

NEWPORT HISTORIC OVERLAY DESIGN REVIEW GUIDELINES



NEWPORT
KENTUCKY

**EAST ROW LOCAL HISTORIC DISTRICT
YORK STREET LOCAL HISTORIC DISTRICT
MONMOUTH STREET CENTRAL BUSINESS DISTRICT**

**NEWPORT HISTORIC PRESERVATION COMMISSION
NEWPORT HISTORIC PRESERVATION OFFICE**

**CITY OF NEWPORT, KY
998 MONMOUTH STREET
NEWPORT, KY 41071**

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LOCAL HISTORIC OVERLAY DISTRICTS AND MAPS

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LOCAL HISTORIC DISTRICTS NEWPORT, KENTUCKY

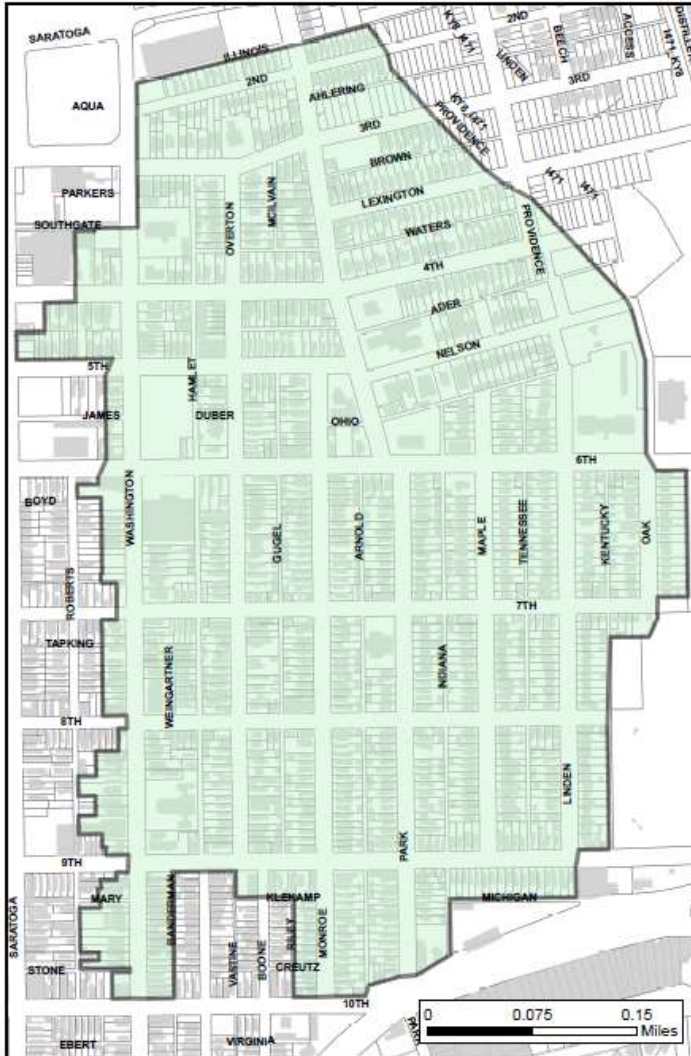
- EAST ROW
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- MONMOUTH ST. BUSINESS DISTRICT



1/3/2019



Maps are for graphical and planning purposes only. They do not represent a legal survey.



Data compliments of City of Newport, KY, Campbell County Park & Assoc.

NEWPORT'S ARCHITECTURAL STYLES AND DESCRIPTIONS

Italianate style 1875 – 1890

Discuss Newport's architectural development periods, trends and locations.

The Italianate style was the dominant architectural style in urban America from the 1860s to the early 1890s. The style was part of the Picturesque movement imported from Europe and was a derivative of the formal Italian Renaissance townhouses of the 15th and 16th centuries. The narrow lots of Newport were well suited for this style which featured extensive decoration on the main facades. Most buildings constructed in the East Row Addition were two story masonry residences with a number of smaller one-story residences scattered throughout. Common features included stone quoins, belt courses of stone and/or brick which divided each floor, and elaborate metal, stone, or wood cornices at the roofline. Windows and doors were also embellished with stone, wood, or metal hood moldings in rectangular or rounded arch sash variations.

Many of the Newport houses were built with side passage entrances and had large half-stories or attics for additional living space or storage. The "Newport Plan" residence emerged during the Italianate era and this floor plan was utilized in the East Row area until the 1910s. The typical Newport Plan house has a side entrance which opens onto a foyer and stairwell. Rooms are arranged behind one another and lack a connecting side hallway. Variations of the Newport Plan include one or two story rear wings built at right angles to the main block. These wings often contain a secondary entrance on the first story.

Queen anne style 1885 – 1910

By the 1890s, the Italianate style was beginning to fall out of favor due to the popularity of another residential house design of the Picturesque movement known as the Queen Anne style. The Queen Anne style was the dominant urban building style of the 1890s and early 1900s. It was derived from English Medieval building forms and gained popularity through pattern books and the availability of cheap sawn lumber used for architectural ornamentation. Decorative architectural ornamentation was often applied to gable eaves and porches and is often referred to as Eastlake ornamentation. The Queen Anne style was built throughout the area in the 1890s and it is especially predominant along the 300 block of Overton Street, East Third Street, East Fourth Street and Lexington and Park Avenues.

Many of the best examples of the Queen Anne style are large asymmetrical plan structures with a wide variety of decorative detailing. Most are of masonry construction and use stone or fired clay known as terra cotta for embellishing windows or gables. Roofs were generally gable of metal standing seam or slate and foundations were of limestone blocks. Typical decorative elements are corner towers or turrets, rectangular windows with stone lintels and sills, arched windows with stained glass, and porches with milled columns and sawn wood panels, spindles and brackets.

Due to the narrowness of lots many residences built in the 1890s were built in front gable rectangular plans with asymmetry expressed in angled rear bays or bay windows. The "Newport Plan" house of the period was also an adaptation to the narrow lots with entrances confined to a side facade and embellished with a decorative porch. Many of the more "restrained" Queen Anne residences of the area still managed to concentrate extensive decoration of the main facade such as stained glass, decorative brick and stone patterns, wood shingles in the gable field, and eaves vergeboard. Some homes from this period also display the influence of the Second Empire style which featured mansard roofs of slate laid in decorative patterns on the main facade.

Colonial revival style 1900 – 1920

Following the Picturesque styles of the late 19th century was a renewed interest in the early American house forms of the Colonial period. Architects drew upon the designs of the Georgian and Federal periods of the 18th century which were distinguished by their symmetry and classically influenced decoration. These residences were generally built in rectangular forms and displayed rectangular windows, porches with Doric or Ionic columns, eaves decoration such as dentils and modillion blocks, and bracketed cornices. In the East Row area only a few elaborate examples of this style exist.

The majority of Colonial Revival influenced residences of the period are simple rectangular designs commonly known as Foursquare houses. These were built with hipped roofs, one-story porches displaying Doric or Ionic columns, and simple eaves decoration such as dentils or modillion blocks. Decoration was often largely confined to stained glass windows on the main facade or entrances with beveled leaded glass sidelights and transoms. Residences of these designs were built along Linden and Maple Avenues after 1900. Another Colonial Revival variation is the Dutch Colonial style which is distinguished by its gambrel roof.

