

SUMMARY OF ORDINANCE 95-2

The City of Russellville, Kentucky, through its City Council and Mayor passed Ordinance 95-2 on March 21, 1995, by unanimous vote. The title of the Ordinance is:

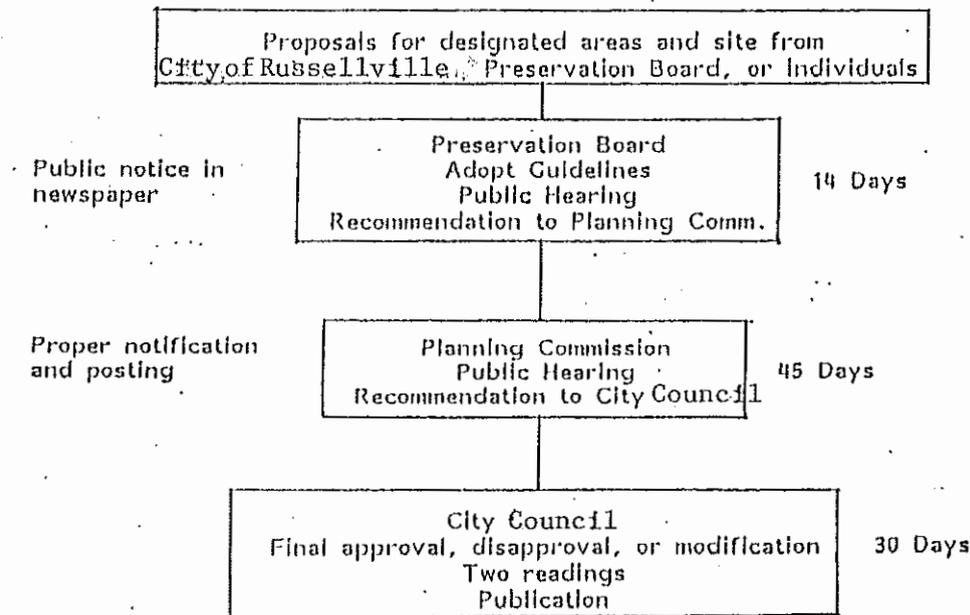
AN ORDINANCE ADDING A NEW ARTICLE, ARTICLE 3B, TO THE ZONING ORDINANCE/RESOLUTION AND PROVIDING FOR A DECLARATION OF PURPOSE AND INTENT ON THE PRESERVATION OF HISTORIC AREAS AND BUILDINGS IN THE CITY OF RUSSELLVILLE; PROVIDING FOR THE ESTABLISHMENT OF AN OVERLAY HISTORIC PRESERVATION AREA CLASSIFICATION ON THE ZONING MAP AND FOR THE ESTABLISHMENT OF A LANDMARK AND LANDMARK SITE CLASSIFICATION; PROVIDING FOR CREATION OF THE RUSSELLVILLE HISTORIC PRESERVATION BOARD; PROVIDING FOR THE POWERS AND DUTIES OF THE PRESERVATION BOARD; PROVIDING FOR THE CITY'S PARTICIPATION IN NOMINATIONS TO THE NATIONAL REGISTER OF HISTORIC PLACES; PROVIDING FOR THE DESIGNATION OF CITY LANDMARKS AND LANDMARK SITES AND HISTORIC DISTRICTS; PROVIDING FOR THE APPROVAL OF CHANGES TO LANDMARKS AND LANDMARK SITES AND PROPERTY IN HISTORIC DISTRICTS; PROVIDING FOR CONFORMITY OF WORK TO THE CERTIFICATES OF APPROPRIATENESS THAT ARE ISSUED; PROVIDING FOR THE MAINTENANCE AND REPAIR OF LANDMARKS AND LANDMARK SITES AND PROPERTY IN HISTORIC DISTRICTS; PROVIDING FOR THE CONTINUATION IN EFFECT OF ALL OTHER REGULATIONS AND LAWS COVERING LANDMARKS AND LANDMARK SITES AND BUILDINGS IN HISTORIC DISTRICTS; PROVIDING FOR AN ADDITIONAL ZONING DISTRICT CATEGORY; AND PROVIDING FOR AN EFFECTIVE DATE FOR THIS ORDINANCE"

