of transferring, without failure, into soil or bedrock, the maximum design load imposed by or upon the structure; constructed of concrete; and placed at a depth below grade adequate to prevent frost damage.*
- (3) *Any local government may adopt and enforce, as a part of its zoning regulations, compatibility standards governing the placement of qualified manufactured homes in residential zones within the local government's jurisdiction. Compatibility standards shall*

*be adopted, amended, and enforced in the same manner as other zoning regulations and shall be in addition to any zoning regulations that are generally applicable to single-family residences. The compatibility standards shall be designed to ensure that when a qualified manufactured home is placed in a residential zone it is compatible, in terms of assessed value, with existing housing located with a one-eighth (1/8) mile or less radius from the proposed location of the qualified manufactured home. The compatibility standards adopted by a local government shall relate to architectural features that have a significant impact on the overall assessed value of the structure, including, for example, but not limited to, features such as: roof pitch; square footage of livable space; type and quality of exterior finishing materials; foundation skirting; and existence and type of attached structures.*

- (4) Nothing in this section shall be construed to affect, modify, or abolish restrictions contained in recorded deeds, covenants, or developers' subdivision restrictions.*
- (5) Nothing in this section shall be construed as limiting in any way the authority of local governments to adopt regulations designed to protect historic properties or historic districts.*

Section 2. This Act takes effect July 1, 2003.

**Approved April 11, 2002**