

Article 15: Historic Districts

15.1 Intent

Within zones now existing or hereafter created as shown on the zoning map it is intended to permit, by amendment to the zoning map and establishment of suitable regulations, the creation of Historic Districts and Landmarks to give protection to certain areas or individual structures and premises designated as having special historical, or architectural significance. Such districts and Landmarks and regulations are intended to protect against destruction, degradation, or encroachment upon the areas, structures and premises designated to be of substantial historic significance and to encourage and promote uses which will lead to their continuance, conservation and improvement by and through the development and maintenance of cultural character or architectural style and by the development and maintenance of the exterior design of these buildings, structures or places in a manner appropriate to the preservation of the historic heritage, charm and beauty of the cities of Bardstown, Bloomfield, Fairfield and New Haven, and Unincorporated Nelson County, Kentucky; to promote the education, cultural, economical and general welfare of the public and to prevent creation of environmental influences adverse to such purposes; and to assure that new structures and uses within Historic Districts will be in keeping with the character to be preserved and enhanced.

15.2 Application of Historic District Regulations

The Historic District classification and regulations thereunder shall be established in addition to and superimposed upon the zone classification and regulations thereto as shown on the Zoning Map for the subject area; that the Historic District existing and/or created with this ordinance (Order) is as follows:

Beginning at a point in the center of West Stephen Foster Avenue at the junction with Barton Road about 1830 feet west of the courthouse; thence westerly with Stephen Foster about 330 feet to the east line of Old Kentucky Home Motel; thence northerly with the property line about 370 feet to the City of Bardstown Recreational Department; thence with the City easterly about 650 feet to the southeast corner of the Spalding Hall tract; thence northerly 201 feet to the corner of the Spalding Hall tract; thence easterly with the line of the City of Bardstown 542 feet to the center of Fifth Street; thence with Fifth Street about 240 feet to the junction with Blackberry Alley; thence with Blackberry Alley easterly about 730 feet to Mulberry Alley; thence with Mulberry Alley northerly about 1570 feet to the center of Barber Avenue; thence easterly with Barber Avenue about 240 feet to the center of North Third Street; thence North with Third Street to the Railroad right of way; thence easterly with the railroad about 240 feet to the center of the block between Third Street and Second Street; thence southerly with the center of the Block about 2500 feet to a point 250 feet north of East Stephen Foster (US 150) about 3950 feet to the west line of Bardstown Shopping Center; thence southerly across (US 150) and along Ky. 49 to a point 250 feet south of (US 150); thence running 250 feet south of and parallel of US 150 (East Stephen Foster) about 4050 feet to a point 250 feet east of South Third Street; thence southerly 250 feet from and parallel to the center of Third Street about 970 feet to a point about 250 feet south of Muir Avenue, thence westerly 250 feet south of and parallel to Muir Avenue about 500 feet to a point 250 feet west of South Third Street; thence northerly 250 feet from and parallel to South Third Street about 970 feet to a point 250 feet south of West Stephen Foster; thence westerly running 250 feet from and parallel to Stephen Foster westerly about 1220 feet to the center of Cathedral Manor (US 31-E); thence westerly about 430 feet to the center of Barton Road about 100 feet south of West Stephen Foster; thence northerly about 100 feet to the point of beginning.

Also included in the following: Beginning at a point in the existing boundary line of the historical zoning district at its intersection with the west line of North First Street and the south line of Raspberry Alley thence proceeding northwardly along the west line of North First Street to the north line of Power House Hill Street thence proceeding northwest to a point in the south line of Crume Street thence proceeding with said south line of Crume Street to its intersection with the west line of the Old

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Bloomfield Road southwardly to its intersection with the south side of Power House Hill Street thence with said line to a point in its intersection with the east line of Oakley Court thence following the east line of Oakley Court to a point in the existing historical district boundary line thence proceeding with said boundary line approximately 180 feet to the point of beginning.

