

## LUDLOW ORDINANCE 2018-4

### **AN ORDINANCE ESTABLISHING AN URBAN DESIGN REVIEW BOARD.**

**WHEREAS**, The City of Ludlow, Kentucky, intends to establish an Urban Design Review Board;

**THEREFORE**, be it ordained by the City of Ludlow, Kenton County, Kentucky, that:

#### **SECTION I**

The Official Ordinance of the City of Ludlow, Kenton County, Kentucky, be amended to include Chapter 42 as follows:

#### **42.01 Definitions**

1. "Alteration." Any construction, replacement, or change to the exterior of a building or structure when it is visible to the public. An Alteration shall include a proposed sign or changes to an existing sign. Painting and ordinary maintenance and repairs shall not be considered alterations.
2. "Board." The Ludlow Urban Design Review Board as established in Section 42.
3. "Building." Any structure designed or constructed for residential, commercial, industrial, agricultural, transportation, or other use.
4. "Certificate of Appropriateness." The permit, issued by the Board, which gives its approval for work or demolition to be done in a locally designated historic district or on a landmark.
5. "Certified Local Government." A government meeting the requirements of the National Historic Preservation Act in the implementing regulations of the U. S. Department of Interior and the Kentucky Heritage Council.
6. "City." The City of Ludlow, Kentucky.
7. "Council." The Ludlow City Council.
8. "Demolition." Any act destroying in whole or in part or moving a landmark or building or structure deemed by the Board to be of historic significance.
9. "Designated Property." A landmark or a building or structure in a historic district. Designated Property shall include all lots within a historic district and the entire lot containing a landmark.
10. "Historic District." An area of architectural, historical, or cultural significance
11. "Inventory of Historic Properties and Sites." A catalog of historical sites.
12. "Landmark." A building or structure of architectural, historical, or cultural significations which meets one or more of the criteria contained in § 42. Of this subchapter and which has been designated by the City.

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13. "Ordinary Maintenance and Repairs." Any work, the purpose of which is to correct deterioration or to prevent deterioration of a designated historic property. The work shall restore the property to its appearance prior to deterioration or shall result in the protection of its present appearance. The work shall involve the use of the same building materials or available materials that are as close as possible to the original. Work the changes the external appearance of the property shall be considered an alteration for purposes of this subchapter.
13. "Preservation Plan." Guidelines and/or regulations For the rehabilitation of certain sites, structures and/or areas to incorporate them into a livable community.
14. "Section 106 Review." The process set forth in National Historic Preservation Act of 1966, 16 U.S.C. 470, *et. seq.*, as amended, and 36 C.F.R. Section 800, which requires federal agencies to consider the effects on historic properties of any project carried out by them or that receives federal financial assistance, permits, or approvals.
15. "State Historic Preservation Office" or "SHPO." The Kentucky program approved by the U.S. Secretary of Interior for the purpose of carrying out the provisions of the National Historic Preservation Act of 1966, 16 U.S.C. 470a, *et. seq.*, and is also the Kentucky Heritage Cabinet established pursuant to KRS 171.381.
16. "Surplus Properties." Properties owned by the City.
17. "Undertaking." As used in Section 106 Review a project, activity, or program funded in whole or in part under the direct or indirect jurisdiction of a Federal agency, including those carried out by or on behalf of a Federal agency; those carried out with Federal financial assistance; and those requiring a Federal permit, license or approval.

#### **42.02 Purpose**

A. The Board and the procedures for which it is responsible for implementing are intended to protect, develop and promote the educational, cultural, travel, industrial, commercial, and other economic development and growth opportunities associated with the City's, neighborhoods, areas, squares, streetscapes, sites, places, structures having a special or distinctive character or a special historic, aesthetic architectural, archaeological, special, or cultural significance to the City. It is the unique character of the City's residential neighborhoods and commercial districts that imparts distinctiveness to the City and which serve you as visible reminders of the history and cultural heritage of the City, the State, and the Nation. The protection of these resources is in the interest of the economic well-being, prosperity, health, safety and general welfare of the people.

B. The Board is established for the purpose of creating and maintaining an Inventory of Historic Properties and Sites, assisting with the Section 106 review process of the National Historic Preservation Act for undertakings occurring in the City, reviewing City-funded activities when the activity may affect historical properties identified in the Inventory and Preservation Plan, marketing any historic properties that the City may surplus in the future, stabilizing and improving property values in the City and encouraging new buildings and developments that will be harmonious with the existing historic buildings and districts but will not necessarily be of the same architectural style.

