

**COMMONWEALTH OF KENTUCKY
CITY OF TAYLORSVILLE**

**ORDINANCE NO 381
ESTABLISHING THE CITY OF TAYLORSVILLE
HISTORICAL PRESERVATION COMMISSION**

WHEREAS, The City Commission for the City of Taylorsville has established a Historic District in Taylorsville and deems to be in the best interest of the City to establish a Historical Preservation Commission to help preserve the historical charter of Taylorsville and the structures in the Historical District,

THEREFORE, be it Ordained by the City of Taylorsville as follows:

The City herein establishes and enacts this Ordinance Titled, The City of Taylorsville Historical Preservation Commission Ordinance, as hereinafter setforth.

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AN ORDINANCE ESTABLISHING THE CITY OF TAYLORSVILLE HISTORIC PRESERVATION COMMISSION AND PROVIDING FOR A DECLARATION OF PURPOSE AND PUBLIC POLICY ON THE PRESERVATION OF HISTORIC DISTRICTS AND HISTORIC BUILDINGS; PROVIDING FOR DEFINITIONS TO BE USED IN THE ORDINANCE; PROVIDING FOR THE MEMBERSHIP AND OFFICERS OF THE HISTORIC PRESERVATION COMMISSION; PROVIDING FOR THE POWERS AND DUTIES OF THE PRESERVATION COMMISSION; PROVIDING FOR THE CITY'S PARTICIPATION IN THE NOMINATIONS TO THE NATIONAL REGISTER OF HISTORIC PLACES; PROVIDING FOR THE DESIGNATION OF CITY LANDMARKS AND HISTORIC DISTRICTS; PROVIDING FOR THE REVIEW AND APPROVAL OR DISAPPROVAL OF EXTERIOR CHANGES TO LANDMARKS AND PROPERTY IN HISTORIC DISTRICTS; PROVIDING FOR APPEALS BY APPLICANTS; PROVIDING FOR CONFORMITY OF THE WORK TO THE CERTIFICATES OF APPROPRIATENESS THAT ARE ISSUED; PROVIDING FOR THE MAINTENANCE AND REPAIR OF LANDMARKS AND PROPERTY IN HISTORIC DISTRICTS; PROVIDING FOR STEPS TO PREVENT DEMOLITION BY NEGLECT; PROVIDING FOR PENALTIES FOR VIOLATION OF THIS ORDINANCE; PROVIDING FOR THE SEPARABILITY OF EACH SECTION OF THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE FOR THIS ORDINANCE.

SECTION 1. Declaration of Purpose and Public Policy

Findings

- a. The City Commission finds that buildings and neighborhoods having historic, architectural, aesthetic or cultural interest and value have been neglected, altered or destroyed notwithstanding the feasibility and desirability of preserving and continuing the use of such buildings and neighborhoods and without adequate consideration of the irreplaceable loss to the public and the City.
- b. The City Commission finds that the historic character of Taylorsville is of vital importance in maintaining the economy of the City and that its historic buildings and neighborhoods can be preserved, rehabilitated, and used by means of appropriate changes.
- c. The City Commission finds that Taylorsville is a historic community known for its role in the history of Kentucky and that the history of the City is shown today through buildings and neighborhoods representing the activities and events during its growth. The City Commission finds that the City has buildings, historic sites and areas that represent the persons who live and work or who have lived and worked in Taylorsville during a period of more than one hundred fifty (150) years. The City Commission finds that the distinctive and significant character of the City can only be maintained by protecting and enhancing its historic, architectural, aesthetic, and cultural character and by preventing unnecessary injury or destruction of its landmarks and historic districts which are civic and community assets.
- d. The City Commission finds that the Federal and Kentucky governments have passed laws

to protect and preserve landmarks and historic districts, that some of these laws provide incentives for historic preservation, and that the National Historic Preservation Act was amended in 1980 to establish a Certified Local Government program creating a federal-state-local partnership to encourage the efforts by cities to protect and preserve their landmarks and historic districts.

e. The City Commission finds that this Ordinance benefits all the residents of Taylorsville and all the owners of property.

Declaration of Public Policy

f. The City Commission declares as a matter of public policy that the preservation, protection, and use of landmarks and historic districts is a public necessity because they have a special character or a special historic, architectural, aesthetic, or cultural interest and value and thus serve as visible reminders of the history and heritage of this City, state, and nation. The City Commission declares as a matter of public policy that this Ordinance is required in the interest of the health, safety, welfare and economic well-being of the people. The City Commission declares as a matter of public policy that the identification and designation of landmarks and historic districts and the approval or disapproval of exterior changes to designated property are proclaimed to be a public purpose.