Bungalow/Craftsman style 1905 – 1930

The Bungalow or Craftsman style was the dominant residential building form in America in the 1910s and 1920s. This style was based loosely on the open Bungalow house forms of India and was modified and popularized in California in the early 1900s. This house form gained enormous attention and designs were made available through pattern books. Companies such as Sears, Montgomery Ward, and the Alladin Company also popularized Bungalows through their mail order catalogs. In areas developed after 1910, such as along Linden Avenue and Oak Street, Bungalow and Craftsman designs predominate.

Many of the homes built in this style in the East Row area were built in gable front plans featuring wide eaves, large eaves brackets, and full width porches with brick pier columns. Decoration is found in leaded or stained glass windows and beveled leaded glass at entrances. Most are of brick construction and are rectangular, symmetrical plan designs. Similar plan residences in this style can be seen in the 600 blocks of Maple and Linden Avenues and along East Fourth Street. Smaller examples of the Bungalow Style of brick and frame are located in the 600 block of Oak Street. These residences were built after 1927 and have prominent gable or hipped dormers on the main facade and combination basement/garage area.

Remove East Row and make applicable for all of Newport's architectural styles.

Add Art Deco and Commercial Storefront descriptions.

Should also add Shotgun and Newport Plan Shotgun and Newport Plan Townhome, though they are architectural types not styles.

OVERVIEW

History, Streetscapes and Character

Discuss early development history of the City and the development of the individual Districts. Use information from National Register Nominations

The city is located on a rolling plain adjacent to the Ohio River and steep hills rise less than a mile from the river. During the late 19th century expansion was also limited on the east by the low lying areas along Covert Run. This small area available for development to the east and south of the existing city dictated deep narrow residential lots. These lots were relatively expensive and most property owners maximized their investment by building two story homes with large attic areas. The use of masonry construction was also common and skilled craftsmen were available to employ a wide variety of designs and detailing on the main facade. Side facades were generally much simpler and rear facades were almost always void of decoration.

Because of the limited space available for construction on each lot the size of yards on all facades are limited. On the main, or street, facade there are often setbacks of only ten to twenty feet with the width of yards also narrow and generally of twenty to thirty feet. Setbacks are generally uniform along most blocks with deeper setbacks found for some residences built after 1910 on Maple and Linden Avenues. Yards on side facades are generally non-existent or very narrow due to the width of lots. Yards at the rear facades are often the largest on the lot but are still not extensive.

During the late 19th and early 20th centuries residents often had cast iron fences erected to help define the limited lot sizes. During that period, the Newport and Covington areas boasted major fence manufacturers, such as the Stewart Fence Company. The availability and affordability of these fences led to their profusion on many blocks throughout the area. Most of these were erected in variations of hoop and dart design common of the period. These fences have proven to be most durable and are important defining features of the East Row area.

Blocks throughout the City were designed with central alleys which bisected each block. The alleys provided access to rear lots and buildings, such as stables and servants quarters in the 1880s and 1890s, and later for automobiles after 1905. The majority of frame or brick outbuildings from the late 19th century were razed and replaced with brick or hollow core concrete block garages in the 1920s and 1930s. Many of these garages still exist and remain in service. Alleys were often paved with bricks and many of these early surface materials remain. Brick or cobblestone pavers were also used on many streets in the area but most of these have been repaved with asphalt in recent decades.

Certificate of Appropriateness Application Process

What is Certificate of Appropriateness (COA) Permit?

A COA is a permit issued by the Office of Historic Preservation authorizing plans for repairs, alterations, additions, new construction, demolition or relocation of a landmark, a landmark site, structure or feature which is located within a Historic Overlay District.

When do I need to get a COA?

When a property owner, tenant or contractor wants to perform any of the below projects on a visible or non-visible façade or location of the property.

Repair
Alteration*
Addition
New Construction
Demolition
Relocation

**An alteration is considered to be any act or process which changes one or more of the exterior architectural features of a structure designated for preservation. The painting or repainting of a structure shall be considered to be an, even if the exterior painting project used previously existing colors.*

All paint color changes must be approved by the Historic Preservation Commission of Staff.

If you are in doubt about whether or not a COA is required, contact the Historic Preservation Officer.

How long does the process take to complete?

Most applications can be issued a permit within 5-7 working days. Sometimes an application cannot be approved by the Historic Preservation Staff, and needs to be reviewed by the Newport Historic Preservation Commission. The Commission meets on the fourth Wednesday of each month, at 6:00 p.m. in the City Building, 998 Monmouth Street.

While the office is generally able to issue permits quickly, there is a chance that an application might need to be reviewed by the NHPC. It is therefore recommended that owners or contractors apply for the permits well before the work is to be performed, particularly on large projects. This can help avoid scenarios where workers are set to begin a project the day after the application is submitted, but the application needs to be reviewed at the end of the month. The Preservation Specialist can also provide design assistance in order to help an owner bring their project into compliance with the guidelines.

Does a COA ever expire?

The work listed on a COA permit must be completed within 365 calendar days. If the COA expires, contact the Historic Preservation Staff to get reissued.

GUIDELINES

1. Alternative Materials

Discuss the Sec. of Int. Guidelines and their views on alternative materials as well as the City of Columbus, OH Guidelines and Danville, KY Guidelines. These two city's go into to great detail on the treatment and use of alternative materials .

Alternative materials have been widely accepted as sympathetic and conforming rehabilitation materials for maintain the historic character of a property. The use alternative materials and their locations must be reviewed and approves by the Board and Staff Prior to their installations. The use of alternative materials is reviewed on a case-by-case determination.

2. Architectural Salvage

When removing historic materials from nonvisible facades or interiors of a property, the owner is strongly encouraged to donate the historic materials for reuse.

3. Architectural Ornamentation

Very little change to this section.

4. Awnings- Residential and Commercial maybe separate the two and add awning update section

Awning, on residential and commercial buildings are used to restrict light through windows. Awnings were placed on the exterior of porches, windows or above storefronts. For commercial buildings, awnings were also used for advertisement purposes.

4.1. Awning Material

4.1.1 Awnings must be canvas.

4.1.2 Fixed metal or plastic awnings is not permitted.

4.2 Operational Awnings

4.2.1.1 Awnings must work or appear to work in order to be acceptable on a historic house located within a Local Historic Overlay. This includes the window and shutter blinds themselves and hardware.

4.2.2 Awnings that do not appear functional are inappropriate and detract from the building's overall appearance.

4.3 Awning Repair

4.3.1 Existing awnings blinds must be properly maintained and original materials must be reused if possible.

4.3.2 Deteriorated awning elements must be replaced with material matching the original in size, design, materials and profile.

4.4 Awning Replacement

4.4.1 Replacement awnings must match the original in size, shape, material, design and configuration.

4.4.2 Replacement awnings must appear operable.

4.4.3 Replacement awnings must be proportional to the window opening, not being too wide or too narrow to cover the window opening or an inappropriate depth.

4.4.4 If awnings are extremely deteriorated, they may be removed for the building entirely.

4.5 New Awning Installation-Residential and Commercial

4.5.1 New awning location, design, scale and color must be reviewed and approved by Board or Staff to determine its appropriateness through the submission of a Certificate of Appropriateness application.

4.5.2 New awning location, design, scale and color must be reviewed and approved by the Newport Zoning Department to determine if it conforms to local zoning regulations through the submission of a Zoning and/or Building application.

4.5.3 New awning hardware must be installed into the mortar joints not the masonry units of a brick or stone constructed building.

4.6 Awning Hardware

4.6.1 Deteriorated awning hardware must be properly maintained and original materials must be reused if possible.

4.6.2 Deteriorated awning hardware that cannot be reused, must be replaced with salvaged or historic reproductions that match the original in size, design materials or profile.

