

## **§39 HISTORIC OVERLAY DISTRICT**

The purpose of the Historic Overlay District is to encourage the preservation, restoration, and rehabilitation of buildings of historical, architectural or cultural value and to preserve and prevent the loss of significant historic elements, buildings and sites, located within non-residential districts.

### **39-1 Standards For Eligibility**

In order to qualify for the Historic Overlay District designation, the site must be listed on the National Register of Historic Places or the State Register of Historic Places either as an individual building or site or as a contributing building or site in a district. If the site is not so listed then eligibility shall be determined by the Historic District Commission.

### **39-2 Designation**

A site rezoned by the Planning and Zoning Commission to Historic Overlay shall continue to bear its original district designation, but with the initials HO appended to indicate a Historic Overlay district designation. All zoning regulations applying to the underlying district shall continue to govern the Historic Overlay District, except as amended by this section 39. Designation as a Historic Overlay or the removal of such designation shall be considered a change of zone.

### **39-3 Architectural Design**

39-3.1 Proposed exterior building additions and alterations and roof top mechanical units shall be submitted to the Historic District Commission for review and recommendation.

39-3.2 The Secretary of the Interior's "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" shall serve as the basis for rehabilitation projects within the Historic Overlay District. The architectural design, scale and mass of buildings and other structures, including, among other elements, the exterior building material, color, roof line, and building elevations shall be of such character so as to retain the architectural integrity of the particular building or buildings in order to preserve the beauty and appearance of the community. New construction or reconstruction shall adhere to the design purposes and the historic character of the Historic Overlay District.

### **39-4 Special Permit**

No reconstruction, alteration, or addition shall be made to any existing structure, nor shall any additional structure be constructed upon a site in the Historic Overlay District, unless a special permit has been issued by the Planning and Zoning Commission with a recommendation by the Historic District Commission. Ordinary maintenance and repair for which no building permit is required shall be exempted from this requirement.

### **39-5 Facade Easements**

As a condition of the Special Permit, the owner shall grant a perpetual preservation easement pursuant to Connecticut General Statutes §47-42 a-c, enforceable by the Town of Westport, which shall provide for, among other things, the right of the holder of the easement to perform repairs and charge the cost thereof to the owner upon the owner's

failure to keep the exterior of the structure in good repair as specified by "The Secretary of the Interior's Standards for Rehabilitating Historic Buildings."