

**LOUISVILLE HISTORIC LANDMARKS
AND PRESERVATION DISTRICTS COMMISSION
BY-LAWS**

~~Adopted May 21, 1997~~

~~Amended May 15, 2002~~

~~Amended November 20, 2002~~

Amended July 24, 2003, 2002

ARTICLE 1

Members

1.1. A Commission member shall serve for a three-year term or until his successor has been appointed and qualified. A member shall commence service at the next meeting of the Commission following the member's appointment and approval by the Board of Aldermen. A member of the Commission shall be immediately removed from the Commission if the member has missed (3) consecutive regular meetings of the Commission without sufficient excuse accepted by the Commission.

1.2. The Mayor shall designate a chairman and vice-chairman of the Commission.

1.3. The chairman shall preside over meetings of which the Commission, shall enforce order at meetings and shall sign all Certificates of Appropriateness and decisions concerning appeals or requests for economic hardship exemption issued by the Commission. The chairman shall call special meetings of the Commission and may cancel regularly scheduled meetings, and shall appoint members of Architectural Review Committees and all other standing or special committees of the Commission.

1.4. The vice-chairman of the Commission shall exercise the duties of the chairman at any meeting where the chairman is absent or otherwise unable to perform his duties as chairman.

ARTICLE 2

Meetings

2.1. The Commission shall meet on the third ~~Wednesday~~¹ Thursday of each month at the time of 8:30 o'clock A.M. at such place designated by the chairman. The annual meeting of members of the Commission and all members of the Architectural Review Committees shall be on the third Wednesday in January.

2.2. The chairman of the Commission shall meet with the chairmen of the Committees at such time and place designated by the chairman of the Commission, for the purpose of coordinating the activities of the Committees and discussing decisions made by the Committees.

¹ Amended by vote of the Commission July 24, 2003.

2.3. The chairman may call special meetings of the Commission or any Architectural Review Committee and shall cause notice of such special meetings to be made pursuant to KRS 61.823.

2.4. The chairman may cancel a regularly scheduled meeting of the Commission upon no less than 24 hours notice to the members of the Commission.

2.5. All meetings of the Commission shall be open to the public and shall be conducted in conformity with KRS 61.800 *et seq.*

2.6. The proceedings of the Commission during a meeting shall be electronically recorded. Written transcriptions of a recording of a meeting or any portion thereof shall be made only if ordered by the chairman or if requested by any person, provided that such person pays the cost of said transcription. Electronic recordings shall not be retained beyond the expiration of time limits for any appeal.

2.7. Written minutes of all Commission meetings shall be prepared by the staff and approved at the next Commission meeting.

2.8. Seven members of the Commission shall constitute a quorum for the transaction of business.

2.9. The affirmative vote of a majority of the Commission members present shall be required for any action taken by the Commission. Voting shall be by voice vote or roll call.

2.10. If any Commission member has a conflict of interest concerning any Application being considered by the Commission, he shall not vote, shall refrain from discussion and shall publicly disclose the existence and nature of the conflict. Members shall comply with the conflict of interest rules applicable to members of the Board of Aldermen as provided in Louisville Codified Ordinance 30.25 through 30.28 and with the Code of Ethics (Louisville Codified Ordinance 36.210 through 36.216).

2.11. There shall be a standing committee for Local Landmark and Preservation District Designations, consisting of not less than three nor more than six members of the Commission appointed by the Chairman.

ARTICLE 3

Consideration of Appeals and Requests for Economic Hardship Exemptions

3.1. The Commission shall have such powers as delegated to it by the Board of Aldermen pursuant to Ordinance No. 44, Series 1997, as amended by Ordinance 79, Series 2002, and any amendments thereto, and it shall undertake its duties in accordance with the provisions of said Ordinance and these By-Laws.

