

CHAPTER 155: HISTORIC PRESERVATION COMMISSION

Section

155.01	<u>Purpose and definitions</u>
155.02	<u>Historic preservation commission establishment and organization</u>
155.03	<u>Powers and duties of the commission</u>
155.04	<u>Historic districts</u>
155.05	<u>Certificates of Appropriateness (COA)</u>
155.06	<u>Staff approvals</u>
155.07	<u>Visual compatibility</u>
155.08	<u>Preservation of historical and architectural character upon alteration or relocation mandated</u>
155.09	<u>Appeal Provisions</u>
155.10	<u>Maintenance</u>
155.11	<u>Relationship to zoning districts</u>
155.12	<u>Paint colors</u>
155.13	<u>Penalties</u>

§ 155.01 PURPOSE AND DEFINITIONS.

(A) Purpose. Purpose of historic preservation and protection: In order to promote the educational, cultural, and general welfare of the citizens of Williamstown and to insure the harmonious and orderly growth and development of the municipality; to maintain established residential neighborhoods in danger of having their distinctiveness destroyed; to enhance property values and attract new residents; to ensure the viability of the traditional downtown area and to enhance tourism within the City of Williamstown; it is deemed essential by the City of Williamstown that qualities relating to its history and harmonious outward appearance of its structures be preserved. This purpose is advanced through the restoration and preservation of historic areas and buildings, the construction of compatible new buildings where appropriate, and the maintenance and insurance of compatibility in regards to style, form, proportion, texture, and material between historic buildings and those of contemporary design. It is the intention of the City of Williamstown through this chapter to preserve and protect historic and architecturally worthy buildings, structures, sites, monuments, streetscapes, and neighborhoods which impart a distinct quality to the City and serve as visible reminders of its historic heritage.

(B) Definitions. The following terms shall have the following meaning unless a contrary meaning is required by the context or is specifically prescribed. Words in the present tense include the future tense. The singular number includes the plural, and the plural, the singular. The word "shall" is always mandatory. The

word "person" includes a firm, a partnership, a limited liability company, or a corporation, as well as an individual. Terms not defined in this Part shall have the meaning customarily assigned to them.

"alternation." A material or color change in the external architectural features of any building, structure, or site within a historic district.

"city." The City of Williamstown, Kentucky.

"classifications."

(A) Outstanding. The "O" classification means that the property has sufficient historic or architectural significance. It is listed or it is eligible for individual listing, in the National Register of Historic Places. Outstanding resources can be of local, state, or national importance.

(B) Notable. A classification of "N" means that the property does not merit the outstanding rating, but it is still above average in its importance. A notable structure may be eligible for the National Register of Historic Places.

(C) Contributing. A "C" classification means the property is at least forty (40) years old, but does not meet the criteria for an "O" or "N" classification. Such resources are important to the density or continuity of the area's historic fabric. Contributing structure can be listed on the National Register of Historic Places only as part of a historic district.

(D) Non-Contributing. Property classified as "NC" is not included in an inventory unless it is located within the boundaries of a historic district. Such properties may be less than forty (40) years old, or they may be older structures that have been altered in such a way that they have lost their historic character, or they may be otherwise incompatible with their historic surroundings. These properties are not eligible for listing in the National Register of Historic Places.

"demolition." The complete or substantial removal of any building, structure, or site located in a historic district.

"downtown design guidelines." Criteria, locally developed, which identify local design concerns in an effort to assist property owners in maintaining the character of the designated district or buildings

during the process of rehabilitation or new construction.

"historic district." A single building, structure, object, or site, or a concentration of buildings, structures, objects, spaces, or sites, the boundaries of which are described or delineated on a map approved in an ordinance adopted under this title.

"interested party." Means one of the following:

(A) The Mayor.

(B) The City Council.

(C) The Grant County Planning Commission.

(D) A neighborhood association, whether incorporated or unincorporated, a majority of whose members are residents of a historic district designated by an ordinance adopted under this title.

(E) An owner or occupant of property located in a historic district established by an ordinance adopted under this title.

(F) The Kentucky Heritage Council, or any of its successors.

(G) The Kentucky Historic Preservation Officer.

"primary area." The principal area of historic and/or architectural significance within a historic district as delineated on the map establishing the boundaries of the historic district.

"routine maintenance." Work for which no certificate of appropriateness is required.

"secondary area." An area in a historic district delineated on the map establishing the boundaries of the historic district that is adjacent to a primary area and which has a visual relationship to the primary area and could affect the preservation of the primary area. The purpose of designating a secondary area is to assure its compatibility and harmony with an adjacent, primary area.

