

§ 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.

(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, 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:

(1) A description of the boundaries of the proposed district; and

(2) A description of the distinctive characteristics of the proposed district.

(C) The Commission may designate a structure or property as a local landmark if it receives a written request of the owner or owners of the structure or property, or a petition requesting designation containing the verified signatures and addresses of no fewer than 200 residents of Louisville Metro and provided that at least 101 of those verified signatures and addresses contained in the petition are residents or property owners within one of the following boundaries: (1) a one-mile radius surrounding the structure or property proposed for local landmark designation, (2) the Council district in which the proposed landmark is located or (3) the cumulative area formed when the boundaries of (1) and (2) are combined. When verifying signatures for purposes of accepting a perfected petition to designate a structure or property as a local landmark, any resident or property owner whose address is located on property that touches one of the three boundaries as defined herein shall qualify and be counted toward the aforementioned 101 signature threshold.

(D) (1) Upon verification of a petition pursuant to the requirements of subsection (B), the Commission shall conduct a study and hold a public hearing to determine if the proposed district should be established. A description of the proposed district shall be published in the newspaper in accordance with KRS Chapter 424 no less than once and 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.

(2) Upon verification of a petition pursuant to the requirements of subsection (C), the Commission Chairperson shall instruct its staff to do a study of and issue a report on the proposal within 18 calendar days of the submission of the petition. Once completed, staff shall make its report on the proposal available to the public by posting it on the appropriate Louisville Metro website and by keeping a copy of same in its office so that is readily accessible to the public during staff's regular office hours. Within 14 calendar days of the completion and issuance of staff's report on the proposed designation, staff shall schedule, with agreement from the owner(s) of the structure and property, a pre-hearing conference before a subcommittee of no more than five Commissioners. If a pre-hearing conference is scheduled, staff may discuss with the interested parties, including representatives for the petitioners, any changes proposed to the structure or property, the petition for designation, its goals and objectives, the review process, and anything else pertinent to the proposed designation or the applicable process.

Staff shall schedule a public hearing to be held at a regular meeting of the Commission within 90 calendar days of the submission of the petition, unless continued by the Commission Chairperson for just cause, but not to exceed 120 calendar days. If requested by the petitioner or property owner and deemed appropriate and reasonable by the Chairperson, the hearing may be held at a time and place convenient to the public. Once a public hearing date, time and place has been established, the Commission Chairperson shall instruct staff to mail no later than 30 days before the hearing date, by first class mail (unless specified otherwise below), a notice containing the address and description of the proposed landmark as well as the date, time, and place of the public hearing to the following parties (for purposes of mailing notice to the parties identified below in subsections (a), (d), (e), (f) and (g) if, according to the records of the Property Valuation Administrator, the address of the property owner is not the same as the address of the property entitled to notice, then a notice addressed to "resident" shall be mailed to the address of that property):

(a) The resident(s) and owner(s) of the structure or property;

(b) All members of the Louisville Metro Council and the Mayor of Louisville Metro (notification sent via electronic mail is sufficient);

(c) The mayor and city clerk of any second, third, fourth, fifth or sixth class city in which the proposed historic landmark is situated;

(d) The resident(s) and owner(s) of every parcel of property adjoining at any point the property that is the subject of the petition;

(e) The resident(s) and owner(s) of every parcel of property directly across the street from the property that is the subject of the petition;

(f) The resident(s) and owner(s) of every parcel of property that adjoins the adjoining property or adjoins the property directly across the street from the property that is the subject of the petition;

(g) The resident(s) and owner(s) of any other property within 500 feet of the property that is the subject of the petition, and

(h) The Neighborhood Notification Program list compiled by Planning & Design Services for the Council district(s) in which the structure or property is situated (these notices may go by electronic mail).

No less than 14 days immediately prior to the date of the public hearing, the Commission shall conspicuously post a sign on the property whereon the landmark proposed for designation is located. The posted sign shall state "Proposed Landmark Designation" in letters three inches in height. The time, place, and date of hearing shall be in letters at least one inch in height. The sign shall be constructed of durable material and shall state the telephone number of the appropriate staff person to contact for information related to the proposed designation. Additionally, the Commission shall publish the above notice in the newspaper in accordance with KRS Chapter 424 at least once no less than seven days prior to the date of the hearing.