3.2. Appeals. An applicant who has been denied a Certificate of Appropriateness by the Staff or a Committee may appeal the decision to the Commission. Such appeal shall be in writing and filed by the applicant within thirty days of the decision, as

provided in Section 8(K) of Ordinance No. 44, Series 1997. At any meeting of the Commission at which appeals are considered, the following procedures shall be followed:

(a) Written notice of the Commission meeting at which an appeal is to be considered shall be sent to the applicant, the owners of the real property abutting the property or structure which is the subject of the Application, and other interested parties of record, by first class mail, at least seven (7) days prior to the meeting. Properties which would abut when rights-of-way are excluded shall be considered to be abutting for the purpose of notification.

(b) The chairman shall preside over the conduct of the meeting and shall regulate the course of the proceedings in a manner which will promote the orderly and prompt conduct of the meeting. To the extent necessary for the full disclosure of all relevant facts and issues, the chairman shall afford each applicant the opportunity to present documentary or other evidence concerning his appeal.

(c) For each appeal, the Staff shall furnish the record of the prior proceedings. The Commission shall review the Application and the record of the prior proceedings.

(d) At the discretion of the chairman, the Staff or Committee members and the applicant, or his representative, shall be permitted the opportunity to address the Commission or introduce supplemental or new information concerning the appeal and may be questioned by the members.

(e) The chairman may permit other interested parties to testify either orally or in writing subject to the right of the chairman to limit repetitious testimony and to exclude irrelevant testimony.

(f) Upon review of the record and any new or supplemental information, the Commission, by vote as provided herein, shall adopt a written determination either upholding or overturning the previous decision of the Staff or the Committee. When the Commission finds that the Staff or Committee was clearly erroneous as to a material finding of fact in concluding that the proposed Exterior Alteration was not in compliance with the Guidelines, it shall overturn the denial of the Application and shall approve the Application or approve the Application with conditions.

(h) A written report of the Commission's decision shall contain the findings of the fact supporting the decision and shall be signed by the chairman. The report of the Commission shall be sent to the Urban Design Administrator and the Director of Inspections, Permits, and Licenses.

3.3. Economic Hardship Exemptions. An applicant for demolition or new construction whose application (1) contained the information set forth under the guidelines for economic hardship exemptions establishing that the property cannot be put to a reasonable beneficial use without the approval of the proposed work or, if income-producing property, information establishing that the applicant cannot obtain any reasonable return from the property without the approval of the proposed work, and (2) has been denied a Certificate of Appropriateness by a Committee may request an economic hardship exemption from compliance with one or more of the guidelines which

constituted the basis of the denial of the application pursuant to the following procedures. The request for the exemption shall be in writing and shall be filed with the Commission within ten (10) days of receipt of the decision of the Committee.

(a) The Commission shall conduct a public hearing on the proposed economic hardship exemption. Written notice of the public hearing at which an appeal is to be considered shall be sent to the applicant, the owners of the real property abutting the property or structure which is the subject of the application, and other interested parties of record, by first class mail, at least seven (7) days prior to the meeting. Properties which would abut when rights-of-way are excluded shall be considered to be abutting for the purpose of notification.

(b) For each economic hardship exemption request, the Staff shall furnish the record of the information contained in the application that establishes the hardship. The Commission shall review the documentation and evidence relevant to determining whether the applicant qualifies for an economic hardship exemption and such relevant evidence presented to it by the applicant or other interested parties. The Commission may require the applicant to submit findings from one or more persons determined by the Commission to have expertise in real estate and development who are knowledgeable in real estate economics in general and, more specifically, in the economics of renovation, redevelopment and rehabilitation, to review the documentation submitted with the application and other relevant evidence.

(c) The chairman shall preside over the conduct of the public hearing and shall regulate the course of the proceedings in a manner which will promote the orderly and prompt conduct of the hearing. To the extent necessary for the full disclosure of all relevant facts and issues, the chairman shall afford the applicant the opportunity to present documentary or other evidence concerning the economic hardship exemption request.

(d) At the discretion of the chairman, the staff or committee members and the applicant, or his representative, shall be permitted the opportunity to address the Commission or introduce supplemental or new information concerning the request and may be questioned by the members. The applicant shall have the burden of showing that the application qualifies for an economic hardship exemption. The chairman may permit other interested parties to testify either orally or in writing subject to the right of the chairman to limit repetitious testimony and to exclude irrelevant testimony.

