

ORDINANCE NO. 608

AN ORDINANCE RELATING TO AN ORDINANCE (ORDER) AMENDING AND ADOPTING AS AMENDED ZONING REGULATIONS ENTITLED "ZONING REGULATIONS FOR BARDSTOWN, BLOOMFIELD, FAIRFIELD, NEW HAVEN AND NELSON COUNTY, KENTUCKY," BY AMENDING SECTION 15.611, APPROVAL BY HISTORICAL REVIEW BOARD; SECTION 15.612, DISAPPROVAL BY HISTORICAL REVIEW BOARD; 15.613, FAILURE OF HISTORICAL REVIEW BOARD TO ACT; AND SECTION 15.7, DEMOLITION OF LANDMARKS OR STRUCTURES IN HISTORIC DISTRICTS ON LANDMARK SITES.

UPON MOTION OF Councilman Bowling, seconded by Councilman Hibbs,

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Bardstown, State of Kentucky:

That Section 15.611, Approval by Historical Review Board of the Zoning Regulations be amended as follows:

15.611 Approval by Historical Review Board - If the Historical Board recommends approval of the application for a building permit for a Landmark and Landmark Site or for a property in a Historic District, it shall forward immediately its recommendation in writing stating the reasons for such approval to the appropriate legislative body Planning Commission. The legislative body Planning Commission shall promptly cause a Certificate of Appropriateness to be issued to the applicant and shall at the same time transmit a copy of said Certificate of Appropriateness to the Administrative Officer. Upon receipt of the Certificate of Appropriateness, the Administrative Officer shall issue the building permit if it meets all other requirements of law. The Administrative Officer shall inspect the construction or alternation approved by such certificate from time to time and report to the Historical Review Board and the legislative body Planning Commission any work not in accordance with such certificate. In the event work is being performed not in accordance with such certificate, a Stop Work Order shall be issued by the Administrative Officer, and all work shall cease. In the event work is being performed without a Certificate of Appropriateness, a Stop Work Order shall be issued by the Administrative Officer, and all work shall cease.

15.612 Disapproval by Historical Review Board - If the Historic Review Board recommends disapproval of the Application for a building permit for a Landmark and Landmark Site or for a property in a Historic District, it shall promptly transmit a written report stating the reasons for such disapproval to the appropriate legislative body Planning Commission. In said written report the Review Board shall make recommendations in regard to and appropriate architectural design, exterior surface treatment or other appropriate matters to make the application conform to the intent of the Historic District and Landmark regulations.

In the event the Historical Review Board recommends disapproval of an application for a building permit for a Landmark and Landmark Site or for a property in a Historic District, the applicant for said permit may appeal to the appropriate legislative body Planning Commission, which shall hold a public hearing thereon and shall vote on said appeal within forty-five days after the notice of appeal is filed with the legislative body Planning Commission. The legislative body Planning Commission shall give notice of the time, place, and reason for holding public hearing thereon by one publication in a newspaper of general circulation in Nelson County, Kentucky not earlier than twenty-one days or later than seven days before the public hearing. If the legislative body Planning Commission votes to recommend that the application for a building permit be approved, it shall promptly issue a Certificate of Appropriateness to the applicant and transmit a copy to the

Administrative Officer. If the legislative body Planning Commission votes to disapprove the application for a building permit, it shall transmit its decision in writing to the Administrative Officer. The applicant may appeal the disapproval by the legislative body Planning Commission to the Circuit Court.

15.613 Failure of Historical Review Board to Act - Upon failure of the Historical Review Board to take final action upon any case within thirty days after the application for a building permit has been filed with the Administrative Officer, and unless a mutual written agreement between the Historical Review Board and the applicant has been made for an extension of time, the application shall be deemed to be approved and the appropriate legislative body Planning Commission shall promptly issue a Certificate of Appropriateness as provided under Section 15.611 hereinabove.

15.7 Demolition of Landmarks or Structures in Historic Districts on Landmark Sites - The respective Historical Review Boards shall have the power instruct the Administrative Officer temporarily to deny a demolition permit for any destruction of Landmark or any building in the Historical District or on a Landmark Site which the Board considers to have historical value. ~~(Before any building in any historical District can be destroyed, the property owner must submit a statement of his intent to the Historical Review Board. If within forty-five days time the Board of the respective city or county have not agreed to pay the fair cash value for the property, the owner may proceed with demolition permit shall be granted.)~~ The Historical Review Board shall negotiate with the applicant to see if an alternative to demolition can be found. The Review Board 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.

The Review Board shall hold a public hearing on the proposed demolition within thirty (30) days after the application for the demolition permit was filed with the Administrative Officer. The Review Board shall promptly notify the applicant of the public hearing by Certified Mail and shall give notice of the time, place and reason for holding the public hearing by one publication in a newspaper of general circulation in Nelson County, Kentucky not earlier than twenty-one (21) days or later than seven (7) days before the public hearing.

The Review Board shall study the question of economic hardship for the applicant and shall determine by a preponderance of the evidence whether the Landmark or the building in the Historic District or on the Landmark Site can be put to reasonable beneficial use without the approval of the demolition application. In case of an income-producing building, the Review Board shall also determine by a preponderance of the evidence whether the applicant can obtain a reasonable return from his existing building. The Review Board may ask applicants for additional information to be used in making these determinations. If the Review Board finds economic hardship or the lack of a reasonable return, it shall recommend approval of the demolition application. If economic hardship or the lack of reasonable return is not proved, the Review Board shall deny the demolition application unless the Review Board finds grounds to recommend approving the demolition application using the standards for review contained in Paragraph 15.61. The Review Board shall take final action upon any case within sixty (60) days after the application for the demolition permit was filed with the Administrative Officer or the demolition permit shall be deemed to be approved by the Review Board.

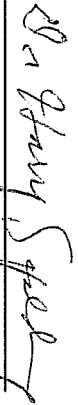
In the event the Historical Review Board denies an application for a demolition permit for a Landmark or a building in a Historic District or a Landmark Site, the applicant for said permit may appeal to the Bardstowen City Council Planning Commission, which shall hold a public hearing thereon and shall vote on said appeal within forty-five (45) days after the notice of appeal is filed

with the Planning Commission. The Bardstowm City Council Planning Commission shall give notice of the time, place and reason for holding the public hearing by one publication in a newspaper of general circulation in Nelson county, Kentucky, not earlier than twenty-one (21) days or later then seven (7) days before the public hearing. If the Bardstowm City Council Planning Commission votes to recommend that the application for a demolition permit be approved, it shall transmit a copy of its recommendation to the Administrative Officer. The applicant may appeal the denial by the Bardstowm City Council Planning Commission to the Circuit Court.

This ordinance shall be in full force and effect following publication as required by law.

This ordinance or parts of ordinance in conflict herewith are repealed to the extent of such conflict.

CITY OF BARDSTOWN


Dr. Harry Spalding
Mayor

ATTEST:


Lonnie G. Parrott
City Clerk

DATED: 7-23-96.