Purposes of This Ordinance

g. The purpose of this Ordinance is to accomplish the goals set forth in the above findings and declarations of public policy and specifically, but not exclusively, to:

- (1) Accomplish the preservation, protection, and use of historic districts and landmarks having a special character or special historic, architectural, aesthetic, or cultural interest and value to City, state and nation;
- (2) Promote the educational, cultural, economic and general welfare of the people and protect the City's history and heritage as reflected in such districts and landmarks;
- (3) Stabilize and improve property values in such districts and in the City as a whole;
- (4) Foster civic pride in the value of notable accomplishments of the past including the construction of outstanding buildings and the creation of livable neighborhoods;
- (5) Strengthen the economy of the City by encouraging the appropriate use of its historic buildings;
- (6) Provide a review process to help the preservation and the use of historic buildings;
- (7) Protect and enhance the City's attractions to residents, tourists, and visitors and serve as a support and stimulus to business;
- (8) Enhance the visual and aesthetic character, diversity and interest of the City;
- (9) Identify as early as possible and resolve conflicts between the preservation of historic property and alternative use of the land;

- (10) Integrate the preservation and rehabilitation of historic property into public and private land use management, planning, and development;
- (11) Encourage neighborhood conservation activities and compatible new development that will strengthen the historic districts; and
- (12) Encourage public participation in identifying and preserving the City's landmarks and historic districts.

SECTION 2. Definitions

As used in this Ordinance, the following terms shall mean:

- a. "Alteration". Any construction on or change to the exterior of a building, structure, or site including - but not limited to - the changing of siding or roofing materials and the changing, eliminating or adding of doors, door frames, windows, window frames, shutters, steps, fences, railings, porches, balconies, signs or other ornamentation. Ordinary repairs and maintenance shall not be considered an alteration.
- b. "Certificate of Appropriateness". The document, issued by the Historic Preservation Commission, that gives its approval for work to be done on a landmark or on a property in a historic district.
- c. "Certified Local Government". A government meeting the requirements of the National Historic Preservation Act and the implementing regulations of the U.S. Department of the Interior and the Kentucky Heritage Council.
- d. "Commission". The Historic Preservation Commission.
- e. "Demolition". Any act that destroys in whole or in part a landmark or a building or a structure in a historic district.
- f. "Historic District". An area that meets one or more of the criteria contained in Section 6.D. of this Ordinance and that has been designated by the City Commission.
- g. "Landmark". A building, structure, or site that meets one or more of the criteria contained in Section 6.D. of this Ordinance and that has been designated by the City Commission.
- h. "New Construction". The act of making an addition to an existing building or structure or the erection of a principal or accessory building or structure.
- i. "Ordinary Repairs and Maintenance". Work that corrects any deterioration or damage to a building or structure in order to restore it to its condition prior to the deterioration or damage. This work uses the same materials or those materials available that are as close as possible to the original.

SECTION 3. Historic Preservation Commission

A. Establishment of the Commission

There is hereby established the Taylorsville Historic Preservation Commission. The Preservation Commission shall consist of five members appointed by the Mayor and approved by the City Commission. The members shall have a demonstrated interest in historic preservation, and at least two members shall have training or experience in a preservation-related profession - architecture, history, archeology, architectural history, planning or related fields. When one or two professional members are not available, the Mayor and the City Commission may appoint persons with a demonstrated interest in historic preservation. When the Preservation Commission reviews an issue that is normally evaluated by a professional member and that field is not represented on the Preservation Commission, the Preservation Commission shall seek expert advice before rendering its decision. In making appointments, the Mayor and City Commission may include a person who is active in real estate. Members of the Preservation Commission shall serve without compensation, but they shall be reimbursed for expenses incurred in the performance of their duties.

B. Terms of Office

The terms of office of the members shall be three years, except for the terms of two members of the original Preservation Commission that shall end after two years and the terms of two other members of the original Preservation Commission that will end after one year. Each member shall serve until the appointment and qualification of a successor. Vacancies on the Preservation Commission shall be filled within sixty (60) days. When a vacancy occurs during a term of office, the person selected shall be appointed for the unexpired portion of the term.

C. Officers

The Preservation Commission shall each year elect members to serve as Chair, Vice Chair and Secretary. The Chair shall preside at the meetings of the Preservation Commission, shall be the spokesman for the Preservation Commission, and shall represent the Preservation Commission in its work with other City departments. In the absence of the Chair, the Vice Chair shall perform these duties. The Secretary shall prepare the minutes of the Preservation Commission's meetings that shall be available to the public.

D. Conflict of Interest

No member of the Preservation Commission shall participate in the discussion about any matter or shall vote on any matter that may affect the property, income, or business interests of that member.

