

Historic Landmarks and Preservation Districts Commission:

Recommended Ordinance Revisions



Louisville Forward/Develop Louisville
2/19/19

Why Preserve? The value proposition



- ❖ Preserves our unique story for the future
- ❖ Protects Investments
- ❖ Marketing Tool/ Business Recruitment
- ❖ Better Design is supported and encouraged
- ❖ Helps the Environment/Sustainability
- ❖ Educational /Tourism Impact
- ❖ Well stated in the “Whereas” section of the Ordinance!



Why Landmarks Commission? Why Designation?

- ❖ The Commission was established by Ordinance as the body to lead Preservation in City/ County, now Metro. Purpose stated in the Ordinance
- ❖ The Commission was modelled on other, like bodies established shortly after the Historic Preservation Act of 1966
- ❖ Authorized to perform multiple duties to achieve the goal of preservation primarily Education, Survey, Protection
- ❖ Coordination with State and Federal entities
- ❖ Local Designation as definitive and strong tool for preservation – Individual Buildings and Districts. Stronger protection than National Register. Designation reaches beyond current ownership. Controls demolition, New Construction, exterior changes (not maintenance)



What has been locally designated? How does that Preserve?

❖ 7 districts – includes about 6,000 structures

- ❖ Butchertown
- ❖ Cherokee Triangle
- ❖ Clifton
- ❖ Limerick
- ❖ Old Louisville
- ❖ Parkland
- ❖ West Main Street

❖ 90 Individual Landmarks

❖ Locally designated structures require approval by the Commission prior to exterior modifications including demolition and new construction. Demolition review includes public hearing. Can be denied.



Other Local Protections

- ❖ Wrecking Ordinance – 150.110. Provides for 30 day public notice prior to demolition of qualifying, historic structures. Such a structure cannot be demolished until the 1st building permit for a replacement structure is issued, or a 2 year moratorium placed on further development. Demolition can occur. Most buildings do not qualify.
- ❖ Overlay Districts – focused on retention of quality of design. Preservation of historic structures is encouraged but may be approved. Downtown, Bardstown Road, Nulu. Demolition can occur.
- ❖ Historic Preservation is now in the Comprehensive Plan and Neighborhood Plans. These Plans guide Land Development Code decision but are not a regulation. Demolition can occur.
- ❖ Property Maintenance Code – requires that property owners take basic steps to maintain their property. Demolition can occur.



Recent Community Dialogue on Preservation

- ❖ Historic Preservation Task Force created by Mayor Fischer in 2016 – cross discipline group to assemble and make Recommendations
- ❖ Landmarks Commission, including staff, have adopted those recommendations as ongoing work plan in addition to daily work
- ❖ 1st item was review of the Ordinance with focus on designations process - 2017



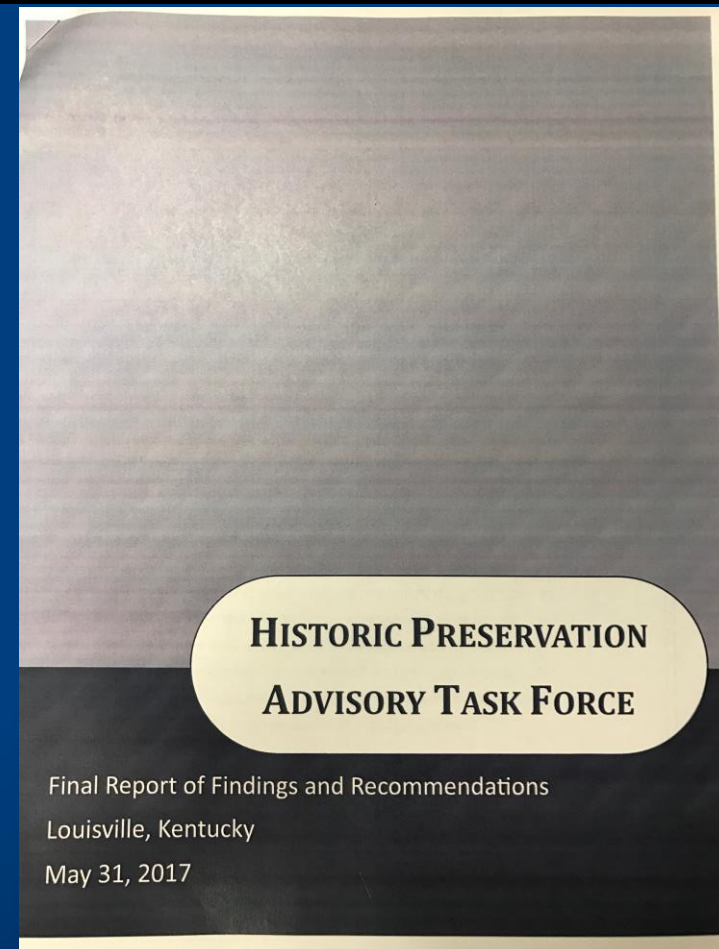
Historic Preservation Advisory Task Force (HPATF)