The Ordinance provides for the establishment of a historic overlay classification in the zoning system. The creation of a Board is authorized which will provide for participation in National Register listings; nominate areas for designation as historic districts and sites; and conduct hearings and issue permits regarding changes in established districts and sites. The procedure for properties to be classified as districts and sites is established, along with enforcement provisions to insure conformity with permit provisions. This Ordinance is effective upon publication of this Summary.

This Summary has been prepared by J. Gran Clark, Jr., a licensed attorney in Kentucky.

SUMMARY
RUSSELLVILLE HISTORIC PRESERVATION ORDINANCE

1. Purpose and Intent
 - to maintain and preserve the unique historic and architectural characteristics of areas and buildings .
 - to promote and use these areas as tourism promotion.
 - to promote educational, cultural, and general welfare of the people.
 - to stabilize and improve property values in the historic areas and the city.
 - and to foster civic pride in the historic character and diversity in the city.
2. Application to the Zoning Ordinance
 - establishment of historic overlay zone with regulations for protection of historic properties.
3. Creation of Preservation Board
 - 5 members appointed by Mayor and approved by City Council
 - 3 year staggered terms.
 - elect chairman and vice chairman from Board.
 - qualify by taking oath of office.
4. Powers and Duties of Preservation Board
 - conduct survey of historic buildings and areas.
 - recommend designation of local historic districts and sites.
 - regulate changes to designated properties, demolitions, relocations, and new construction.
 - prepare design guidelines for changes.
 - assist property owners and neighborhood groups in preservation.
 - develop educational programs and workshops.
 - coordinate National Register nominations on the local level.
5. Designation of Local Historic Districts and Sites.



6. Procedure for Changes in Local Historic Districts and Sites
 - certificate of appropriateness from Preservation Board is required before:
 - a. exterior alteration visible from public street.
 - b. new construction
 - c. demolition
 - d. relocation
 - Public hearing by Preservation Board (7 days notice before next meeting).
 - Board approval, disapproval, or modification and give reasons.
 - Board to use general guidelines adopted for review.

- Board to consider, (1)effect of proposed work, (2)relationship with adjacent properties, (3)historic and architectural significance, and (4)style and design.
- Board shall recognize importance of meeting needs of applicants- importance of reasonable plans.
- Applicant encouraged to work with Board and staff and bring proposal before applying.
- in the case of demolition in a designated area the Board shall negotiate to see if alternatives can be found. Also to study the question of economic hardship pertaining to demolition.
- in the case of relocation either from or into a designated area the Board shall consider:
 - (a) contribution to present setting.
 - (b) plans for site.
 - (c) potential damage to building.
 - (d) compatibility.
- in the case for new construction the Board shall consider the overall plans pertaining to style, design, texture, materials, color, siting, compatibility, and use of property.
- Board may extend time for decision an additional 6 months when application is for demolition, relocation, or new construction.

7. Conformity with Certificate of Appropriateness
- work must comply with provisions of certificate.
 - Board shall monitor work.
 - Stop Work Order can be issued.
 - Apply to Circuit Court to enforce.

8. Maintenance and Repairs

- ordinary maintenance and routine repairs not applicable - no certificate needed for gutter repair, glass replacement, painting.