4.6.3 If salvaged or historically reproduced awning hardware is not available, historically appropriate window shutter or blind hardware may be used.

4.6.4 Damage to masonry units and mortar joints from missing or removed awning hardware must be repaired using a historic mortar lime recipe.

4.7 Awning Advertisement-Commercial

4.7.1 The location, design, scale, color and content of commercial awning advertisement must be reviewed and approved by the Board or Staff to determine its appropriateness through the submission of a Certificate of Appropriateness application.

4.7.2 The location, design, scale, color and content of commercial awning advertisement must be reviewed and approved by the Newport Zoning Department to determine if it conforms to local zoning regulations through the submission of a Zoning and/or Building application.

5. Chimneys

Very Little change to this section

6. Commercial Buildings

This will be a very extensive section discussing all the historic elements of historic commercial buildings and the methods of preservation and rehabilitation.

Preservation of current historic building materials and elements.

Addition of new elements and materials and how to make them sympathetic to the existing historic building and materials.

Will reference other sections of the guidelines that address commercial building elements. Ex. windows, awnings, etc.

7. Decks- Ground Level, Elevated, Rooftop

This will cover all decks, plus, materials, locations, visibility, setbacks and the retention of historic building elements, ex. box gutters, rakes, stone steps, chimneys, doors, trim, accents, etc.

Also discuss local Zoning and Code Ordinance.

8. Demolition/Relocation

Though very little of this happens within our Local Overlays, it is important to include. Include what required to perform these actions.

9. Driveways and Parking Lots

Many residences and commercial buildings within the local districts were designed without driveways and parking lots. Need to discuss how to make the addition of these element be sympathetic to this historic character of the buildings and the districts. This will include the retention and reuse of historic materials and elements, limit the visibility and soften these addition by using natural landscaping.

10. Entrances

Very Little changes need to be made

11. Exterior Lighting

Very little changes need to be made

12. Exterior Siding

This section will have very little change. We do need to address alternative materials and where are the appropriate locations for their application.

13. Fencing

This is heavily discussed within the current Guidelines. Need to address the recent Zoning Ordinance changes to ensure that our Guidelines meet these requirements. Also, we need to discuss corner properties and consistence with dealing with these properties concerning height and materials.

14. Fire Escapes

Discuss how these need to be maintained or removed and discuss what needs to occur when removing them.

15. Gutters- Box, Yankee and Hanging

Discuss gutter repairs and replacements for all three types of gutters. Only box gutters are addressed in current Guidelines.

16. Handrails

Not really discussed within current Guidelines. This needs to include porch hand rails, entry step hand rails. Does require an additional Building and/or Zoning Application

17. Handicapped Ramps

Not really discussed within Current Guidelines. Does require an additional Building Permit. Need to discuss that these are necessary items and that sometimes they are permanent structure and sometimes they are not.

18. Hardscape

This was not really discussed within current Guidelines.
Does require an additional Zoning and/or Building Application

19. Landscape

Very little is discussed within our current Guidelines. Need to address new changes within the City's tree ordinance and make reference to them, specifically dealing with landscaping and trees within the section of yard located between the sidewalk and street. Also need to discuss grass replacement materials such as AstroTurf, gravel and large stones and drainage.

20. Masonry-Cleaning, Repointing, Replacement, Sealants, Painting

Very little changes need to be addressed in this section

21. Mortar Recipe for Historic Masonry Repair and Repointing

Very little changes need to be made here. May discuss the different mortar recipes for different load bearing walls. For example, the differences in the mortar recipes between chimneys and foundation walls. Use formulas from the Kentucky Façade Guidelines published by the Kentucky Heritage Council

22. New Construction- Additions and Infill

Very little changes need to be made here, just update language. Address sympathetic additions and Infill projects

23. Outbuildings and Garages

Discuss the retention of historic garages and outbuilding and the construction of new garages and outbuilding, including design, setbacks and locations. Address the changes to the Code and Zoning Ordinances concerning set backs and the Board of Adjustments requirements.

24. Paint- Exterior, including murals needs to be cleaned up

General Color Recommendations Italianate 1860-1890

Body of House: unpainted, medium gray, dark brown, dark red or dark green.

Ornamentation and Trim (cornices, porches, hood moldings, windows, shutters, eaves vergeboard): dark green, white or dark brown

Queen Anne 1885-1910

Body of House: medium gray, dark red, dark blue, dark green or brown.

Ornamentation and Trim (windows, shutters, shingles and vergeboard): dark gray, dark brown, olive green and dark red.

Colonial Revival 1900-1930

Body of House: white, light yellow, tan or medium gray.

Ornamentation and Trim (shutters, eaves decoration, windows): cream, warm white, dark green.

Bungalow 1910-1940

Body of House: often unpainted with stained shingles, brown or dark red.

Ornamentation and Trim (eaves, brackets, windows): white, light yellow, gray, light green.

EXTERIOR PAINT GUIDELINES

1. Paint colors for painted masonry and ornamentation shall be restricted to a palette of historical colors appropriate for the architectural style of the house.
2. The use of intense bright and arresting colors such as fluorescent green, orange, Bright yellow, Pinks and similar shades is prohibited on the body of the house.
3. When removing paint from wood, use hand scraping, chemical solvents or a heat gun. Do not sandblast wood siding or brick under any circumstances.

The majority of buildings in the East Row area are of brick construction and have been left unpainted over the years. Paint is often found only at wood eaves, window and door surrounds, and roof dormers. Appropriate paint colors are an important defining feature of a building and aid in defining features of a building as well as highlighting details and trim. In addition to accenting decoration, paint is an excellent preservative and consistent painting and maintenance can add years to the lifespan of a house's architectural ornamentation.

Paint manufacturing and color mixing processes greatly increased in the late 19th century which allowed a wide variety of colors to be available to homeowners. These coincided with the application of wood millwork decoration in the Italianate and Queen Anne styles resulting in a shift towards a larger variety of colors applied to homes. Most homes from the 1870s to the early 1900s displayed a wide variety of shades and contrasting colors. Tans, greens, reds and grays were all widely used. Often the siding of the house was painted a light color while darker colors were added to the windows, porch and trim.

After 1900, paint colors were generally more conservative with white and light pastels coming back into demand for the Colonial Revival styles. Bungalow designs often relied on contrasts between brick and stained wood shingles to provide color. Paint colors for Bungalows are generally grays, browns and other earth tones.

The painting of masonry which has not been previously painted is prohibited. The rich colors and textures of the brick found throughout the East Row area is an important defining feature of its character. The use of contrasting materials on facades such as brick, stone, and terra cotta are significant architectural elements and should never be painted a uniform color. The application of paint can decrease a property's character and can also result in increased maintenance costs in future years for repeated paint applications.

Property owners are encouraged to select paint colors in keeping with each home's style and design. Many publications are available which illustrate and detail appropriate paint colors, such as *Century of Color* by Roger Moss and *Victorian Exterior Decoration* by Roger Moss and Gail Caskey Winkler. These and other publications should be referred to if historic paint colors are to be applied, especially to ornamentation. These books are available for use from the Newport Branch of the Campbell County Public Library, and the Newport Historic Preservation Office.

Mural Guidelines

Include content and locations. Reference other Guidelines and how they address murals within their local overlays.

25. Porch- Columns, Floors, Railings, Foundations and Stairs

Very little changes need to be made in this section. So need to address new porch construction on visible facades. This includes the massing and materials to be sympathetic with the existing historic structure and other porches within the Districts.