- 15.21 Permitted Uses. The use, dimensional and other requirements for said zone as provided in this Zoning Ordinance shall apply.
- 15.22 Conditional Uses Permitted. Upon application variance may be granted from the permitted uses in any zone classification for a Landmark or for any area, individual structure or premises located within any established Historic District so as to permit any use authorized in any zone classification.
- 15.221 Procedures for Conditional Use. The procedures for issuance of a conditional use permit shall be the same as procedure for the establishment of Historic Districts and Landmarks, as provided in Section 15.51, 15.52, 15.53 of the Ordinance except:
- (A) That recommendations of approval thereof shall be by no less than 3/5 majority of the entire membership of the Historic Review Board.
 - (B) After voting, if such application is not recommended for approval by the Board, an appeal may be taken to the appropriate Board of Adjustment.
 - (C) If the application is recommended for approval by the Board, then after voting by the appropriate Board of Adjustment, if approved, permit shall promptly issue; if such application is not approved by the appropriate Board of Adjustment, no further action shall be taken.
- 15.222 Mandatory Requirements for Conditional Use Permit. The Historic Review Board shall not recommend conditional use permit unless all of the following general conditions are met:
- (A) That the area, structure or premises are situated in its entirety within the Historic District or on the Landmark Site where the Landmark is located.
 - (B) That the physical conditions are unique in that the premises or structures are of aesthetic architectural or historical significance worthy of preservation.
 - (C) That the variances considered, exclusive of all other considerations, for the purposes of preservation and/or restoration.
 - (D) That the applicant consents in writing to maintain and/or instigate restoration and thereafter maintain the premises consistent with the original area and/or structural design and to any other conditions as may be imposed by the Historic Review Board.
 - (E) That the proposed use does not constitute an unreasonable use of the premises or unreasonably abridge the intent of the zoning regulations and will not be detrimental to any neighboring premises.
- 15.23 Conflict. Where there conflicts between the procedures and regulations herein established for the Historic Districts and Landmarks and other procedures and regulations in the Zoning Ordinance, it is intended that the provisions as set forth in this Article shall apply.

15.3 Definitions

The words defined in Article 5 of the Zoning Ordinance shall apply and the words hereinafter defined

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are in addition thereto and are those which have special or limited meaning as used in Historic Ordinance, which meaning might not otherwise be clear. Words whose meaning is self evident as used in the Zoning Regulations are not defined herein.

- 15.31 Exterior Architectural Appearance. The architectural style, general composition and general arrangement of the exterior of a building or other structure; including the location of windows, doors, light fixtures and signs. The items of concern shall mean the kind, style, size, color and texture of building materials, windows, doors, light fixtures, signs and appurtenance elements which are visible or designed to be open to view from a public street, way or place.
- 15.32 Plans. Drawings or sketches to scale of a proposed building with sufficient dimensional detail and explanation to show, so far as they relate to exterior appearance, the architectural design of the building or other structure including proposed materials, textures and colors, and the plot plan or site layout, including all site improvements or features such as wall, walks, terraces, planting, accessory buildings, signs, lights and other appurtenances.
- 15.33 Historic District and Landmark. The District and Landmark established by Article 15, shall be an area or individual structure or premises specifically designated by the Planning Commission as containing buildings, other structures, appurtenances and places having historic, or architectural significance. A Landmark shall be fifty (50) years old unless the Historical Review Board makes a finding that a newer building with architectural and historical significance should be designated to protect it. Each designation of a Landmark shall include a designation of a Landmark Site which shall be limited to the land on which the Landmark and related buildings and structures are located and the land that provides and immediate grounds and the setting for the Landmark. To be designated, an area or structure or premises shall meet one or more of the following criteria:
- (1) Its value as a reminder of the cultural or archeological heritage of the City, State or Nation;
 - (2) Its location as a site of significant local, state or national event;
 - (3) Its identification with a person or persons who significantly contributed to the development of the city, state or nation;
 - (4) Its identification as the work of a master builder, designer, or architect whose individual work has influenced the development of the city, state or nation.
 - (5) Its value as a building that is recognized for the quality of its architecture and that retains sufficient elements showing architectural significance;
 - (6) Its distinguishing characteristics of an architectural style valuable for the study of a period, method of construction, or use of indigenous materials;
 - (7) Its character as a geographically definable area possessing a significant concentration, or continuity of sites, buildings, objects or structures united by past events or aesthetically by plan or physical development or united by past events or aesthetically by plan or physical development; or
 - (8) Its character as an established and geographically definable neighborhood, united by culture, architectural style or physical plan and development.
- 15.34 Signs. Any symbol, plane, point, marque sign, picture, pictorial, reading matter, device, image, poster, flag, banner, pennant or insignia, billboard, design, directional sign, or illuminated service whether painted upon, attached to, fastened to, erected on, constructed on, placed on, manufactured or otherwise maintained on any premises, containing any words, letters or parts of letters, figures, numerals, phrases, sentences, emblems, devices, mark, stroke, stripline, trade names, or trademarks by which anything is known, such as are used to designate an individual, a firm, an association, a corporation, a professional, a business or a commodity or product,

