

CITY OF PEWEE VALLEY, KENTUCKY  
ORDINANCE #7, SERIES 2022  
AN ORDINANCE ESTABLISHING A PEWEE VALLEY OVERLAY DISTRICT  
COMMISSION AND ESTABLISHING REGULATIONS FOR THE CREATION OF  
OVERLAY DISTRICTS WITHIN THE CITY

WHEREAS, Kentucky Revised Statutes 82.650 to 82.670, gives the City of Pewee Valley authority to create overlay districts, provide regulations for design standards and development within any area of the city determines to be an area of architectural, natural, or cultural significance that is suitable for preservation or conservation,

WHEREAS, the City of Pewee Valley is over 150 years old and has many areas which should be preserved because of their architectural, natural, or cultural significance and the City Council desires to set up a framework to protect those areas, and

WHEREAS, the City of Pewee Valley desires to set up a Pewee Valley Overlay District Review Commission to be responsible for the designation of overlay district areas and the administration of overlay regulations,

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF PEWEE VALLEY:**

**Section 1:     PURPOSE**

1.1     Preservation: The City of Pewee Valley has well-established residential and business districts, and these areas show the unique and significant development of Pewee Valley. It is the finding of the City Council that the distinctive and significant character of these areas can only be maintained by protecting and enhancing their architectural and cultural heritage by creating overlay district regulations for design standards and development within those areas so designated.

1.2     Goals. The purpose of this chapter is to affect the goals as set forth in the above declarations of public policy and specifically, but not exclusively to:

- a. Accomplish the preservation, protection, and appropriate design within the overlay districts having a special character or architectural or cultural interest and value to this city,
- b. Stabilize and improve property values in such districts and the whole city,
- c. Foster civic pride in the value of notable accomplishments of the past,
- d. Strengthen the economy of the city,
- e. Protect and enhance the city's attractions to residents, tourists and visitors and

serve as a support and stimulus to business, and

- f. Enhance the visual and aesthetic character, diversity, and interest of the city.

**Section 2:           DEFINITIONS**

2.1     As used in this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

“ALTERATION.” Any construction, replacement or change to the exterior of a building or structure which requires a building permit, demolition permit, or development plan approval.

“CERTIFICATE OF APPROPRIATENESS.” The permit, issued by the Overlay District Commission, which gives its approval for work to be done in the Overlay District.

“COMMISSION.” The Pewee Valley Overlay District Commission.

“DEMOLITION.” Any act that destroys in whole or part a landmark or a building or structure in a historic district or on a landmark site.

“ORDINARY MAINTENANCE AND REPAIR.” Any work, the purpose of which is to correct deterioration or to prevent deterioration of a designated overlay district property. The work shall restore the property to its appearance prior to deterioration or shall result in the protection of its appearance. The work shall involve the use of the same, or equivalent, building materials or as close as possible to the original.

“PROPERTY.” All structures including fences and buildings.

**Section 3:           ESTABLISHMENT OF OVERLAY COMMISSION**

3.1     Establishment. There is hereby established the City of Pewee Valley Overlay District Commission (hereinafter “Commission”). The Commission shall consist of five members. Three members shall be council members who are currently serving on the City of Pewee Valley City Council. Two members shall be residents of the City of Pewee Valley who have demonstrated interest in the unique and significant development of the City of Pewee Valley. The Mayor of the City of Pewee Valley shall nominate for the approval of the City Council all the members of the Pewee Valley Overlay District Commission. Whenever possible, the Pewee Valley Overlay District Commission should include members with training or experience in a preservation-related profession: architecture, history, archeology, architectural history, planning or related fields. Members of the Commission shall serve without compensation, but they will be reimbursed for expenses incurred in the performance of their duties.

3.2 Terms of office. The terms of office of the members shall be two years. Each member shall serve until the appointment and qualification of his successor. Vacancies on the Commission shall be filled within 60 days. When a vacancy occurs during a term of office, it shall be filled within 60 days, and the person selected shall be appointed for the unexpired portion of the term.