SECTION 4. Powers and Duties of the Commission

A. Specific Powers

In addition to the powers and duties stated elsewhere, the Preservation Commission shall take action necessary and appropriate to accomplish the purposes of this Ordinance. These actions may include, but are not limited to, the following:

- (1) Conducting and maintaining a survey of historic buildings and areas and preparing a plan for their preservation;
- (2) Recommending to the City Commission the designation of historic districts and landmarks;

- (3) Adopting written guidelines for making exterior changes to designated property and for undertaking new construction on designated property;
- (4) Regulating alterations visible to the public that are proposed for designated property and regulating demolitions, relocations, and new construction involving designated property;
- (5) Working with and advising the federal, state, and county governments and other parts of city government on historic preservation issues;
- (6) Advising and assisting owners of historic property and other persons and groups including neighborhood organizations who are interested in historic preservation;
- (7) Reporting on the present condition of historic buildings in the City and identifying problems that may, at a later time, threaten the preservation of these buildings;
- (8) Attending informational and educational programs covering the duties of the Preservation Commission and current developments in historic preservation;
- (9) Conducting educational programs including the preparation of publications and the placing of historical and architectural markers; and
- (10) Recommending that the City apply for, receive, or use public and private grants or gifts to help historic preservation activities.
- (11) Establish, imposed and levy fines and penalties.

B. Rehabilitation of Buildings

The Preservation Commission may initiate and encourage plans for the preservation and rehabilitation of individual historic buildings. To achieve this goal, the Preservation Commission may assist private individuals and organizations who are working to rehabilitate specific buildings. The Preservation Commission shall, on a regular basis, give recognition to owners and tenants who maintain or rehabilitate their historic buildings with care and thus contribute to the preservation of the history of Taylorsville.

Incentives for Owners of Historic Property

The Preservation Commission shall study the assistance offered to the owners of historic property, including incentives for the rehabilitation of buildings, and shall distribute this information to owners. The Preservation Commission shall work with other City departments on the feasibility of additional assistance and incentives and shall, from time to time, make recommendations for consideration by the City Commission. In preparing its recommendations, the Preservation Commission shall seek suggestions from the owners of designated property and from the public.

C. Survey of Historic Buildings

In making its survey of historic buildings and areas, the Preservation Commission shall conduct this work in accordance with the guidelines of the Kentucky Heritage Council. The Preservation Commission shall provide that its survey and preservation plan shall be maintained and continued. The Preservation Commission shall use the survey and the preservation plan to assist the City and County in their overall planning efforts.

Preparation of a Historic Preservation Element in the Comprehensive Plan

The Preservation Commission may prepare a Historic Preservation Element for use in the Comprehensive Plan that is adopted and maintained by the City. In the element, the Preservation Commission shall present the scope of the City's historic preservation program and its relationship to the plans developed for the City. The goals in the element shall relate to the goals presented in the Comprehensive Plan.

Coordination with City Departments and Other City Boards

The Chair and the staff of the Preservation Commission shall arrange with City departments and other City boards for written notification, whenever a matter is under consideration involving a landmark or a property in a historic district. This notification shall be given for all designated property including City-owned historic property. The notification shall be given when the department or board starts its analysis that will lead to a decision or recommendation on the proposed work. The early identification of the proposed work will contribute to the resolution of conflicts between the preservation of historic property and alternative use of the land.

Use of Historic Buildings in Economic Development Projects

The Preservation Commission shall work with other City departments that are undertaking economic development projects, in order to present an evaluation of the potential of the historic buildings in the project area. The Preservation Commission shall submit comments on the reuse of existing buildings and their integration into the larger project. The Preservation Commission shall work with other City departments on citizen participation and community support for the project.

D. Meetings of the Preservation Commission

The Preservation Commission shall hold monthly public meetings and special public meetings, when necessary, and shall adopt and make public rules for the transaction of its business. All meetings shall have an agenda that is made available prior to the meeting. All meetings shall comply with the Kentucky Open Meeting Statute, KRS 61.805. A simple majority of the membership shall be required for decisions involving historic districts and landmarks.

E. Annual Report

The Preservation Commission shall prepare and distribute a written annual report of its activities, cases, decisions, qualifications of members and other work. The report shall include information about the current condition of the historic buildings in the City. The report shall be kept on file and made available to the public.

F. Right to Receive and Spend Funds

The Preservation Commission, in addition to any appropriation made by the City, shall have the right to receive, hold, and spend funds that it may legally receive from any and every source both in and out of the Commonwealth of Kentucky for the purpose of carrying out the provisions of this Ordinance.

G. Other Duties under the Certified Local Government Program

In the development of the Certified Local Government program, the City may ask the Preservation

Commission to perform other responsibilities that may be delegated to the City under the National Historic Preservation Act.