RUSSELLVILLE HISTORIC PRESERVATION BOARD ORDINANCE

ORDINANCE NO. 95-2

AN ORDINANCE ADDING A NEW ARTICLE, ARTICLE 3B, TO THE ZONING ORDINANCE/RESOLUTION AND PROVIDING FOR A DECLARATION OF PURPOSE AND INTENT ON THE PRESERVATION OF HISTORIC AREAS AND BUILDINGS IN THE CITY OF RUSSELLVILLE; PROVIDING FOR THE ESTABLISHMENT OF AN OVERLAY HISTORIC PRESERVATION AREA CLASSIFICATION ON THE ZONING MAP AND FOR THE ESTABLISHMENT OF A LANDMARK AND LANDMARK SITE CLASSIFICATION; PROVIDING FOR THE CREATION OF THE RUSSELLVILLE HISTORIC PRESERVATION BOARD; PROVIDING FOR THE POWERS AND DUTIES OF THE PRESERVATION BOARD; PROVIDING FOR THE CITY'S PARTICIPATION IN NOMINATIONS TO THE NATIONAL REGISTER OF HISTORIC PLACES; PROVIDING FOR THE DESIGNATION OF CITY LANDMARKS AND LANDMARK SITES AND HISTORIC DISTRICTS; PROVIDING FOR THE APPROVAL OF CHANGES TO LANDMARKS AND LANDMARK SITES AND PROPERTY IN HISTORIC DISTRICTS; PROVIDING FOR CONFORMITY OF WORK TO THE CERTIFICATES OF APPROPRIATENESS THAT ARE ISSUED; PROVIDING FOR THE MAINTENANCE AND REPAIR OF LANDMARKS AND LANDMARK SITES AND PROPERTY IN HISTORIC DISTRICTS; PROVIDING FOR THE CONTINUATION IN EFFECT OF ALL OTHER REGULATIONS AND LAWS COVERING LANDMARKS AND LANDMARK SITES AND BUILDINGS IN HISTORIC DISTRICTS; PROVIDING FOR AN ADDITIONAL ZONING DISTRICT CATEGORY; AND PROVIDING FOR AN EFFECTIVE DATE FOR THIS ORDINANCE, BE IT HEREBY ORDAINED BY THE CITY OF RUSSELLVILLE KENTUCKY AS FOLLOWS:

ORDINANCE SECTION 1. The Zoning Ordinance/Resolution is amended to add a new article, Article 3B -- Russellville Historic Preservation Board.

ARTICLE 3B

RUSSELLVILLE HISTORIC PRESERVATION BOARD

Section 3B.1 Purpose and Intent

The provisions of this article are established to maintain and preserve the unique historic and architectural characteristics of areas and buildings in the City of Russellville having special or distinctive features or a special historic, architectural, aesthetic or cultural interest and value to the City, state and nation; to promote the use of these areas and buildings thus strengthening the economy of the City and enhancing its attractions to residents, visitors and tourists; to promote the educational, cultural

and general welfare of the people; to stabilize and improve property values in historic districts and in the City as a whole; and to foster civic pride in the value of notable accomplishments of the past and to enhance the visual and aesthetic character, diversity and interest of the City.

The provisions of this article are established "because of findings that areas and buildings having historic and architectural value have been neglected, altered or destroyed notwithstanding the feasibility and desirability of preserving and continuing the use of such areas and buildings and without adequate consideration of the irreplaceable loss to the people; that historic areas and buildings may be preserved and improved through appropriate changes; that this article benefits all the residents of Russellville and all the owners or property; and that the Federal and Kentucky governments have passed laws to protect and preserve historic districts and landmarks including the 1980 amendments to the National Historic Preservation Act which established a Certified Local Government program thus creating a federal-state-local partnership to encourage preservation efforts by cities.

It is declared as a matter of public policy that the preservation and use of historic districts and landmarks is a public necessity and is required in the interest of the health, prosperity, safety, welfare and economic well-being of the people.

Section 3B.2 Application of Historic Preservation Area

Within the other zoning districts as shown on the zoning map, there is hereby established an overlay Historic Preservation Area classification and regulations. The Historic Preservation Area and the landmark and landmark site classification and regulations, as follows, shall be in addition to the zoning classification and regulations in effect on the date of the Historic Preservation Area or landmark and landmark site designation, or as such zoning classification as may be from time to time amended.