3.3 Officers. The Commission shall elect members to serve as Chairperson, Vice-Chairperson and Secretary. The Chairperson shall preside at the meetings of the Commission and shall be spokesperson for the Commission. In his or her absence, the Vice-Chairperson shall perform these duties. The Secretary shall prepare minutes of the Commission's meetings which shall be available for public inspection.

3.4 Conflict of interest. No member of the Commission shall vote on any matter that may affect the property, income, or business of that member and every member shall be subject to the City of Pewee Valley ethics ordinance, including submittal of a financial disclosure statement.

3.5 Meetings. The Commission shall adopt and make public rules for the transaction of its business and shall hold public meetings as needed. All meetings shall require a quorum of three members, the Chairperson reserving the right to vote. All meetings shall have a previously available agenda and shall comply with the State Open Meetings Statute, KRS 61.805.

#### **Section 4: POWERS AND DUTIES OF THE COMMISSION**

4.1 Specific powers. The Commission shall take necessary and appropriate action to accomplish the purpose of this chapter. These actions may include the following:

1. Establishing Overlay Districts. No overlay district may be established within the City of Pewee Valley unless the following conditions have been met:
  - a. The establishment of any overlay district shall begin with the Commission's recommendation and finding of fact to the City of Pewee Valley Council.
  - b. The recommendation of the Commission shall include a listing of all the individual parcels in the area to be included in the area proposed, a recommendation of the design guidelines and regulations to be imposed upon the area to be protected and findings detailing the reasons why the Commission believes a certain area should be protected, based upon the following criteria:
    1. The value of the site as a reminder of the cultural or archeological heritage of the location as a site of significant local, state, or

national event, or identification with a person or persons who significantly contributed to the development of the city;

2. The quality of the site's architecture and architectural style is valuable for the study of a period, method of construction, or use of indigenous materials;
  3. The character of the site is an established and geographically definable neighborhood, united by culture, continuity of sites, architectural style or physical plan and development; and
  4. The desire of the city to the extent possible, preserve the extensive green space and tree canopy that has characterized the development of the City of Pewee Valley area and has contributed to the City's designation as a Tree City USA for many years.
- c. The City of Pewee Valley Council shall act upon the recommendation of the Commission by either accepting the recommendation, denying the recommendation, or accepting the recommendation with modifications. Such action shall be memorialized in an ordinance which meets the requirements of Kentucky Revised Statutes 82.650 to 82.670. Prior to the second reading of said ordinance, the City of Pewee Valley will hold the public hearing required by Kentucky Revised Statutes 82.650 to 82.670 and shall send a copy of the draft ordinance to the Oldham County Planning Commission.
  - d. At the conclusion of the required public hearing the City of Pewee Valley shall determine whether to impose the overlay district by deciding whether to approve the final ordinance.
  - e. The Commission shall notify each owner in an overlay district of the designation and shall arrange that the designation of a property as part of an overlay district be filed by the Oldham County Clerk in the land records by owner's name and tax district lot and block number. The Commission shall also give notice of the designation to the Oldham County Planning Commission
2. Administering Overlay Districts. The Pewee Valley Overlay District Commission is hereby delegated the authority and responsibility for the administration of any designated Overlay District, in accordance with Kentucky Revised Statutes 82.650 to 82.670 and the following:
    - a. A certificate of appropriateness from the Commission shall be required before a person may undertake the following actions affecting the exterior of any property located within a designated Overlay District:
      1. Construction requiring a building permit,