- ❖ Mayoral Executive Order establishing the Historic Preservation Advisory Task Force on May 2, 2016
- ❖ Recommend guidelines on establishing an inventory system
- ❖ Prioritize significant endangered historic buildings for preservation
- ❖ Recommend financial and/or policy incentives that support redevelopment and historic preservation
- ❖ Suggest best practices in redevelopment and historic preservation
- ❖ A total of 15 HPATF meetings open to the public. Final recommendations were submitted to the Mayor on May 31, 2017



Historic Preservation Advisory Task Force (HPATF)

- ❖ Preservation 2.0 Goal
- ❖ Avoid “11th hour” designation battles
- ❖ Preservation as a part of redevelopment equation
- ❖ Nine total recommendations
- ❖ Action items including financial incentives, survey, and policy
- ❖ ***RECOMMENDATION 6: Examine the Landmarks Ordinance for areas of improvement to ensure that the process is clear, equitable, efficient, and balanced.***



Landmarks Commission Subcommittee, Process Steps

Key Process Steps of the Subcommittee, 2018

- ❖ Identification of key “pain points” of current ordinance in January, 2018
- ❖ Survey of similar ordinances in similar communities
- ❖ Ideas drafted and discussed
- ❖ Progress Report to the Commission in May, 2018
- ❖ Public review and input
- ❖ Analysis of public input
- ❖ Final presentation to the Landmarks Commission in September, 2018



Summary of Key “Pain Points”

- ❖ Landmarks Ordinance “weaponization” – misuse of the process to address other issues
- ❖ Designation process
- ❖ Staff role – advocate or analyst
- ❖ Clarifying definitions, criteria
- ❖ Metro Council appeal standard
- ❖ Property owner objection
- ❖ Economic hardship consideration



Landmarks Subcommittee, Development of Draft Language

- ❖ Ensure more objective technical review with checks and balances
- ❖ Better defined process
- ❖ Consideration of property condition
- ❖ Shorter time exposure for petitioning and review process
- ❖ Higher standard for individual designation
- ❖ More responsibility on petitioner to provide supporting documentation for designation with petition submittal
- ❖ Petition signatures can come from 200 residents of Jefferson County
- ❖ Related changes to the Wrecking Ordinance limit timeframe to petition to 30-day notice period.



Landmarks Commission Subcommittee, Public Input on Draft

Public Outreach Efforts

Press release distributed May 31, 2018 to seek public input

Contacted stakeholders including preservationists, ARCs, HPATF members, development community (BIA)

2000 notices for public input sent through GovDelivery

Notices also sent through social media channels reaching an audience of 415,000 citizens

Subcommittee meetings open to the public and public comment taken

Public Outreach Results

28 comments received/25 through online portal (Wufoo)

6 comments unrelated to proposed Landmarks Ordinance changes

3 comments supporting draft changes

Remaining comments focused on three main subject areas: definitions; ARCs/COAs/Designation Process



Landmarks Subcommittee Discussion of Public Input

- ❖ Economic Hardship
- ❖ Fees for Designations/process to set fees/fee schedule
- ❖ Enforcement
- ❖ Property Owner Consent
- ❖ Public ROW work under Landmarks purview
- ❖ Definitions

The screenshot shows a web page titled "PLANNING & DESIGN" with a breadcrumb trail: Home / Government / City Departments / Planning & Design. A "FEEDBACK" button is in the top right. A left sidebar lists navigation items: Department Home, About Planning & Design Services, Boards, Commissions and Committees, Land Development Code, Comprehensive Plan, Applications, User Guides, Historic Preservation, Landmarks and Overlay Districts (expanded to show Section 106 Review Process, Historic Preservation Advisory Task Force, and Architectural Review Committees), Historic Structure Plaque Program, Short Term Rental Information, and Transportation Planning. The main content area is titled "Historic Preservation, Landmarks and Overlay Districts" and features a link to "ANSHEI SFARD DRAFT DESIGNATION REPORT (3700 DUTCHMANS LANE)". It states that the Planning and Design Services Urban Design team is responsible for oversight of exterior alterations, issuing Certificates of Appropriateness and Overlay Permits, and preparing designation reports. A paragraph explains that exterior work on a landmarked building or in a preservation/overlay district requires a Certificate of Appropriateness (COA) and Overlay District permit. It lists six local preservation districts (Butchertown, Cherokee Triangle, Clifton, Limerick, Old Louisville, Parkland, West Main Street) and three overlay districts (NuLu, Bardstown Road/Baxter Avenue, Downtown).



Proposed Designation Process Changes

- ❖ Enhanced petition process including detailed application form
- ❖ Staff review of the petition information, in lieu of staff as primary researcher
- ❖ Technical Review Committee step for Individual Landmarks designation request provides for a new milestone in the process
- ❖ Re-organized into District v. Individual for clarity
- ❖ Can now be initiated by Commission or Council in addition property owner or petition.



Proposed Designation Criteria Changes

- ❖ Simplification of the criteria
- ❖ Difference criteria for individual and district petitions
- ❖ “Raise the bar” for Individual Landmarks
- ❖ Specifies minimum criteria requirements
- ❖ “Integrity” as key criteria – level of retention of actual historic fabric



Questions/Discussion



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