(E) After the public hearing, the Commission shall vote on the question of the establishment of the district or designation of the local landmark.

(1) In considering the designation of any neighborhood, area, property or structure in Louisville Metro as a local landmark, or district, the Commission shall apply the following criteria with respect to such structure, property or district:

(a) Its character, interest, or value as part of the development or heritage of Louisville Metro, Jefferson County, the Commonwealth, or the United States.

(b) Its exemplification of the historic, aesthetic, architectural, prehistoric or historic archaeological, educational, economic, or cultural heritage of Louisville Metro, Jefferson County, the Commonwealth, or the nation.

(c) Its location as a site of a significant historic event.

(d) Its identification with a person or persons who significantly contributed to the culture and development of Louisville Metro, Jefferson County, the Commonwealth, or the nation.

(e) Its embodiment of distinguishing characteristics of an architectural type or specimen.

(f) Its identification as the work of an architect, landscape architect, or master builder whose individual work has influenced the development of Louisville Metro, Jefferson County, the Commonwealth, or the nation.

(g) Its embodiment of elements or architectural design, detail, materials, or craftsmanship which represents a significant architectural innovation.

(h) Its relationship to other distinctive areas which are eligible for preservation according to a plan based on an historic, cultural, or architectural motif.

(i) Its location or physical characteristics representing an established and familiar visual feature or which reinforce the physical continuity of a neighborhood, area, or place within Louisville Metro.

(F) If the Commission designates a local landmark or district, it shall within three days of the meeting at which the designation was approved, forward a copy of the designation to the Metro Council.

(G) The designation of a local landmark shall be effective 60 days from the date upon which the Commission took its final action upon such proposal unless the Council adopts, by a vote of the majority of the members in attendance, a resolution initiating a review of the Commission's final action upon the proposal within said 60 days. If the Council timely initiates a review of the Commission's final action, it shall, by letter (or email if specified), notify all parties set forth in § 32.260(D)(2)(a) - (D)(2)(h) of the date, time and place that the review will be conducted, and, if a public hearing will be held, the right of the public to comment at the public hearing on the proposal. If a public hearing is not held by the Council, or by one of its committees assigned to holding the review, the Council shall

confine its review to the information that was presented to the Commission. The Council shall take its final action upon the review of any decision of the Commission within 180 days of the date upon which the Commission takes its final action upon such proposal. The Council shall make a decision based upon written findings of fact and following the criteria set forth in § 32.260(E)(1). The Council's decision shall uphold, modify, or overturn the Commission's decision, and may place conditions the Council deems appropriate. Upon review of the Commission's decision, if the Council fails to take final action within 180 days of the date upon which the Commission took its final action, the Commission's final action shall become final and effective as a matter of law.

(H) No designation of a district shall be effective until ratified by ordinance enacted by the Metro Council. Within 60 days of such ratification, the Commission shall appoint a Committee for the new district and the Committee shall approve guidelines for the new district in accordance with the procedures established in this section. The Commission shall adopt interim guidelines for the district which shall apply until the guidelines are adopted and approved for the district as provided in this section. The provisions of this subchapter shall apply to all exterior alterations to structures or properties within the new district 30 days after the Metro Council enacts an ordinance establishing the new district.

(I) During the pendency of the petition before the Commission or the Council and during any possible appeal or review period, including the 60-day time period wherein Council must act to initiate a review of the Commission's decision, Louisville Metro shall not issue demolition permits or orders under §§ 150.006, 150.110, or 156.807 for a structure(s) or property being proposed for landmark designation.

(1999 Lou. Code, § 32.510) (Lou. Ord. No. 44-1997, approved 3-28-1997; Lou. Am. Ord. No. 0079-2002, § 9, approved 6-27-2002; Lou. Metro Am. Ord. No. 71-2005, approved 6-1-2005; Lou. Metro Am. Ord. No. 130-2012, passed 8-9-2012; Lou. Metro Am. Ord. No. 128-2013, approved 7-30-2013)