

LUDLOW ORDINANCE NO. 2026-3

AN ORDINANCE AMENDING THE CITY OF LUDLOW CODE OF ORDINANCES, CHAPTER 36, FOR THE PURPOSE OF CONFORMING THE URBAN DESIGN REVIEW BOARD ORDINANCE TO THE RECOMMENDATIONS OF THE KENTUCKY HERITAGE COUNCIL.

WHEREAS, the City of Ludlow adopted § 36 of the Ludlow Code of Ordinances, establishing an Urban Design Review Board in 2018; and

WHEREAS, the City of Ludlow receives recommendations from various advisory agencies, including the Kentucky Heritage Council, regarding its advisory committees and councils; and

WHEREAS, the Kentucky Heritage Council has recommended changes to the Urban Design Review Board ordinance, to allow the City of Ludlow to qualify as a Certified Local Government; and

WHEREAS, the City of Ludlow City Council, having considered the recommendations of the Kentucky Heritage Council and having found the same to be well-taken; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF LUDLOW, IN KENTON COUNTY, KENTUCKY, AS FOLLOWS:

SECTION I

That the Ludlow City Council hereby approves and adopts the amendments to Chapter 36 of the City's Code of Ordinances, which are attached as **Exhibit A** to this Ordinance and which are incorporated by reference herein. The Ludlow City Council finds that the amendments are necessary to promote the effective functioning of the Urban Design Review Board.

SECTION II

All ordinances in conflict with this ordinance shall be, and hereby are, repealed to the extent of said conflict.

SECTION III

If any part of this ordinance or its application is deemed invalid by a court of competent jurisdiction, the City Council intends that such invalidity will not affect the effectiveness of the remaining provisions or applications and, to this end, the provisions of this ordinance are severable.

SECTION IV

That this ordinance shall become effective upon its passage and shall be published under KRS 83A.060 (9) and other applicable law. The ordinance may be published in summary.

Passed by the City Council this _____ day of _____, 2026.

CITY OF LUDLOW, KENTUCKY

Sarah Thompson, Mayor

ATTEST: _____
Laurie Sparks, City Clerk

First Reading: _____ Second Reading: _____ Publication: _____

EXHIBIT A

Proposed Text Amendments to the City of Ludlow's Code of Ordinances

Words to be deleted are [struck through] – Words to be added are **underlined**.

§ 36.50 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

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.

BOARD. The Ludlow Urban Design Review Board as established in this subchapter.

BUILDING. Any structure designed or constructed for residential, commercial, industrial, agricultural, transportation, or other use.

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.

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.

CITY. The City of Ludlow, Kentucky.

COUNCIL. The Ludlow City Council.

DEMOLITION. Any act destroying, in whole or in part, or moving, a LANDMARK, BUILDING, or structure deemed by the BOARD to be of historic significance.

DESIGNATED PROPERTY. A LANDMARK, BUILDING, or structure in a HISTORIC DISTRICT. DESIGNATED PROPERTY shall include all lots within a HISTORIC DISTRICT and the entire lot containing a LANDMARK.

HISTORIC DISTRICT. An area of architectural, historical, or cultural significance.

INVENTORY OF HISTORIC PROPERTIES AND SITES. A catalog of historical sites.

LANDMARK. A BUILDING or structure of architectural, historical, or cultural significance which meets one or more of the criteria contained in this subchapter and which has been designated by the CITY.

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 that changes the external appearance of the property shall be considered an ALTERATION for purposes of this subchapter.

PRESERVATION PLAN. Guidelines and/or regulations for the rehabilitation of certain sites, structures, and/or areas to incorporate them into a livable community.

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 CFR § 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.

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.

SURPLUS PROPERTIES. Properties owned by the CITY.

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.

(Ord. 2018-4, passed 7-12-2018)

§ 36.51 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 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. 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.

(Ord. 2018-4, passed 7-12-2018; Am. Ord. 2026-____, passed __-__-2026)

§ 36.52 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 the Mayor and approved by Council. The following criteria must 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, Incorporated;

(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; and

(4) Two members will be representing the community at large. A city business owner that is not a resident may be appointed as one of the members at-large.

(C) Members should be city residents, unless otherwise noted above, or in a 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 per year that has been approved by the State Historic Preservation Office (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 the city to be approved by the Mayor.

