

H-1 OVERLAY FAQs

This is not an exhaustive explanation of the H-1 Overlay, nor is it meant to address all questions you may have. It answers some of the most common questions and concerns. More information may be found in Article 13 of the LFUCG Code of Ordinances and at lexingtonky.gov/departments/historic-preservation.

1. What is an H-1 Overlay?

An H-1 Overlay designates a neighborhood as a historic zone. It recognizes that there is value to the character of a neighborhood and creates a procedure for review of major exterior changes to properties and structures within the overlay zone. Article 13 of the LFUCG Code of Ordinances applies to H-1 Overlay zones.

When under an H-1 Overlay, a Certificate of Appropriateness from the Historic Preservation Office is required for an **exterior change to a property or structure**, or to **initiation of construction or demolition** of all or part of a structure within the overlay. This does not apply to ordinary maintenance (repairs to existing features or replacement of elements with existing materials). The Historic Preservation Office is comprised of the Historic Preservation Commission and the Board of Architectural Review (“BOAR”). The Certificate of Appropriateness process differs from the normal building permit requirements in that design and materials are considered in the context of the historical character of the neighborhood.

Some applications for Certificates of Appropriateness are handled by a Historic Preservation Officer and are issued “over the counter” without the full BOAR review and public hearing. See the attached Review of Elements in H-1 Districts for a guide.

Notably, an H-1 Overlay **does not**:

- Require you to maintain your property in a certain condition
- Prevent anyone within the overlay from applying for a zone change to their property
- Distinguish between rentals or owner-occupied properties
- Apply to anything solely on the interior of your home or structure
- Stop all demolitions.

2. Why not ND-1?

ND-1, or a Neighborhood Character Design, is governed by the Division of Building Inspection (DBI). The neighborhood association and DBI may discuss restrictions to a particular neighborhood in addition to the existing code—like material (no vinyl, for example), or height restrictions—which must be complied with in order to get a permit. However, the key difference is that under ND-1, there is no design review process for new construction and demolition. With H-1, new construction is reviewed in order to assess how it fits into the character of the neighborhood.

3. Is everything on my property grandfathered in once an H-1 Overlay takes effect?

Yes. You are not required to make any changes to your property prior to the Overlay taking effect.

4. Can I replace my windows with vinyl windows?

Once covered by the H-1 Overlay, no. If you currently have vinyl windows and need to replace a window after the Overlay is in effect, you would have to comply with the material and design requirements (aluminum clad or wood).

5. Does H-1 dictate what I can paint the exterior of my home or other structure?

No approval is required **unless** you are painting an unpainted original material. For example, painting a previously unpainted brick home will require approval. If you are re-painting a currently-painted structure, even with a different color, no approval is required.