

409.6 **OLD WASHINGTON HISTORIC OVERLAY DISTRICTS AND LANDMARKS**

A. Purpose. Historic Districts and Landmarks serve the following purposes:

1.To preserve, protect, and utilize the historic districts and landmarks that have a special historic, architectural, or cultural value to the city, county, state, and nation.

2.To promote the educational, cultural, economic, and general welfare of the people and to safeguard the history and heritage of the City of Maysville and Mason County, as reflected in such districts and landmarks.

3.Stabilize and improve property values of such districts and landmarks, and in the city and county as a whole.

4.Strengthen the local economy by protecting and enhancing the role that these sites play in attracting visitors to the City of Maysville and Mason County.

1.Enhance the visual and aesthetic character of the local area.

B.Designation of Historic Districts and Landmarks. The Board of Architectural Review (City of Maysville) and The Historic Preservation Committee (Mason County) shall make recommendations to the Planning Commission and to the appropriate local government, the designation of historic districts and individual landmarks, and the appropriate local government may make these designations by the enactment of ordinances. Each designation of a landmark shall include the land on which the landmark and related buildings and structures are located, and the land that provides the grounds or setting for the landmark. The recommendation from the appropriate city or county agency described above, shall identify the property that will be included as part of the designation and will be subject to the provisions of this section.

C.A proposal for designation of a historic district or landmark may originate with the Board of Architectural Review or the Historic Preservation Committee, or by the filing of an application by a property owner (see Appendix for copy of the application form). The criteria for designation as an historic district or landmark are

as follows:

- 1.Its value as a reminder of the cultural or archaeological heritage of Maysville, Mason County, Kentucky, or the nation;
- 2.Its location as a site of a significant local, state, or national event;
- 3.Its identification with a person or persons who made a significant contribution to the development of Maysville, Mason County, Kentucky, or the nation;
- 4.Its identification as the work of a master builder, designer, or architect whose individual work has influenced development of Maysville, Mason County, Kentucky, or the nation;
- 5.Its value as including buildings that are recognized for the quality of their architecture and that retain sufficient elements showing their architectural significance;
- 6.Its distinguishing characteristics of an architectural style valuable for the study of a period, method of construction, or used of indigenous materials;
- 7.Its character as a geographically defined area possessing a significant concentration of sites, buildings, objects or structures 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.

D. Procedures for Review. The following procedures shall be followed in the review of a proposal for designation of a historic district or landmark:

- 1.The applicant shall provide the appropriate reviewing agency with the names and addresses of the owners of the affected property and the owners of all adjoining property as well as property across the street from the affected property. The reviewing agency shall promptly notify such owner by certified mail, to the addressee only, return receipt requested, that the property is under consideration for designation and

that a public hearing will be held concerning the proposed designation. Written notice shall be considered sufficient when it is mailed to the owner's last known address, relying on tax assessment records if the address is otherwise unknown.

2. Before its first public hearing, the appropriate reviewing agency shall adopt general guidelines which must be approved by the Planning Commission, that will apply to historic districts and landmarks in Maysville or Mason County.

3. The reviewing agency shall hold a public hearing concerning the proposed designation within 60 days after the application was submitted to the appropriate agency. The reviewing agency shall review the information received, and vote to approve or disapprove the proposed designation. It shall then forward its written recommendations to the Planning Commission

4. The Planning Commission shall hold a public hearing on the proposed designation in accordance with the provisions of 401.2, C, 1. The Planning Commission shall forward its written recommendations to the Board of Commissioners or Fiscal Court.

5. The Board of Commissioners or Fiscal Court shall act upon a proposed application for the establishment of a historic district or landmark within 45 days after it has received the written recommendation thereon from the Planning Commission. If the Board of Commissioners or Fiscal Court approves the establishment of said district, the Official Land Use Management shall be amended to reflect the new district or landmark.

6. The Administrative Official shall certify and file all approved designations to the City Clerk and Mason County Clerk who shall preserve them as permanent records.

7. The amendment or rescission of any designation shall be accomplished through the same steps as were followed in the original designation.

E. Effects of designation on land use regulations. The historic district or landmark classification and regulations there-under

shall be established in addition to the land use classification and regulations applicable thereto as shown on the Official Land Use Management Map for the subject area and buildings. Where there are conflicts between the procedures and regulations established for historic districts and landmarks and other procedures and regulations in this chapter, it is intended that provisions as set forth in this section shall apply.

- F. Approval of changes to designated property. The Administrative Official shall issue no permits for the construction, demolition, alteration, relocation, or change in the exterior appearance of a landmark or a building in a historic district until the applicant shall have received a certificate of appropriateness. Approvals shall be required for fences and items of street furniture, sidewalks and mailboxes. Street furniture to be reviewed shall include objects to be located in public ways in front of designated landmarks or within historic districts. The board shall not limit new construction to any one architectural style but shall seek to preserve the character and integrity of the historic districts and landmarks or properties. Any new construction shall be similar to appearance to demolished or destroyed property. The new construction shall have the same front setback as the demolished or destroyed property. (Please refer to the Maysville/Washington Historic District Guidelines for further information).

- G. The application for a Certificate of Appropriateness shall be filed with the reviewing agency, which shall meet within thirty (30) days of notification. Based upon the scope of the application/project the board shall require the submission of any information they deem necessary to adequately review the application/project and may require the following items: a drawing of the proposed work, architectural plans, plot plans, landscaping plans, plans for off-street parking, proposed signs, elevations of all visible portions of proposed structures facing streets, photographs of the existing building or structure and adjacent properties, and any information about the building materials to be used. In the event work is being performed without the required certificate of appropriateness, the Administrative Official shall issue a stop work order on behalf of the city or county. No additional work shall be undertaken as long as such stop work order shall continue in effect. The city or county may apply to the Mason County Circuit Court for injunctive relief to enforce

its stop work order.