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which is used to attract attention to any place, subject, person, firm, corporation public performance, article, machine or merchandise, whatsoever, and displayed in any manner whatsoever so as to be visible out of doors. But the term sign shall not include the flag, pennant or insignia of any nation, state, city or other political unit.

- 15.35 Display. To erect, paint, repaint, replace, hang, rehang, repair, maintain, paint directly upon a building or other structure, inlay, embed in or otherwise in public view.
- 15.36 Person. An individual, firm, association, organization, partnership, trust, company or corporation.
- 15.37 Administrative Officer. Any department, employee or advisory, elected, or appointed body which is authorized to administer regulations, and if delegated, and provision of any housing or building regulation or any other land use control regulation.
- 15.38 Building, Historic Accessory. A subordinate building, which was incidental to that of a principal building on the same plot.
- 15.39 Certificate of Appropriateness. Written evidence issued by the Planning Commission that a proposed building or other structure meets all provisions of the historic zone regulations.
- 15.391 Planning Commission. The Joint City-County Planning Commission of Nelson County.

15.4 Establishment of Historical Review Boards.

Historical Review Boards be and are hereby authorized for each governing body with each having exclusive jurisdiction over the respective governmental territorial limits and shall be designated accordingly as follows:

Bardstown Historical Review Board
Bloomfield Historical Review Board
Fairfield Historical Review Board
Nelson County Historical Review Board
New Haven Historical Review Board

Failure of any such Board to be duly constituted shall not effect the validity or authorized acts of the other Boards herein established or any or any of them. Any Historical Review Board as constituted at the time of adoption of this Zoning Ordinance shall continue in force. But future appointments shall be made as provided in Section 15.41 herein below.

- 15.41 Membership. The Historical Review Boards established by 15.4 of this Ordinance shall each consist of five members to be appointed by their respective governmental or legislative body. The term of two of the members of each of the original boards will expire within three years; two within two years and one within one year after date of appointment. An appointment to fill a casual vacancy shall be only for the unexpired portion of the term. Vacancies on the Historical Review Board shall be filled within sixty (60) days. All members shall have a demonstrated interest in historic preservation, and at least two members shall have training or experience in a preservation-related profession, architecture, history, archaeology, architectural history, planning or related fields. When one or two professional members are not available, persons interested in historic preservation may be appointed to those positions. when the Historical Review Board reviews an issue that is normally evaluated by a professional member

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and that field is not represented on the Historical Review Board, the Board shall seek expert advice before rendering its decision.

- 15.42 Powers and Duties - Each Historical Review Board shall make recommendations to the Planning Commission on all matters relating to the preservation, conservation and enhancement of structures, premises and areas of substantial historic or architectural significance and matters relating to the establishment of Historic Districts and landmarks and regulations to be enforced thereunder. The respective Historic Review Boards shall inspect and identify such structures, premises and areas in their respective cities and Nelson County as each considers having substantial historic or architectural significance. Each Historical Review Board shall conduct a continuing survey of historical and cultural resources according to State Historic Preservation Office guidelines and shall maintain an inventory of these resources within its jurisdiction for use by public agencies and private owners. Each Historical Review Board shall prepare a plan for the preservation of these resources for use in advising other officials and departments of local government. Each Historical Review Board shall adopt and make public written guidelines for use in making recommendations on requests to alter, demolish, relocate or add to a designated property or to build a new structure in a Historic District. The guidelines shall include the United States Secretary of the Interior's Standards for Historic Preservation Projects, and the historical Review Board may adopt additional guidelines. Each Historical Review Board shall advise and assist property owners and other persons and groups interested in historic preservation. Each Historical Review Board shall undertake educational programs that may include the preparation of publications, the holding of meetings on preservation issues and placing of historical markers.

