

ORDINANCE NO. 2, SERIES 2016
CITY OF LA GRANGE, KENTUCKY

**MODIFYING § 156.06(K) AND § 156.07(J) CONCERNING
APPEALS OF DECISIONS OF THE HISTORIC DISTRICT
COMMISSION**

Whereas, the City Council of the City of La Grange, Kentucky, has the authority pursuant to statute to enact Ordinances relating to the City, and

Whereas, it is desirable that specific terms about the process for appealing decisions of the Historic Commission concerning applications for a Certificate of Appropriateness be modified to require such appeals to proceed before the Code Enforcement Board instead of the full City Council.

THEREFORE, BE IT ENACTED AND ORDAINED THAT § 156.06(K) AND § 156.07(J) OF THE CODE OF ORDINANCES BE MODIFIED AS FOLLOWS:

§ 156.06(K) ~~The applicant shall have a de novo appeal to the full City Council from a decision of the Commission on an application for a Certificate of Appropriateness. The appeal process shall expire after an appropriate time of 30 days following final action. Any appeal from the final decision of the Council shall be taken within 30 days to the Circuit Court.~~

~~— (1) Hearing procedures. For any de novo appeal to the Council the following procedure will be followed:~~

~~— (a) The findings and decisions of the Commission shall be presented to the Council;~~

~~— (b) Presentation of evidence by the applicant (or representative);~~

~~— (c) Presentation of evidence from others who wish to speak in behalf of the application;~~

~~— (d) Questioning of those speaking in behalf of the application by the Council Members;~~

~~— (e) Questioning of those speaking in behalf of the application by the opposition;~~

~~— (f) Presentation of evidence by those who wish to speak in opposition to the application;~~

~~— (g) Questioning of those speaking in opposition by the Council Members;~~

~~— (h) Questioning of those speaking in opposition to the~~

application by the applicant or representative;

~~—— (i) Final statement by the opposition;~~

~~—— (j) Final statement by the applicant;~~

~~—— (k) All who speak concerning the application, either for or against shall be available for questioning. If anyone leaves and is unavailable for questioning, his or her evidence shall be stricken from the record and the Council shall disregard such evidence in its decision;~~

~~—— (l) Anyone who speaks concerning the application shall take an oath in regard to his or her testimony, and give his or her name and address;~~

~~—— (m) After the final statement of the applicant or representative, no further evidence or comments shall be received by the Council; and~~

~~—— (n) If at any time any Council Member feels the evidence being presented by the applicant or the opposition should have been presented to the Commission prior to the Commission making its decision, then the Council Member may move that the hearing be adjourned and the application returned to the Commission for further proceedings. May appeal a decision on a Certificate of Appropriateness issued by the Historic District Commission to the Code Enforcement Board, and all of the rules and procedures provided in the Code Enforcement Board Ordinance shall apply, including the right to an appeal to District Court.~~

§ 156.07(J) ~~The applicant shall have an appeal to the full City Council from a decision of the Commission on an application for a certificate of appropriateness. The appeal process shall expire after an appropriate time of 30 days following final action. Any appeal from the final decision of the Council shall be taken within 30 days to the Circuit Court. May appeal a decision on a Certificate of Appropriateness issued by the Historic District Commission to the Code Enforcement Board, and all of the rules and procedures provided in the Code Enforcement Board Ordinance shall apply, including the right to an appeal to District Court.~~

This Ordinance shall become effective upon its passage and publication.

FIRST READING: February 1, 2016

SECOND READING: March 7, 2016

BY: Joe Davenport, Mayor

ATTEST:

To be a true Ordinance enacted by the City Council of the City of La Grange, Kentucky on this 7th day of March, 2016.

Stephanie Cooper, City Clerk
City of La Grange, KY

VOTE:

FOR:	6
AGAINST:	0
ABSTAINED:	0
PRESENT:	6