(e) Within sixty (60) days of the first regular Commission meeting after the applicant's request is filed, the Commission shall render a decision either granting or denying the applicant's request for an economic hardship exemption from compliance with one or more of the guidelines. The decision shall be based upon written findings of fact. The Commission shall grant an economic hardship exemption only if it finds that the applicant has demonstrated by convincing proof through a preponderance of the evidence that:

- (1) With respect to an application involving a non-income producing structure or property, the property or structure cannot be put to any reasonable beneficial use according to the guidelines adopted by

the Commission for economic hardship without the approval of the application.

- (2) With respect to an application involving an income-producing structure or property, the applicant cannot obtain any reasonable return from the property or structure without the approval of the application.

(f) The Commission shall send a copy of the decision and the findings of fact to the applicant. If the Commission denies the request for the economic hardship exemption, the denial of the application shall be final. If the Commission grants the request for the economic hardship exemption, the Commission, within thirty (30) days of the decision, shall approve the application or approve the application with conditions and issue a Certificate of Appropriateness for the proposed demolition or new construction in accordance with all guidelines applicable to the proposed exterior alteration, demolition, or new construction other than the guidelines to which the hardship exemption applies.

ARTICLE 4

Designation of Local Landmarks and Preservation Districts

4.1. Form of Petition for District Designation. A petition requesting to designate an area as a district shall contain the verified names and addresses of no fewer than 200 residents of such proposed district or the verified names and addresses of the owners of at least 50% of the structures or properties within the proposed district, whichever is fewer. The petition shall also contain the following information:

- (1) A description of the boundaries of the proposed district; which shall consist of a 'Lojic' or Sanborn map showing the line of the proposed boundary for the district, and all structures, properties, and public rights-of-way for a distance of 200 feet outside of the proposed boundary. The map shall be submitted in a format as prescribed by the staff.

- (2) A description of the distinctive characteristics of the proposed district, which shall consist of (i) a statement describing the category or categories under which designation is requested pursuant to the criteria established by ordinance, (ii) a summary narrative history of the area in a format as prescribed by the staff, (iii) photographs of the street-facing façade of each structure in the proposed district in a digital medium and format as prescribed by the staff, and (iv) architectural and/or historical information on a form supplied by the staff to the petition sponsor.

Each circulating petition shall include a copy of the proposed district map at reduced scale and the statement describing the category or categories under which designation is requested, along with information about who to contact for more information.

4.2 A petition to designate a structure or property as a Local Landmark shall take the form of either (1) a written request of the owner or owners of the structure or property or (2) a petition requesting the designation containing the verified signatures and addresses of no fewer than 200 residents of the City. In either form, the petition shall include the following:

- (1) A description of the boundaries of the proposed Local Landmark site; which shall consist of a 'Lojic' (GIS) or 'Sanborn' map showing the property lines or other proposed boundary for the landmark, and all structures, properties,

and public rights-of-way for a distance of 200 feet outside of the proposed local landmark site boundary.

(2) A narrative describing the category or categories under which designation is requested pursuant to the criteria established by ordinance including a summary history of the structure or property and photographs of all facades of the structure or views of the property, with locations from which each photograph was taken to be noted on the map.

Each circulating petition shall include a summary description by address and historic or other name and the statement describing the category or categories under which designation is requested, along with information about who to contact for more information.

4.3. Payment of Fees. Sponsors of petitions shall submit a cashier's check payable to the City of Louisville to cover the costs of the required legal notices:

District designation petitions: \$1,500

Local landmark designation petitions (other than property owner requests): \$500

4.4 Designation Study. A petition verified to meet the requirements of the ordinance and these by-laws shall be automatically referred to the Committee on Local Landmark and Preservation District Designations for study. The staff shall prepare a survey of structures and properties and draft a designation report, which shall include findings of fact and a recommended boundary for the proposed district or local landmark site. The Committee on Local Landmark and Preservation District Designations shall review the draft designation report and, upon its approval by the committee, schedule the public hearing by the Commission. The approved draft designation report shall be published on the City of Louisville's internet site for public access.