H. Assistance for the Commission

The Preservation Commission shall receive assistance in the performance of its responsibilities from a City staff member. Other persons on the City staff may be asked to assist the Preservation Commission. In addition, the City shall, on a regular basis, obtain assistance on preservation matters from a professional with expertise in historic preservation or a closely related field. The City may contract with another government, a regional agency, or a non-profit preservation organization in order to obtain the needed professional assistance.

SECTION 5. Nominations to the National Register of Historic Places

A. Initiation of Nominations

To participate in the Certified Local Government program, the City shall review all local nominations to the National Register of Historic Places and shall request the Mayor, City Commission and the Preservation Commission to submit recommendations on each proposed nomination to the National Register. The Mayor, City Commission and the Preservation Commission shall obtain comments from the public that shall be included in their National Register recommendations.

B. Recommendations from the City

Within sixty (60) days of the receipt of a nomination from a private individual or the initiation of a nomination by the City, the City shall inform the Kentucky Heritage Council and the owner of the property of the two recommendations regarding the eligibility of the property. If the Mayor, City Commission and the Preservation Commission do not agree, both opinions shall be forwarded in the City's report. If both the Mayor, City Commission and the Preservation Commission recommend that a property not be nominated, the Kentucky Heritage Council shall inform the property owner, the Kentucky Historic Preservation Review Board, and the State Historic Preservation Officer, and the property will not be nominated unless an appeal is filed with the State Historic Preservation Officer.

C. Review of Nominations

If the Mayor, City Commission and the Preservation Commission agree that a property should be nominated or if either of them feel that a property should not be nominated, the nomination will receive a preliminary review by the Kentucky Historic Preservation Review Board. The Review Board shall make a recommendation to the State Historic Preservation Officer who decides whether to forward the nomination to the U.S. Secretary of the Interior who shall make the decision on listing the property on the National Register. The Mayor, City Commission and the Preservation Commission, or the property owner may appeal the final decision by the State Historic Preservation Officer.

SECTION 6. Designation of Landmarks and Historic Districts

A. Initiation of Designations

The Preservation Commission may study a property or an area in order to make a

recommendation on whether it qualifies for designation as a landmark or a historic district. The City Commission, a property owner, an individual, or a neighborhood organization may also request the Preservation Commission to make such a study and recommendation.

B. Public Hearing and Notice

The Preservation Commission shall assemble information about the property or area being considered for designation and shall schedule a public hearing on the proposed designation. Advertised notice of the hearing shall be given, including conspicuous posting on the property or in the proposed district for fourteen (14) consecutive days immediately prior to the hearing. Notice of the hearing shall be given at least fourteen (14) days in advance of the hearing by certified letters to the owners of property under consideration and the owners of all adjoining property. Written notice shall be considered sufficient when it is mailed to the person listed in the records maintained by the Property Valuation Administrator.

C. Guidelines

Before its first public hearing on a designation, the Preservation Commission shall adopt general guidelines that will apply to the City's landmarks and historic districts and will assist owners in the preservation and rehabilitation of their property. The general guidelines shall include the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings and may include other guidelines that will apply to all designated property in the City. In its guidelines and in its decisions, the Preservation Commission shall not limit new construction to any one architectural style but shall seek to preserve the character and integrity of the landmark or the historic district. The Preservation Commission may expand or amend the guidelines it has adopted provided it holds a public hearing on the changes and submits the proposed changes to the County Planning and Zoning Commission and the City Commission for their comments. The Preservation Commission may adopt specific guidelines that will apply to proposed work on an individual landmark or on property in one historic district.

D. Criteria for Designation

A landmark or historic district shall qualify for designation when it meets one or more of the following criteria that shall be discussed in a Preservation Commission report making its recommendation to the City Commission:

- (1) Its value as a reminder of the cultural or archeological heritage of the City, state or nation;
- (2) Its location as a site of a significant local, state or national event;
- (3) Its identification with a person or persons who significantly contributed to the development of the City, state, or nation;
- (4) Its identification as the work of a master builder, designer, or architect whose individual work has influenced the development of the City, state, or nation;
- (5) Its value as a building or buildings that are recognized for the quality of their architecture and that retain sufficient elements showing their architectural significance;
- (6) Its distinguishing characteristics of an architectural style valuable for the study of a period, method of construction, or use of indigenous materials;
- (7) Its character as a geographically definable area possessing a significant concentration of

buildings, structures, or sites united by past events or aesthetically by plan or physical development;

(8) Its character as an established and geographically definable residential neighborhood, united by culture, architectural styles or physical plan and development.

E. Recommendation to the City Commission

After evaluating the testimony at its public hearing, survey information and other material it has assembled, the Preservation Commission shall make its recommendation to the City Commission on the proposed designation. The Preservation Commission shall submit a written report with information about the property under consideration. The recommendation and report shall also be sent to the County Planning and Zoning Commission.

