

## **§152.290 INTENT**

The intent of this subchapter is to establish a Board to review development proposals and to provide design controls in designated historic areas in the city. The actions of the Architectural Review Board (ARB) will aid in the prevention of intrusions of undesirable design characteristics, in the protection of desirable and unique physical features, in the protection and stabilization of property values, and in the prevention of blighting caused by insensitive redevelopment in designated areas.

(Ord. 920.27, passed 10-7-93)

## **§152.291 MEMBERSHIP**

The Architectural Review Board shall consist of five citizen members. Three of the members shall be appointed by the Mayor and two members shall be appointed by the Planning Commission. At least two members shall be property or business owners within the Historic Overlay District. At least one member shall be a registered architect or someone with a professional interest in the renovation and/or preservation of old buildings. Members shall be appointed for terms of three years, except that the term of office of members first appointed shall be staggered so that one each serves a one, two, and three year term. Vacancies on the ARB shall be filled within 60 days by the appropriate appointing agency. If the city or Planning Commission fails to act within that time, the ARB may propose an appropriate person to fill the vacancy. When a vacancy occurs other than through expiration of the term of office, it shall be filled for the remainder of the term. Members may be reimbursed for any necessary authorized expenses.

(Ord. 920.27, passed 10-7-93)

## **§152.292 POWERS AND DUTIES**

The ARB shall make recommendations to the Planning Commission and City Council on all matters relating to the preservation, conservation, and enhancement of structures, premises, and areas of substantial historic or architectural significance and on matters relating to the establishment of historic districts and regulations to be enforced thereunder. The ARB may inspect and recommend designation of structures, premises, and areas in the city which it considers to have substantial historic or architectural significance. The ARB shall review and decide certificates of appropriateness as discussed in § 152.106, and in this subchapter.

(Ord. 920.27, passed 10-7-93)

## **§152.293 ORGANIZATION; MEETINGS**

**(A)** The Architectural Review Board shall adopt by-laws and rules for the conduct of its duties, establish a fee schedule, elect a Chairperson and a Secretary annually, and shall keep minutes and records of all meetings and actions of the Board. A quorum shall consist of three members. All meetings and records of the ARB shall be open to the public. Recommendations and decisions of the ARB shall be made by a majority vote of

those members present. The City Council and/or Planning Commission may provide staff and/or financial assistance to the ARB. The ARB may from time to time utilize the services of experts in the fields of architecture, history, engineering, and similar fields to advise and direct the Board in its actions, and the experts may serve as ex-officio members of the Board.

**(B)** Meetings shall be held at regularly scheduled times, or at the call of the Chairperson with seven days notice to all members. All members shall also be notified at least seven days prior to any regularly scheduled meeting of any building, alteration or demolition permits requested within a designated Historic Overlay District which shall require their review. The Zoning Enforcement Officer shall provide the members with copies of any relevant background information with notice of the meeting to allow ample time for review.

(Ord. 920.27, passed 10-7-93)

### **§152.294 ESTABLISHMENT OF HISTORIC DISTRICTS**

The procedure for the establishment of a Historic Overlay District shall be as follows.

**(A)** Initial district establishment. The Planning Commission shall establish the initial Historic Overlay District (H-1) to encompass the historic downtown core (Main Street) bounded approximately by Hustonville Road (the intersection of U.S. 150 and KY 78) to the west, U.S. 27 to the east, the CSX rail line to the north, and St. Asaph Creek to the south. The exact boundaries are depicted on the city zoning map.

**(B)** Application to establish or expand historic district. An application to expand or establish a Historic Overlay District for an area or an individual property may be filed by the Commission, by the city, or by the individual property owner. The application shall be filed with the Zoning Enforcement Officer for action by the Architectural Review Board in a form and accompanied by such information as is required of any zone change per this chapter.

**(C)** Review of application to establish or expand historic district by the ARB. Upon the filing of the application for the expansion or the establishment of an Historic Overlay District, the ARB shall study and review the application. The ARB shall hold a public hearing pursuant to the publication and notice of adjacent property owners requirements of §§ 152.310 through 152.316 of this chapter. The public hearing shall be held within 60 days of the filing of a complete application. The ARB shall then have 60 days after the public hearing to vote to recommend approval or denial of the application and to forward its recommendation, in writing, along with the reasons for its recommendations to the Planning Commission.

**(D)** Review of application to establish or expand historic district by Planning Commission. Before voting to approve or disapprove the expansion or establishment of a Historic Overlay District, the Planning Commission shall review the record of the public hearing held by the ARB and shall review the ARB's recommendations and

statement of reasons for its recommendation. If the Planning Commission determines that additional information is required prior to making its recommendation to the City Council, the Planning Commission shall also hold a public hearing pursuant to all publication and notification of adjacent property owners requirements of §§ 152.310 through 152.316 and KRS 100.211 through 100.213. The public hearing shall be held within 60 days of the receipt of the ARB's written recommendation. The Planning Commission shall then have 60 days after the public hearing to vote to recommend approval or denial of the application and to forward its recommendation, in writing, along with its findings of fact to the City Council for final action.

**(E)** Action by City Council on application to establish or expand Historic District. The City Council shall act upon an application for the establishment of a Historic Overlay District after it has received written recommendation from the Planning Commission. It shall take a majority of the City Council to override the recommendation of the Planning Commission.

