

ORDINANCE # 1924

AN ORDINANCE APPROVING THE RECOMMENDATION OF THE DANVILLE-BOYLE COUNTY PLANNING AND ZONING COMMISSION TO EXPAND THE HISTORIC PRESERVATION OVERLAY DISTRICT WITHIN THE CITY OF DANVILLE BY INCORPORATING THEREIN THE MONTGOMERY-RODES HOUSE AND THE WILLIS RUSSELL MEMORIAL HOUSE

Whereas, the City of Danville has in place Article VII (Ordinance No. 1479) of the Code of Ordinances of the City of Danville, declaring the City's intent to preserve, protect and enhance the historical, architectural and cultural character of the City; and

Whereas, in furtherance of the City's intent, the City adopted an historic preservation program and approved the creation of historic overlay districts to provide additional design standards and development guidelines and regulations within any area of the City determined to have historical, architectural, or cultural significance suitable for preservation or conservation; and

Whereas, the Architectural Heritage Review Board and the Planning and Zoning Commission for Danville and Boyle County, after public hearings, have recommended an expansion of the existing overlay district to include the Montgomery-Rodes House located at 305 North Third Street and the Willis Russell Memorial House located at 204 East Walnut Street, as set out in this ordinance; and

Whereas, the Commission finds that the Montgomery-Rodes House and Willis Russell Memorial House described in this ordinance are distinct for their historic buildings and architectural and cultural value which should be preserved for the people of the City and the Commonwealth of Kentucky; and

Whereas, the establishment and enforcement of design guidelines and controls over exterior architectural features within the historic overlay district will ensure the on-going historical value of the district; and

Whereas, KRS 82.660 and KRS 82.670 provide for the establishment and amendment of historic districts and historic district boundaries; and

Whereas, the Commission deems the expansion and redefinition of the historic overlay district as set out herein to be in the best interest of the citizens of Danville and in furtherance of the legislative intent as codified in Article VII of the Code of Ordinances;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF DANVILLE AS FOLLOWS:

PART I. DESIGNATION OF HISTORIC OVERLAY DISTRICT

Section One. Pursuant to KRS 82.660 and Article VII of the CDO (Ordinance #1479, Section 6), the Montgomery-Rodes House, described below, and the Willis Russell Memorial House, described below, are hereby designated as a part to the Historic Overlay District, and by amendment in the Historic Preservation Overlay (HP-O) Zoning District.

Section Two. Description of Montgomery-Rodes House.

The property to be included shall consist of all of the following:

Montgomery-Rodes House: located at the northwest corner of the intersection of North Third Street and Lexington Avenue, having a physical address of 305 North Third Street;

Willis Russell Memorial House: located on the south side of East Walnut Street, east of US 150, having a physical address of 202 East Walnut Street.

Section Three. As a result of this expansion of the Historic Overlay District, the Historic Overlay District of the City of Danville is the area shown and designated on the existing Historical Overlay Zoning Map maintained by the Planning and Zoning Commission (including the Downtown Danville Historical Overlay District as expanded), which is incorporated herein by reference, together with the area designated on in Section 2 above to this Ordinance.

Section Four. The zoning map for the City of Danville shall be marked so as to show this approved expansion of the Historic Overlay District to include the Montgomery-Rodes House and the Willis Russell Memorial House as set out in this ordinance.

PART 2. DISTINCTIVE CHARACTERISTICS THAT ARE TO BE PRESERVED OR CONSERVED

Section One. The designated additions to the historic overlay district consist of buildings that are historic resources that contribute to the value of the City and are worthy of preservation. The City of Danville would suffer if the districts were to decline.

Section Two. The Montgomery-Rodes House was built in 1837 in the Greek Revival Style, is on the National Register of Historic Places and is include in the Beaten Biscuit Row landmark boundaries. The house is one of the best examples of the classic elements defining the Greek Revival Style. The Willis Russell Memorial House was constructed in 1790 and is a two-story single log pen dwelling with a dry laid stone

foundation and contains many architectural details of the early settlement period in Kentucky. Both houses have high quality architecture and have undergone conscientious maintenance throughout the years so as to insure the preservation of sufficient historic fabric and demonstrate the architectural significance of the district.

PART 3. DELEGATION OF RESPONSIBILITY FOR THE ADMINISTRATION OF OVERLAY REGULATIONS; STANDARDS, GUIDELINES, AND CRITERIA GOVERNING DEVELOPMENT WITHIN THE DISTRICT

Section One. The Architectural Heritage Review Board shall have responsibility for administration of overlay district regulations. The composition and responsibilities of said Architectural Review Board as to Historic Overlay Districts are set forth in Article VII of the Code of Ordinances for the City of Danville and are incorporated herein as if fully set out.

Section Two. If at any time during the development of design guidelines or review of development proposals, the membership of the Architectural Heritage Review Board does not meet the expertise and experience requirements set forth in Article VII, Section 4-173 (a), the Board shall consult with or employ advisors with such expertise or experience to assist in the review of design standards and development proposals.

Section Three. The Architectural Heritage Review Board has adopted Design Guidelines/Danville Historic Overlay District (hereinafter, "Design Guidelines") to govern development within the historic overlay district, to preserve, conserve, or protect the historical, architectural, cultural, aesthetic, or other distinctive characteristics of the district. These Design Guidelines, as they now exist or may hereafter be amended or supplemented, shall govern development within the district. The existing Design Guidelines are incorporated herein by reference as if fully set out. All design guidelines and regulations shall comply with the regulations of the Kentucky Heritage Commission.

Section Four. The Design Guidelines shall not conflict with the zoning regulations. Overlay district regulations shall supplement underlying zoning regulations.

Section Five. The procedures for the review of proposed development within the district are set forth in Article VII, including the provisions for adequate notice, public hearings, timely consideration of applications, and appeals of decisions. The provisions of Article VII are incorporated herein as if fully set out.

PART 4. CERTIFICATE OF APPROPRIATENESS REQUIRED; EXCEPTION FOR EMERGENCY REPAIRS

Section One. Upon the effective date of the establishment of the expanded overlay district, no person shall begin any major structural change or any ordinary repairs to any building or structure or change or create any surface parking lot, or clear a parcel or lot of trees or other major vegetation, or change the appearance to signage within an overlay district until the City, through its Architectural Heritage Review Board,

has issued a certificate of appropriateness certifying that the person has complied with the provisions of the overlay district regulations governing the district.

Section Two. The prohibition in Section One shall not apply to emergency repairs, as defined in the ordinance, that need to be made to a building or structure within the district.

PART 5. SEVERABILITY

The provisions of this Ordinance are severable. If any sentence, clause, or section of this Ordinance, or the application thereof to any particular case, is for any reason found to be unconstitutional or invalid, such unconstitutionality or invalidity shall not affect or repeal any of the remaining provisions, sentences, clauses, sections or part of this Ordinance.

PART 6. EFFECTIVE DATE

This Ordinance shall become effective upon second reading and publication.

GIVEN FIRST READING AND PASSED: _____

GIVEN SECOND READING AND PASSED: _____

PUBLICATION DATE: _____

CITY OF DANVILLE, KENTUCKY

G. MICHAEL PERROS, MAYOR

ATTEST:

DONNA PEEK, CITY CLERK