F. Review by the Taylorsville - Spencer County Planning and Zoning Commission

The Taylorsville - Spencer County Planning and Zoning Commission shall report on the relationship between the proposed designation and existing and future plans for the development of the City. If the Planning and Zoning Commission approves of the proposed designation, it shall amend the Comprehensive Plan to include the proposed designation and shall recommend a change in the zoning map to show the proposed historic designation. The Taylorsville - Spencer County Planning and Zoning Commission shall forward its comments, the Comprehensive Plan amendment, and the zoning map change to the City Commission. If the Taylorsville - Spencer County Planning and Zoning Commission does not approve of the proposed designation, it shall forward its comments to the City Commission.

G. Action by the City Commission

The City Commission shall approve, modify, or disapprove the proposed designation within sixty (60) days after receiving the recommendation of the Preservation Commission and the material from the Taylorsville - Spencer County Planning and Zoning Commission. If the City Commission decides to make a designation and no Comprehensive Plan amendment has been adopted and no zoning map change has been recommended, the City Commission shall request the Taylorsville - Spencer County Planning and Zoning Commission to reconsider its earlier decisions and shall provide that the designation shall take effect after these preliminary steps have been approved.

H. Notification of Designation

The Preservation Commission shall notify all owners of the decision relating to their property and shall arrange that the designation of a property as a landmark or as part of a historic district be recorded in the land records of the County. The Preservation Commission shall also give notice of the decision to the government offices in the City and County which shall retain them for future reference.

I. Amendment or Rescission of a Designation

The amendment or rescission of any designation shall be accomplished through the same steps as were followed in the original designation.

SECTION . Emergency Actions to Protect Buildings While Their Designation Is Considered

A. Review by the City Commission of the Threat

The Chair of the Preservation Commission, or the Vice Chair in the absence of the Chair, may request the City Commission to take emergency action to review a threat to a building, structure, or area of architectural or historical significance that has not yet been designated but appears to be eligible for designation. The Chair shall submit written information to the City Commission supporting the statement that irreparable harm will be done to a significant property, if a demolition permit is issued. The City Commission shall notify the Preservation Commission, the applicant for the permit, and the owner of the property in writing of its intent to hold a public hearing on the request. All construction activity using building permits or the processing of permit applications relating to the property shall be held in abeyance until City Commission action is taken on the threatened property. The request for emergency action shall be reviewed within fourteen (14) days after its receipt by the City Commission.

B. Public Hearing and Findings of Fact

At the public hearing, the Preservation Commission shall report to the City Commission on the threat to the property and on its architectural and historical significance. The City Commission shall also hear testimony from the applicant, the owner, and the public. At the close of the testimony, the City Commission shall determine whether all of the following findings of fact have been established:

- (1) There is a real and present danger to the threatened property as evidenced by the owner's or applicant's demolition proposal.
- (2) Based on the best available data, the threatened property appears to be eligible for designation under the provisions of this Ordinance. The fact that the property has not yet been nominated to or included on the National Register of Historic Places shall not in itself be grounds for approval of a demolition.
- (3) The applicant and the owner are not denied all use of the property during the consideration of its designation.

C. Decision by the City Commission

If in the judgment of the City Commission all the findings of fact have not been established, the City Commission shall turn down the request for emergency action, and construction activity and the processing of applications shall proceed. If the City Commission makes the three findings in this section, the City Commission may delay the demolition for ninety (90) days while the designation of the property is considered under the provisions of this Ordinance. If the designation is disapproved, the delay of demolition shall end immediately. If the designation is approved, it shall take effect immediately.

D. Submission of New Evidence by the Applicant or Owner

During the designation process the applicant or the owner may come to the Preservation Commission and present new evidence to support an application to demolish the building or structure immediately. The Preservation Commission shall evaluate the new evidence promptly and shall submit its recommendation and the new evidence to the City Commission. Using the findings contained in this section, the City Commission shall approve or disapprove the application promptly. An approval by the City Commission shall end the emergency delay under

this section. The approval shall not affect the requirements under the provisions of other laws and regulations.

SECTION 7. Approval of Changes to Landmarks and Property in Historic Districts

A. Requirement of a Certificate of Appropriateness

A Certificate of Appropriateness from the Preservation Commission shall be required before a person may undertake the following actions affecting a landmark or a property in a historic district. A Certificate of Appropriateness shall be required even when the proposed work does not require a building permit.

- (1) Alteration of the exterior part of a building or structure that is visible to the public;
- (2) New construction;
- (3) Demolition; or
- (4) Relocation.

The Preservation Commission shall not review paint and paint colors proposed to be used on designated property except when the work will involve the painting of brick that has not been previously painted. The Preservation Commission may advise owners and tenants on appropriate paint colors, and it may prepare and distribute a list of paint colors appropriate for different types of buildings.