26. Roofs

Little need to be changed in this section. Need to be more clear on the retention of slate and metal roofs and when it is appropriate to remove these roof coverings. Also need to address the importance of submitting a COA application for review and approval when replacing asphalt shingle roof coverings to ensure not historic materials are being removed, for example, rakes, finials, crests, molding etc.

27. Utilities and Accessories- HVAC, Electrical, Plumbing, Satellite Dishes, Security Cameras

Need to address the security cameras and the appropriate installation locations. This is not addressed in our current guidelines. Also need to address the removal or unused satellite dishes and the appropriate installation locations for new ones.

28. Solar and Renewable Energy Systems

This is not addressed within our current guidelines. Need to reference Boise Idaho's and Hartford Connecticut's Guidelines concerning this topic. They do a very concise and thorough job at addressing this topic. Location of these renewal energy systems is that main thing.

29. Window Guidelines

29.1 SUPPLEMENTAL APPLICATION FOR THE REPLACEMENT OF HISTORIC WINDOWS

29.1.1 A property owner who wishes to replace the windows on their property, must properly fill out the SUPPLEMENTAL APPLICATION FOR THE REPLACEMENT OF HISTORIC WINDOWS application along with a Certificate of Appropriateness application for the Newport Historic Preservation Commission or Staff to review and approve.

29.2 Window Retention and Repair

29.2.1 Windows must be retained and repaired. If it is determined through the review of the SUPPLEMENTAL APPLICATION FOR THE REPLACEMENT OF HISTORIC WINDOWS APPLICATION that a property owner cannot replace their window.

29.2.1 The repair or replacement of deteriorated window elements must match the original in dimension, profile, size, shape, arrangement and pattern.

29.2.3 Window repair must reuse as much of the original window as possible.

29.3 Window Replacement

29.3.1 When determined, through the review of the SUPPLEMENTAL APPLICATION FOR THE REPLACEMENT OF HISTORIC WINDOWS APPLICATION, that a property owner can replace their window, the new window units must match the original window's design.

29.3.2 All frame elements, including exterior trim and brick molds, must remain and replacement sash units, muntins and trim elements must match original materials and design in dimension, pattern and overall appearance.

29.3.3 Window surrounds, including brick mold, lintel and sill should not be covered over.

29.4 Replacement Window Construction and Material

29.4.1 The replacement of original windows with vinyl, aluminum clad or vinyl clad replacement windows on visible facades of residential building must not occur.

29.4.2 The replacement of original windows with aluminum-clad replacement on visible facades of commercial building may be allowed but will be reviewed on a case-by-case determination.

29.5 Non-Conforming Window Replacement

29.5.1 Some original windows in the Local Historic Overlays have been replaced with non-conforming modern windows. If a property wished to replace their modern windows, a SUPPLEMENTAL APPLICATION FOR THE REPLACEMENT OF HISTORIC WINDOWS must be submitted to the Newport Historic Preservation Commission, along with a Certificate of Appropriateness application, for review by the Board or Staff.

29.5.2 If replacement of these units is approved, replacements must be with historically appropriate windows on the visible elevations.

29.5.3 The appropriate materials and design of the replacement windows will be determined by the Board or Staff during the review process.

29.6 Window Opening Additions, Enclosure and Enlarging

29.6.1 The addition of modern picture windows or other openings not in scale with the building, must not be installed on visible facades.

29.6.2 The addition of large windows on the non-visible elevations are discouraged and will be reviewed on a case-by-case determination.

29.6.3 Window openings on visible facades must never be reduced, filled in or enlarged.

29.6.4 Window opening alterations on non-visible facades are discouraged and will be reviewed on a case-by-case determination.

29.7 Window Glass and Detail Removal and Addition

29.7.1 Stained glass, leaded glass, distinctive multi-lights or other decorative glass features cannot be removed.

29.7.2 The addition of historic window details, such as bay windows or elaborate stained glass not original to a building, must not be installed on visible facades. Such window details can be added to non-visible facades.

29.7.3 Window glass replacement must be clear glass on visible elevations. No tinted glass can be installed on visible facades.

29.8 Replacement Window Mullion and Muntins

29.8.1 Window dividing light patterns by the use of mullions and muntins create character defining features and aesthetics of buildings and must be duplicated when replacing historic windows.

29.8.1 Replacement windows must be of solid construction and not have “snap-on” mullions or muntins.

29.8.3 Double insulated window glass with mullion or muntin inserts on visible facades are discouraged and will be reviewed on a case-by-case determination.

29.9 Missing Window Design

29.9.9 When original window design information is missing, replacement windows must be an accurate restoration using historical, pictorial and physical documentation. If documentation is not available, the property owner must consult with the Board or Staff to determine the most appropriate window design.

29.10 Glass Block Windows

29.10.1 Glass block windows in visible window openings, including basement windows, cannot be installed on visible facades.

29.11 Basement Window Security Screening

29.11.1 Wrought iron, wired security grates, or laminated glass can only be installed into basement window openings for security purposes.

29.12 Storm Windows

29.12.1 The installation of storm windows, interior or exterior, are encouraged on all window openings visible or non-visible, to improve efficiency.

29.12.2 Storm windows must be of baked metal frame or anodized aluminum and must blend into with the window, trim and building. Raw or metal frames are not allowed.

29.12.3 Storm windows must be of single pane design or double hung to match the window's meeting rail.

29.12.4 The storm window must properly fit within the window opening. Storm windows must not cover window surrounds, including brick molding, lintels and sills.

30. Window Shutters and Blinds

Window shutters and blinds serve both functional and ornamental uses. In the summer, they can be closed to restrict sunlight from entering the house. In the Colder months, they may be left open to allow maximum sunlight into the house. Original historic shutters and blinds are found on many buildings and still provide functional use. Historic shutters and blinds were generally of wood construction. Moveable louvers control the amount of light permitted while fixed louvers keep the amounts of light constant. louvers are attached to the exterior of window frames with hinged and anchors.

30.1 Operational Shutters and Blinds.

30.1.1 Window shutters and blinds must work or appear to work in order to be acceptable on a historic house located within a Local Historic Overlay. This includes the window and shutter blinds themselves and hardware.

30.1.2 Window shutters and blinds that do not appear functional are inappropriate and detract from the building's overall appearance.

30.2 Repairing Window Shutters and Blinds

30.2.1 Existing window shutters and blinds must be properly maintained and original materials must be reused if possible.

30.2.2 Deteriorated window and shutter and blind elements must be replaced with new wood matching the original in size, design, materials and profile.

30.3 Replacement of Window Shutters and Blinds

30.3.1 Replacement window shutters or blinds must match the original in size, shape, material, design and configuration.

30.3.2 Replacement shutters or blinds must be made of solid wood construction and appear operable.

30.3.3 New shutters must be proportional to the window opening, not being too wide or too narrow to cover the window opening and must cover the window opening when closed.

30.3.4 Paneled wood shutters are allowed and are reviewed by the Board or Staff on a case-by-case determination.

30.3.5 If window shutter or blinds are extremely deteriorated, they may be removed for the building entirely.

30.4 Window and Blind Hardware

30.4.1 Deteriorated window and blind hardware must be properly maintained and original materials must be reused if possible.

30.4.2 Deteriorated window and blind hardware that cannot be reused, must be replaced with salvaged or historic reproductions that match the original in size, design materials or profile.

30.4.3 If salvaged or historically reproduced window shutter or blind hardware is not available, historically appropriate window shutter or blind hardware may be used.