Whenever conflicts shall arise between the provisions established herein, and the underlying zoning classification and regulations; it is intended that the provisions set forth relating to the Historic Preservation Area and the landmark and landmark site shall take precedence.

Section 3B.3 Creation and Appointment

A historic preservation board is hereby created according to and in conformance with KRS 100.203 and shall be known as the Russellville Historic Preservation Board.

3B.31 The Preservation Board shall consist of five citizen members appointed by the Mayor of the City of Russellville subject to the approval of the City Commission. The members shall have 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 may appoint other persons interested in historic preservation to serve. When the Preservation Board reviews an issue that is normally evaluated by a professional member and that field is not represented on the Preservation Board, the Preservation Board shall seek expert advice before rendering its decision. In making appointments, the Mayor shall seek to include a member who is active in real estate. Members of the Preservation Board shall serve without compensation, but they shall be reimbursed for expenses incurred in the performance of their duties in accordance with the rules adopted by the Preservation Board. All members shall attend at least one educational meeting per year approved by the State Historic Preservation Offices.

3B.32 The term of office of the members shall be three (3) years ending on June 30 of the designated year. The term of office of Preservation Board members first appointed shall be staggered so that two (2) members serve two (2) years and two (2) members serve one (1) year and one member serves three (3) years. The term of all latter appointments or reappointments shall continue the staggered pattern. Any member shall be limited to three (3) terms of service. Each member shall serve until the appointment and qualification of his successor. When a vacancy occurs during the term of office of a member of the Preservation Board, it shall be filled within sixty (60) days. When a vacancy occurs other than through expiration of the term of office, it shall be filled for the remainder of that term.

3B.33 The Preservation Board annually shall elect a

Chairman and Vice Chairman and any other officers it deems necessary. Any officer shall be eligible for re-election at the expiration of his term. A member of the Preservation Board or its designee shall prepare the minutes of the Preservation Board's meetings which shall be available for public inspection.

3B.34 Any member of the Preservation Board who has any direct or indirect financial interest in the outcome of any question before the body shall disclose the nature of the interest and shall disqualify himself from voting on the question, and he shall not be counted for the purpose of a quorum.

3B.35 All members of the Preservation Board shall, before entering upon their duties, qualify by taking the oath of office prescribed by Section 228 of the Constitution of the Commonwealth of Kentucky before any judge, county judge/executive, notary public, clerk of a court or justice of the peace within the district or county in which he resides.

3B.36 Any member of a Preservation Board may be removed by the appropriate appointing authority for inefficiency, neglect of duty, malfeasance, or conflict of interest. Any appointing authority who exercises the power to remove a member of the Preservation Board shall submit a written statement to the City Commission setting forth the reasons for removal, and the statement shall be read at the next meeting of the Preservation Board, which shall be open to the general public. The member so removed shall have the right of appeal from the removal to the circuit court of the county in which he resides.

Section 3B.4 Powers and Duties of the Preservation Board

3B.41 In addition to the powers and duties stated elsewhere, the Preservation Board shall take action necessary and appropriate to accomplish the purpose of this article. These actions may include, but are not limited to, conducting a survey of historic buildings and areas and drafting a historic preservation element for use in the preparation of the Comprehensive Plan, recommending the designation of historic districts and individual landmarks, regulating changes to designated property including proposed alterations that are visible to the public from a street, demolitions, relocations and new construction, recommending guidelines for changes to designated

property, working with and advising the federal, state and county governments and other parts of city government, and advising and assisting property owners and other persons and groups including neighborhood organizations who are interested in historic preservation. In addition, these actions may include initiating plans for the preservation and rehabilitation of individual historic buildings and undertaking educational programs including the preparation of publications and the placing of historic markers. The Preservation Board shall have the power to charge fees on applications for Certificates of Appropriateness submitted to the Preservation Board.