B. Application to the Preservation Commission

When a person wishes to undertake an exterior alteration visible to the public, new construction, a demolition, or a relocation that affects a landmark or a property in a historic district, that person shall apply to the Preservation Commission for a Certificate of Appropriateness. The applicant shall provide, where applicable, the following:

- (1) Drawings of the proposed work;
- (2) Photographs of the existing building, structure, or site and of adjacent properties;
- (3) Information about the building materials to be used; and
- (4) Earlier photographs of the site, if they are available.

The Preservation Commission may request additional information from the applicant, and an application shall not be considered complete until all required material has been submitted. Other City departments shall refer persons to the Preservation Commission when they come for permission to undertake work affecting a landmark or a property in a historic district.

C. Stop Work Order; Injunction

In the event work is being performed without the required Certificate of Appropriateness, the City shall issue a Stop Work Order. All work shall cease on the designated property. No additional work shall be undertaken as long as such Stop Work Order shall continue in effect. The Preservation

Commission or its representative shall meet with the owner or tenant to resolve the problem. The City Attorney may seek in Circuit Court an injunction and any other appropriate relief in order that the intent of this Ordinance shall be carried out.

D. Public Hearing and Notice

The Preservation Commission shall hold a public hearing on each application within thirty (30) days after a complete application is received by the Preservation Commission. Applicants shall be given notice of the public hearing and of meetings relating to their application and shall be informed of the Preservation Commission's decision. Advertised notice of the public hearing shall be given, including conspicuous posting on the property.

E. Action by the Preservation Commission

The Preservation Commission shall make a decision on the application within forty-five (45) days after the receipt of a complete application provided the Preservation Commission may extend the time for its decision an additional sixty (60) days when the application is for a demolition or for new construction. The Preservation Commission shall approve, approve with modifications, or disapprove each application, and it shall give its reasons for its decision using the criteria contained in this section and in its guidelines. The Preservation Commission may make findings based on the criteria and guidelines. The approval with modifications shall contain the revisions that the applicant shall accept so that a Certificate of Appropriateness may be issued. If the Preservation Commission fails to decide on an application within the specified time period, the application shall be deemed approved.

F. Criteria in Deciding on Applications

In making a decision on an application, the Preservation Commission shall determine whether the proposed work maintains or improves the historical and architectural features of the building, structure, or district. The Preservation Commission shall use its criteria and guidelines and shall consider the following: (1) The effect of the proposed work on the landmark or the property in the historic district, and (2) The relationship between such work and adjacent buildings or other property in the historic district. In evaluating the effect and the relationship, the Preservation Commission shall consider historical and architectural significance, architectural style, design, texture, and materials. The Certificate from the Preservation Commission shall not relieve the property owner from complying with the requirements of other state and local laws and regulations including requirements for permits.

G. Consultation with Applicants

Before applicants prepare their plans, they may bring tentative proposals to the Preservation Commission for its comments. The Preservation Commission shall encourage these early consultations in order to avoid unnecessary work and to improve the review process. In making a decision on an application, the Preservation Commission shall be aware of the importance of finding an appropriate way to meet the current needs of the applicant. The Preservation Commission shall also recognize the importance of approving plans that will be reasonable for the applicant to carry out.

The Preservation Commission may require that applicants submit their proposal for a conceptual review when the work involves a new building or an addition to an existing building. The

conceptual review shall take place prior to the preparation of architectural drawings that the applicant will submit in the application for a Certificate of Appropriateness. The purpose of this preliminary meeting is to give guidance to the applicant without the Preservation Commission voting on completed plans.

H. Routine Alterations

The Preservation Commission may prepare a list of routine alterations that shall receive immediate approval without a public hearing and a vote by the Preservation Commission, when an applicant complies with the specifications that have been adopted by the Preservation Commission using its criteria and guidelines. At each meeting the Preservation Commission shall be informed of the Certificates of Appropriateness that have been issued under this provision.

I. Demolition Applications

When an applicant wishes to demolish a landmark or a building or structure in a historic district, the Preservation Commission shall negotiate with the applicant to see if an alternative to demolition can be found. The Preservation Commission may ask interested individuals and organizations for assistance in seeking an alternative to demolition and in obtaining estimates on rehabilitation costs for the threatened building or structure. After its public hearing, the Preservation Commission may decide that the building or structure may be demolished because it does not have architectural or historical significance and value.

On all other demolition applications, the Preservation Commission shall study the question of economic hardship for the applicant and shall determine whether the property can be put to reasonable beneficial use without the approval of the demolition application. In the case of an income-producing building, the Preservation Commission shall also determine whether the applicant can obtain a reasonable return from the building. The Preservation Commission shall ask the applicant for additional information to be used in making these determinations. This information shall include a report from a licensed engineer or an architect with experience in rehabilitation as to the structural condition of the building and its suitability for rehabilitation.

