

Gorton
Blues
Gray
Ellinger
James
Lawless
Beard
Feigel
Stinnett
McChord

AGENDA PLANNING COMMITTEE June 22, 2010 1:00 P.M.

1. **ND-1 Process** Feigel (1-5)
Additional materials will be provided at the 6-22-10 Committee Meeting
2. **Mobile Home Quality of Life** James
Materials may be presented at the 6-22-10 Committee Meeting
3. **Newtown Pike Ext Update** Blues
Staff will present materials at the 6-22-10 Committee Meeting
4. **Liberty Rd Update** Stinnett
Staff will present materials at the 6-22-10 Committee Meeting
5. **Items Referred to Committee** (6)

“Planning Committee, to which should be referred matters relating to parks, planning and zoning, housing, transportation, grants, legislation and social services.”

Council Rules & Procedures, Section 2.102(1)

ARTICLE 29

NEIGHBORHOOD DESIGN CHARACTER OVERLAY (ND-1) ZONE

29-1 INTENT - In order to promote the economic and general welfare of the people of Fayette County and of the general public; and to ensure the complementary, orderly and efficient growth and development of Fayette County, it is deemed essential by the Lexington-Fayette Urban County Council that the qualities relating to the visual characteristics that give a distinct identity to an area and a harmonious appearance of structures which stabilize neighborhoods and maintain their character, be protected, conserved and preserved.

29-1(a) PURPOSE - It is the purpose of this Article to permit neighborhoods the opportunity to request that the Lexington-Fayette Urban County Government impose additional regulatory requirements upon their neighborhood areas in order to help conserve those visual characteristics. It is the finding of the Lexington-Fayette Urban County Council that the individual nature and character of this county cannot be properly maintained or enhanced unless its distinctive neighborhoods and areas are protected, conserved and preserved.

29-1(b) POLICIES - The Lexington-Fayette Urban County Council hereby declares that it is necessary as a matter of public policy to preserve, protect and conserve the beauty and heritage of the county; to improve the quality of its environment through identification, conservation and maintenance of neighborhoods, areas, or places which constitute or reflect distinctive features of the architectural or cultural traditions of the city. The protection of these areas is essential in promoting the public welfare by making the city a more attractive and desirable place in which to live and work.

29-1(c) GOALS - The goal of this Article is to effect the purpose and policy, as set forth in the above findings; and specifically, but not exclusively, to:

- (1) Give such designations and to enact such regulations as are needed to protect against destruction, degradation, or encroachment upon neighborhoods, areas or places having a special, unique or distinctive

character of aesthetic, architectural or cultural significance which serves as the identity of a neighborhood.

- (2) Encourage the use of existing buildings through adaptive rehabilitation so as to enhance the diversity and interest of the county. Such encouragement shall not imply a particular zoning designation.
- (3) Encourage construction that will lead to continuation, conservation and improvement in a manner appropriate to the scale and physical character of the original buildings. Assure that new construction is in harmony with the scale and physical character of the original buildings of the neighborhood through the use of design standards.
- (4) Prevent the creation of environmental influences adverse to such purposes.
- (5) Foster civic pride in the value of accomplishments of the past.
- (6) Promote the educational, cultural, economic and general welfare of the people.

29-2 APPLICATION REGULATIONS - The classifications and regulations hereunder shall be established in addition to the zone classifications and regulations as shown on the zoning map atlas for the subject areas.

These regulations are intended to preserve, protect and conserve neighborhoods and areas. The uses, dimensions and other requirements for said zones, as provided in the Zoning Ordinance, shall apply, except where modified as conditional zoning restrictions determined under these regulations. ND-1 regulations shall only apply to residential zones and non-conforming residential uses. The rezoning of an underlying zone does not automatically remove ND-1 standards, and the applicant would need to request that the overlay restrictions either be removed or revised as conditions appropriate to the non-residential use. Where there are conflicts between the procedures and regulations within the Zoning Ordinance, the more restrictive shall apply.

