

ORDINANCE NO. 128, SERIES 2013

AN ORDINANCE AMENDING SECTIONS 32.253(C) AND (E), 32.254(A), 32.255(B), 32.257(B), 32.259 AND 32.260(B) OF THE LOUISVILLE/JEFFERSON COUNTY METRO CODE OF ORDINANCES ESTABLISHING TERM LIMITS FOR FOUR MEMBERS OF EACH ARCHITECTURAL REVIEW COMMITTEE AND MAKING TECHNICAL AMENDMENTS TO THE ORDINANCE.

SPONSORED BY: COUNCILMAN RICK BLACKWELL
COUNCILWOMAN TINA WARD-PUGH

BE IT ORDAINED BY THE LEGISLATIVE COUNCIL OF THE LOUISVILLE/ JEFFERSON COUNTY METRO GOVERNMENT (THE COUNCIL) AS FOLLOWS:

SECTION I. SECTIONS § 32.253(C) and (E) of the Louisville/Jefferson County Metro Code of Ordinances (Code) are amended as follows:

§ 32.253 ARCHITECTURAL REVIEW COMMITTEE.

(A) There is established for each District an Architectural Review Committee which shall have the powers and functions within such District as provided herein.

(B) There is established for the structures or properties designated as local landmarks an Architectural Review Committee which shall have the powers and functions with respect to local landmarks as provided herein.

(C) Each Committee shall consist of seven members, one of whom shall be the Director of the Department of Codes and Regulations Inspections, Permits and Licenses or his or her designee, two members shall be members of the Commission appointed by the Commission Chairperson and four members who shall be appointed by the Commission and approved by the Metro Council. These four members shall serve for three year terms except they shall initially serve for one, two or three year terms as set by the Commission and shall serve until his or her successor is appointed and approved unless removed as provided herein or in the By-laws of the Committees and may be reappointed and reapproved for successive terms. These four members shall commence service at the next meeting of the Committee following the member's approval by the Metro Council. The terms of any of these four members now serving on a Committee on the effective date of this amendment shall be set by the Commission. In the case of a Committee established for a district, no fewer than two members shall be owner-residents or tenants within such district, one member shall be a real estate professional and one member shall be an architect and one member shall be the owner of income producing property located within the district. All members shall have a known interest in local landmarks districts preservation. ~~Members appointed by the Commission shall serve at the pleasure of the Commission.~~

(D) Four members shall constitute a quorum of a Committee and the affirmative vote of three members or a majority of the members present, whichever is greater shall be required for any official action to be taken by the Committee.

(E) In the event a Committee is unable to obtain a quorum due to conflict of interest involving its members, or, in the case of the Director of the Department of Codes and Regulations Inspections, Permits and Licenses or his or her designee, a personal conflict of interest, the member(s) who are unable to participate due to the conflict of interest shall be replaced by special members to serve as members of the Committee for the case(s) giving rise to the conflict of interest in accordance with the qualifications and process set forth in division (C) above.

SECTION II. SECTION § 32.254(A) of the Code is amended as follows:

§ 32.254 COMMISSION; ESTABLISHMENT AND ORGANIZATION.

(A) There is established the Louisville/Jefferson County Metro Historic Landmarks and Preservation Districts Commission. The Commission shall consist of 13 members, ten of whom shall be appointed by the Mayor subject to the approval of the Metro Council. The remaining members shall be the Director of the Department of Codes and Regulations, Inspections, Permits and Licenses the ~~Executive Planning~~ Director of the Louisville and Jefferson County ~~Planning Commission, Department of Planning and Design Services~~, who shall act as Secretary of the Commission, and a member of the Council appointed by the President of the Council. Of the members to be appointed by the Mayor, at least one shall be an architect, at least one shall be an architect or landscape architect, at least one shall be an historian or architectural historian qualified in the field of historic preservation, at least one shall be a registered professional archaeologist, at least one shall be a real estate broker or a MAI designated real state appraiser, at least one shall be an attorney, at least one shall be a person who is a member of the Metro Area Chamber of Commerce (Greater Louisville, Inc.) who has recognized expertise in business and all such members shall have a known interest in local landmarks and districts preservation. The terms of appointive members shall extend from December 1 of one year for three years through and until November 30. Members serving on the Commission on the effective date of this subchapter shall serve for the remainder of the term for which appointed, unless removed earlier and may be reappointed as provided in this subchapter.

