

1 AN ACT relating to overlay districts.

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) Upon the establishment of an overlay district, development within the area shall  
14 conform to all zoning regulations applicable to the area and shall also conform to all  
15 overlay district regulations.
- 16 (3) An ordinance establishing an overlay district shall, at a minimum, include the  
17 following provisions:
- 18 (a) An accurate description of the boundaries of the district;
  - 19 (b) A description of the historical, architectural, cultural, aesthetic, natural, or  
20 other distinctive characteristics of the district that are to be preserved or  
21 conserved;
  - 22 (c) A delegation of responsibility for the administration of overlay regulations to  
23 an appropriate entity of city government pursuant to KRS 82.670;
  - 24 (d) The standards, guidelines, or criteria that shall govern development within the  
25 district to preserve, conserve, or protect the historical, architectural, cultural,  
26 aesthetic, or other distinctive characteristics of the district. These standards,  
27 guidelines, or criteria may be set out descriptively in the ordinance or by

1 illustration, and may incorporate by reference established architectural  
 2 standards or guidelines. The standards, guidelines, or criteria governing  
 3 development within the district, enacted under this section or KRS Chapter  
 4 100, shall not prohibit a property owner from painting structures in the  
 5 district with traditional colors that exist on other structures within the  
 6 district, except that the standards, guidelines, or criteria may prohibit the  
 7 painting of structures constructed with types of materials that have not  
 8 otherwise been painted within the district, including but not limited to  
 9 historic brick, stone, stucco, terra cotta, or other types of historic building  
 10 materials that were not originally painted, have never been painted, or  
 11 should not be painted because of the risk of causing irreversible damage to  
 12 the materials used in the historic structures.~~[; and]~~

13 (4) Any city participating in the Certified Local Government Historic Preservation  
 14 Program shall comply with the regulations of the Kentucky Heritage Commission.

15 (5) Upon the effective date of the establishment of an overlay district, no person shall  
 16 begin any major structural change or any ordinary repairs to any building or  
 17 structure or change or create any surface parking lot, or clear a parcel or lot of trees  
 18 or other major vegetation, or change the appearance to signage within an overlay  
 19 district until the city has issued a permit, without cost, certifying that the person has  
 20 complied with the provisions of the overlay district regulations governing the  
 21 district. This prohibition shall not apply to emergency repairs that need to be made  
 22 to a building or structure within an overlay district.