29-3 OVERLAY DISTRICT DESIGNATION CRITERIA - An area, neighborhood or place meeting one

or more of the following criteria shall be eligible for designation as a Neighborhood Design Character (ND-1) District:

- (1) It is an older area that, if placed under an ND-1 classification, may result in sufficient improvement to qualify it as an H-1 District in the future. H-1 District properties and designated National Register Historic Districts are not eligible for ND-1 designation;
- (2) It is a newer area that does not have historic significance. In this case, the overall character of the neighborhood would be maintained;
- (3) There is a need to protect the visual characteristics that give a neighborhood its distinct identity;
- (4) The existing neighborhood is characterized by a variety of building types that establish a significant and distinguishable identity;
- (5) It has distinguishing characteristics of an architectural style valuable for the study of a period, method of construction, or use of indigenous materials;
- (6) It has character as a geographically definable area possessing a significant concentration of buildings or structures united by past events or by its plan or physical development; or
- (7) It has character as an established and geographically definable residential neighborhood, agricultural area or business district, united by culture, architectural style or physical plan and development.

29-4 DESIGNATION OF ZONES PROTECTED BY NEIGHBORHOOD DESIGN CHARACTER OVERLAYS

29-4(a) PURPOSE – To further the goals and purposes of this Article and the preservation, protection, conservation and use of neighborhood design character districts, the Urban County Council shall have the authority to designate zones protected by a neighborhood design character overlay.

29-4(b) PROCEDURE – The procedure for application and designation are as follows herein:

29-4(b)(1) DESIGN STANDARDS ANALYSIS – The applicant shall prepare a design analysis of the proposed overlay district as follows:

- (a) Establish a clear, decipherable set of neighborhood features to describe the character of individual building types.

This set shall define the relationships among features and shall serve as a tool to identify common elements in a neighborhood.

- (b) Conduct architectural surveys so as to define present character of the neighborhood. The applicant shall conduct a field survey containing, but not limited to, the following criteria: distinctive building features; represented building styles; typical building components; finishing materials; siting of buildings; landscape treatment; degree of visual continuity; degree of density; and degree of compatibility of new structures with historical context.
- (c) Conduct architectural surveys so as to define early character of neighborhood. The applicant shall conduct a field survey containing, but not limited to, the following criteria: distinctive building features; represented building styles; typical building components; finishing materials; siting of buildings; landscape treatment; degree of visual continuity; degree of density; and degree of compatibility of new structures with historical context.
- (d) Develop preservation goals for the neighborhood and identify important characteristics to be respected by comparing the degree of change between early and present-day character.
- (e) Identify and project future character, based on potential change from present-day trends and regulations. Based on the present scenario, identify if the neighborhood will preserve its integrity and meet its design goals for the community.

29-4(c) DESIGN STANDARDS – The following criteria for new construction or additions shall be based on the design standards analysis within each district. The following are categories of design standards that shall be eligible for overlay regulations and may modify existing zoning or subdivision regulations as conditional zoning restrictions. It is not required that each of the following be addressed; instead, to utilize only those elements as applicable or desirable to conserve the neighborhood character and as determined in the design standards analysis. All proposed standards should be specific and measurable.

- (1) Exterior building material restrictions
- (2) Roof lines and shape requirements
- (3) Repeating elements
- (4) Landscaping requirements
- (5) Minimum window and door opening requirements
- (6) Front building features
- (7) Garage door restrictions
- (8) Lot widths
- (9) Building orientation
- (10) Building heights
- (11) Building setbacks
- (12) Rear yard building setbacks
- (13) Accessory structures
- (14) Bulk plane restrictions; and
- (15) Off-street parking design

applicable codes, statutes and regulations. To accomplish this, the Division of Code Enforcement shall quarterly compile and forward to the Planning Commission a list of those properties in zones with neighborhood design character overlays which have been found to be in violation of the BOCA Basic Property Maintenance Code.