30.4.4 Damage to masonry units and mortar joints from missing or removed window shutter and blind hardware must be repaired using a historic mortar lime recipe.

APPENDIX

RECOMMENDATIONS AND FURTHER READING

Discuss the National Register of Historic Places and Newport's Individual and District Listings. Provide additional materials that discuss the best practices concerning the preservation and rehabilitation of historic building. Ex. Preservation briefs, Window restoration over replacement studies, paint color recommendations , storefront historic design manuals, etc.

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PRESERVATION OVER REPLACEMENT

Discuss the importance of preserving historic building materials and reasons why this should be done.

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THE SECRETARY OF THE INTERIOR'S STANDARDS FOR REHABILITATION

1. A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces and spatial relationships.
2. The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces and spatial relationships that characterize a property will be avoided.
3. Each property will be recognized as a physical record of its time, place and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken.
4. Changes to a property that have acquired historic significance in their own right will be retained and preserved.
5. Distinctive materials, features, finishes and construction techniques or examples of craftsmanship that characterize a property will be preserved.
6. Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture and, where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.
7. Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.
8. Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.
9. New additions, exterior alterations or related new construction will not destroy historic materials, features and spatial relationships that characterize the property. The new work will be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.
10. New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

GLOSSARY OF TERMS

Add more terms.

Terms within the Guidelines

Architectural feature terms

Board: The Newport Historic Preservation Commission

Staff: Employee of the Newport Historic Preservation Department

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ENABLING LEGISLATION/PRESERVATION ORDINANCE

Local Historic Preservation Ordinance for the Establishment of the Historic Preservation Commission

Excerpt of City of Newport, Kentucky Code of Ordinances, Chapter 32

As codified through the 2017 S-10 Supplement containing local legislation current through Ord. 0-2016-025, passed 12-12-2016 with additional changes noted to §32.064 (italicized herein on Page 4) following adoption of 0-2017-001 on 1-23-2017.

HISTORIC PRESERVATION COMMISSION

§ 32.060 ESTABLISHMENT.

(A) Under the authority granted pursuant to KRS 82.026, as may be amended, there is hereby established the Newport Historic Preservation Commission, hereinafter referred to as "the Commission".

(B) The Commission is established for the purpose of:

- (1) Protecting, enhancing and perpetuating the distinctive historical and/or architectural characteristics of Newport which represent elements of the City's social, cultural, economic, political and architectural history;
- (2) Stabilizing and improving property values of Newport's landmarks and historic districts;
- (3) Protecting and enhancing the City's attractiveness to tourists and visitors and the support of business and industry thereby provided;
- (4) Fostering civic pride in the value of notable accomplishments of the past; and
- (5) Promoting and assisting in development and growth, where the development or growth is consistent with the inherent value of the historic buildings, places or areas of Newport.

(C) The process for issuance of certificates of appropriateness shall be as follows:

- (1) An application for certificate of appropriateness shall be submitted to the Historic Preservation Officer for initial review. If the Historic Preservation Officer is of the opinion that the application meets the Historic District Design Review Guidelines the Historic Preservation Officer shall issue the certificate of appropriateness; or
- (2) Should the Historic Preservation Officer determine that an application does not meet the Historic District Design Review Guidelines then the applicant shall be afforded a hearing before the Commission upon the payment of a \$75 review fee.

(Am. Ord. 0-2010-007, passed 5-10-2010)

P § 32.061 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning. All other words shall be assigned their usual and customary meaning.

ALTERATION. Any act or process which changes 1 or more of the exterior architectural features of a structure designated for preservation. Painting or repainting of a structure shall not be considered an *ALTERATION* unless it involves the painting of a masonry or brick surface which has not been previously painted. The use of fluorescent paint or colors is prohibited.

BOARD OF COMMISSIONERS. The governing body of the City of Newport, Kentucky.

CERTIFICATE OF APPROPRIATENESS. A certificate from the Historic Preservation Officer or Commission authorizing plans for alteration, construction or demolition of a landmark, a landmark site or a structure which is located within a historic district.

CERTIFIED LOCAL GOVERNMENT. A government meeting the requirements of the National Historic Preservation Amendments Act of 1980 (Pub. Law No. 96515), as now in existence or as may hereafter be amended, and the implementing regulations of the U.S. Department of the Interior and the Kentucky Heritage Council.

CODE ENFORCEMENT OFFICER. Any sworn officer of Code Enforcement or any other City employee appointed as a citation officer as authorized by KRS 83A.087.

COMMISSION. The Historic Preservation Commission.

DEMOLITION. Any act or process other than natural causes or as a result of neglect, which destroys, in part or whole, a structure.

DESIGN CRITERIA. Standards of Appropriateness as referenced in the U.S. Secretary of Interior's Standards for Rehabilitation, which are intended to preserve the historical and architectural character of a structure, object or area.

HISTORIC PRESERVATION OFFICER. Such person employed by the City to enforce the Historic Preservation Guidelines, review all applications for Certificate of Appropriateness and to promote the Historic District(s) of the City. The Historic Preservation Officer shall also have the title of Historic Preservation Specialist.

HISTORIC DISTRICT. An area which constitutes a distinct section of the City that has been designated a historic district in compliance with the provisions of [§ 32.066](#).

LANDMARK. A structure or site meeting one or more of the criteria contained in [§ 32.076](#).

LANDMARK SITE. The land on which a landmark and related structures are located and the land that provides the grounds, the premises or the setting for a landmark.

PERSON. The owner(s) of a landmark, landmark site, a property in the historic district or any contractor or subcontractor working thereon.

PRESERVATION-RELATED PROFESSION-AL. A person who has training or experience in the fields of architecture, history, archaeology, architecture history, planning or related fields.

(Am. Ord. 0-2010-007, passed 5-10-2010)

§ 32.062 POWERS AND DUTIES.

(A) (1) The Commission shall have the powers, duties and authority granted by KRS Chapter 82, as now enacted or as may be hereafter amended, and those granted it by the code of ordinances of the City.

(2) The Commission shall take action necessary and appropriate to accomplish the purpose of this subchapter. These actions may include, but are not limited to conducting a survey of historic buildings and areas and preparing a plan for their preservation; recommending the

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designation of historic districts and individual landmarks; regulating changes to designated property, including proposed alterations that are visible to the public; demolitions and new construction; adopting guidelines for changes to designated property; working with and advising the federal, state and county governments and other parts of City government; and advising and assisting property owners and other persons and groups, including neighborhood organizations, who are interested in historic preservation.

(3) In addition, these actions may include initiating plans for the preservation and rehabilitation of individual historic buildings and undertaking educational programs, including the preparation of publications and the placing of historic markers.

(B) (1) To participate in the certified local government program, the City shall initiate all local nominations to the National Register of Historic Places and shall request the Commission to submit recommendations on each proposed nomination to the national register.

(2) The Commission shall obtain comments from the public, which shall be included in its national register recommendations.

(3) Within 60 days of the receipt of a nomination from a private individual or the initiation of a nomination by the City, the City shall inform the Kentucky Heritage Council and the owner of the property of the 2 recommendations regarding the eligibility of the property. If the Board of Commissioners and the Commission do not agree, both opinions shall be forwarded in the City's report. If both the Board of Commissioners and the Commission recommend that a property not be nominated, the Kentucky Heritage Council shall inform the property owner, the state's Review Board and the state's Historic Officer and the property will not be nominated unless an appeal is filed with the state Preservation Officer.