- 3B.42 To participate in the Certified Local Government program, the City shall initiate all local nominations to the National Register of Historic Places and shall request the Mayor and the Preservation Board to submit recommendations on each proposed nomination to the National Register. The Preservation Board shall hold at least one (1) public hearing, after notice as required by KRS Chapter 424, on each nomination. All comments generated from such hearings shall be included in the National Register recommendations.
- 3B.43 In the development of the Certified Local Government program, the City may ask the Preservation Board to perform other responsibilities that may be delegated to the City under the National Historic Preservation Act.
- 3B.44 In making a survey of historic buildings and areas, the Preservation Board shall conduct this work in accordance with the guidelines of the State Historic Preservation Office. The Preservation Board shall provide that its survey shall be maintained and continued. The Preservation Board shall use the historic preservation element it drafts to assist the Planning Commission in its overall planning efforts and in carrying out the Comprehensive Plan.
- 3B.45 The Preservation Board shall adopt and publish bylaws for the transaction of its business and shall hold monthly public meetings and special public meetings, when necessary. All meetings shall be advertised, as required by KRS Chapter 424, shall have a previously available agenda and shall comply with the Kentucky Open Meeting Statute, KRS 61.805. A simple majority of the

total membership of the Preservation Board as established shall constitute a quorum. A simple majority of the membership shall be required for decisions involving historic buildings and areas. The decision shall be made at a public meeting with applicants notified of meetings and advised of decisions.

3B.46 The Preservation Board shall keep minutes and records of all proceedings including regulations, standards of review, transactions, findings and determinations and the number of votes for and against each questions, and if any member is absent or abstains from voting indicate that fact, and shall prepare and keep in file, available for public inspection, a written annual report of its activities, cases, decisions, qualifications of members and other work.

3B.47 The Preservation Board shall retain the services of an employee who shall have professional qualifications in historic preservation or a closely related field. The Preservation Board may contract with a private organization for the services of the person who shall assist the Preservation Board.

3B.48 The Preservation Board, in addition to any appropriations made by the City of Russellville shall have the right to receive, hold and spend funds which it may receive from any source both in and out of the Commonwealth of Kentucky for the purpose of carrying out the provisions of this article.

3B.49 Administration of oaths. The Chairman of the Preservation Board shall have the power to administer an oath to witnesses prior to their testifying before the Preservation Board on any issue.

Section 3B.5 Nominations to the National Register of Historic Places

3B.51 The Preservation Board shall solicit nominations for the National Register of Historic Places from the City of Russellville and from private individuals.

3B.52 The Preservation Board shall review each nomination at a public hearing. Such hearing shall be advertised as required by KRS Chapter 424.

- 3B.53 The Preservation Board will submit their recommendation on each nomination including those comments generated from the Public Hearing to the Office of the City Clerk.
- 3B.54 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 State Historic Preservation Office and the owner of the property of the City's and Preservation Board recommendation regarding the eligibility of the property. If both the Preservation Board and the Russellville City Council recommend that a property not be nominated, the State Historic Preservation Office will so inform the property owner and the state review board, and the property will not be nominated unless an appeal is filed with the State Preservation Office.
- 3B.55 If either or both the Preservation Board and the Russellville City Council agree that a property should be nominated, the nomination will receive a preliminary review by the state review board. The Preservation Board, the Russellville City Council and the property owner may appeal the final decision by the State Historic Preservation Office.

Section 3B.6 Designation of Landmarks and Landmark Sites and Historic Districts

- 3B.61 The Preservation Board shall recommend to the City County Planning Commission the designation of individual landmarks, landmark sites and historic districts. After a public hearing and a recommendation by the Planning Commission, the Russellville City Council shall make these designations by the enactment of an ordinance. Consideration of the designation of a landmark and landmark site or a historic district may originate from the City of Russellville, the Preservation Board, or a private individual. A person or an organization proposing a designation shall give the Preservation Board the names and addresses of the owners of the affected property and the owners of all adjoining property as listed on the tax rolls of the Logan County Property Valuation Administrator (PVA).
- 3B.62 The Preservation Board shall assemble information about property or district being considered for designation and shall then hold at least one (1) public hearing after notice as required by KRS Chapter 424 on the proposed designation. When a hearing before the Planning Commission is scheduled on a proposal designating