The reviewing agency shall hold a hearing and act upon each certificate of appropriateness application within 30 days after it is received. The reviewing agency may extend the time for decision an additional 30 days when the application is for demolition or new construction however, the 30 day period does not begin to run until such time as the board has been provided all information deemed necessary to review the application/project. The reviewing agency shall recommend approval, conditional approval (based on suggested modifications), or disapproval of an application, and shall give the reasons for its decision. Failure to make a recommendation on an application within the specified time period shall be deemed approval of the application.

If the reviewing agency approves the application, it shall immediately forward the certificate of appropriateness to the Administrative Official, who shall then issue the certificate to the applicant. If the application meets all other requirements of law, a building permit may be issued.

If the reviewing agency disapproves the certificate of appropriateness, the applicant may appeal to the Board of Adjustments. If the Board of Adjustments upholds the previous decision, the applicant may appeal to the Mason County Circuit Court.

H. Standards for granting certificates of appropriateness.

1. In making a recommendation on an application for a certificate of appropriateness, the reviewing agency shall consider historic and architectural significance, architectural style, design, arrangement, texture, methods or materials to be used, method of construction, and color scheme.
2. When an applicant wishes to move a building or structure in a historic district or a landmark, or to move a building or structure to a property in a historic district or to a landmark, the reviewing agency shall consider, in addition to (1) above:
3. The contribution the building or structure makes to its present setting;

4. Whether there are definite plans for the site to be vacated;
 5. Whether the building or structure can be moved without significant damage to its physical integrity; and
 6. The compatibility of the building or structure to its proposed site and adjacent properties.
- I. Applications to demolish designated property. When an applicant wishes to demolish a building or structure in a historic district or a landmark, the reviewing agency shall negotiate with the applicant on alternatives while it prepares for its hearing on the certificate of appropriateness. The reviewing agency shall negotiate with the applicant to see if an alternative to demolition can be found. Applications to demolish must be submitted at least 14 days prior to being heard and the applicant must post a sign (to be provided by the City Codes Office and paid for by the applicant) at least 7 days before the hearing which sign gives notification of the application to demolish and a time, date, and location of the hearing regarding such application. After its hearing, the reviewing agency may recommend that a building or structure may be demolished because it does not contribute to the historic district or to the landmark.
- J. Ordinary repairs and maintenance is identified as: Any work the purpose of which is to correct deterioration or to prevent deterioration of designated historic property. The work shall restore the property to its appearance prior to deterioration or shall result in the protection of its present appearance. The work shall involve the use of the same building materials or available materials that are as close as possible to the original. Work that changes the external appearance of a property shall be considered an alteration for purposes of this ordinance. Ordinary repairs and maintenance may be undertaken without a certificate of appropriateness provided that work on a property in a historic district or a landmark does not noticeably change its exterior appearance that is visible to the public. The reviewing agency may adopt guidelines on acceptable color schemes that it shall recommend to property owners,

provided that the use of the approved colors is not required.

K. Emergency conditions. In any case where the Administrative Official determines that there are emergency conditions dangerous to life, health, or property affecting a property in a historic district or landmark, he may order the remedying of these conditions without an application to the responsible reviewing agency. The necessary action may include the demolition of a building or structure. The Administrative Official shall promptly notify the chairman of the reviewing agency of the action being taken.

L. Condemnation. Notice shall be provided to the board when the Codes Enforcement Office files a condemnation order for a piece of property located within either historic district. Notice of condemnation orders or applications to demolish property shall be given to agencies that request such information at the beginning of each year.

M. Conformity with the certificate of appropriateness. The Administrative Official shall inspect periodically the construction or alteration approved by the certificate of appropriateness to insure that it conforms to the provisions of such certificate. If the work being performed is not in conformance with the provisions of the certificate, the Administrative Official shall notify the Chairman of the reviewing agency, and shall issue a stop work order on behalf of the city or county. All work on the designated property shall cease until such work is brought into conformity, as determined by the Administrative Official. No additional work shall be undertaken as long as such stop work order shall continue in effect. The city or county may apply to the Mason County Circuit Court for injunctive relief to enforce its stop work order.

N. Prevention of demolition by neglect. Designated properties shall be maintained by their property owners in accordance with the provisions of the International Property Maintenance Code, as adopted by the City of Maysville. Every owner and other person in charge of a property shall keep in good repair all of the exterior portions of such buildings or structures, and all interior portions thereof which, if not so maintained, may cause the building or structure to deteriorate or to become damaged or otherwise to fall into a state of disrepair. The reviewing agency shall request a meeting with a property owner whose building or structure in a designated historic district or a landmark is in poor repair, and discuss ways with the owner to improve the condition of the property.

O. Building codes. The provisions of this section shall be in addition to provisions of the Kentucky Building Code and this Code of Ordinance concerning building permits and requiring buildings and structures to be kept in good repair and safe condition.

(The boundaries of the Maysville Historic Overlay Districts are shown on the Official Land Use Management Map).

P. Assistance for the Board. The board shall receive regular assistance in the performance of its responsibilities from the city staff. In addition, the city may, by contract, obtain assistance on preservation matters from a professional with expertise in historic preservation, architecture, or a closely related field.