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Regulations in such areas are intended to protect against destruction of or encroachment upon such areas, structures, or sites, to encourage uses which will lead to their continuance, conservation, and improvement in a manner appropriate to the preservation of the cultural, social, economic, political, architectural, or archeological heritage of the city; to prevent creation of environmental influences and adverse conditions to such purposes; and to assure that new structures and uses in such areas will be in keeping with the character to be preserved and enhanced. The purpose is to develop the City not as a museum but as a vital living area in which each succeeding generation may build with the quality and sensitivity of past generations.

#### **42.03 Establishment; Makeup**

A. The Board shall consist of five members, with the City Administrative Officer having a by-right position in the group to represent the City and provide staffing support. The five members of the board will be recommended by Mayor and approved by Council. The following criteria will be met to satisfy the minimum requirements for the board. More than one criteria may be fulfilled by the same appointed member.

B. The membership shall meet the following criteria:

1. One member shall represent the Ludlow Historic Society.
2. One member shall represent the Ludlow Heritage Museum, Inc.
3. Two members that have training, education or experience in preservation-related fields, that include architecture, landscape architecture, history, archaeology, architectural history, planning/zoning, building materials, real estate appraisal, economic/community development, or related fields. One of these two may not be a resident, so long as they have working knowledge of the community and their expertise are not found amongst the citizenry willing to serve.
4. Two members will be representing the community at large. A Ludlow business owner, that is not a resident, may be appointed as one of the Members At-Large.

C. Members should be Ludlow residents, unless otherwise noted above, or in special circumstance.

D. The Board shall keep accurate attendance figures and report annually on the attendance of members. In the event that any member of the Board is absent for more than one-fourth of the regularly scheduled meetings per calendar year, the Mayor has the right to reconsider such Board member's appointment and to recommend to Council a replacement for such Board member for the reason of excessive absenteeism. Such replacement must be in accordance with the general appointive guidelines of this section.

E. Each Board member shall attend at least one informational or educational meeting biennially that has been approved by the State Historic Preservation Office (hereinafter "SHPO") or attend training that would aid in the performance of their duties and responsibilities. Training not previously approved by the SHPO shall be submitted to

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the City to be approved by the Mayor.

#### **42.04 Terms of Office**

A. The members of the Board shall serve a term of four years and shall serve without pay but may be reimbursed by the City for necessary expenses incurred in connection with their duties subject to prior approval by the Mayor.

B. Vacancies on the Board shall be filed within 60 days, with the replacement completing the term of the previous member.

C. Three members of the Board will begin with four-year terms and two members of the Board will begin with a two-year term before beginning full four-year terms.

#### **42.05 Organization**

A. The Board shall elect from its membership a Chairperson, a Vice Chairperson, and a Secretary who shall serve for terms of one year and who shall be eligible for reelection. The Chairperson shall preside over the Board meetings and shall have the right to vote. In the absence or disability of the Chairperson, the Vice Chairperson shall perform the duties of the Chairperson.

B. The City shall provide staff support to the Board. City staff members may assist the Board by providing technical advice or helping in the administration of these sections of the City ordinance.

- C. Meetings of the Board shall be conducted as follows:
1. A simple majority of the membership of the Board shall constitute a quorum.
  2. The Board shall adopt and make public a set of bylaws for the transaction of its business which shall provide for the time and place of regular meetings and for the calling of special meetings. Special meetings shall only be called by the Chairperson or by at least two members of the Board.
  3. All meetings of the Board shall be open to the public and a public record must be kept of the Board's resolutions, proceedings and actions. All meeting shall have a previously available agenda and shall comply with the Kentucky Open Meetings Statute, KRS 61.805 to 61.850.
  4. Board shall hold at least four meetings per year, scheduled at regular intervals in a public place.
  5. Notice of all meetings of the Board shall be made as follows:
    - a. Published pursuant to Kentucky Revised Statutes, Chapter 424, not less than seven nor more than twenty-one days prior to regular meetings or received no less than twenty-four hours prior to special meetings; and
    - b. at least fifteen days prior written notice given by first class mail to the owners of property and owners of property immediately adjacent to property affected by matters under consideration by the Board.

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D. The recommendations of the Board shall be considered “approved” upon a majority vote of the Board members present and voting, if a quorum is present. These recommendations shall be signed by the Chairperson and the Secretary.

