

ORDINANCE O-07-2023

AN ORDINANCE AMENDING CHAPTER 36, SECTIONS 36.010 THROUGH 36.015 OF THE FORT THOMAS CODE OF ORDINANCES, PERTAINING TO THE DESIGN REVIEW BOARD.

WHEREAS, it has been determined that certain amendments to the Ordinances governing the Design Review Board of the City of Fort Thomas, Campbell County, Kentucky are necessary and appropriate;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF FORT THOMAS, CAMPBELL COUNTY, KENTUCKY:

~~BOARD OF DESIGN REVIEW~~ DESIGN REVIEW BOARD

§ 36.010 ESTABLISHMENT; MEMBERS.

There is hereby established and formed the Fort Thomas Design Review Board. The Board shall consist of five resident members appointed by the Mayor and approved by the Board of Council. All resident members shall have a demonstrated interest or experience in architecture, design, real estate, restoration, construction, historic preservation or a similar profession.

~~—There is hereby established the Fort Thomas Board of Design Review. The Board shall consist of five resident members appointed by the Mayor with the advice and consent of the Board of Council. All members shall have a demonstrated interest in architecture and/or historic preservation, with at least two members having training or experience in an architectural or preservation/restoration related profession (e.g. architecture/design, interior architecture, industrial design, graphic design, history, archeology, architectural history, planning or related fields); one member having a building, construction management, engineering or related technical background; one member who is a real estate professional (brokerage/sales, property management, appraisal); one member who operates a business or owns a structure within the local historic district; and one at-large citizen representative from the community.~~

(Ord. O-2-02, passed 1-22-02; Am. Ord. O-11-2014, passed 8-4-14)

§ 36.011 TERMS OF OFFICE; VACANCIES; ORGANIZATION.

(A) Terms of office. The terms of office of the members shall be three years. Members may be reappointed for additional terms. ~~Each member shall serve until the appointment and qualification of his/her successor.~~ The members shall serve without compensation.

(B) Vacancies. Any vacancy occurring by reason of death, resignation, or removal of any member, shall be filled for the unexpired term of the member. Vacancies on the Board shall be filled within 60 days. ~~In the event the Mayor fails to fill a vacancy on the Board within 60 days of said vacancy, the Planning Commission shall appoint the new member.~~ The Mayor may cause removal of a member of the Board for inefficiency, neglect of duty, malfeasance,

or conflict of interest. ~~Any member of the Board removed from office by the Mayor may appeal the removal to the Board of Council within 30 days.~~

(C) Organization. The Board shall organize, within 30 days after the appointment of its initial total membership. The Board shall annually elect a Chairman, Vice Chairman, and Secretary, who shall be eligible for re-election at the Board's first meeting annually. The Chairman shall preside at the meetings of the Board and shall be the spokesperson for the Board. In his/her absence, the Vice Chairman shall perform these duties. ~~The Secretary shall prepare the minutes of the Board's meetings which shall be available for public inspection.~~ The Board shall meet monthly as needed, with the exact time and date of said meeting to be determined by the Board by ordinance, unless a Special Meeting is called.

(Ord. O-2-02, passed 1-22-02; Am. Ord. O-11-2014, passed 8-4-14)

§ 36.012 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ALTERATION. Any construction, replacement or change to the exterior of a building or structure where it is visible from any public right-of-way. An alteration shall also include a proposed sign or changes to an existing sign.

BUILDING. A structure enclosed within exterior walls or firewalls for the shelter, housing, support, or enclosure of persons, animals, or property of any kind.

CERTIFICATE OF APPROPRIATENESS. The permit, issued by the Fort Thomas Design Review Board, which gives its approval for alteration or demolition to be done in a local historic district or on a designated landmark.

DEMOLITION. Any act that destroys in whole or in part a landmark or a building or structure in a local historic district or designated landmark.

DESIGN GUIDELINE. A standard of appropriate activity that will preserve or restore the historic and architectural character of a structure or area.

EXTERIOR ARCHITECTURAL FEATURE. A functional or decorative element of a building including, but not limited to, cornices, chimneys, latticework, walls, roofs, eaves, or porches, and including gutters, down spouts, stair rails, lighting fixtures, and similar features.

FACADE. The face or front elevation of a building.

LANDMARK. Any building structure, site, object or premises located thereon, which has special character or historical, architectural, aesthetic or cultural significance or value as part of the development, heritage or cultural characteristics of the city, and which has been designated as a landmark by the Design Review Board.

LANDSCAPE. Site features including topography, transportation patterns, vegetation, and the like.