To participate in the Certified Local Government program, a local government shall initiate all local nominations to the National Register of Historic Places and shall request the chief elected official and the Historical Review Board to submit recommendations on each proposed nomination to the National Register. The chief elected official and the Historical Review Board shall obtain comments from the public that shall be included in their National Register recommendations. Within sixty (60) days of the receipt of a nomination from a private individual or the initiation of a nomination by the local government, the local government shall inform the State Historic Preservation Office and the owner of the property of the two recommendations regarding the eligibility of the property. If the chief elected official and Historical Review Board do not agree, both opinions shall be forwarded in the local government's report. If both the chief elected official and Historical Review Board recommend that a property not be nominated, the State Historic Preservation Office shall inform the property owner and the State Historic Preservation Review Board, and the property will not be nominated unless an appeal is filed with the State Historic Preservation Officer.

If either or both the chief elected official and the Historical Review Board agree that a property should be nominated, the nomination will receive a preliminary review by the Kentucky Historic Preservation Review Board. The State Review Board shall make a recommendation to the State Historic Preservation Officer who decides whether to forward the nomination to the U.S. Secretary of the Interior who shall make the decision on listing the property on the National Register. The chief elected official, the Historical Review Board or the property owner may appeal the final decision by the State Historic Preservation Officer. In the development of the Certified Local government program, the local government may ask the Historical Review Board to perform other responsibilities that may be delegated to the local government under the National Historic Preservation Act.

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15.43 Organizations and Meetings. The respective Historical Review Boards shall adopt rules for the conduct of its duties, which shall be subject to review of the Planning Commission to insure uniformity, shall elect a chairman and keep minutes of all meetings. Meetings shall be held at regularly scheduled times at least four times a year or at the call of the chairman or in his absence at the call of the vice chairman, or at the request of the Planning Commission. All meetings shall be advertised in advance in accordance with the provisions of KRS Chapter 424 and shall be held in a public place. A quorum shall consist of three members, but a lesser number may conduct public hearings or meetings at which the principal purpose is collection of information, provided that no action binding on the Review Board shall be taken at such hearings or meetings. All meetings and records of the respective Historical Review Boards shall be public. Recommendations by each of the Review Boards shall be made by a majority vote of those members at any meeting where a quorum of members is present except where greater number is specifically required. The Planning Commission shall provide a secretarial staff and financial assistance to the respective Historical Review Board so that it may have professional staff assistance. Each Review Board shall prepare and keep on file, available for public inspection, a written annual report of its activities, cases, decisions, special projects and qualifications of the members. Each Review Board member shall attend each year one informational or educational meeting that has been approved by the State Historic Preservation Officer.

15.5 Establishment of Historic Districts and Landmarks.

The procedure for the establishment of an Historic District or a Landmark and Landmark Site shall be as follows:

- 15.51 Application. An application for the establishment of an Historic District or a Landmark Site may be filed only by any of the Historical Review Boards, the Planning Commission, the respective government body, the owner of the subject property, or by a person with written authorization of the owner. Said application shall be filed with the appropriate Historical Review Board in such form and accompanied by such information as required by this Zoning Ordinance Resolution and the rules of the Historical Review Board. Upon filing of an application by a governmental body, the Historical Review Board shall promptly notify the owner by Certified Mail.
- 15.52 Recommendation by Historical Review Board - Upon the filing of an application for the establishment of a Historic District or a Landmark and Landmark Site, the Historical Review Boards shall study and review the application. Before voting upon the application the Review Board shall give notice of the time, place, and reason for holding a public hearing thereon by one publication in a newspaper of general circulation in Nelson County, Kentucky, not earlier than twenty-one days or later than seven days before the public hearing. After notice of the public hearing as provided herein, and within thirty days after the filing date, the Review Board shall hold a public hearing on the proposed application and recommend to the Commission that the application for the establishment of a Historic District or a Landmark and Landmark Site be approved or disapproved, the Review Board shall forward its recommendation, with its reasons therefore, in writing, to the Planning Commission. All applicants and property owners shall be notified of meetings and subsequent decisions relating to their applications or property.
- 15.53 Recommendation by Planning Commission - Before voting upon the recommendation of the Historical Review Board to approve or disapprove the establishment of a Historic District or a Landmark and Landmark Site, the Planning Commission shall give notice of the time, place and reason for holding public hearing thereon by one publication in a newspaper of general