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SECTION III. SECTION § 32.255(B) of the Code is amended as follows:

§ 32.255 STAFF POWERS AND RESPONSIBILITIES.

The Metro Government shall delegate to such staff as deemed appropriate responsibility for providing the necessary assistance and support to the Committees and the Commission. The staff shall have the following powers and responsibilities with respect to districts and local landmarks:

(A) Classify all applications in accordance with § 32.256 of this subchapter as being exempt, or requiring staff review, or requiring committee review;

(B) Coordinate review of applications with the Department of Codes and Regulations Inspections, Permits and Licenses and other Metro Government departments or agencies;

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SECTION IV. SECTION § 32.257(B) of the Code is amended as follows:

§ 32.257 APPLICATION FOR CERTIFICATE OF APPROPRIATENESS.

(A) No department or agency of the Metro Government shall issue any building permit, certificate of occupancy or other permit, license or approval for any exterior alteration to a local landmark or to any property or structure in a district unless a certificate of appropriateness for such exterior alteration has been obtained pursuant to this subchapter.

(B) An application for a certificate of appropriateness shall be submitted to the Department of Codes and Regulations Inspections, Permits and Licenses. The application shall include at least the following information, unless waived pursuant to subsection (C) of this section:

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SECTION V. SECTION § 32.259 of the Code is amended as follows:

§ 32.259 COMPLIANCE WITH CERTIFICATE OF APPROPRIATENESS.

All work performed pursuant to the issuance of a certificate of appropriateness shall conform to the certificate and all conditions imposed thereby. It shall be the duty of the Department of Codes and Regulations Inspections, Permits and Licenses, or the Department of Public Works & Assets, as appropriate, to inspect from time to time any work performed pursuant to the certificate to assure compliance. In the event work is performed not in accordance with the certificate, or without obtaining a certificate as required by this section, the Directors of the Departments of Codes and Regulations Inspections, Permits and Licenses Planning and Design Services or Public Works & Assets, or their designated representatives, shall issue a stop work order. No certificate of occupancy shall be issued for any project undertaken without obtaining a certificate of appropriateness unless the work has complied with the conditions established by such certificate of appropriateness.

SECTION VI. SECTION § 32.260(B) of the Code is amended as follows:

§ 32.260 DESIGNATION OF DISTRICTS AND LOCAL LANDMARKS.

(A) Pursuant to this section, the Commission may:

(1) Designate local landmarks, including prehistoric or historic archaeological sites, which shall be identified by a description setting forth the general nature, distinctive characteristics, location and boundaries thereof;

(2) Designate districts which shall be identified by a description setting forth the general nature, distinctive characteristics including contributing structures or properties, location, and boundaries thereof; and

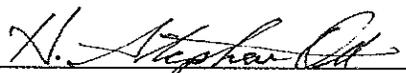
(3) Amend any designation made pursuant to the provisions of subsections (1), (2), and (3) of this section.

(B) The Commission may designate an area as a district if it receives a petition requesting such designation, ~~and~~ if the petition contains 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:

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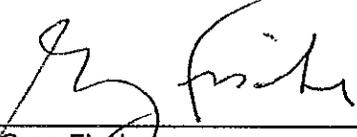
SECTION VII. This Ordinance shall take effect upon passage and approval.



H. Stephen Ott
Metro Council Clerk



Jim King
President of the Council



Greg Fischer
Mayor

Approved: 7/30/13
Date

APPROVED AS TO FORM AND LEGALITY:

Michael J. O'Connell
Jefferson County Attorney

By: 