LOCAL HISTORIC DISTRICT. An area of architectural, historic, aesthetic or cultural significance, in this case the areas contained within Central Business District zoning classification as regulated in the city zoning ordinance.

MAINTENANCE. Ordinary repairs and refurbishing to correct any deterioration or damage to a structure or to restore the structure to its condition prior to such deterioration or damage, provided such work does not involve a change in design, material or exterior architectural feature.

MAJOR STRUCTURAL CHANGE. Structural alterations and structural repairs made within any 12 month period costing in excess of 50% of the replacement value of the structure, as determined by comparison of the extent/value of the alterations involved and the replacement value of the structure at the time the plans for the alteration are approved, using the Marshal Valuation Service for construction costs.

RESIDENT: A citizen who owns, rents, or leases a residential property and physically lives and sleeps within the city limits.

NEW CONSTRUCTION. An addition to an existing building or structure or the construction of a new building or structure.

PRESERVE or PRESERVATION. The process, including maintenance, of treating an existing building to arrest or slow further deterioration, stabilize the landmark and provide structural safety without changing or adversely affecting the character or appearance of the landmark.

PUBLIC RIGHT-OF-WAY VISIBILITY (VISIBLE FROM ANY PUBLIC RIGHT-OF-WAY). Those portions of a structure that are within physical view from any public right-of-way.

REPAIR. The renewal or replacement of any existing part of a building or structure for maintenance purposes only in keeping with its existing type of construction and occupancy.

RESTORATION. The process of accurately recovering the form and details of a property as it appeared at a particular period of time by means of the removal of later work or by the replacement of missing earlier work.

STREETSCAPE. The distinguishing character of a particular street created by its natural and man-made components: width, alignment, paving materials, plantings, furnishings and forms or surrounding buildings.

STRUCTURE. Anything constructed or erected, the use of which requires more or less permanent location in or on the ground or attachment to something having a permanent location in or on the ground, including buildings, mobile homes, walls, signs, and fences, but not including earthworks, ditches, canals, dams, reservoirs, pipelines, telephone or telegraph or electric power lines, driveways, or curbs.

(Ord. O-2-02, passed 1-22-02; Am. Ord. O-26-02, passed 11-4-02)

§ 36.013 POWERS AND DUTIES.

In addition to the powers and duties stated elsewhere, the Board shall take action necessary and appropriate to accomplish the purposes of this subchapter. These actions may include, but are not limited to the following:

(A) Conducting a survey of individual historic buildings and areas within a designated local historic district and preparing a plan for their preservation and rehabilitation; providing recognition to owners and tenants who maintain or rehabilitate their historic buildings with care and thus contribute to the preservation of the history of Fort Thomas;

(B) Soliciting public input for the purpose of collecting information to assist in making recommendations to the Planning Commission and Board of Council;

(C) Recommending to the Board of Council and the Planning Commission potential future designations of historic districts and individual landmarks;

(D) Adopting and making public rules for the transaction of its business and holding monthly public meetings and special meetings, when necessary; all meetings shall comply with KRS 61.805. The Board shall receive regular assistance in the performance of its responsibilities from the city staff.

(E) Adopting written guidelines, subject to approval by the Board of Council, for alterations to designated property and for undertaking new construction on designated property;

(F) Regulating alterations of the exterior part of a structure that is visible from any public right-of-way; regulating alterations of the interior part of a structure only to the extent that interior alterations may affect the integrity or appearance of the exterior, as determined by city staff; regulating demolitions and new construction/additions involving designated property regulating landscaping, including proposals for tree removal; lighting; signage and public streetscape areas: all within the Central Business District (CBD) zoning classification as identified in the zoning ordinance.

(G) The Board may seek expert advice by consulting with outside professionals in the field, as deemed necessary, before rendering any decisions.

(H) Working with and advising the federal, state, and county governments and other parts of city government;

(I) Advising and assisting property owners and other persons and groups including neighborhood organizations who are interested in architectural and/or historic preservation;

(J) Conducting educational programs including the preparation of publications and the placing of historical markers, including designating and maintaining records of all community-wide landmarks, as defined herein, on public and private property. The Board shall develop a process by which potential community-wide landmarks are nominated, evaluated and officially designated.

(K) Relationship to Zoning. The property and/or landmark in a local historic district shall be subject to the zoning ordinance, subdivision regulations, building code and other

rules of its underlying zoning district. Where there is a conflict between the Board's official design guidelines and the zoning ordinance, subdivision regulations or building code, the higher (more stringent) standard shall govern.