4.5. Public Hearing. A description of the proposed district or local landmark shall be published in the newspaper in accordance with KRS Chapter 424 no less than twice, at least seven (7) but not earlier than twenty-one (21) days before the date of the public hearing. Notice shall also specify the date, time and place of the hearing. In addition, if the request is for designation of a district, a copy of the proposed district description and the notice of the hearing shall be mailed, by first class mail, to all property owners within the proposed District. At the time of the hearing, the draft designation report shall be submitted for the record. The chairman shall permit other interested parties to testify either orally or in writing subject to the right of the chairman to limit the time of all speakers to a reasonable period.

ARTICLE 5

Interpretation

5.1. The provisions of Ordinance No. 44, Series 1997, as amended by Ordinance 79, Series 2002, shall govern in all cases where there may be a contradiction or conflict

with the provisions of any By-Law of the Commission or of the Architectural Review Committees.

ARTICLE 6 Amendments

6.1. These By-Laws, and those for the Architectural Review Committees, may be amended by a vote of the Commission.

Table of Amendments:

Article 2.1. Time of Meetings. Adopted May 15, 2002.

**LOUISVILLE HISTORIC LANDMARKS
AND PRESERVATION DISTRICTS COMMISSION**

BY-LAWS FOR ARCHITECTURAL REVIEW COMMITTEES

ARTICLE 1
Committee Members

1.1. Members of each Architectural Review Committee shall serve at the pleasure of the Commission. A member shall commence service at the next meeting of the Committee following the member's appointment and approval by the Board of Aldermen. A member of the Committee shall be immediately removed from the Committee if the member has missed (3) consecutive regular meetings of the Committee without sufficient excuse accepted by the Committee. A member of the Committee shall be considered to have tendered his resignation upon a change in residence, property ownership, or professional status that was the basis for appointment to the Committee, to be effective upon the appointment and qualification of his successor.

1.2. Each Architectural Review Committee shall elect a chairman at its first meeting following the appointment of the initial members and thereafter at the first meeting in January of each year. Each Committee chairman shall serve for term of one year and may succeed himself for an unlimited number of terms. In the absence of the Committee chairman, the Committee members present shall elect a chairman *pro tem*.

1.3. The chairman shall preside over meetings, shall enforce order at meetings and shall sign all reports issued by the Committee. The chairman shall call special meetings of the Committee and may cancel regularly scheduled meetings.

ARTICLE 2
Committee Meetings

2.1. Each Architectural Review Committee shall meet on the second and fourth Wednesday's of each month in accordance with the following schedule at such place designated by the chairman:

Cherokee Triangle	4:30 P. M.
Individual Landmarks	7:00 P. M.
Limerick	6:30 P. M.
Old Louisville	5:30 P. M.
Parkland	6:00 P. M.
West Main Street	5:00 P. M.

2.2. Chairmen of the Committees shall meet with the Commission chairman on the third Wednesdays of April, July, and October at such time and place designated by the chairman of the Commission, for the purpose of coordinating the activities of the Committees and discussing decisions made by the Committees. The Annual Meeting of all members of the Architectural Review Committees and the Commission shall be on the

third Wednesday in January at such time and place designated by the chairman of the Commission.

2.3. The chairman of the Commission or the Committee may call special meetings of the Committee and shall cause notice of such special meetings to be made pursuant to KRS 61.823.

2.4. A Committee chairman may cancel a regularly scheduled meeting of that Committee upon no less than 24 hours notice to the members of the Committee.

2.5. All meetings of each Committee shall be open to the public and shall be conducted in conformity with KRS 61.800 *et seq.*

2.6. The proceedings of each Committee during a meeting shall be electronically recorded. Written transcriptions of a recording of a meeting or any portion thereof shall be made only if ordered by the chairman or if requested by any person, provided that such person pays the cost of said transcription. Electronic recordings shall not be retained beyond the expiration of time limits for any appeal, in which case the approved Certificate of Appropriateness shall constitute the record of a Committee's action.