"streetscape." Appearance from a public way, the distinguishing characteristics of which are created by the width of the street and sidewalks, their paving materials and color, the design of the street furniture (e.g., street lights, trash receptacles, benches, etc.) use of plant materials such as trees and shrubs, and the setback, mass,

and proportion of those buildings which enclose the street.

"visual compatibility." Those elements of design that meet the guidelines set out in Part 7 of this title.

§ 155.02 HISTORIC PRESERVATION COMMISSION ESTABLISHMENT AND ORGANIZATION.

(A) Creation. There is hereby established the Historic Preservation Commission of the City of Williamstown, Kentucky (hereinafter referred to as the "Commission").

(B) Composition. The Commission shall consist of not less than three (3) nor more than seven (7) voting members. The voting members shall be appointed by the Mayor, and shall be residents of the City who are interested in the preservation and development of historic areas. The members of the Commission should include professions in the disciplines of architectural history, planning, and other disciplines related to historic preservation, to the extent that those professionals are available in the community. Nonvoting, advisory member(s) may be appointed to the Commission by the Mayor. Commission members shall serve without compensation, except for reasonable expenses incurred in the performance of their duties.

(C) Term. Voting members shall serve for a term of three (3) years; however, the initial terms of members shall be for one (1) year, two (2) years, and three (3) years in order for the terms to be staggered. The term for nonvoting, advisory members shall be three (3) years. A vacancy shall be filled within ninety (90) days for the duration of the term.

(D) Commission Administrator. A city employee designated by the mayor shall serve as the ex-officio administrator of the Commission. The administrator shall provide staff assistance to the Commission, may act as the Commission's secretary, and may issue Certificates of Appropriateness as directed by the Commission.

(E) Officers. The Commission shall adopt rules and bylaws consistent with the transaction of its business. The rules must include the time and place of regular meetings and a procedure for the calling of special meetings.

(F) Rules. The Commission shall adopt rules and bylaws consistent with the transaction of its business. The rules must include the time and place of regular meetings and a procedure for the calling of special meetings.

(G) Meetings. Commission meetings must be open to the public in accordance with Kentucky's Open Meetings Law and a public record shall be kept of the Commission's resolutions, proceedings, and actions. The Commission shall hold regular monthly meetings, however, meetings, shall be canceled when it has no business pending. Special meetings may be called in a manner determined by the Commission and its rules.

§ 155.03 POWERS AND DUTIES OF THE COMMISSION.

(A) The Commission shall be concerned with those elements of development, redevelopment, rehabilitation, and preservation that affect exterior visual quality in a historic district or the Renaissance District, which include but are not limited to viewsheets, landscapes, and streetscapes of historic importance. The Commission may not consider details of design, interior arrangements, or building features if those details, arrangements, or features are not subject to public view. The Commission may not make any requirement (except for the purpose of preventing development, alteration, or demolition in the historic district or Renaissance District) which is obviously incongruous with the historic district or Renaissance District.

(B) The Commission shall conduct surveys and establish historic districts in accordance with the provisions of Part 4 of this title.

(C) The Commission shall adopt the Downtown Design Guidelines for architectural review, as approved by the Williamstown City Council. The Commission may, from time to time, amend said guidelines, subject to approval by the Williamstown City Council. The guidelines shall be published and made readily accessible to the general public.

(D) The Commission shall administer the City's Historic Preservation, Façade, and Renovation Assistance Program. The Commission shall provide design assistance and advice, including the review of any plans for renovation or remodeling any building or structure within a historic district or the Renaissance District. The Commission shall further administer any grant or loan funds programs provided by the City of Williamstown for the renovation or remodeling of any building or structure in a historic district and/or the Renaissance District, including reviewing and approving applications for said grant or loan funds. Grant and Loan funds shall be awarded on the basis of meeting the minimum standards of this Chapter and the City of Williamstown Downtown Design Guidelines, and the minimum standards of the agency or organization

providing said grant or loan funds.

(E) The Commission has the authority to receive funds in order to promote its stated purpose, subject to the approval of the City Council.

(F) The Commission shall promote public interest in historic preservation by initiating and carrying on a public relations and community education program.

(G) The Commission, through this chapter, and subject to the approval of the City Council, may;

(1) Acquire by purchase, gift, grant, bequest, devise, or lease any real or personal property, including easements, that is appropriate for carrying out the purposes of the Commission.

(2) Hold title to real and personal property; and

(3) Sell, lease, rent, or otherwise dispose of real and personal property at a public or private sale on the terms and conditions that the Commission considers best.

