**Pendleton County Joint Planning Commission**

Text Amendment Application: Staff Comments, Findings, and Recommendations

**APPLICATION: 202502FT**

**DATE:**  August 25, 2025

**APPLICANT:** City of Falmouth per Mayor Sabrina Hazen

**REQUEST:** Text Amendment to the City of Falmouth Zoning Ordinance

**APPLICATION REVEW:** The proposed Text Amendments to the City of Falmouth Zoning Ordinance provide further clarity.

The attachment (Example A) shows proposed changes to the ordinance. Words to be added are underlined and words to be deleted are lined through.

**BACKGROUND:**

The City of Falmouth Zoning Ordinance was adopted on January 12, 2010. The ordinance has been amended five times since its adoption.

The City of Falmouth brings forth the following text amendments to the City of Falmouth Zoning Ordinance to promote efficiency and clarity to enforcement of nuisances and temporary storage containers.

The City also proposes text amendments to streamline the fee schedule and penalty section.

**Exhibit A:**

Proposed Text Amendments to the City of Falmouth Zoning Ordinance. Text addendums are noted by section.

**Removal of Section 7.10 Historic Overlay Districts: Section 7.10 to be deleted from the City of Falmouth Zoning Ordinance and the City of Falmouth Zoning Map**

**SECTION 7.10 HISTORIC OVERLAY DISTRICTS**

A. Purpose: The Historic Overlay Districts regulations serve the following purposes:

1. Preserve, protect, and utilize the properties and areas that have a special historic, architectural or cultural value to the city, county, state and nation.

2. Promote the educational, cultural, economic and general welfare of the people and to safeguard the history and heritage of the City and Pendleton County, as reflected in such districts.

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

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

5. Enhance the visual and aesthetic character of the local area,

B. Designation of Historic Overlay Districts: A proposal for designation of a historic overlay district on any property may originate with the filing of an application to the Planning Commission by the Renaissance Board, the Planning Commission, the legislative body or by an owner as to their own property. The Renaissance Board, or any other board or body designated by an official action the City Council to undertake the duties and responsibilities provided for in this Section 7.10 (hereinafter referred to as the “Renaissance Board”), shall make recommendations to the Planning Commission and to the appropriate legislative body, for the designation of “historic” districts. The legislative body may make these designations by the enactment of ordinances. Each designation of a district as “historic” shall specifically identify the land on which historic buildings and structures are located. The recommendation from the Planning Commission shall identify the property that will be included as part of the historic designation and will thus be subject to the provisions of this section. The historic designation to a property shall render it subject to the rules and regulation of this Section 7.10 and shall be as an addition to the rules and regulations of the underlying zoning designation, which shall remain applicable to the properties and areas (i.e., the Downtown zone with an Historic Overlay designation.)

C. Criteria: The criteria for designation as an historic overlay district are as follows:

l. lts value as a reminder of the cultural or archaeological heritage of the City, Pendleton County, Kentucky, or the nation;

2. Its location as a site of a significant local, state, or national event;

3. lts identification with a person or persons who made a significant contribution to the development of the City, Pendleton County, Kentucky or the nation;

4. lts identification as the work of a master builder, designer or architect whose individual work has influenced development of the City, Pendleton County, Kentucky or the nation;

5. Its value as including buildings that are recognized for the quality of their architecture and that retain sufficient elements showing their architectural significance;

6. Its distinguishing characteristics of an architectural style valuable for the study of a period, method of construction or use of indigenous materials;

7. lts character as a geographically defined area possessing a significant concentration of sites, buildings, objects or structures united by past events or aesthetically by plan or physical development; or

8. lts character as an established and geographically definable neighborhood, united by culture, architectural style, or physical plan and development.

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

1. The applicant shall provide the Planning Commission with the names and addresses of the owners of the affected property and the owners of all adjoining property as well as property across the street from the affected property. The Planning Commission shall promptly notify such owner by first class mail, that the property is under consideration for designation and that a public hearing will he held concerning the proposed designation. Written notice shall he considered sufficient when it is mailed to the owners’ last known address, relying on tax assessment records.

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

3. The legislative body shall act upon a proposed application for the establishment of a historic overlay district within 90 days after it has received the written recommendation thereon from the Planning Commission. If the City Council or Fiscal Court approves the establishment of said district, the official zoning map shall be amended to reflect the new district.

4. Historic Overlay Districts shall be designated and displayed on the official zoning map using “cross-hatching” so identified on the legend of the map.

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

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

E. Effects of historic overlay designation on land use regulations.

1. The zoning administrator shall issue no permits for the construction, demolition, alteration, relocation, or change in the exterior appearance of a landmark or a building in a historic district until the applicant shall have received a Certificate of Appropriateness from the Renaissance Board.

2. Except as modified by the provisions of this Section 7.10, the property shall be subject to the requirements of the underlying zone of the site.