The Preservation Commission may ask the applicant for all or some of the following information:

- (1) An estimate of the cost of the proposed demolition;
- (2) The estimated market value of the property both in its current condition and after the completion of the proposed demolition to be presented through an appraisal by a qualified professional expert;
- (3) A report from a developer or other real estate professional experienced in rehabilitation as to economic feasibility of putting the building to a new use;
- (4) The date of purchase and the party from whom the property was purchased;
- (5) Any listing of the property for sale or rent and any offers received during the previous two years;
- (6) If the property is income-producing, the annual gross and net income from the property for the previous two years; and
- (7) Information about the new building to be constructed on the site, including the starting

date for construction and evidence the project will be completed.

If economic hardship or the lack of a reasonable return is not proved, the Preservation Commission shall deny the demolition application unless the Preservation Commission finds grounds to grant the demolition application under the points contained in Section 7. F.

J. Relocation Applications

When an applicant wishes to move a landmark or a building or structure in a historic district, or when an applicant wishes to move a building or structure to a lot containing a landmark or to a lot in a historic district, the Preservation Commission shall consider the following:

- (1) The contribution that the building or structure makes to its present setting;
- (2) Whether there are definite plans for the site to be vacated;
- (3) Whether the building or structure can be moved without significant damage to its physical integrity; and
- (4) The compatibility of the building or structure to its proposed site and adjacent properties.

These considerations shall be in addition to the points contained in Section 7.F.

Archeological Sites

Applications involving designated archeological sites shall be reviewed in the same manner as other applications submitted under this Ordinance. When a previously unidentified archeological site is discovered during construction, the owner and builder shall immediately notify the Preservation Commission and shall seek the assistance of a qualified archeologist, who shall evaluate the significance of the discovery. When the Preservation Commission and the archeologist agree that no adverse effect on the archeological site will take place, the project may proceed immediately. When an adverse effect will take place, the Preservation Commission shall meet with the owner and builder to develop ways to avoid, reduce or mitigate effects on the site, while taking into consideration the current needs of the owner and reasonable methods for protecting the archeological site.

Signs

As part of its duties under this section, the Preservation Commission shall review all signs proposed for historic districts and landmarks. The approval by the Preservation Commission shall be required in addition to the approvals under other ordinances and regulations. The Preservation Commission's approval may provide for materials, lettering, lighting, location and other design features that contribute to the designated property. The Preservation Commission shall coordinate with other City departments in its review of the plans of applicants.

Signs shall respect the historic character and period of the building and its area. Signs shall reinforce the architectural elements of the building and shall not damage or conceal architectural features and details. The Preservation Commission may encourage the preservation of older signs that have historical and architectural value, including older signs painted on walls. The Preservation Commission may call to the attention of owners the value of older signs.

K. Length of Validity of a Certificate of Appropriateness

A Certificate of Appropriateness shall remain valid for one (1) year after it is issued. Work is required to start before the end of the one-year period. If the approved work has not been completed within two (2) years after the Certificate of Appropriateness was issued, the Preservation Commission shall review the situation and may require an application for a Certificate of Appropriateness for the work that remains to be done.

L. Appeal of Commission Decisions

An applicant shall have an appeal to the Circuit Court from a decision of the Preservation Commission on an application for a Certificate of Appropriateness.

SECTION 8. Conformity with the Certificate of Appropriateness

All work performed pursuant to a Certificate of Appropriateness shall conform to the provisions of such Certificate. It shall be the responsibility of the Preservation Commission, helped by the City staff, to inspect from time to time any work being performed to assure such compliance. In the event work is being performed that is not in accordance with such Certificate, the City shall issue a Stop Work Order. All work shall cease on the designated property. No additional work shall be undertaken as long as such Stop Work Order shall continue in effect. The Preservation Commission or its representative shall meet with the owner or tenant to resolve the problem. The City Attorney may seek in Circuit Court an injunction and any other appropriate relief in order that the intent of this Ordinance shall be carried out.

SECTION 9. Maintenance and Repair

A. Responsibility to Maintain Historic Property

Every person in charge of a landmark or a property in a historic district shall keep in good repair: (1) All of the exterior portions of such building or structure; and (2) All interior portions thereof which, if not so maintained, may cause it to deteriorate or to become damaged or otherwise to fall into a state of disrepair. The purpose of this section is to prevent a person from forcing the demolition of a building or structure by neglecting it and by permitting damage to it because of weather or vandalism. No provision in this Ordinance shall be interpreted to require an owner or tenant to undertake an alteration or to restore a building or structure to its original appearance.