(L) In accordance with the "Fort Thomas VA Homes Architectural Guidelines" and the "Secretary of the Interior's Standards for the Rehabilitation of Historic Structures", regulating alterations of the exterior part of a structure that is visible to the public; regulating alterations of the interior part of a structure only to the extent that interior alterations may affect the integrity or appearance of the exterior; and regulating demolitions and new construction/additions involving designated property, abutting Alexander Circle and Cochran Avenue, which are owned by the Veteran's Administration as of July 2014. This includes both initial and subsequent rehabilitation and construction, and shall apply at such time that the VA no longer owns the real estate.

(Ord. O-2-02, passed 1-22-02; Am. Ord. O-26-02, passed 11-4-02; Am. Ord. O-11-2014, passed 8-4-14)

§ 36.014 REVIEW PROCESS.

(A) A certificate of appropriateness (COA) from the Board shall be required before a person may undertake the following actions affecting a designated landmark or a property in a local historic district:

- (1) New construction/addition;
- (2) Alteration of the exterior part of a structure that is visible to the public, as well as alterations of the interior part of a structure only to the extent that interior alterations may affect the integrity or appearance of the exterior;
- (3) Demolition;

(B) The Administrative Staff may approve or disapprove a request, minor in nature, for the following items per APPENDIX 2 of the Design Guidelines DESIGN REVIEW AND APPROVAL AUTHORIZATION SCHEDULE:

- (4) Landscaping, including tree removal;
- (5) Signage;
- (6) Lighting;
- (7) Public streetscape areas.

~~(B)~~ All applications to the Commission for a COA shall be in writing on forms provided by the Board. Forms can be obtained at the City Building in the General Services office. The form indicates the information needed by the Board to evaluate an application.

~~(C)~~ The Administrative Staff shall forward to the Board every application for a COA for any proposed action referenced under § 36.014(A) affecting a landmark, a landmark site, or a property in a local historic district, including those applications not requiring a building permit. When seeking a building permit for a project

involving a designated property, an individual must submit a COA certificate approving any of the work listed under this section.

(~~D~~E) 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. The applicant shall supply the Board with other pertinent information it requests in order to reach a decision on the application for a COA. In the event work is being performed without the required COA, the City ~~Building Inspector~~ Administrative Staff shall issue a Stop Work Order. In the event work is being performed which is not in accordance with such COA, the ~~Building Inspector~~ Administrative Staff shall issue a Stop Work Order and may cite violators in the court of competent jurisdiction. 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 to the court of competent jurisdiction for an injunction to enforce its Stop Work Order.

(~~E~~F) A completed application must be submitted to the city a minimum of 20 calendar days prior to a scheduled public meeting of the Board in order to be advertised and heard for that meeting. Normal public meeting and notice procedures of the Board shall govern the review of applications for a COA. In addition, notice of the proposed alteration shall be sent to property owners abutting the property under consideration, and public notice shall be posted at a location near said property, so that other property owners in the neighborhood are served notice of the public meeting.

(~~F~~G) To issue a COA, the Board must determine that the application request is compatible with the official design guidelines for the CBD area. In a meeting at which the issue is the granting of a COA, the applicant carries the burden of persuasion.

(~~G~~H) The Board shall make a decision on each application within 60 days after the receipt of a completed application, provided that the Board may extend the time for decision an additional 30 days when the application is for demolition or new construction.

(~~H~~I) Following a denial of an application, there shall be a 30 day negotiation period during which no appeal may be taken. During this time, the applicant and the Board shall negotiate to find an alternative which would comply with the Board guidelines.

(~~I~~J) Upon an unsuccessful 30 day negotiation period, an applicant aggrieved by any action or decision of the Board shall appeal to the Board of Council. ~~court of competent jurisdiction within 30 days after the close of the negotiation period.~~

(K) Following the denial of an application by the Board of Council, an applicant may appeal to the court of competent jurisdiction within 30 days.

(~~K~~L) A COA shall remain valid for one year after it is issued, unless extended by the Board at the request of the applicant.

(Ord. 0-2-02, passed 1-2-02)

§ 36.015 CENTRAL BUSINESS DISTRICT.

It is authorized that the areas encompassing the Central Business District (CBD) zoning classification, as regulated in the zoning ordinance, be hereby designated and protected as local historic districts within the city.

(Ord. 0-2-02, passed 1-2-02)

This Ordinance shall be effective when read, passed and advertised at the earliest date according to law.

SIGNED:

Eric Haas, Mayor

1st Reading: October 16, 2023

2nd Reading:

Published:

Attest:

Melissa Beckett, City Clerk