(4) The Commission shall establish procedures that the Commission must follow in acquiring an disposing of property.

§ 155.04 HISTORIC DISTRICTS.

(A) All recommendations for the establishment of a historic district shall be in the form of a written report and must be based on the criteria outlined in this Part. A recommendation for establishing a historic district may be initiated from either of the following two (2) sources:

(1) Based on its survey, the Commission may draw and submit historic district maps for City Council approval.

(2) Owners of property in fee simple wishing to establish a historic district which includes their property may petition the Commission to consider drawing and submitting a map or maps of said property to the City Council for its approval. The Commission may establish in its rules criteria to be met before it considers a petition.

(B) Commission preparation of historic district maps: in order to establish a historic district, the Commission shall first prepare

a map describing the district in accordance with the following:

(1) The map shall be based on a survey conducted by the Commission which identifies historic buildings, structures, and sites located within the city.

(2) A district may be limited to the boundaries of a property containing a single building, structure, or site.

(3) The map may divide the district into primary and secondary areas as follows:

(4) Primary Area: The principal area of historic and architectural significance.

(5) Secondary Area: An area adjacent to a primary area which has a visual relationship to the primary area and could affect the preservation of the primary area. The purpose of designation a secondary area is to assure its compatibility and harmony with an adjacent primary area.

(C) The Commission shall classify and designate on the map all buildings, structures, and sites within each historic district described on the map. Buildings, structures, and sites must be classified as historic or non-historic. Historic buildings, structures, and sites must possess identified historic or architectural merit of a degree warranting their preservation. The Commission shall further classify and designate all buildings and structures within a proposed historic district as follows:

- (1) Outstanding;
- (2) Notable;
- (3) Contributing; or,
- (4) Non-Contributing.

(D) Non-historic buildings, structures, and sites are those not classified on the map as historic. In lieu of other classifications, the Commission may devise its own system of further classification of historic buildings, structures, and sites.

(E) City Council approval of maps of historic districts: Before a historic district is established and the building classifications take effect, the map setting forth the district's boundaries and building classifications must be submitted to, and

approved in an ordinance by, the City Council.

(F) Recording the fact of designation: The map establishing boundaries of a historic district may be recorded in the Office of the Grant County Clerk.

§ 155.05 CERTIFICATES OF APPROPRIATENESS (COA)

(A) Certificates of Appropriateness (COA) required: A Certificate of Appropriateness is required to be obtained by any property owner(s) prior to the receipt of grant funds from the City of Williamstown Façade and Renovation Assistance Program. The Certificate of Appropriateness will remain in force for a period of five (5) years following the receipt of grant funds from the City of Williamstown Façade and Renovation Assistance Program for façade improvements or historic preservation within the City of Williamstown. The Commission shall issue the COA prior to a zoning permit being issued for, or work is begun on, any of the following activities taking place on a structure in which whose owner receives grant funds from the City of Williamstown:

(1) A conspicuous change in the exterior appearance of any building or any part of or appurtenance to such a building, including walls, fences, light fixtures, steps, paving, and signs by additions, reconstruction, alteration, maintenance, or involving exterior color change if cited by individual ordinance;

(2) Any new construction of an accessory building or structure subject to view from a public way.

(3) A change in walls and fences, or the construction of walls and fences along public ways;

(4) The demolition of any building or structure; or,

(5) The moving of any building or structure.

(B) For a period of five (5) years after a Certificate of Appropriateness is obtained by any property owner(s) receiving grant funds from the City of Williamstown Façade and Renovation Assistance Program, a COA is required to be obtained by said property owner(s) prior to performing any activity described in subpart (A), Paragraphs 1 through 5, of this Part if that activity is not described for in the original COA. The Commission shall issue the COA prior to a zoning permit being issued for, or work is begun on said activity.

(C) Application for Certificates of Appropriateness: An

application for a Certificate of Appropriateness shall be made in the office of the Commission or its designee on forms provided by that office. All applications shall be subject to the rules and requirements established by the Commission. Rules may include, but are not limited to: Filing deadlines; Application requirements such as sketches, drawings, photographs, or descriptions; or other information which the Commission or its designee deem necessary to make a decision

(D) Approval or denial of Certificates of Appropriateness: The Commission may approve or deny Certificates of Appropriateness for any actions or activities covered by this title. If an application for a Certificate of Appropriateness is approved by the Commission, or is not acted on by the Commission within sixty (60) days after it is filed, a Certificate of Appropriateness shall be issued. The Commission may grant an extension of the sixty (60) day limit if the applicant agrees to it. The Commission must report its findings and the reasons for its decision in written form, and supply the applicant with a copy of its report. A copy of the Certificate of Appropriateness must be submitted with the application for a zoning, building, or demolition permit; no zoning, building, or demolition permit shall be issued unless a copy of the Certificate of Appropriateness is provided by the applicant with the application.