2. Demolition requiring a demolition permit,
  3. Relocation or moving a structure, and
  4. Any project requiring a development plan approval, conditional use permit or site disturbance permit.
- b. Any determination of a certificate of appropriateness shall be in writing and shall be based upon the design guidelines and regulations that were adopted by the City of Pewee Valley when the overlay district was established by ordinance. The Commission shall prepare and keep on file, available for public inspection, a written annual report of its activities, cases, decisions, qualifications of members and other work.
- c. Overlay district regulations shall not conflict with the zoning regulations for the City of Pewee Valley and shall not permit uses prohibited by the underlying zoning regulations, nor prohibit uses allowed by the underlying zoning regulations. Overlay district regulations shall supplement the underlying zoning regulations by establishing additional design standards, guidelines, and criteria for development with the overlay district to reserve, conserve, or protect the historical, cultural, architectural, aesthetic, or other distinctive characteristics of the overlay district.
- d. Ordinary repairs and maintenance may be undertaken without a certificate of appropriateness; provided, the work does not require building permit, demolition permit, moving a structure, or any project requiring a development plan approval, conditional use permit or site disturbance permit.
- e. When an applicant wishes to demolish a building or structure in an overlay 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. The Commission may decide that a building or structure may be demolished if it does not contribute to the district or is too badly damaged to repair. The Commission shall study the question of economic hardship for the applicant and shall determine whether property can be put to reasonable beneficial use without the approval of the demolition application.
- f. When a property is damaged by fire, a storm or other unexpected event, the owner or tenant may receive approval from the Chairperson or Vice-Chairperson of the Commission for work to be done in response to this emergency. In situations requiring temporary action,

an owner may do work to protect temporarily his or her property from further damage; provided, he or she reports this work to the Commission within ten business days.

- g. Any applicant denied a permit under Kentucky Revised Statutes 82.650 to 82.670 shall first have right of appeal to the City Council of the City of Pewee Valley. The decision of the City of Pewee Valley Council is then appealable to Oldham Circuit Court.

**Section 5:     APPLICATION PROCESS AND ENFORCEMENT**

5.1     Application. Any person desiring to obtain a certificate of appropriateness shall supply the following information and be subject to the following process:

- a. Applicant shall supply the Commission with their full contact information, drawings of the proposed work, photographs of the existing building or site and adjacent properties, information about the building materials to be used, specifics about the construction and any other information needed or requested by the Commission to make the determinations required by this chapter.
- b. The Commission shall hold a hearing on each certificate of appropriateness within 30 days after a completed application is received by the Commission. Applicants shall be given prior notice of the public meetings relating to their application and shall be given the opportunity to present evidence in favor of their application.
- c. The Commission shall approve or disapprove each application, and its decision shall be in writing with findings of fact supporting its decision using the criteria contained in this ordinance and the design guidelines for the district. The Commission may suggest modifications to an application and may then approve a certificate of appropriateness providing for revisions in the plans submitted.

5.2     Enforcement. The regulations of the overlay district(s) shall be enforced by the City of Pewee Valley and the Commission as follows:

- a. A certificate of appropriateness shall remain valid for one 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 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.

- b. 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 and the Commission to inspect from time to time any work being performed to assure such compliance.
- c. Stop work, injunction. In the event any construction is being performed without the required certificate of appropriateness, the city shall issue a stop work order. All work shall cease on the designated property. The Commission shall meet with the owner or tenant to resolve the problem. The City Attorney may seek in Circuit Court injunction and any other appropriate relief in order that the intent of this chapter shall be carried out.
- d. Any person who violates any of the provisions of this Chapter shall be fined not less than \$100, nor more than \$500 per day. Each day a violation continues shall be a separate violation, up to the following maximum penalties: \$1,000 for a first offense, \$2,000 for a second similar offense occurring within 12 months, \$3,000 for a third similar offence occurring within 12 months.

**Section 6:** This Ordinance shall take effect upon its adoption, passage and publication as required by law.

First Reading:	<u>October 5<sup>th</sup>, 2022</u>
Second Reading:	<u>November 2, 2022</u>
Passage and Approval:	<u>November 2, 2022</u>