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circulation in Nelson County, Kentucky, not earlier than twenty-one days or later than seven days before the public hearing. After notice of the public hearing as provided herein, and within forty-five days after receiving the recommendation of the historical Review Board, the Planning Commission shall hold a public hearing on the proposed application. After voting to recommend that a application for the establishment of a Historic District or a Landmark and Landmark Site be approved or disapproved, the Commission shall forward its recommendation, with its reasons, in writing, to the respective governmental or legislative body. When recommending the establishment of a Historic District or a Landmark and Landmark site, the Planning Commission shall recommend, if appropriate, an amendment to the Comprehensive Plan to include the proposed designation and shall recommend a change, if appropriate, in the zoning map to show the proposed designation.

- 15.54 Action by City or County Legislative Body - The respective governmental body shall act upon a proposed application for the establishment of a Historic District or a Landmark and Landmark Site after it has received the written recommendation thereon from the Planning Commission and within forty-five days after receiving the Planning Commission recommendation. It shall take a majority of members of the entire governmental body to override the recommendation of the Planning Commission.

15.6 Building Permit Required.

The Administrative Officer shall issue no building permits for the construction, alteration, moving of any structure or premises, or change in exterior appearance of any structure, and the Board of Adjustment shall take no action resulting in the issuance of any building permit for a Landmark and Landmark Site or for a property in the Historic District except as expressly authorized under Section 15.61 herein below.

15.61 When Action is Required by the Historical Review Board: Application Requirements:

- A. In the following circumstances, approval of the Historic Review Board is required before the particular activity begins:
- (1) Activities Requiring a Building Permit. Upon the filing of an application for a building permit for a landmark and landmark site or for a property in a Historic District, the Administrative Official shall properly notify the respective Historic Review of such application. An application with pertinent information and materials shall be filed with the Historic Review Board.
 - (2) Exterior Alteration of a Structure Not Requiring a Building Permit. Examples of such exterior alterations include but are not limited to changing exterior paint colors, installation of siding and roof and window replacement. When a person wishes to undertake an exterior alteration affecting a landmark and a landmark structure or a property in a Historic District that does not require a building permit, that person shall apply directly to the Historic Review Board. The Board shall not consider any interior arrangements nor shall it make requirements relating to the interior except for the purpose of preventing developments obviously incongruous to the district or the landmark.
 - (3) Major Site or Landscaping Alterations Not Requiring a Building Permit. Examples of this type of alteration include but are not limited to replacement of all foundation plants on the front and/or street side elevations of a structure, clear-cutting or otherwise

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removing all or most of the mature vegetation from an undeveloped site, installation of fencing, alteration of the natural grade of a site by six inches or more from natural/historic grade, addition of more than 2 parking spaces and/or the addition (not replacement) of other nonporous areas over 200 square feet in size. Major site or landscaping alterations will be reviewed in terms of their impact on historic structures either on site or adjacent as well as compliance with currently adopted guidelines. This section does not include planting, replacement or maintenance of seasonal plants or vegetation.

- (4) Applications to Erect a Sign(s). Prior to the placement, replacement, or installation of any sign within the Historic District, the sign owner, business owner or property owner shall apply for approval of such action from the Historic Review Board. The Board shall review sign proposals in terms of compliance with currently adopted standards.