Problems requiring the attention of persons in charge of designated property include, but are not limited to, the following:

- (1) Deteriorated foundations;
- (2) Deterioration of exterior walls including crumbling mortar, structural cracks, and settling;
- (3) Damage to vertical supports and horizontal members causing buckling, sagging, and settling;
- (4) Deterioration of the roof, gutters, and downspouts;
- (5) Deterioration of the exterior chimney;
- (6) Deteriorated exterior elements such as cornices, balconies, and porches;

(7) Deteriorated or ineffective waterproofing and protection against the weather, vermin, and unauthorized entry including broken or damaged windows and doors; and

(8) Deterioration of electrical, mechanical, and plumbing systems endangering the building.

B. Ordinary Repairs and Maintenance

Ordinary repairs and maintenance may be undertaken without a Certificate of Appropriateness provided that this work on a landmark or a property in a historic district does not change its exterior appearance that is visible to the public.

C. Emergency Conditions

In any case where the City determines that there are emergency conditions dangerous to life, health, or property that affects a landmark or a property in a historic district, the City shall order the remedying of these conditions without the approval of the Preservation Commission. The owner or tenant of a landmark or a property in a historic district shall immediately notify the City of emergency conditions dangerous to life, health and property so that the required work may begin immediately to make the property safe. The City shall promptly notify the Chair of the Preservation Commission of the action being taken.

D. Prevention of Demolition by Neglect

The Preservation Commission shall prepare and maintain a list of landmarks and buildings and structures in historic districts that are not being maintained in a safe and sanitary condition. The Preservation Commission shall regularly review the list and may request a meeting with the owner when a property is in poor repair. The Preservation Commission shall discuss with the owner ways to improve the condition of the property. After a meeting with an owner, the Preservation Commission shall discuss with City staff the condition of the property and steps to remedy the existing condition. The steps may include the taking of legal action against the owner.

In order to prevent unnecessary demolitions, the Preservation Commission may develop a stabilization plan for designated historic properties and may recommend to the City Commission the establishment of a municipal property stabilization program. The program would provide for the securing and stabilizing of historic properties, when the work could be accomplished for a reasonable cost. The stabilization plan, prepared by the Preservation Commission, shall contain an analysis of ways to recover the costs to the City, and the analysis shall include advice from City departments on this subject.

E. Other Building Regulations

The provisions of this section shall be in addition to the provisions of the Kentucky Building Code and other Laws requiring buildings and structures to be kept in good repair.

SECTION 10. Penalty

Any person or entity violating any of the provisions of this Ordinance may be assessed a civil penalty or fine by the Historical Commission not less than fifty (50) dollars nor more than five hundred (500) dollars for each offense. Each day violation shall constitute a separate offense and shall include but not limited to

cost and attorney fees, if any, incurred by the Historical Commission and/ or the City.

Enforcement of penalties, fines, fees, cost, attorney fees or any other assessment, may be by citation, by criminal summons and /or by civil action in the Spencer District Court or the Spencer Circuit Court, whichever would have jurisdiction.

A lien may be placed against the property in question in the amount of any penalties, fines, cost , attorney fees,, levy and/or assessed by the Historical Commission and/or by the City of Taylorsville

SECTION 11. Separability

The provisions of this Ordinance are hereby declared to be separable. If any section of this Ordinance shall, for any reason, be declared invalid or unconstitutional, the remaining provisions shall continue to have full force and effect.

SECTION 12. Effective Date

This Ordinance shall take effect immediately upon its adoption and publication.

This the 23 day of April 2018.

ATTESTED BY:



DON PAY, MAYOR



STEVE BIVEN, CITY CLERK

DATE OF FIRST READING 4-3-18

DATE OF SECOND READING 4-23-18

DATE OF PUBLICATION 5-2-18

1/2, 3/4, 1, 1 1/2, 2, 3, 4, 5, 6, 7, 8, surge) priced per ton, at the quarry
 Freight (for stone), priced per ton delivered from quarry to county road department
 Liquid asphalt emulsions (including but not limited to chip-and-seal, cold mix, emulsifase, AE-90 or equivalents) priced per gallon
 Bituminous Base and Surface, priced per ton, priced as the plant and laid on county roads anywhere within Spencer County

Deadline for sealed bids is 4:00 p.m. local time on Friday, May 25, 2018 at the Office of the County Judge Executive; P.O. Box 397, 12 W. Main St, Taylorsville KY 40071, where they will be publicly opened at that time, and submitted for review/award at the June 4, 2018 Fiscal Court meeting at 9 a.m. The Court reserves the right to accept and/or reject any and/or all bids. For more information, contact the County Judge's Office at 502/473-3203.

Mayor, City of Taylorville, KY
Published: 5-2-2018
~~6-28-2017~~

SUMMARY OF CITY OF TAYLORSVILLE HISTORIC PRESERVATION ORDINANCE # 381

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