2.7. A quorum of each Committee shall consist of four members. A quorum of the members of each Committee shall be required for the Committee to transact business at a meeting. A vote of three (3) or a majority of the members present, whichever is greater, shall be required for a Committee to take action on an Application. Voting shall be by voice vote or roll call.

2.8. If any Committee member has a conflict of interest concerning any Application being considered by the Committee, he shall not vote, shall refrain from discussion and shall publicly disclose the existence and nature of the conflict. Members shall comply with the conflict of interest rules applicable to members of the Board of Aldermen as provided in Louisville Codified Ordinance 30.25 through 30.28 and the Code of Ethics (Louisville Codified Ordinance 36.210 through 36.216).

ARTICLE 3 Consideration of Applications

3.1. The Commission and Architectural Review Committees shall have such powers as delegated to them by the Board of Aldermen pursuant to Ordinance No. 44, Series 1997, and any amendments thereto, and they shall undertake their duties in accordance with the provisions of said Ordinance and these By-laws.

3.2. At any meeting of an Architectural Review Committee at which Applications are considered, the following procedures shall be followed:

(a) Written notice of the Committee meeting at which an Application is to be considered shall be sent to the applicant and the owners of the real property abutting the property or structure which is the subject of the Application, by first class mail, at least

seven (7) days prior to the meeting. Properties which would abut when rights-of-way are excluded shall be considered to be abutting for the purpose of notification.

(b) The chairman shall preside over the conduct of the meeting and shall regulate the course of the proceedings in a manner which will promote the orderly and prompt conduct of the meeting. To the extent necessary for the full disclosure of all relevant facts and issues, the chairman shall afford each applicant the opportunity to present documentary or other evidence concerning his application.

(c) For each application, the Staff shall furnish written findings of fact and recommendations and shall explain such findings of fact and recommendations.

(d) Following the presentation by the Staff, the applicant, or his representative, shall be permitted the opportunity to address the Committee concerning his application and may be questioned by the members.

(e) The chairman shall permit other interested parties to testify either orally or in writing subject to the right of the chairman to limit repetitious testimony and to exclude irrelevant testimony.

(f) After the presentations of the Staff, the applicant and any other parties, the Committee, by vote as provided herein, shall either approve the application, approve the application with conditions, deny the application, or defer consideration of the application. Any Application which fails to obtain at least three (3) votes or a majority of the members present, whichever is greater, for approval or conditional approval shall be deemed to be denied.

(g) A written report of the Committee's decision shall be prepared by the Committee and shall contain the decision of the Committee and the findings of the fact supporting the decision. The Committee may adopt the recommendation of the Staff as its report.

(h) A copy of the Certificate of Appropriateness, including the report of the Committee, shall be sent to the Urban Design Administrator and the Director of Inspections, Permits, and Licenses. All decisions of the Committee shall become effective upon issuance of the Certificate of Appropriateness signed by the chairman.

3.3. The Committee shall give preliminary review of proposals when requested by an applicant as provided in Section 8(C) of Ordinance No. 44, Series 1997. Based upon the information submitted by the applicant during the preliminary review, the Committee may indicate its preliminary approval of a proposal subject to the submission of the formal application, which is consistent with the information provided at the preliminary review.

3.4 The following actions by a Committee shall constitute a denial and may be appealed by an applicant to the Commission as provided in Section 3.2 of the By-Laws of the Commission:

- (1) Denial of application;
- (2) Denial of portion of application; and
- (3) Conditional approval of application, but only if the imposition of one or more conditions denies a specific portion of the application.

In the case of appeals from actions of the Committee pursuant to paragraphs (2) and (3) above, the appeal shall not be of the entire application, but only of the portion of the application which specifically requests work which cannot be performed because of the decision of the Committee.

G:urban design/landmarks/ordbylaws/lc by-laws amended 11-20-02

~~proposed amended LC bylaws 7-24-02~~