(E) Criteria for considering effect of actions on historic buildings: The Commission, in considering the appropriateness of any reconstruction, alteration, maintenance, or moving of a historic building, structure, site, or any part of or appurtenance to such building or structure, including walls, fences, light fixtures, steps, paving, and signs shall require that such work be done in a manner that will preserve the historical and architectural character of the building, structure, or appurtenance. In considering historic and architectural character, the Commission shall consider, among other things, the following:

- (1) Purposes of this Chapter;
- (2) The Downtown Design Guidelines;
- (3) Historical and architectural value and significance of the building, structure, site or appurtenance;
- (4) Compatibility and significance of additions, alterations, details, materials, or other non-original elements which may be of a different style and construction date than the original;

(5) The texture, material, color, style, and detailing of the building, structure, site, or appurtenance;

(6) The continued preservation and protection of original or otherwise significant structure, material, and ornamentation.

(7) The relationship to other buildings, structures, appurtenances, or architectural features within the vicinity or within the same historic district, if applicable, or for primary areas, visual compatibility as defined in Part 7(B); and,

(8) The position of the building or structure in relation to the street, public right-of-way, and to other buildings and structures.

§ 155.06 STAFF APPROVALS.

(A) The Commission may authorize the designee of the Commission, on behalf of the Commission, to grant or deny an application for a Certificate of Appropriateness.

(B) The Commission shall specify by rule the types of applications for Certificates of Appropriateness that the designee of the Commission is authorized to grant or deny. The designee of the Commission may not be authorized to grant or deny an application for a Certificate of Appropriateness for the following:

(1) The demolition of a building, structure, or site.

(2) The moving of a building or structure.

(3) The construction of an addition to a building or structure.

(4) The construction of a new building or structure.

§ 155.07 VISUAL COMPATIBILITY.

(A) For new construction, contemporary design, and non-historic buildings: To preserve and encourage the integrity of historic buildings, structures, sites, monuments, streetscapes, and neighborhoods, and to ensure their compatibility with any new work, the construction of a new building or structure, and the moving, reconstruction, alteration, color change, major maintenance, or repair conspicuously affecting the external appearance of non-historic building, structure, or appurtenances within the primary

area should be generally of a design, form, proportion, mass configuration, building material, texture, color, and location on a lot compatible with other buildings in the historic district and with places in which it is visually related.

(B) Criteria for considering visual compatibility within historic primary areas: Within the primary area of a historic district, new buildings, structures, and appurtenances, or existing buildings, structures, and appurtenances that are moved, reconstructed, materially altered, repaired, or changed in color, should be visually compatible with buildings and places to which they are visually related generally in terms of the following visual compatibility factors:

(1) Height. The height of proposed buildings should be visually compatible with adjacent buildings.

(2) Proportion of building's front façade: The relationship of the width of a building to the height of the front elevation should be visually compatible with buildings, squares, and places to which it is visually related.

(3) Proportion of openings within the facility: The relationship of the width of the windows to the height of windows in a building should be visually compatible with buildings, squares, and places to which it is visually related.

(4) Relationship of solids to voids in front facades: The relationship of solids to voids in the front façade of a building should be visually compatible with buildings, squares, and places to which it is visually related.

(5) Rhythm of spacing of buildings on streets: The relationship of a building to the open space between it and adjoining buildings should be visually compatible with buildings, squares, and places to which it is visually related.

(6) Rhythm of entrances and porch projections: The relationship of entrances and porch projections of a building to sidewalks should be visually compatible with buildings, squares, and places to which it is visually related.

(7) Relationship of materials, texture, and color: The relationship of the materials, texture, and color of the façade of a building should be visually compatible with buildings, squares, and places to which it is visually related.

(8) Roof shapes: The roof shape of a building should be visually compatible with buildings, squares, and places to which it is visually related.

(9) Wall continuity: Appurtenances of a building or site, such as walls, wrought iron fences, evergreen landscape masses, and building facades, should form cohesive walls of enclosure along the street, if necessary to ensure visual compatibility of the building to the buildings and places to which it is visually related.