Individual Landmarks or Landmark Sites, the following notice shall be given in addition to any other notice required by statute, by local regulation or ordinance to be given:

- (1) Notice of the hearing shall be posted conspicuously on the property for which the designation is proposed for fourteen (14) consecutive days immediately prior to the hearing.
- (2) The hearing sign shall be constructed of durable material, shall be written in letters sufficiently large enough to be read from the public street and shall state the telephone number of the Preservation Board, and shall state the time, place and date of hearing.
- (3) Notice of the hearing shall be given at least fourteen (14) days in advance of the hearing by certified mail, to an owner of every parcel of property adjoining the property for which the designation is proposed. It shall be the duty of the person or persons proposing the designation to furnish to the Preservation Board the names and addresses of the owners of all affected and adjoining property. Records maintained by the property valuation administrator may be relied upon to determine the identity and address of said owner.

3B.63 At least thirty (30) days before its first public hearing on a designation the Preservation Board shall publish general guidelines that will apply to Russellville landmarks and historic districts and will assist owners in the preservation and rehabilitation of their property. The guidelines shall be submitted to the Russellville City Council for its approval. The general guidelines shall include the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings and other guidelines that will apply to all designated property in the City. Thirty (30) days before any public hearing the subject of which is the designation of a historic building the Preservation Board may adopt and publish additional guidelines that will supplement the general guidelines and will apply to the property under consideration if it is designated. 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 Preservation 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 City Council of Russellville for its approval.

3B.64 A landmark or historic district shall qualify for designation when it meets one or more of the following criteria which shall be discussed in a Preservation Board report making its recommendations 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 that is recognized for the quality of its architecture and that retains sufficient elements showing its architectural significance;
- (6) Its character as a geographically definable area possessing a significant concentration of sites, buildings or structures united by past events or aesthetically by plan or physical development; or
- (7) Its character as an established and geographically definable neighborhood, united by culture, architectural style or physical plan and development.

3B.65 After evaluating the testimony at its public hearing, survey information and other material it has assembled, the Preservation Board shall make its recommendation to the City County Planning Commission in the form of a written report. The recommendation for a landmark designation shall

include a recommendation for the designation of a landmark site.

3B.66 Upon receipt of the written report, the City County Planning Commission shall then hold a public hearing in accordance with the requirement of a zoning map amendment as contained in KRS Chapter 100.207 and 100.212. The Planning Commission shall forward its recommendations on the Comprehensive Plan and the Zoning Map amendment to the Russellville City Council. If the Russellville City Council approves of the proposed designation, it shall amend the Comprehensive Plan to include the proposed designation and shall recommend a change in the Official Zoning Map to show the proposed historic designation. The historic district or landmark shall be shown on the Zoning Map by the use of the letter "H", and this identification and designation shall be in addition to the other categories shown on the Zoning Map.

3B.67 The Russellville City Council shall approve, modify or disapprove the proposed designation within sixty (60) days after receiving the recommendation of the Preservation Board and the material from the Planning Commission. If the Board of Commissioners decides to make a designation and no Comprehensive Plan or Zoning Map amendment has been recommended, or if it has modified the proposed designation, the Russellville City Council shall request the City County Planning Commission to either consider the designation in accordance with 3B.66 or to reconsider its earlier decisions.

3B.68 The Preservation Board shall notify each owner of the decision relating to his property and shall arrange that the designation of a property as a landmark or as a part of a historic district be recorded in the records of Logan County Clerk's office. The Preservation Board shall also give notice of the decision to the government offices in the City and County which shall retain it for future reference.

3B.69 The amendment or rescission of any designation shall be accomplished through the same steps as were followed in the original designation.