B. This ordinance will be administered as follows:

- (1) Application Requirements. The applicant requesting approval of any action as detailed above in section (A) shall file an application in the offices of the Joint City-County Planning Commission. The shall file with the application any of the following which are appropriate to the situation: a copy of the required building or sign permit application, architectural plans, plot plans, landscaping plans, plans for off-street parking, proposed structures facing streets, and elevation photographs or perspective drawings showing proposed structures and all such existing structures as are within one hundred (100) feet of the landmark, landmark site, or the property in the Historic District. These photographs or perspective drawings shall be substantially related to the property or structure visually or to its function, traffic generation or other characteristics. The applicant may submit for Board review the required items or material in preliminary form which shall be labeled "preliminary design" in large letters. The Board may review the same and recommend modifications and/or changes but shall not be required to take any final action until submission of the required items, material and information in final form.
- (2) Procedural Guidelines. The Board shall meet once a month at a regularly scheduled time and place, unless otherwise announced. The Board shall also set deadlines for submittal of applications and other pertinent materials. The Board shall in any case meet within sixty (60) days following notification by the Administrative Official of the filing of a completed application. In its review of the material submitted, the Historic Review Board shall review for compliance with adopted guidelines, examine the architectural design and the exterior surface treatment of the structures on the site in question, the relationship between the structure or site and the others in the area, and other pertinent factors including signs affecting the appearance and efficient functioning of the Historic District property or area, or the Landmark. The Board shall vote to approve or disapprove a completed application within sixty (60) days after the application is filed with the Administrative Official. Provisional or conditional approval may be given to an application by the CLG Director based on apparent compliance with adopted guidelines. This provisional or conditional approval must be subsequently affirmed by the Historic Review Board. An applicant who has conditional or provisional approval may proceed with the activity at their own risk. All applicants and property owners shall be notified of meetings and subsequent decisions relating to their applications or property. Notwithstanding any other provisions of the Ordinance, the Historic Review Board shall not be required to approve or disapprove an

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application until the applicant has received the approval needed from other government offices.

- 15.611 Approval by Historical Review Board. If the Historical Board recommends approval of the application for a building permit for a Landmark and Landmark Site or for a property in a Historic District, it shall forward immediately its recommendation in writing stating the reasons for such approval to the appropriate legislative body. The legislative body shall promptly cause a Certificate of Appropriateness to be issued to the applicant and shall at the same time transmit a copy of said Certificate of Appropriateness to the Administrative Officer. Upon receipt of the Certificate of Appropriateness, the Administrative Officer shall issue the building permit if it meets all other requirements of law. The Administrative Officer shall inspect the construction or alteration approved by such certificate from time to time and report to the Historical Review Board and the legislative body any work not in accordance with such certificate. In the event work is being performed not in accordance with such certificate, a Stop Work order shall be issued by the Administrative Officer, and all work shall cease. In the event work is being performed without a Certificate of Appropriateness, a Stop Work Order shall be issued by the Administrative Officer, and all work shall cease.
- 15.612 Disapproval by Historical Review Board - If the Historic Review Board recommends disapproval of the Application for a building permit for a Landmark and Landmark Site or for a property in a Historic District, it shall promptly transmit a written report stating the reasons for such disapproval to the appropriate legislative body. In said written report the Review Board shall make recommendations in regard to an appropriate architectural design, exterior surface treatment or other appropriate matters to make the application conform to the intent of the Historic District and Landmark regulations.

In the event the Historical Review Board recommends disapproval of an application for a building permit for a Landmark and Landmark Site or for a property in a Historic District, the applicant for said permit may appeal to the appropriate legislative body, which shall hold a public hearing thereon and shall vote on said appeal within forty-five days after the notice of appeal is filed with the legislative body. The legislative body shall give notice of the time, place, and reason for holding public hearing thereon by one publication in a newspaper of general circulation in Nelson County, Kentucky not earlier than twenty-one days or later than seven days before the public hearing. If the legislative body votes to recommend that the application for a building permit be approved, it shall promptly issue a Certificate of Appropriateness to the applicant and transmit a copy to the Administrative Officer. If the legislative body votes to disapprove the application for a building permit, it shall transmit its decision in writing to the Administrative Officer. The applicant may appeal the disapproval by the legislative body to the Circuit Court, as allowed under KRS 100.347

- 15.613 Failure of Historical Review Board to Act - Upon failure of the Historical Review Board to take final action upon any case within thirty days after the application for a building permit has been filed with the Administrative Officer, and unless a mutual written agreement between the Historical Review Board and the applicant has been made for an extension of time, the application shall be deemed to be approved and the appropriate legislative body shall promptly issue a Certificate of Appropriateness as provided under Section 15.611 herein above.

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15.7 Demolition of Landmarks or Structures in Historic Districts on Landmark Sites

The respective Historical Review Boards shall have the power instruct the Administrative Officer temporarily to deny a demolition permit for any destruction of Landmark or any building in the Historical District or on a Landmark Site which the Board considers to have historical value. The Historical Review Board shall negotiate with the applicant to see if an alternative to demolition can be found. The Review Board may ask interested individuals and organizations for assistance in seeking an alternative to demolition and in obtaining estimates on rehabilitation costs for the threatened building.