29-4(d) APPLICATION – An application for the establishment of a neighborhood character overlay district may be filed only by the Lexington-Fayette Urban County Council, Planning Commission, or the owners of the subject properties. The Board of Architectural Review, the Historic Preservation Commission, or an individual Lexington-Fayette Urban County citizen may request that the Lexington-Fayette Urban County Council or the Planning Commission initiate a zone map amendment. The application shall demonstrate significant neighborhood support to be regulated as an ND-1 overlay district.

Said application shall be filed with the Planning Commission and transmitted to the Historic Preservation Division for its review and consultation.

29-4(e) OWNER NOTIFICATION – Specific design standards shall be included in property owner notifications as determined desirable and recommended for each proposed district.

29-5 BUILDING PERMIT REVIEW PROCESS - All building permit applications will be required to comply with adopted design standards for applicable building improvements on property located within a designated neighborhood design character overlay district and/or as approved by the Planning Commission.

29-6 COMPLIANCE WITH OTHER CODES, STATUTES AND REGULATIONS - In order to prevent purposeful neglect of structures within zones protected by neighborhood design character overlays, all properties shall comply with the BOCA, adopted Basic Property Maintenance Code, as well as all other

STEPS INVOLVED IN REQUESTING ZONING AMENDMENTS BY THE PLANNING COMMISSION OR COUNCIL (ND-1 OVERLAY ZONE)

1. DECIDE WHAT AREAS TO REQUEST THE NEIGHBORHOOD DESIGN OVERLAY ZONE in your neighborhood. The Current Planning Section of the Division of Planning can be of assistance in this effort. A pre-application conference can also be scheduled with the Planning Services Staff to obtain information about this process. Meeting schedules for the Planning Commission, the existing Zoning of the area, and more information about the process outlined below can be obtained from Planning Services. The Planning Staff will also refer you to the staff of the Division of Historic Preservation to obtain additional information regarding the process for review by the Board of Architectural Review and/or the Historic Preservation Commission.
 2. PREPARE A PETITION for either the Planning Commission or the Urban County Council to initiate your requested Zoning Change. The petition will need to describe the requested Zoning Change, using either a listing of the addresses of the properties or a specific map with addresses requesting the area for the change, and the reasons for the zone change request. The petition should be signed **by at least one-half of the property owners within the area to be rezoned** in order to demonstrate that there is broad support for the request.
 3. SUBMIT THE PETITION TO THE PLANNING SERVICES STAFF when completed. If you wish to ask the Urban County Council to initiate the Zoning Change, the Staff will forward your petition to the Council's office staff.
 4. ATTEND THE SCHEDULED MEETING OF THE COMMISSION OR THE COUNCIL in which the request to initiate the Zoning Change will be discussed or decided. The Staff or your Councilmember will inform you in advance of the date and time of the meeting. The Commission or Council may have questions about your request prior to initiating the zoning change.
 5. THE APPLICATION MATERIALS ARE PREPARED BY THE PLANNING SERVICES STAFF if the Planning Commission or Council agrees to initiate the zoning change. Meeting dates and other pertinent information may be obtained from the Staff. Some of the application materials that must be prepared consist of the following:
 - a. General Information Sheet
 - b. Property Information Map identifying the properties to be rezoned and the properties within 400' must be prepared and copied.
 - c. Lists of Property Owners within the area proposed for ND-1 zoning and within the 400' notification area must be obtained from the Property Valuation Administrator's office.
 - d. Letters of Notification to all property owners within 400' (and up to 2400' in agricultural areas) must be prepared. Separate notice letters to owners of property subject of a the rezoning must also be prepared, and must be mailed at least 30 days prior to the Planning Commission's scheduled public hearing.
- NOTE: Once prepared, the Planning Services Staff will forward the application and related materials to the Division of Historic Preservation for its review and consultation on the request.
6. REVIEW OF THE APPLICATION will be made by the Staff and Zoning Committee at a meeting generally on the first Thursday of the month in which the Planning Commission's hearing is scheduled. A Staff recommendation is usually prepared for this meeting, and a copy can be obtained at the Zoning Committee meeting. It would be helpful if at least one of the petitioner organizers should plan to attend the scheduled Zoning Committee meeting to learn of the Zoning Committee's recommendation, and in case questions arise that the Staff is unable to answer.

