

THE REVIEW PROCESS - CERTIFICATE OF APPROPRIATENESS

Requirement for Certificate of Appropriateness

A Certificate of Appropriateness (COA) shall be required before a person may undertake the following actions affecting a landmark, landmark site, or a property in a local historic district:

1. Alteration of the exterior of a building or structure that is visible to the public;
2. New construction;
3. Demolition; or
4. Relocation.

Application to the Historic Preservation Commission

A Certificate of Appropriateness application form is available at Campbellsville City Hall located at 110 S. Columbia Avenue and the Campbellsville Civic Center located at 205 N. Columbia Avenue. When a person wishes to undertake an exterior alteration visible to the public affecting a landmark, a landmark site, or a property within a designated local historic district that does not require a building permit, that person shall apply directly to the Campbellsville Certified Local Government/Historic Preservation Commission for a Certificate of Appropriateness.

When seeking a building permit from the City government, the City Code Enforcement Officer shall forward to the Commission every application for a permit that would authorize an exterior alteration visible to the public, new construction, demolition or relocation affecting the landmark, landmark site, or a property in a local historic district. The Code Enforcement Officer shall give the applicant a form from the Commission requesting additional information that is listed on the application.

The applicant shall supply the Commission with the information it requests in order to reach a decision on his/her application for a Certificate of Appropriateness. 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. See Certificate of Appropriateness application in the Appendices.

Stop Work Order – Injunction

In the event work is being performed without the required Certificate of Appropriateness, the City Code Enforcement Officer shall issue a Stop Work Order. In the event that work is being performed which is not in accordance with such certificate, the City Code Enforcement Officer shall issue a Stop Work Order and any law enforcement officer may cite violators in District Court. All work shall cease on the designated property. No additional work shall be undertaken as long as such Stop Work Order shall continue in effect. The Historic Preservation Commission shall meet with the owner or tenant to resolve the problem. The City may apply in Circuit Court for an injunction to enforce its Stop Work Order.

In the event work requiring a Certificate of Appropriateness but not a Building Permit is being performed without the required Certificate of Appropriateness, the Code Enforcement Officer shall issue a Stop Work Order and any law enforcement officer may site violators to District Court. All work shall cease on the designated property. No additional work shall be undertaken as long as such Stop Work Order shall continue in effect. The City may apply in Circuit Court for an injunction to enforce its Stop Work Order.

Action by the Campbellsville Historic Preservation Commission

The Commission shall deliberate on each Certificate of Appropriateness within thirty (30) days after a completed application is received. The Commission shall make a decision on the application within forty-

five (45) days after the receipt of a completed application provided that the Commission may extend the time for decision an additional sixty (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 these guidelines. The Commission may suggest modifications to an application and may then approve a Certificate of Appropriateness providing for revisions in the plans submitted. If the Commission fails to decide on an application within the specified time period, the application shall be deemed approved.

Applicants shall be given notice of public hearings and meetings relating to their application and shall be informed of the Commission's decision. When an application has been approved, the applicant shall be given a Certificate of Appropriateness. Advertised notice of a public hearing shall be given including a conspicuous posting on the property for five (5) consecutive days immediately prior to the hearing. Notice shall also be given in a zoned publication serving Campbellsville. The Commission may include in its application fee a charge for the cost of giving notice of the public hearing.

Criteria in Deciding on Applications

In making a decision on an application, the Commission shall use the Design Guidelines and the guidelines it has adopted for that landmark or historic district. The Commission shall consider: (1) the effect of the proposed work on the landmark and/or the property in the historic district upon which work is to be done; and (2) the relationship between such work and other structures on the landmark site or other property within the historic district. In evaluating the effect and the relationship, the Commission shall consider historical and architectural significance, architectural style, design, arrangement, texture, materials and color. The Certificate of Appropriateness from the Commission shall not relieve the applicant from complying with the requirements of other State and local laws and regulations.

Consultation with Applicants

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

Routine Alterations - Ordinary Maintenance

The Commission has a list of routine alterations that receive immediate approval from the Chairman or Vice-chairman of the Commission without a public hearing when an applicant complies with the specifications of the Design Guidelines. Refer to the Certificate of Appropriateness Minor Review List. At each meeting the Commission shall be informed of the Certificates of Appropriateness applications that have been approved under this provision.

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 local historic district does not change its exterior appearance that is visible to the public. Every person in charge of a landmark or a property in a historic district shall keep in good repair: (1) all of the exterior portions of such buildings or structures; and (2) all interior portions thereof which, if not so maintained, may cause such buildings or structures to deteriorate or become damaged or otherwise to fall into a state of disrepair. The purpose of this provision is to prevent a person from forcing the demolition of his building by neglecting it and by permitting damage to the building because of weather or vandalism. No provision in these Design Guidelines shall be interpreted to require an owner or tenant to undertake an alteration or to restore his building to its original appearance. The provisions of these Design Guidelines shall be in addition to the provisions of the Kentucky Building Code requiring buildings and structures to be kept in good repair.

