

**ARTICLE 14**  
**HISTORIC PRESERVATION OVERLAY (HP-O)**

**14.1 Intent and Purpose**

The purpose of the Historic Preservation Overlay (HP-O) District is to support a City or County Historic Commission or similarly chartered body to accomplish its stated mission. This mission may include the promotion of the educational, cultural, economic, and/or general welfare of the community.

**14.2 Authorization of Planning Commission to enact the HP-O District**

**14.2.1** The Planning Commission may not recommend designation of any lot or lots or tracts of land for an HP-O overlay district unless a request for such designation is formally made by a local Historic Preservation Commission or similarly chartered body, as described below.

A. The Historic Preservation Commission or similar body must be one created by local ordinance and granted the official powers and duties to, at a minimum:

1. Conduct surveys of historic buildings and areas and prepare plans for their preservation
2. Recommend the designation of historic districts and individual landmarks and landmark sites
3. Regulate alterations visible to the public that are proposed for designated property
4. Regulate demolitions, relocations, and new construction involving designated property.

B. Requests for designation of any lot or lots or tracts of land for an HP-O overlay district may only be made to the Planning Commission upon recommendation, through due process outlined in the local ordinance, of the lot or lots or tracts of land receiving historic designation. Each legislative body shall determine the percent of property owner participation required.

**14.2.2** Enactment of an HP-O Overlay District must be approved by the appropriate local legislative body, in accordance with the provisions set forth in other applicable local ordinances, such as a local Historic Preservation Ordinance.

**14.3 Requests for HP-O Designation: Procedures**

**14.3.1** Upon receiving an official request for HP-O designation of a lot or lots, the Planning Commission shall instruct the administrative official or a duly appointed designee to report on the relationship between the proposed designation and existing and future plans of the development on the affected city or county.

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14.3.2

After receiving the report described in Section 14.3.1, the Planning Commission shall vote whether or not to recommend the proposed HP-O designation.

- A. If the Planning Commission votes to recommend the proposed HP-O designation, it shall prepare any proposed amendment to the Comprehensive Plan that may be necessary, along with a map with the proposed HP-O overlay zoning change. The Planning Commission's recommendation, comments, proposed zoning map change, and proposed Comprehensive Plan amendment (if any) shall then be forwarded to the appropriate legislative body.
- B. If the Planning Commission votes to deny the proposed HP-O designation, it shall forward its comments to the appropriate legislative body.

14.4

### **Delineation of the HP-O Overlay District**

The Historic Preservation Overlay District shall include all lots or parcels identified as being in the HP-O overlay classification on the Official Zoning Map.

14.5

### **Permitted Uses in an HP-O Overlay District**

Permitted uses within the HP-O overlay district shall be the same as the uses permitted within the base zoning district over which the HP-O designation is applied.

14.6

### **Maintenance of Property in HP-O Overlay Districts**

14.6.1

Every person in charge of a landmark, landmark site, or property in an HP-O overlay district shall keep in good repair

- A. All of the exterior portions of such buildings and structures; and
- B. All interior portions thereof

which, if not so maintained, may cause such buildings or structures to deteriorate or to become damaged or otherwise to fall into a state of disrepair.

14.6.2

The purpose of Section 14.6 is to prevent a person or persons from forcing the demolition of a building or structure in an HP-O overlay district by neglecting it and by permitting damage to the building or structure because of weather or vandalism. **NO PROVISION IN THIS ARTICLE (ARTICLE 14) SHALL BE INTERPRETED TO REQUIRE AN OWNER OR TENANT TO UNDERTAKE AN ALTERATION OR TO RESTORE A BUILDING OR STRUCTURE TO ITS ORIGINAL APPEARANCE.**

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### 14.7 **Changes to Landmarks, Landmark Sites, and Property in HP-O Overlay Districts**

14.7.1 A Certificate of Appropriateness or similar document must be obtained from the appropriate Historic Preservation Commission or similar body (described in Section 14.2.1) before a person or persons may undertake the following actions affecting a landmark, landmark site, or a property in an HP-O overlay district:

- A. Alteration of the exterior part of a structure that is visible to the public, to the extent described in the appropriate local enabling legislation;
- B. New construction;
- C. Demolition; or
- D. Relocation
- E. Sign Installation

14.7.2 Guidelines for granting a Certificate of Appropriateness or similar document shall be established as part of the local ordinance (such as a Historic Preservation Ordinance) establishing the Historic Preservation Commission or similar body.

### 14.8 **HP-O Regulations to be Additional Regulations**

14.8.1 The provisions of this Article shall be in addition to all other provisions of the Kentucky Building Code requiring buildings and structures to be kept in good repair.

14.8.2 The provisions of this Article shall be in addition to all other local ordinances regarding Historic Preservation.

## Typical Historic Preservation Process