(C) If either or both the Board of Commissioners and the Commission agree that a property should be nominated, the nomination will receive a preliminary review by the Kentucky Historic Preservation Review Board. The Review Board shall make a recommendation to the state's 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 Board of Commissioners, the Commission or the property owner may appeal the final decision of the state's Historic Preservation Officer.

(D) In the development of the certified local government program, the City may ask the Commission to perform other responsibilities that may be delegated to the City under the National Historic Preservation Act.

(E) In making its survey of historic buildings and areas, the Commission shall conduct this work in accordance with the guidelines of the Kentucky Heritage Council. The Commission shall provide that its survey and preservation plan shall be maintained and continued. The Commission shall use the preservation plan to assist the City in its overall planning efforts.

R § 32.063 RULES AND REGULATIONS.

(A) The Commission shall adopt bylaws for the transaction of business.

(B) The Commission shall have the authority to adopt all rules and regulations necessary to carry out its action under the provisions of this subchapter.

(C) The bylaws and rules and regulations promulgated by the Commission shall be submitted to the Board of Commissioners for approval.

§ 32.064 COMPOSITION.

The Commission shall consist of 7 members who shall be appointed by the Mayor subject to the approval of the Board of Commissioners, all of whom shall be residents of the City and who shall have demonstrated an interest in historic preservation. *At least two (2) members shall be residents of the East Row Historic District; at least one (1) member shall be a resident of the York Street Local Historic District;* and at least 2 members shall meet the qualifications of a preservation-related professional. *Any subsequent local districts that may be created shall also be required to have a representative member thereof* No more than 2 members shall reside outside of the local designated historic districts.

(Am. Ord. 0-2010-007, passed 5-10-2010; Am. Ord. 0-2011-002, passed 3-14-2011; *Am. Ord. 0-2017-001, passed 1-23-2017.*)

§ 32.065 TERM.

Each member of the Commission shall be appointed for a term of 2 years or until the appointment of their successor.

§ 32.066 COMPENSATION.

Members of the Commission shall serve without compensation. §

32.067 OATH.

All members of the Commission shall, before entering upon their duties, qualify by taking the oath of office prescribed by the Constitution of the Commonwealth of Kentucky.

§ 32.068 CONFLICTS OF INTEREST.

All Commission members shall be subject to the provisions of the Code of Ethics and Conflicts of Interest section of this code.

§ 32.069 OFFICERS.

(A) The Officers of the Commission shall consist of a Chairperson and Vice Chairperson as elected by the Commission and any other officers it deems necessary. The Commission may appoint a Secretary to serve as such.

(1) *Chairperson.* The Chairperson shall preside at all meetings of the Commission. He or she shall call meetings of the Commission when required. The Chairperson shall act as spokesperson for the Commission and shall have such other duties as are normally conferred on such officer by parliamentary procedure.

(2) *Vice Chairperson.* The Vice Chairperson shall serve as Chairperson during the temporary absence or disability of the Chairperson. In the event of the Chairperson's absence, due to resignation or other causes, the Vice Chairperson shall perform the Chairperson's duties until such time as the Commission shall elect a new Chairperson.

§ 32.070 FILLING OF VACANCIES.

(A) The appointment of new members, filling of vacancies and the terms of office shall be made by the Mayor subject to approval of the Board of Commissioners.

(B) Vacancies in the office of Chairperson and Vice Chairperson shall be filled by the Commission, as needed.

§ 32.071 REMOVAL OF MEMBERS.

Any member of the Commission may be removed by the Mayor, with the approval of the Board of Commissioners, for inefficiency, neglect of duty, malfeasance or conflict of interest. Any member so removed shall have the right of appeal to the Circuit Court, as provided by law.

§ 32.072 MEETINGS.

(A) *Regular meetings.* The Commission shall hold regular meetings as it deems necessary for the transaction of its business, based upon a schedule on file in the Office of the City Clerk. All meetings of the Commission shall be open to the public.

(B) *Quorum.* A simple majority of the total membership of the Commission shall constitute a quorum and be required for decisions involving historic buildings and areas.

(C) *Advertisement.* All meetings shall be advertised, shall have a previously available agenda and shall comply with the Kentucky Open Meeting Statute.

§ 32.073 RECORDS.

(A) The Commission shall keep minutes of its proceedings, including regulations, transactions, findings and determinations, and the number of votes for and against each question, and if any member is absent or abstains from voting, indicating the fact, all of which shall, upon approval, be filed in the office of the Commission.

(B) A copy of the minutes of the Commission shall be provided if requested by a party, at the expense of the requesting party, and the minutes shall constitute the record. The minutes shall be filed in the Office of the City Clerk and shall be a public record.

(C) A transcript of the entire proceedings of the Commission meeting shall be provided if requested by a party, at the expense of the requesting party, and the transcript shall constitute the record.

(1995 Code, § 2.32.040) (Ord. 0-99-10, passed 5-24-1999) §

32.074 ENFORCEMENT.

(A) The Historic Preservation Officer may bring a criminal complaint in the District Court against any person who violates any provisions of this subchapter of the Code of Ordinances or regulations and guidelines hereunder.

(B) The City shall have a civil cause of action in Circuit Court for all appropriate relief including injunctions against any person who violates any provisions of this subchapter of the Code of Ordinances or regulations and guidelines adopted hereunder. This remedy may be in addition to the criminal complaint remedy under division (A) above.

P § 32.075 ADOPTION OF GUIDELINES.

There is adopted the East Row Historic District Design Review Guidelines as now adopted and as may hereafter be amended, by reference, the same as if fully set forth in this subchapter.

(Am. Ord. 0-2010-008, passed 5-10-2010)

§ 32.076 DESIGNATION OF LANDMARKS AND SITES.

(A) The Commission shall recommend to the Board of Commissioners the designation of individual landmarks and landmark sites and historic districts and the Board of Commissioners may make these designations by the enactment of ordinances.

(B) Consideration of the designation of a landmark and landmark site or a historic district may be originated by the Commission or by the filing of an application for designation by a property owner, any resident of Newport or any organization in Newport. A person or an organization proposing a designation shall give the Commission the names and addresses of the owners of the subject property and the owners of all adjoining property, as listed on the tax rolls of the City.

(C) The Commission shall assemble information about a property or district being considered for designation and shall schedule a public hearing on the proposed designation. Advertised notice of the hearing shall be given, including conspicuous posting on the property or in the proposed district. At least 15 days prior to the public hearing, written notice shall be given by certified mail to the owners of property under consideration and the owners of all adjoining property. Written notice shall be considered sufficient when it is mailed to the person listed on the tax rolls of the City.

(D) (1) Before its first public hearing on a designation, the Commission shall adopt general guidelines, which shall be approved by the Board of Commissioners, which will apply to Newport's landmarks and historic districts and which will assist owners in the preservation and rehabilitation of their property. The general guidelines shall include the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings and other guidelines which will apply to all designated property in the City.

(2) Before each public hearing on a designation, the Commission may adopt additional guidelines, which will supplement the general guidelines and apply to the property under consideration if it is designated. The guidelines shall not limit new construction to any 1 architectural style, but shall seek to preserve the character and integrity of the landmark or the historic district. The guidelines shall suggest changes that would be appropriate for landmarks or for property in historic districts. After a designation, the Commission may expand or amend the guidelines it has adopted, provided it holds a public hearing on the changes and submits the proposed changes to the Board of Commissioners for its comments and approval.

(E) A landmark or historic district shall qualify for designation when it meets 1 or more of the following criteria, which shall be discussed in a Commission report making its recommendations to the Board of Commissioners.