The Review Board shall hold a public hearing on the proposed demolition within thirty (30) days after the application for the demolition permit was filed with the Administrative Officer. The Review Board shall promptly notify the applicant of the public hearing by Certified Mail and shall give notice of the time, place and reason for holding the public hearing by one publication in a newspaper of general circulation in Nelson County, Kentucky not earlier than twenty-one (21) days or later than seven (7) days before the public hearing.

The Review Board shall study the question of economic hardship for the applicant and shall determine by a preponderance of the evidence whether the Landmark or the building in the Historic District or on the Landmark Site can be put to reasonable beneficial use without the approval of the demolition application. In case of an income-producing building, the Review Board shall also determine by a preponderance of the evidence whether the applicant can obtain a reasonable return from his existing building. The Review Board may ask applicants for additional information to be used in making these determinations. If the Review Board finds economic hardship or the lack of a reasonable return, it shall recommend approval of the demolition application. If economic hardship or the lack of reasonable return is not proved, the Review Board shall deny the demolition application unless the Review Board finds grounds to recommend approving the demolition application using the standards for review contained in Paragraph 15.61. The Review Board shall take final action upon any case within sixty (60) days after the application for the demolition permit was filed with the Administrative Officer or the demolition permit shall be deemed to be approved by the Review Board.

In the event the Historical Review Board denies an application for a demolition permit for a Landmark or a building in a Historic District or a Landmark Site, the applicant for said permit may appeal to the appropriate legislative body, which shall hold a public hearing thereon and shall vote on said appeal within forty-five (45) days after the notice of appeal is filed with the legislative body. The legislative body shall give notice of the time, place and reason for holding the public hearing by one publication in a newspaper of general circulation in Nelson County, Kentucky, not earlier than twenty-one (21) days or later than seven (7) days before the public hearing. If the legislative body votes to recommend that the application for a demolition permit be approved, it shall transmit a copy of its recommendation to the Administrative Officer. The applicant may appeal the denial by the legislative body to the Circuit Court.

15.8 Recording of Historic Designations.

The Historic Review Board shall arrange that the designation of a property as a Landmark or as a part of a Historic District be recorded in the land records of the County. The Review Board shall arrange for the recording of historic designations made prior to this amendment to Article XV.

15.9 Maintenance, Repairs and Emergency Conditions.

Every person in charge of a Landmark and Landmark Site or a property in a Historic District shall keep it in good repair. The purpose of this paragraph is to prevent a person from forcing the demolition of

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his building by neglecting it and permitting damage to the building by weather or vandalism. The Historical Review Board shall request a meeting with a property owner when his Landmark or his building in a Historic District or on a Landmark Site is in poor repair, and the Review Board shall discuss with the owner ways to improve this condition of his property. After this step, the Review Board may request the Administrative Officer to take action to require correction of defects in any building or structure designated under this Ordinance so that such building or structure shall be preserved in accordance with the purposes of this Ordinance. The action taken may include boarding up the doors, windows and other parts of the building and additional steps to stabilize walls, roofs and other parts of a building. The provisions of this paragraph shall be in addition to all other provisions of the Kentucky Building Code requiring building and structures to be kept in good repair.

Ordinary repairs and maintenance may be undertaken without a Certificate of Appropriateness provided this work on a Landmark and Landmark Site or a property in a Historic District does not change its exterior appearance.

In any case where the Administrative Officer determines that there are emergency conditions dangerous to life, health or property affecting a Landmark and Landmark Site or a property in a Historic District, he may order the remedying of these conditions without the approval of the Review Board. The Administrative Officer shall promptly notify the chairman of the Review Board of the action being taken.

15.10 Interpretation of Ordinance and Procedure for Adoption.

If a section, part of a section, sentence, clause or phrase of this Ordinance shall be held to be unconstitutional or invalid, the remaining provisions shall nevertheless remain in full force and effect.

This Ordinance shall take effect upon its adoption by the legislative bodies of Bardstown, Bloomfield, Fairfield, New Haven, and Nelson County, Kentucky or such of those legislative bodies as may adopt the same.

All ordinances or parts of Ordinance in conflict with specific provision or provisions of this Ordinance be the same are hereby repealed to the extent of the conflict.

This Ordinance shall take effect immediately upon its passage.