Section 3B.7 Approval of Changes to Landmarks, Landmark Sites and Property in Historic Districts

3B.71 A Certificate of Appropriateness from the

Preservation Board shall be required before a person may undertake the following actions affecting a landmark, a landmark site or a property in a historic district:

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

3B.72

The Building Inspector shall forward to the Preservation Board every application for a permit that would authorize an exterior alteration visible to the public, new construction, demolition or relocation affecting a landmark, a landmark site or a property in a historic district. The Building Inspector shall give the applicant a form from the Preservation Board requesting additional information from the applicant. The applicant shall provide, where applicable, drawings of the proposed work, photographs of the existing building or structure or site and adjacent properties, and information about the building materials to be used. In the event work is being performed without the required Certificate of Appropriateness, the Preservation Board shall ask that a Stop Work Order be issued. The City may apply in Circuit Court for an injunction to enforce its Stop Work Order.

3B.73

When a person wishes to undertake an exterior alteration visible to the public affecting a landmark, a landmark site or a property in a historic district that does not require a building permit, that person shall apply directly to the Preservation Board for a Certificate of Appropriateness. In the event work requiring a Certificate of Appropriateness but not a Building Permit is being performed without the required Certificate of Appropriateness, the Preservation Board shall ask that a Stop Work Order be issued. The City may apply in Circuit Court for an injunction to enforce its Stop Work Order.

3B.74

The Preservation Board shall hold a public hearing on each Certificate of Appropriateness at its next scheduled monthly meeting provided the completed application is received at least seven (7) days prior to that meeting and a decision shall be

rendered at that meeting, unless the Preservation Board deems the application incomplete or requests additional information at which time the Preservation Board shall have until its next regular scheduled monthly meeting in which to render a decision. The Preservation Board may extend the time for decision an additional six (6) months when the application is for demolition, new construction or relocation.

The Preservation Board shall approve 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 Board may suggest modifications to an application and may then approve a Certificate of Appropriateness providing for revisions in the plans submitted.

3B.75 In making a decision on an application, the Preservation Board shall use the general guidelines and the guidelines it has adopted for that landmark or historic district. The Preservation Board shall consider: (1) The effect of the proposed work on the landmark or the property upon which such work is to be done; and (2) the relationship between such work and other structures on the landmark site or other property in the historic district. In evaluating the effect and the relationship, the Preservation Board shall consider historical and architectural significance, architectural style, design, arrangement, texture, materials and color. The Certificate from the Preservation Board shall not relieve the property owner from complying with the requirements of other state and local laws and regulations.

3B.76 In making a decision on an application, the Preservation Board shall be aware of the importance of finding a way to meet the current needs of the applicant. The Preservation Board shall also recognize the importance of approving plans that will be reasonable for the applicant to carry out. Before an applicant prepares his plans, he is encouraged to bring a tentative proposal to the Preservation Board for its comments.

3B.77 When an applicant wishes to demolish a landmark, a building or structure on a landmark site, or a building or structure in a historic district, the Preservation Board shall negotiate with the applicant to see if an alternative to demolition can be found. The Preservation 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. After its public hearing, the Preservation Board may decide that a building or structure in a historic district or on a landmark site may be demolished because it does not contribute to the historic district or to the landmark. On all other demolition applications, the Preservation Board shall study the question of economic hardship for the applicant and shall determine whether the landmark or the property in the historic district can be put to reasonable beneficial use without the approval of the demolition application. In the case of an income-producing building the Preservation Board shall also determine whether the applicant can obtain a reasonable return from his existing building. The Preservation Board may ask applicants for additional information to be used in making these determinations. These determinations shall be in addition to the points contained in Section 13B.75. If economic hardship or the lack of reasonable return is not proved, the Preservation Board shall deny the demolition, unless it finds grounds to grant the demolition application under the points contained in Section 3B.75.

- 3B.78. When the applicant wishes to move a landmark, a building or structure on a landmark site, or a building or structure in a historic district or wishes to move a building or structure to a landmark site or to a property in a historic district, the Preservation Board shall consider: (1) The contributions 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 13B.75.