(1) Its value as a reminder of the cultural or archaeological heritage of the City, state or nation;

- (2) Its location as a site of a 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 its 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
 - (8) Its character as an established and geographically definable neighborhood, united by culture, architectural style or physical plan and development.
- (F) After evaluating the testimony received at its public hearing, survey information and other material it has assembled, the Commission shall have up to 12 months after a new designation is proposed to make its recommendation to the Board of Commissioners with a written report on the property or area under consideration. The report shall contain information about structures and significant trees, which have been identified for inclusion in the proposed designation.
- (G) The Board of Commissioners shall approve, modify or disapprove the proposed designation within 60 days after receiving the recommendation of the Commission.
- (H) The Commission shall notify each owner of the decision relating to his or her property and 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 Commission shall also give notice of the decision to the government offices in the City and county, which shall retain them for future reference.
- (I) The amendment or rescission of any designation shall be accomplished through the same steps as were followed in the original designation.
- (1995 Code, § 2.32.050)
- (J) (1) The exterior features of any building or structure (including walls, fences, light fixtures, steps, pavement, paths, or any other appurtenant feature), or any type of outdoor advertising sign either designated as an Historic Landmark or found to have significance located within the Historic District shall be preserved by the owner or such other person who may have legal possession, custody, and control thereof against decay and deterioration and kept free from structural defects. The owner, or other person having such legal possession, custody, and control, shall upon written request by the City repair such exterior features if they are found to be deteriorating, or if their condition is contributing to deterioration, including but not limited to any of the following defects:

- (a) Deterioration of exterior walls, foundations, or other vertical support that causes leaning, sagging, splitting, listing, or buckling;
- (b) Deterioration of flooring or floor supports, roofs, or other horizontal members that causes leaning, sagging, splitting, listing, or buckling;
- (c) Deterioration of external chimneys that causes leaning, sagging, splitting, listing, or buckling;
- (d) Deterioration or crumbling of exterior plasters or mortars;
- (e) Ineffective waterproofing of exterior walls, roofs, and foundations, including broken windows or doors;
- (f) Defective protection or lack of weather protection for exterior wall and roof coverings, including lack of paint, or weathering due to lack of paint or other protective covering;
- (g) Rotting, holes, and other forms of decay;
- (h) Deterioration of exterior stairs, porches, handrails, window and door frames, cornices, entablatures, wall facings, and architectural details that causes delamination, instability, loss of shape or form, or crumbling;
- (i) Heaving, subsidence, or cracking of sidewalks, steps, or pathways;
- (j) Deterioration of fences, gates, and accessory structures;
- (k) Deterioration that has a detrimental effect upon the special character of the district as a whole or the unique attributes and character of the Historic Landmark; and
- (l) Deterioration of any exterior feature so as to create or permit the creation of any hazardous or unsafe conditions to life, health, or other property.

(2) The Historic Preservation Officer may request Code Enforcement under the following procedures to require the correction of deterioration or making of repairs to any Historic Landmark or significant structure located within the Historic District so that such structure shall be preserved and protected in accordance with the purpose of this Code.

- (a) Whenever such a request is filed with the Code Enforcement charging that a structure is undergoing demolition by neglect, Code Enforcement shall, if its preliminary investigation discloses a basis for such charges, within 7 days issue and cause to be served upon the owner and/or such other person who may have legal possession, custody, and control thereof, as the same may be determined by reasonable diligence, a complaint stating the charges in that respect and containing a notice that the defects be fixed not less than 30 nor more than 45 days after the serving of such complaint; that the owner and/or parties in interest shall be given a right to answer the complaint and request a hearing before the Historic Preservation Commission. The purpose of the hearing is to receive evidence concerning the charge of deterioration and to ascertain whether the owner and/or other parties in interest wish claim of undue economic hardship.
- (b) If after such notice and hearing, the Historic Preservation Commission determines that the structure is undergoing demolition by neglect because it is deteriorating, or if its condition is

contributing to deterioration, according to the standards the Historic Preservation Commission shall state in writing the findings of fact in support or such determination and shall issue and cause to be served upon the owner an order to repair within the time specified those elements of the structure that are deteriorating, contributing to deterioration, or deteriorated. The City or the owner shall appeal such decision to Circuit Court within 30 days or said decision shall be final.

(3) When a claim of economic hardship is made the owner and/or parties in interest must provide evidence during the hearing upon the claim, describing the circumstances of

hardship. The minimum evidence shall include for all property:

- (a) Nature of ownership (individual, business, or nonprofit) or legal possession, custody, and control;
- (b) Financial resources of the owner and/or parties in interest;
- (c) Cost of repairs;
- (d) Assessed value of the land and improvements;
- (e) Real estate taxes for the previous 2 years;
- (f) Amount paid for the property, date of purchase, and party from who purchased, including a description of the relationship between the owner and the person from whom the property was purchased, or other means of acquisition of title, such as by gift or inheritance;
- (g) Annual debt service, if any, for previous 2 years;
- (h) Any listing of the property for sale or rent; price asked, and offers received, if any;
- (i) Annual gross income from the property for the previous 2 years, for income-producing property;
- (j) Itemized operating and maintenance expenses for the previous 2 years, including proof that adequate and competent management procedures were followed, for income-producing property; and
- (k) Annual cash flow, if any, for the previous 2 years, for income-producing property.

(4) The Commission shall cause to be made a finding of undue or no undue economic hardship and shall enter the reasons for such finding into the record. In the event of a finding of no undue economic hardship, the Commission shall cause to be issued an order for such property to be repaired within the time specified.

(5) In the event of a finding of undue economic hardship, the finding shall be accompanied by a recommended plan to relieve the economic hardship. This plan may include, but is not limited to, relaxation of the provisions of the historic preservation guidelines sufficient to mitigate the undue economic hardship. The Commission shall report such finding and plan to the Historic Preservation Officer. The Commission shall cause to be issued an order for such property to be repaired within the time specified, and according to the provisions of the recommended plan.

(K) (1) A moratorium on all demolition of any structure shall be in effect in areas proposed for designation as a landmark or landmark site until such time that the Board of Commissioners has approved, modified or disapproved the proposed designation.

(2) During the period of any moratorium, approval for or the denial of, any request for demolition shall be required in accordance with the historic preservation guidelines set forth herein.

(Am. Ord. 0-2010-004, passed 3-22-2010)

PI § 32.077 APPROVAL OF CHANGES TO LANDMARKS AND SITES.

(A) (1) A certificate of appropriateness from the Commission or the Historic Preservation Officer shall be required before a person, may undertake the following actions affecting a landmark, a landmark site or a property in a historic district.

- (a) Alteration of the exterior part of a structure that is visible to the public;
- (b) New construction;
- (c) Demolition; or
- (d) Relocation.

(2) No application fee shall be required for a timely applied for certificate of appropriateness that is issued by the Historic Preservation Officer. Any person, who performs work without first obtaining a necessary certificate of appropriateness permit will be required to have their application heard before the Commission and will be required to pay a \$150 application fee to cover administrative costs. The City has the right to revoke the occupational license of any person performing work without a necessary certificate of appropriateness permit.

(3) Should the Historic Preservation Officer determine that the work to be performed as stated in the application fails to meet the Historic District Design Review Guidelines, and then the applicant may request that the application for certificate of appropriateness be reviewed by the Commission upon the payment of a \$75 fee to cover administration costs.