(Ord. 920.27, passed 10-7-93)

## **§152.295 REVIEW OF PLANS**

The Architectural Review Board shall review pertinent permit applications by complying with the following procedures.

**(A)** Required information for review. All plans, elevations, and other information necessary to determine the appropriateness of the features to be acted upon, together with a copy of the application for the building, alteration, or demolition permits, shall be made available to the Board through the offices of the Zoning Enforcement Officer. The Board shall require the submission of any or all of the following items relevant to the proposed project application: architectural plans, landscaping plans, plans for off-street parking, plans for proposed signs, elevations of all proposed structures or proposed additions to structures, photographs, elevations, perspective drawings showing the proposed structure(s) and all existing structures that are located within 100 feet or are substantially related to it visually or by reason of function, traffic generation or other characteristics. The application shall not be considered complete until such time that the requested information is received and deemed adequate by the ARB or the Zoning Enforcement Officer.

**(B)** Allowable criteria for review. In its review of the material submitted for the application, the ARB, shall consider, among other things, the general architectural design and exterior surface treatment, including arrangement, texture, material, and color of the building or structure in question and the relation of such factors to similar features of buildings or structures in the immediate area of the building or structure in question. The Board shall not consider detailed design, interior arrangement, or building features not in public view; nor shall it make requirements except for the purpose of preventing development obviously incongruous to the old historic aspects of the surroundings. Existing non-conforming structures or facades cannot be used to

undermine the historic intent of this chapter or to establish a point of reference for lesser inappropriate standards.

**(C)** Review time frame. The Board shall vote to approve all or part of an application or disapprove the application within 60 days after the application, which is filed with the Zoning Enforcement Officer, is deemed complete.  
(Ord. 920.27, passed 10-7-93)

### **§152.296 ACTION ON PROPOSED PLANS**

The time frame and appeals procedures for decisions made by the Architectural Review Board shall be as follows.

**(A)** Approval. Upon approval of the plans, the ARB shall transmit a report, in writing, to the Enforcement Officer, stating the basis upon which approval was made and declaring its intent to issue a certificate of appropriateness to the applicant. The Board shall also give notice by way of publication of its decision, including the location of the subject property, the date of its action, the date a certificate of appropriateness would be issued, and the course of appeals for any resident of the city. Notice shall be given by one publication in the local paper of greatest circulation in the county in the issue immediately following the date of the action of the ARB. If no written appeal is received, the certificate of appropriateness shall be issued five working days after the date of publication. The certificate shall be signed by the Chairperson of the ARB.

**(B)** Disapproval. In the case of disapproval, the Board shall state the reasons therefor in a written statement to the applicant, with a copy to the Zoning Enforcement Officer, and may advise the applicant and make recommendations thereto in regard to appropriateness of design, arrangement, texture, materials, color, and the like of the property and structure(s) involved. Any application which is disapproved may not be brought before the Architectural Review Board until at least 12 months have lapsed.

**(C)** Failure to take action. If the ARB shall fail to take final action upon any case within 60 days from the date the application for the permit is deemed complete, except where mutual agreement has been made for an extension of the time limit, the application for permit shall be considered approved and the Planning Commission shall cause a certificate of appropriateness to be issued.

**(D)** Appeal of ARB decisions.

**(1)** In the event the ARB disapproves an application for a permit in the Historic Overlay District, an applicant shall have 30 days from the date of the Board's action to appeal the decision to the Planning Commission. Should no appeal be filed with the Commission within 30 days, any further review shall be treated as a new application and shall be reviewed as provided in § 152.294.

**(2)** In the event the ARB approves an application for a permit in the Historic Overlay District, any resident of the city shall have five working days from the date the decision is published in which to file an appeal of the decision to the Planning Commission.

**(3)** Upon receipt of an appeal of the ARB's decision, the Planning Commission shall hold a public hearing on the permit application within 60 days of the date the appeal is filed. Appropriate notice shall be given as per KRS Chapter 424. The Commission may only hear evidence relating to criteria set forth in § 152.294. The Commission shall vote to approve or disapprove the ARB's decision within 60 days of the public hearing.

**(E)** Appeals of Planning Commission decisions. Any person or entity claiming to be injured or aggrieved by any decision of the Planning Commission to approve, deny, or postpone action on an appeal of the ARB's decision may further appeal to the Lincoln County Circuit Court within 30 days of the decision pursuant to KRS 100.347.  
(Ord. 920.27, passed 10-7-93)

### **§152.297 ENFORCEMENT**

The procedures related to enforcing an approved certificate of appropriateness, of complying with additional local regulations and the penalties for violating this subchapter are detailed as follows.

**(A)** Approved certificate of appropriateness. Upon receipt of the signed approved certificate of appropriateness, the Zoning Enforcement Officer shall issue the requested permit in accordance with the certificate, provided that it meets all other requirements of the law. The Zoning Enforcement Officer shall enforce all provisions of the certificate and any conditions thereof and shall inspect the property at regular intervals to ensure strict compliance.

**(B)** Compliance with other codes, statutes, and regulations. In order to prevent purposeful neglect of structures within the H-1 zone, all properties shall comply with all local building, property maintenance, nuisance and other applicable codes, statutes and regulations.  
(Ord. 920.27, passed 10-7-93)

### **§152.298 VIOLATION.**

Violation of the provisions of these Historic Overlay District regulations shall constitute a misdemeanor which shall be subject to the fines and penalties set forth in this chapter.  
(Ord. 920.27, passed 10-7-93)

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