7. "ZONING CHANGE" SIGNS MUST BE POSTED on the properties requested for rezoning at least 14 days prior to the scheduled public hearing. **If one dozen or more properties are proposed for rezoning, the Staff may ask the property owners or the area neighborhood association for assistance in posting these signs.**
8. ADVERTISING for the Commission's public hearing will appear in the *Lexington Herald-Leader* at least 7 days before the scheduled date. The Staff will see to this requirement. After publication, only Commission action can permit postponement of the request. An agenda for the public hearing may be obtained from the Planning Services Staff 7 days prior to the hearing, and should also be available on the web at lfucg.com.
9. A PUBLIC HEARING will be held by the Planning Commission generally on the fourth Thursday of each month in the Council Chambers (2nd Floor) at 200 E. Main Street. At the beginning of the meeting, the Commission will consider any requests for postponement. When items are postponed by the Planning Commission, notice of the new hearing date should be mailed to area property owners if time allows.

All that attend the public hearing will have an opportunity to speak to the Commission. Usually they hear first from the Staff, then from those in favor of a rezoning, then from those opposed to the request. **After the public hearing, the Commission will likely vote to recommend approval, approval with modifications or restrictions, or disapproval of the request to the Urban County Council.**

10. A REPORT of the Commission's recommendation is sent to the Urban County Council, usually 2 or 3 weeks after the Commission's public hearing. This report includes copies of the application materials, Staff Report, findings of fact, and the recommendation of the Planning Commission. Minutes of the public hearing are included when available.
11. THE URBAN COUNTY COUNCIL, after receiving the final report, will review the records and determine if a public hearing will be held. Based on the Council's action, one of the following procedures would apply:
 - a. Council Public Hearing
 - (1) At the work session at which the petition is docketed, a public hearing may be requested before the Urban County Council. Scheduling matters, prehearing matters, general procedures and requirements, and more detailed information pertaining to Council public hearings is available from the Planning Division staff.
 - (2) The Council Clerk will advertise the hearing in the newspaper.
 - (3) Staff must again prepare letters to send to all property owners within the notification area and area neighborhood associations, and mail them at least 30 days prior to the scheduled hearing to property owners in the area proposed for rezoning.
 - (4) Zoning Change signs must also be posted on affected properties at least 14 days before the public hearing.
 - b. No Public Hearing - The Council will have two (2) readings on an ordinance to accept the Commission's recommendation, and will take action. The Council's action becomes effective the date of the second reading.

If you desire any additional information regarding such proposals, please feel free to contact any member of the Planning Services or Current Planning staff at 200 East Main Street, or call 258-3160 during office hours.

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Planning Committee- Issues Outstanding

06.16.2010

Issue	Member Referred	Date Referred	Status
• Liberty Road Project Status	Stinnett	Jan 06	Bi Monthly Report
• Newtown Pike Status	Blues	Feb 06	Bi Monthly Report
• Fence Height Regulations	Blues	Dec 07	August 2010
• Mobile Home Trailer Park Quality of Life	James	Dec 07	June 2010
• Infill Redevelopment Committee Recommendations	Gray	Feb 08	April 2010
• Downtown Master Plan	Lawless	Apr 08	April 2010
• Management Audit Recommendations	Crosbie	May 08	June-Sept 2010
• Art 16 Zoning Ordinance re Rear Yard Parking in Residential Areas	Henson	Apr 09	Related to Moratorium Issue
• Parks Master Plan	Stinnett	Feb 09	Aug/Sept 2010
• Downtown Lexington Building Inventory	Feigel	June 09	October 2010
• Encroachment Issue	Stinnett	Jan 10	August 2010
• ND-1 Process	Feigel	Mar 10	June 2010
• Parks Master Plan Funding	Stinnett/Feigel	Jan 10	August-Sept 2010