Emergency situation

An owner shall immediately notify the City Code Enforcement Officer of emergency conditions dangerous to life, health, or property affecting a landmark, a landmark site, or a property in a local historic district and the owner shall promptly provide evidence of the dangerous conditions that has been prepared by a person with professional qualifications in evaluating buildings and structures.

At their next meeting, the Commission shall be informed of the Certificates of Appropriateness application approvals that were issued. In situations requiring temporary action, an owner may do work in order to temporarily protect his property from further damage provided he reports this work to the Commission within two (2) business days.

In any case where the City Code Enforcement 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, he/she may order the remedying of these conditions without the approval of the Board. The City Code Enforcement Officer shall promptly notify the Staff and/or Chairperson of the Commission of the action being taken. If consultation is not possible, the City shall notify the Commission of the action taken after the completion of the work.

In the case of unusual circumstances whereby the normal process for obtaining a Certificate of Appropriateness creates undue hardship for the health, safety and welfare of the applicant, the Commission may at its discretion waive the normal process and give immediate approval for a Certificate of Appropriateness. The Commission shall cite its reasons for such immediate approval.

Signs

In reviewing applications involving signs, the Commission shall first use these Design Guidelines, then follow the City's sign ordinance and the requirements of the Zoning Ordinance that have been approved by the City Council. Owner and tenants shall apply to the Commission for approval before their signs are made.

Conformity with the Certificate of Appropriateness

All work performed pursuant to a Certificate of Appropriateness shall conform to the provisions of such Certificate. It shall be the responsibility of the City Code Enforcement Officer and/or Zoning Administrator and/or the Commission to inspect from time to time any work being performed to assure such compliance. In the event work is being performed which is not in accordance with such Certificate, the City shall issue a Stop Work Order. All work shall cease in the designated property. No additional work shall be undertaken as long as the Stop Work Order is in effect. The City Code Enforcement Officer shall meet with the owner or tenant to resolve the problem. The City Code Enforcement Officer will present the findings at the Certified Local Government/Historic Preservation Commission meeting. The Commission will render a decision based on the findings within fourteen (14) days. The City Attorney may seek in Circuit Court an injunction and any other appropriate relief in order that the intent of these Design Guidelines shall be carried out.

Length of Validity of a Certificate of Appropriateness

A Certificate of Appropriateness shall remain valid for one (1) year after it is issued. Work is required to start before the end of the one-year period. If the approved work has not been completed within two (2) years after the Certificate of Appropriateness was issued, the Commission shall review the situation and may require an application for a Certificate of Appropriateness for the work that remains to be done.

Appeal of Board's Decision

The applicant shall have a right to appeal to the City Council from a decision of the Commission denying an application for a Certificate of Appropriateness. Such appeal must be filed in writing with the Campbellsville City Clerk within fourteen (14) days after the decision of the Commission. The City Council shall hold a public hearing and shall vote on said appeal within sixty (60) days of its receipt. The City Council shall transmit its decision in writing to the applicant, the Commission, and the City Code Enforcement Officer.

Demolition

When an applicant wishes to demolish a landmark, a building or structure on a landmark site or a building or structure in the local historic district, the Commission shall negotiate with the applicant to 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. After its public hearing, the Commission may decide that a building or structure in the historic district or on a landmark site in the local historic district may be demolished because it does not contribute to the historic district or to a landmark. On all other demolition applications, the Commission shall study the question of economic hardship for the applicant and shall determine whether the landmark or property in the local historic district can be put to reasonable beneficial use without the approval of the demolition application. In the case of an income-producing building, the Commission shall also determine whether the applicant can obtain a reasonable return from his/her building. The Commission may ask applicants for additional information to be used in making these determinations. 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 as outlined in under "Criteria in Deciding on Applications".

Moving a landmark or a building or structure in a Historic Preservation District

When an applicant wishes to move a landmark, a building or structure on a landmark site, or a building or structure in a local historic district or when an applicant wishes to move a building or structure to a landmark site or a lot containing a landmark, or to a property in a local historic district, the Commission shall consider:

- (1) the contribution the building or structure makes to its present setting;
- (2) whether there are definite plans for the site to be vacated;
- (3) whether the building or structure can be moved without significant damage to its physical integrity; and
- (4) the compatibility of the building or structure to its proposed site and adjacent properties.

These considerations shall be in addition to the points contained under "Criteria in Deciding on Applications".