

AN ORDINANCE AMENDING ARTICLES 13-4 AND 13-9 OF THE ZONING ORDINANCE TO UPDATE MEMBERSHIP PROVISIONS OF THE HISTORIC PRESERVATION COMMISSION AND REFERENCES TO CODES FOR PROPERTIES WITHIN THE HISTORIC OVERLAY (H-1) ZONE.

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WHEREAS, the Lexington-Fayette Urban County Planning Commission has considered a text amendment to Articles 13-4 and 13-9 of the Zoning Ordinance to update membership provisions for the Historic Preservation Commission and references to codes for properties within the Historic Overlay (H-1) zone; and

WHEREAS, the Planning Commission did hold a public hearing on this proposed amendment on May 24, 2012; and

WHEREAS, the Planning Commission did recommend APPROVAL of the proposed amendment to Articles 13-4 and 13-9 by a vote of 8-0; and

WHEREAS, this Council agrees with the recommendation of the Planning Commission; and

WHEREAS, the recommendation form of the Planning Commission is attached hereto and incorporated by reference herein.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT:

Section 1 – That Article 13-4(b) of the Zoning Ordinance of the Lexington-Fayette Urban County Government is hereby amended to read as follows:

The Historic Preservation Commission shall consist of fifteen (15) voting members, including the chairman. All members must be residents of Fayette County and have demonstrated an interest in historic preservation prior to his/her serving, be willing to accept the chairmanship of a sub-committee if such duty is deemed necessary by the chairman, and attend at least one informational/educational meeting per year, approved by the State Historic Preservation Office. At least two (2) of the fifteen (15) members shall be preservation-related professionals. These include the professions of architecture, history, archaeology, architectural history, historic preservation, planning, or related disciplines, such as urban planning; American Studies; American Civilization; or Cultural Anthropology. When the Historic Preservation Commission reviews an issue, and that field is not represented on the Historic Preservation Commission, the Historic Preservation Commission shall seek expert advice before rendering its decision.

Twelve (12) of the fifteen (15) members shall be nominated by organizations as follows:

- (1) A licensed architect nominated by the membership of the local chapter of the American Institute of Architects;
- (2) A licensed real estate person nominated by the membership of the Lexington Board of Realtors;

- (3) A person nominated by the Lexington-Fayette Urban County Tourist and Convention Commission;
- (4) A person nominated by the Bluegrass Conservancy;
- (5) A person nominated by the Board of the Blue Grass Trust for Historic Preservation;
- (6) One person nominated by the staff of the Division of Planning of the Lexington-Fayette Urban County Government; and
- (7) Six (6) persons nominated at the annual meeting of the general memberships of Neighborhood Associations containing a designated historic district. Each organization shall nominate three (3) candidates for each vacancy for which they are eligible to make nominations; provided, however, that not more than six (6) members shall be appointed to represent all the locally designated historic districts and that not more than one (1) of these six (6) members shall be from the same locally designated historic district. From the respective nominees, the Mayor shall appoint the members subject to confirmation by a majority of the members of the Lexington-Fayette Urban County Council. If any organization fails to make candidate and/or membership nominations within thirty (30) days after written request from the Mayor, the Mayor shall, with approval of a majority of the members of the Urban County Council, appoint any otherwise qualified person to represent such organization, and the person selected shall be appointed for the unexpired portion of the term.

Two (2) of the fifteen (15) members shall be selected as follows: one (1) member shall be appointed from persons in the banking profession and one (1) member shall be appointed from persons in the builder/developer field. The Mayor shall appoint these members subject to confirmation by a majority of the members of the Lexington-Fayette Urban County Council.

One (1) of the fifteen (15) members shall be the Chairman of the Board of Architectural Review who shall serve as an ex-officio, voting member of the Historic Preservation Commission.

Notwithstanding the provisions of Articles 5 and 7 of the Lexington-Fayette Urban County Government Charter, all of the appointments to the twelve (12) memberships which represent organizations shall be by Mayoral appointment of any otherwise qualified member of such organization, subject to confirmation by a majority of the members of the Lexington-Fayette Urban County Council.

All members must meet the requirements for Certified Local Governments in Kentucky; and the Historic Preservation Commission shall prepare and keep on file, available for public inspection, the members' qualifications. Article 16, the Code of Ethics of the Lexington-Fayette Urban County Government Charter, shall apply to members of the Historic Preservation Commission.

Section 2 – That Article 13-9 of the Zoning Ordinance of the Lexington-Fayette Urban County Government is hereby amended to read as follows:

In order to prevent purposeful neglect of structures within zones protected by H-1 overlays, all properties shall comply with the Property Maintenance Code, as well as all other applicable codes, statutes, and regulations. To accomplish this, the Division of Code Enforcement shall quarterly compile and forward to the Board of Architectural Review and the Historic Preservation Commission a list of those properties in zones with H-1 overlays which have been found to be in violation of the International Property Maintenance Code, 1998 Edition.

Section 3 - That this Ordinance shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL:

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MAYOR

ATTEST:

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Clerk of Urban County Council  
PUBLISHED:

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