

100.326 Definitions for section -- Retail filling stations -- Limitations on regulation by local government.

- (1) As used in this section:
 - (a) "Electric vehicle charging station" has the same meaning as in KRS 138.477; and
 - (b) "Retail filling station" has the same meaning as in KRS 138.210.
- (2) A city, county, urban-county government, charter county, or consolidated local government shall not utilize a zoning process, or adopt or enforce an ordinance, order, regulation, or similar measure that:
 - (a) Prohibits or limits a retail filling station from locating at any place within its jurisdiction at which other businesses of similar uses or character which serve the public may locate;
 - (b) Could be reasonably construed to apply discriminatory treatment to the use or location of retail filling stations; or
 - (c) Treats retail filling stations differently than electric vehicle charging stations.
- (3) This section shall not prohibit a local jurisdiction identified in subsection (2) of this section from subjecting retail filling stations to restrictions similar to those applicable to other businesses that:
 - (a) Provide siting requirements, including siting requirements involving certain geographic areas;
 - (b) Do not effectively prohibit the operation of a retail filling station; and
 - (c) Are not preempted by state or federal law.

Effective: July 15, 2024

History: Created 2024 Ky. Acts ch. 186, sec. 1, effective July 15, 2024.