(B) (1) Code Enforcement shall forward to the Historic Preservation Officer every application for a permit that would authorize an exterior alteration visible to the public, new construction, demolition or relocation affecting a landmark, a landmark site or a property in a historic district. The Historic Preservation Officer shall give the applicant a form requesting additional information regarding the application.

(2) 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.

(3) In the event any work performed without the required certificate of appropriateness, at the request of the Historic Preservation Officer, Code Enforcement shall issue a stop-work order. In the event any work has been performed which is not in accordance with the certificate, Code Enforcement shall issue a stop-work order and may cite violators to District Court. All work shall cease on the designated property. No additional work shall be undertaken as long as the stop-work order shall continue in effect. The City may apply in Circuit Court for an

injunction to require restoration and/or to enforce its stop-work order and the cost of such proceeding shall be borne by the property owner if the City is successful in its application for an injunction.

(C) (1) When a person wishes to undertake an exterior alteration, visible to the public, affecting a landmark, a landmark site or a property in a historic district, which does not require a building permit, that person shall apply directly to the Historic Preservation Officer for a certificate of appropriateness.

(2) In the event any work has been performed without the required certificate of appropriateness, at the request of the Historic Preservation Officer, Code Enforcement shall issue a stop-work order. In the event any work has been performed which is not in accordance with the certificate, Code Enforcement shall issue a stop-work order and may cite violators to District Court. All work shall cease on the designated property. No additional work shall be undertaken as long as the stop-work order shall continue in effect. The City may apply in Circuit Court for an injunction to require restoration and/or to enforce its stop-work order and the cost of such proceeding shall be borne by the property owner if the City is successful in its application for an injunction.

(D) (1) The Commission shall hold a public hearing on each certificate of appropriateness within 45 days after a completed application is received by the Commission unless extenuating circumstances exist or upon the agreement of the applicant and the Historic Preservation Officer or the Commission.

(2) The Commission shall make a decision on the application within 60 days after the receipt of a completed application; provided that, the Commission may extend the time for decision an additional 60 days, when the application is for demolition or new construction. The Commission shall approve or disapprove each application and it shall give its reasons for its decision using the criteria contained in this section and in its guidelines. The Commission may suggest modifications to an application and may then approve a certificate of appropriateness providing for revision in the plans submitted.

(3) If the Commission fails to decide on an application within the specified time period, the application shall be deemed approved.

(4) (a) Applicants shall be given notice of the public hearings and meetings relating to their application and shall be informed of the Commission's decision.

(b) Advertised notice of the hearing shall be given.

(E) (1) In making a decision on an application, the Commission shall use the general guidelines and the guidelines it has adopted for that landmark or historic district.

(2) The Commission shall consider:

(a) The effect of the proposed work on the landmark or the property upon which such work is to be done; and

(b) The relationship between the work and other structures on the landmark site or other property in the historic district.

(3) In evaluating the effect and the relationship, the Commission shall consider historical and architectural significance, architectural style, design, arrangement, texture, materials and color.

(4) The certificate from the Commission shall not relieve the property owner from complying with the requirements of other state and local laws and regulations.

(F) (1) In making a decision on an application, the Commission shall be aware of the importance of finding a way to meet the current needs of the applicant. The Commission shall also recognize the importance of approving plans that will be reasonable for the applicant to carry out.

(2) Before an applicant prepares his or her plans, he or she may bring a tentative proposal to the Commission for its comments.

(3) The Commission shall prepare a list of routine alterations, which shall receive immediate approval without a public hearing when an applicant complies with the specifications of the Commission. The list shall include suggested paint colors appropriate for different types of buildings.

(G) (1) In reviewing applications involving signs, the Commission shall use guidelines it has prepared that have been approved by the Board of Commissioners and the requirements of the zoning ordinance.

(2) Owners, tenants and persons, as, shall apply for and receive approval from the Commission before their signs are made.

(H) (I) When an applicant wishes to demolish a landmark, a building or structure on a landmark site or a building or structure in a historic district, the Commission shall see if an alternative to demolition can be found. The Commission 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. Neglect to a structure which causes deteriorations shall not be considered as a factor to permit demolition of the structure.

(2) After its public hearing, the Commission may decide that a building or structure in a historic district or on a landmark site may be demolished because it does not contribute to the historic district or to the landmark site.

(3) On all other demolition applications, the Commission shall study the question of economic hardship for the applicant and shall determine whether the landmark or the property in the historic district can be put to reasonable beneficial use, without the approval of the demolition application.

(4) In the case of an income-producing building, the Commission shall also determine whether the applicant can obtain a reasonable return from his or her existing building.

(5) The Commission may ask applicants for additional information to be used in making these determinations. These determinations shall be in addition to the points contained in division (E) above. If economic hardship or the lack of a reasonable return is not proved, the Commission shall deny the demolition application unless the Commission finds grounds to grant the demolition application under the points contained in division (E) above.

(I) (1) When applicant wishes to move landmark, building or structure on landmark site or building or structure in historic district or wishes to move a building or structure to a landmark site or to a property in a historic district, the Commission shall consider:

- (a) The contribution the building or structure makes to its present setting;
- (b) Whether there are definite plans for the site to be vacated;
- (c) Whether the building or structure can be moved without significant damage to its physical integrity; and
- (d) The compatibility of the building or structure to its proposed site and adjacent properties.

(2) These considerations shall be in addition to the points contained in division (E) above.

(J) Ordinary repairs and maintenance may be undertaken without a certificate of appropriateness; provided, this work on a landmark, a landmark site or a property in a historic district does not change the exterior appearance.

(K) An owner shall immediately notify the Historic Preservation Officer of emergency conditions dangerous to life, health or property affecting a landmark, a landmark site or a property in a historic district and the owner shall promptly provide evidence of the dangerous conditions, which has been prepared by a person with professional qualifications in evaluating buildings and structures. The Historic Preservation Officer may order the remedying of these conditions without the approval of the Commission.

(L) (1) In any case where the Historic Preservation Officer determines that there are emergency conditions dangerous to life, health or property affecting a landmark, a landmark site or a property in a historic district, they may order the remedying of these conditions without the approval of the Commission.

(2) The Historic Preservation Officer shall promptly notify the Chairperson of the Commission of the action being taken.

(1995 Code, § 2.32.060) (Am. Ord. 0-2010-007, passed 5-10-2010) **P**

§ 32.078 EMERGENCY CONSIDERATION.

(A) In the case of unusual circumstances, whereby the normal process for obtaining a certificate of appropriateness as set forth in this subchapter creates undue hardship for the health, safety and welfare of the applicant or the general public, the Historic Preservation Officer or the Commission may, at their discretion, waive the normal process and give immediate approval for a certificate of appropriateness.

(B) The Historic Preservation Officer or the Commission shall state their reasons, in writing, for the immediate approval.

(1995 Code, § 2.32.070) (Am. Ord. 0-2010-007, passed 5-10-2010) **P**

§ 32.079 APPEALS.

Any aggrieved party to a decision of the Commission may appeal the decision within 30 days of the date of the Commission's decision to the Campbell Circuit Court, located in Newport, Campbell County, Kentucky, as provided by law.

(Am. Ord. 0-2010-007, passed 5-10-2010) §

32.080 PENALTY.

Any person, firm, organization or corporation who violates any of the provisions of this chapter or fails to obtain a requisite certificate of appropriateness may be cited to District Court by Code Enforcement and shall, upon conviction be guilty, of a Class A misdemeanor in accordance with the Kentucky Revised Statutes.

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East Row Local Historic Overlay Ordinance
York Street Local Historic Overlay Ordinance
Monmouth Street Business District Overlay Ordinance

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