(Ord. 2018-4, passed 7-12-2018; Am. Ord. 2026-____, passed __-__-2026)

§ 36.53 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 filled 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 two-year terms before beginning full four-year terms.

(Ord. 2018-4, passed 7-12-2018)

§ 36.54 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 re-election. 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 this code.

(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) The 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 KRS Ch. 424, not less than seven nor more than 21 days prior to regular meetings or received no less than 24 hours prior to special meetings; and

(b) At least 15 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.

(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 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, employees, agents, partners, or associates. Board members are not allowed to participate in discussions at Board meetings about any property in which they or a family member, employees, agents, partners, or associate have an interest and they shall disqualify themselves prior to the beginning of a discussion about property in which they have an interest.

(G) The Board shall prepare and keep on file, available for public inspection, written annual report of its activities, cases and decisions, qualifications of members and other work.

(Ord. 2018-4, passed 7-12-2018; Am. Ord. 2026-____, passed __-__-2026)

§ 36.55 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 a 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(l)(1) and (l)(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 construction, and consider alternatives for rehabilitation and adaptive reuse of existing historic properties. The inventory and preservation plan established through divisions (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.

a. Initiation of Designations - The Board 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 Council, a property owner, an individual, or a neighborhood organization may also request the Board to make a study and recommendation.

b. Public Hearing and Notice - The Board shall assemble information about the property or area being considered for designation and shall schedule a public hearing on the proposed designation. Advertised notice shall be given, including conspicuous posting on the property or in the proposed district for fifteen (15) consecutive days immediately prior to the hearing. Written notice of the hearing shall be given at least fifteen (15) days in advance of the hearing 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 Board 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 properties in the City. The guidelines 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 guidelines shall suggest changes that would be appropriate for landmarks or for property in historic districts. After a designation, the Board 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 Planning and Zoning Commission and the City Council for their comments.

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 Board report making its recommendation to the City Council.

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 that is recognized for the quality of its architecture and that retains sufficient elements showing architectural significance;
6. Its characteristic of an architectural style of a period; or
7. Its character as a contributing element in a Historic Preservation Overlay zone or in a Historic Designation Report.

e. Recommendation to the City Council - After evaluating the testimony at its public hearing, survey information, and other material it has assembled, the Board shall make its recommendation to the City Council with a written report on the property or area under consideration. The recommendation and report shall also be sent to the Planning and Zoning Commission.

f. Review by the Planning and Zoning Commission - The Planning and Zoning Commission shall report on the relationship between proposed designation and existing 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 Planning and Zoning Commission shall forward its comments, the Comprehensive Plan amendment, and the zoning map change to the City Council. If the Planning and Zoning does not approve of the proposed designation, it shall forward its comments to the City Council.

g. Action by the City Council - The City Council shall approve, modify, or disapprove the proposed designation within sixty (60) days after receiving the recommendation of the Board and the material from the Planning and Zoning Commission. If the City decides to make a designation and no Comprehensive Plan

amendment has been adopted and no zoning map change has been recommended, the City Council shall request the Planning and Zoning Commission to reconsider its earlier decision and shall provide that the designation shall take effect after these preliminary steps have been approved.

h. Notification of Designation - The Board 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 Board shall also give notice of the decision to the government offices in the city and County which will retain them for future reference.

i. Amendment or Recission of a Designation - The amendment or recission of any designation shall be accomplished through the same steps as were followed in the original designation.

(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 city 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 shall 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.

(N) The Board shall review all proposed National Register nominations for properties within the city limits of Ludlow in accordance with the Kentucky Certified Local Government Program Manual (latest edition) and the National Historic Preservation Amendments Act of 1980. The CLG shall submit a report to the State Historic Preservation Officer regarding the eligibility of each property or district proposed for nomination to the

National Register. This report shall include the recommendation of the local preservation commission and the chief elected official and the formal National Register nomination form.

(O) The Board shall work with federal, state, and local governments and other parts of city government on historic preservation issues.

(P) The Board shall advise and assist individuals or groups about historic preservation.

(Q) The Board, in addition to any appropriation made by the City, shall have the right to receive, hold, and spend funds that 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.

(Ord. 2018-4, passed 7-12-2018; Am. Ord. 2026-____, passed __-__-2026)