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

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

If the Renaissance Board approves the application, it shall immediately forward the certificate of appropriateness to the zoning administrator, who shall then issue the certificate to the applicant. If the application meets all other requirements of law. a building permit may he issued.

If the Renaissance Board disapproves the certificate of appropriateness, the applicant may appeal to the Board of Adjustments within 30 days of the Board’s decision. If the Board of Adjustments upholds the previous decision, the applicant may appeal to the Pendleton County Circuit Court.

The Renaissance Board may promulgate additional procedures, standards, guidelines, rules and requirements, and issue bylaws governing its operation and actions, not inconsistent with this Ordinance.

G. Standards for granting certificates of appropriateness.

1. In making a recommendation on an application for a certificate of appropriateness, the Renaissance Board shall consider historic and architectural significance, architectural style, design, arrangement, texture, methods or materials to he used, method of construction and color scheme. The reviewing agency may adopt guidelines on acceptable color schemes.

2. Applications to demolish designated property. When an applicant wishes to demolish a building or structure in a historic district, the Renaissance Board may grant or deny the application on the basis of whether or not the structure contributes to the historic district.

H. Ordinary repairs and maintenance is identified as any work the purpose of which is to correct deterioration or to prevent deterioration of designated historic property. The work shall restore the property to its appearance prior to deterioration or shall result in the protection of its present appearance. The work shall involve the use of the same building materials or available materials that are as close as possible to the original. Work that changes the external appearance of a property shall he considered an alteration for purposes of this ordinance. Ordinary repairs and maintenance may he undertaken without a certificate of appropriateness provided that work on a property in a historic district does not noticeably change its exterior appearance that is visible to the public.

I. Emergency conditions: In any case where the zoning administrator determines that there are emergency conditions dangerous to life, health, or property affecting a property in a historic overlay district, he may order the remedying of these conditions without an application to the Renaissance Board. The necessary action may include the demolition of a building or structure. The zoning administrator shall promptly notify the chairman of the Renaissance Board of the action being taken.

J. Condemnation. Notice shall be provided to the Renaissance Board when any code enforcement official or agency files a condemnation order for a piece of property located within a historic overlay district.

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

L. Signage.

1. Purpose. The purpose of this section is to encourage the use of well designed signage within the Historic Overlay Districts which will enhance the architectural styles and historic atmosphere of the district, rather than detract from them. It is recognized that commercial signage is, and always has been vital to the character and livelihood of the Historic Overlay Districts and of their merchants. It is also recognized that poorly designed and haphazardly placed signage cannot only destroy the atmosphere of the Districts, but can spoil their beauty and character.

2. Certificate of Appropriateness required: Except for the signs listed below, the zoning administrator shall not issue any sign permit unless the permit application is accompanied by a certificate of appropriateness issued by the Renaissance Board:

a. Residential nameplates

b. Real estate signs

c. Incidental signs

3. Prohibited signs: In addition to the signs prohibited in section 411.23, the following signs shall be prohibited in the Historic Overlay District:

a. Off-premise signs

b. Any sign or sign support which conceals any aspect of the site’s historic or architectural significance, architectural style, design or arrangement.

c. Signs employing neon or similar lighting systems

4. Sign regulations. Except as provided above, the sign regulations in the historic overlay districts shall be the same as the underlying zone.

**Staff Recommendation:** Approval, the Historic Overlay District was placed as an overlay of regulations in addition to the Downtown Zone regulations. The overlay was placed on several historic structures in the downtown area and requires additional architectural design standards that supersede those in the Downtown Zone. The purpose for the overlay was to preserve the downtown area as a historic district. Improvements to structures within this district were to receive Certificates of Appropriateness from the City of Falmouth Renaissance Board.

Several key factors have led to the standards in the overlay district to be unenforceable.

1. The City of Falmouth dissolved the Renaissance Board shortly after the adoption of the Falmouth Zoning Ordinance. This left no board in charge to oversee the overlay district and issue the certificates of appropriateness.
2. The remapping of the City of Falmouth flood maps in 2013 placed the downtown area into the Special Flood Hazard Area, which, required extensive floodproofing measures on buildings that conflict with the overlay districts standards. The City believes the NFIP standards should take precedence over the design standards in the overlay district that conflict.
3. The economic downturn caused several buildings in the overlay district to fall into disrepair. This and the combination of the flood regulations have put these structures at an economic disadvantage for rehabilitation. The City would like to encourage rehabilitation of these structures with less design restrictions.

**COMPREHENSIVE PLAN:**

The proposed text amendments are consistent with the *2017* *Comprehensive Plan Update* adopted by the Pendleton County Joint Planning Commission.

Respectfully submitted,

**Pendleton County Planning Commission**

Brian Thompson

City of Falmouth Zoning Administrator

**Attached: (Exhibit B) City of Falmouth** **Zoning Ordinance with “Proposed Text Changes”**

 **(Exhibit C) City of Falmouth Zoning Map**