Section 3B.8 Conformity with Certificate of Appropriateness

- 3B.81 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 Board to inspect from time to time any work being performed to assure such compliance. In the event work is being performed which is not in accordance with such Certificate,

a Stop Work Order shall be issued, and 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 City may apply in Circuit Court for an injunction to enforce its Stop Work Order.

Section 3B.9 Maintenance and Repairs

- 3B.91 Ordinary repairs and maintenance may be undertaken in accordance with City regulations without a Certificate of Appropriateness provided this work on a landmark, a landmark site or a property in a historic district does not change its exterior appearance that is visible to the public from a street. Ordinary repairs and maintenance shall include, but not be limited to, work done with the same materials and the replacement of windows and doors with identical items.
- 3B.92 In any case where the Building Inspector determines that there are emergency conditions dangerous to life, health or property affecting a landmark, a landmark site or a property in a historic district, he may order the remedying of these conditions without the approval of the Preservation Board. The Building Inspector shall promptly notify the Chairman of the Preservation Board of the action being taken.
- 3B.93 Every person in charge of a landmark, a landmark site or a property in a historic district shall, in accordance with City regulations, keep in good repair: (1) all of the exterior portions of such buildings or structures; and (2) all interior portions thereof which, if not so maintained, may cause such buildings or structures 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 his building by neglecting it and permitting damage to the building by weather or vandalism. No provision in this article shall be interpreted to require an owner or tenant to undertake an alteration or to restore his building to its original appearance or to repair his building when it has been damaged by fire or an act of nature and rehabilitation is not economically feasible.
- 3B.94 The Preservation Board shall request a meeting with a property owner or a tenant when his landmark or his building in a historic district is in poor repair, and the Preservation Board shall discuss with the owner ways to improve the

condition of his property. After this step the Preservation Board may request the Building Inspector to take action under City regulations require correction of defects in any building or structure designated under this article so that such building or structure shall be preserved in accordance with the purposes of this article. Action taken by the City may include boarding up the doors, windows and other parts of the building and additional steps to stabilize walls, roofs and other parts of the building.

3B.95 The provisions of this section shall be in addition to all other provisions of the Kentucky Building Code requiring buildings and structures to be kept in good repair.

Section 3B.10 Other Regulations and Laws

3B.11 All other regulations and laws covering landmarks, landmark sites and buildings in historic district shall continue in effect after a property or properties have been designated as historic. The existing Fountain Square Park District shall be eligible for a historic district designation under the provisions of this article.

ORDINANCE SECTION 2. Article I of the Zoning Ordinance/Resolution is amended to add the following definitions:

Alteration: Work that changes the appearance of the exterior of a landmark or a building or structure in a historic district or on a landmark site regardless of whether the work requires a permit from the government.

Certified Local Government: A government meeting the requirements of the National Historic Preservation Amendments Act of 1980 (P.L. 96-515) and the implementing regulations of the U.S. Department of the Interior and the Kentucky State Historic Preservation Office.

Demolition: Any act that destroys in whole or in part a landmark or a building or structure in a historic district or on a landmark site.

Historic District: An area meeting one or more of the criteria contained in Section 3B.64 of this ordinance/resolution.

Landmark: A building, structure or site meeting one or more of the criteria contained in Section 3B.64 of this ordinance/resolution.

Landmark Site: The land on which a landmark and related buildings and structures are located and the land that provides the grounds, the premises or the setting for a landmark.

Preservation Board: The Russellville Historic Preservation Board.

ORDINANCE SECTION 3. Article 4 of the Zoning Ordinance/Resolution is amended to add the following zoning district:

4.10 Historic District or Landmark

ORDINANCE SECTION 4. This ordinance is adopted pursuant to KRS 83A.060 in that it was introduced on March 7th, 1995 and given final reading on March 21, 1995 and said Ordinance shall be in full force and effect upon signature, recordation and publication in summary pursuant to KRS Chapter 424.

ADOPTED: March 21, 1995

APPROVED: R. Smith
Mayor

APPROVED: Angie Eubank
City Clerk