E. The Board shall cause full minutes of its meetings to be kept, and upon approval by the Board, they shall be filed with the Secretary of the Board, who shall make them available for public inspection and shall file and maintain them in a manner similar to that provided for minutes of City Council meetings.

F. No member of the Board shall vote on any matter that may affect the property, income, or business interest of that member or their family members. Board members are not allowed to participate in discussions at Board meetings about any property in which they or a family member have an interest and they shall disqualify themselves prior to the beginning of a discussion about property in which they have an interest.

#### **42.06 Duties and Powers**

A. The Board shall conduct a continuing survey of historic and cultural resources according to SHPO guidelines for purposes of determining those of a distinctive character or special historic, aesthetic, architectural, archeological, or cultural significance or value. The Board shall prepare and maintain an inventory of these resources within the City for use by public agencies and private owners. This inventory shall be referred to as the Inventory of Historic Properties and Sites. The inventory shall identify historic properties throughout the city and prioritize or rank these identified properties and sites based on eminent risk of loss and historical value. The format and content of and subsequent additions or changes to the Inventory of Historic Properties and Sites shall be approved by the Board and submitted to Council for approval.

B. The Board, after completion of the initial Inventory of Historic Properties and Sites, shall prepare and submit its recommendations for a preservation plan for landmarks and historic sites and structures in the City to the appropriate planning agency of the City for its consideration, review, and alteration for proposed adoption by the City.

C. The Board shall assist the City in its consultation with the Kentucky SHPO for the Section 106 Review on all projects which are deemed federal undertaking. The Board’s review and comments shall be included in all Section 106 submissions to the SHPO.

D. For purposes of Section 106 Review and where appropriate, the Board, in consultation with the City and the SHPO, may expand the definition for what will be considered “historic properties” at the local level from the federal definition outlined in 36 CFR §800.16 (1)(1) and (1)(2) to include other resources with local significance deemed worthy of preservation.

E. The Board shall review and comment on any plans for new construction prior to demolition of or alteration to identified historic properties (buildings, streetscapes, structure, or sites) to help ensure appropriateness and compatibility of design of new

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construction and consider alternatives for rehabilitation and adaptive reuse of existing historic properties. The Inventory and Preservation Plan established through Section 42.06(A) and (B) will inform this review. When the City is unable to implement recommendations made by the Board, the City will continue to consult with the Board in the development of alternatives.

F. The Board shall assist the City in surplus of city-owned historic properties to prospective owners interested in historic preservation prior to these properties being listed on the open market, auctioned, or demolished. The Board may, upon request by the City, propose plans to prospective owners for the rehabilitation and adaptive reuse of individual historic structures.

G. The Board shall make recommendations to the City for the designation of Historic Landmarks, and shall assist in determining recommended areas for Historic Preservation Overlay zones.

H. The Board shall make decisions on requests for Certificates of Appropriateness. The Board shall use the Ludlow Design Guidelines or any applicable Chapter 99 Development Plan area guidelines in making decisions on these requests to alter, demolish, relocate, or add to a designated property, or to build a new structure in designated Historic Preservation Overlay zones or Chapter 99 Development Plan areas. The guidelines may include the United States Secretary of the Interior's Standards for Rehabilitation.

I. The Board shall make decisions on requests for exterior alterations, demolitions, and new construction in Historic Preservation Overlay zones.

J. The Board may initiate plans for the rehabilitation of individual historic structures in the City.

K. The Chairperson of the Board shall have the power to administer an oath to witnesses prior to testifying before the Board on any issue.

L. In the development of the Certified Local Government Program, the City may ask the Board to perform other responsibilities that may be delegated to the City under the National Historic Preservation Act.

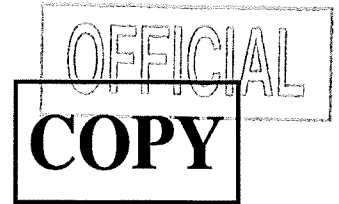
M. The Board shall administer the Main Street Facade Program.

## **SECTION II**

All ordinance or parts of ordinances in conflict herewith are hereby repealed.

## **SECTION III**

This ordinance shall take effect and be in full force from and after its passage and



publication, which may be in summary form, according to law.

Passed by the City Council this 12<sup>th</sup> day of July, 2018.

**CITY OF LUDLOW, KENTUCKY**

By: *Kenneth Wynn*  
Kenneth Wynn, Mayor

ATTEST: *Laurie Sparks*  
Laurie Sparks, City Clerk

First Reading: 6/14/18

Second Reading: 7/12/18