(10) Scale of the building: The size of a building, and the building mass of a building in relation to pen spaces, windows, door openings, porches, and balconies should be visually compatible with the buildings and places to which it is visually related.

(11) Directional expression of front elevation: A building should be visually compatible with buildings, squares, and places to which it is visually related in its directional character, including vertical character, horizontal character, or nondirectional character.

§ 155.08 PRESERVATION OF HISTORICAL AND ARCHITECTURAL CHARACTER UPON ALTERATION OR RELOCATION.

(A) Any historic building or structure required to obtain a Certificate of Appropriateness, or any part of or appurtenance to such a building or structure, including stone walls, fences, light fixtures, steps, paving, and signs that requires a COA, may be removed, reconstructed, altered, or maintained only in a manner that will preserve the historical and architectural character of the building, structure, or appurtenance.

(B) Any historic building, structure, or appurtenance requiring a Certificate of Appropriateness may be relocated to another site only if it is shown that preservation on its current site is inconsistent with preserving the historical and architectural character of the building, structure, or appurtenance.

§ 155.09 APPEAL PROVISIONS.

(A) The purpose of this Part is to preserve historic buildings that are important to the education, culture, traditions, and economic values of the City and to afford the City, historical organizations, property owners, and other interested persons the opportunity to acquire or to arrange for the preservation of these buildings.

(B) If the Commission denies the issuance of a Certificate of Appropriateness for the demolition of a building, structure, or site, a demolition permit may be issued by other agencies and a building, structure, or site may be demolished, but only after the property owner(s) has demonstrated to the Commission that the historic building, structure, or site is incapable of earning an economic return on its value, as appraised by a licensed real estate appraiser.

(C) Notice of the proposed demolition should be given for a period fixed by the Commission, based on the Commission's classification on the approved map, but not less than thirty (30) days nor more than one (1) year. Notice should be posted on the premises of the building or structure proposed for demolition in a location clearly visible from the street. In addition, notice should be published in a newspaper of general location circulation at least three (3) times before demolition, with the first publication not more than fifteen (15) days after the application for a permit to demolish is filed, and the final publication at least fifteen (15) days before the date of the permit.

(D) The Commission may approve a Certificate of Appropriateness at any time during the notice period under subpart (C) of this Part. If the COA is approved, a demolition permit shall be issued without further delay, and demolition may proceed.

§ 155.10 MAINTENANCE.

Ordinary repairs and maintenance: Nothing in this Chapter shall be construed so as to prevent the ordinary repairs and maintenance of any building, structure, or site, provided that such repairs or maintenance do not result in a conspicuous change in the design, form, proportion, mass configuration, building material, texture, color, location, or external visual appearance of any structure, or part thereof.

§ 155.11 RELATIONSHIP WITH ZONING DISTRICTS.

Buildings, structures, land, and uses subject to the requirements for a COA, are further subject to regulations for the zoning district in which it exists. If there is a conflict between the requirements of the zoning district and the requirements of the COA, the more restrictive requirements shall apply.

§ 155.12 PAINT COLORS.

In an ordinance approving the establishment of a historic district, the City may exclude changes in paint colors from the activities requiring the issuance of a Certificate of Appropriateness under Part 5 of this Chapter before a permit may be issued or work begun.

§ 155.99 PENALTIES.

(A) Any person, whether as principal, agent, owner, lessee, tenant, contractor, builder, architect, engineer, or otherwise, who violates any provision of this chapter shall be subject to a fine as follows, for each offense:

(1) Not less than ten dollars (\$10.00) nor more than two thousand five hundred dollars (\$2,500.00) for demolition; and,

(2) Not less than ten dollars (\$10.00) nor more than three hundred dollars (\$300.00) for all other offenses.

(B) Each day of the existence of any violation of this chapter shall be a separate offense.

(C) The erection, construction, enlargement, alteration, repair, demolition, color change, moving, or maintenance of any building, structure, or appurtenance which is begun, continued, or maintained contrary to any provisions of this chapter is hereby declared to be a nuisance and in violation of this chapter and unlawful. The city may institute a suit for injunction in the Circuit Court of Grant County to restrain any person or government unit from violating any provision of this chapter and to cause such violation to be prevented, abated, or removed. Such action may also be instituted by any property owner(s) who is adversely affected by the violation of any provision of this chapter.

(D) The remedies provided for in this Part shall be cumulative and not exclusive and shall be in addition to any other remedies provided by law.

(E) Any person or party aggrieved by a decision or action taken by the Commission shall be entitled to a judicial review hereof in accordance with the Kentucky Revised Statutes.