

**82.670 Overlay district regulations -- Other provisions in ordinance establishing district.**

- (1) A city establishing an overlay district under KRS 82.660, shall, in the ordinance that creates the overlay district, delegate the responsibility for the administration of overlay district regulations to a department or agency of the city, or to a nonprofit corporation established by the city pursuant to KRS Chapter 58. Overlay district regulations shall not conflict with the zoning regulations for the district and shall not permit uses prohibited by underlying zoning regulations or prohibit uses permitted by underlying zoning regulations. Overlay district regulations shall supplement underlying zoning regulations by establishing additional design standards, guidelines, and criteria for development within the district to preserve, conserve, or protect the historical, cultural, architectural, aesthetic, or other distinctive characteristics of the district.
- (2) The ordinance establishing the district shall, in addition to the provisions of KRS 82.660, contain the following provisions:
  - (a) A requirement that the designated department or agency of the city, or KRS Chapter 58 nonprofit corporation that has been delegated responsibility for administration of overlay district regulations, shall establish a body to assist in the review of design standards and development proposals that shall be composed of persons possessing expertise in architecture, urban design, urban planning, historic preservation, or other appropriate fields; and
  - (b) A procedure for the review of proposed development within the district that shall provide for adequate notice, public hearings, and timely consideration of applications.
- (3) Any applicant denied a permit under KRS 82.660(4) shall have a right of appeal from such written denial to the Circuit Court of the county in which the city is located. The ordinance establishing the district may provide that any applicant shall first appeal such written denial to the city legislative body and that the decision of the city legislative body shall be the action appealable to the Circuit Court. The appeal from the denial of the city legislative body shall be taken within thirty (30) days of the date of such written denial.
- (4) Any city legislative body that creates an overlay district pursuant to KRS 82.660 shall hold a public hearing prior to adoption of the ordinance establishing the district. Notice of the public hearing shall be published pursuant to KRS Chapter 424 and an owner of every parcel of property within the proposed district shall be notified by first class mail. Records of the county property valuation administrator may be relied upon to determine the identities and addresses of the property owners.
- (5) The boundaries of an overlay district shall not be altered except by following the same procedure required for the establishment of an overlay district.

**Effective:** July 13, 1990

**History:** Created 1990 Ky. Acts ch. 479, sec. 3, effective July 13, 1990.