

Gorton
Blues
Gray
Ellinger
James
Lawless
Beard
Feigel
Stinnett
McChord

A G E N D A

PLANNING COMMITTEE

August 24, 2010
1:00 P.M.

1. **Fencing Regulations** Blues (1)
2. **Secure by Design** James (2-8)
(Additional materials will be distributed at the 8-24-10 meeting)
3. **Items Referred to Committee** (9)

"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)

1

**POSSIBLE REVISIONS TO ZONING ORDINANCE ARTICLE 15: GENERAL REGULATIONS
FOR HEIGHTS, YARDS, WALLS, FENCES, PROJECTIONS, ACCESSORY STRUCTURES and
INFILL/REDEVELOPMENT CONSTRUCTION**

FOR DISCUSSION PURPOSES

Note: Text proposed for deletion is shown ~~stricken through~~; text proposed for addition is shown underlined.

15-4(b) **HEIGHT** - In any residential, business (except B-4), or professional office zone, a wall or fence no more than six (6) feet in height may be erected or maintained within a front yard or side street side yard, ~~unless the front or side street side yard is created by abutment to an alley. In that case, a fence or wall may be erected up to eight (8) feet in height. In any side or rear yard, a fence or wall no more than eight (8) feet in height may be erected. No height restriction shall be placed on a wall or fence erected or maintained in any industrial zone or in the Wholesale and Warehouse Business (B-4) zone.~~

The maximum height of walls and fences shall be regulated in accordance with the following table:

<u>ZONE</u>	<u>MAXIMUM HEIGHT</u>
<u>1. Any residential or office zone; any business zone other than B-2, B-2A, B-2B or B-4</u>	<u>a. Within 20' of any public or private street right-of-way, except an alley: 4 feet, with the following exceptions:</u> <u>1. Where the front or side street side yard abuts an alley: 8 feet</u> <u>2. Where the property is a double-frontage lot, the frontage abutting an arterial highway or collector street where driveway access is prohibited (e.g., New Circle Road, Man o' War Boulevard, etc.): 8 feet</u> <u>3. Where the principal structure is less than 20 feet from the street right-of-way: 4 feet to the front building plane of the structure; thereafter, 6 feet.</u> <u>b. Front, side or rear yard areas greater than 20' from any public or private street right-of-way: 6 feet to the front building plane of the structure; thereafter, 8 feet.</u> <u>c. Any front or side street side yard abutting a street other than an alley, within 3 feet of the public or private right-of-way: 4 feet; greater than 3 feet from the right-of-way: 6 feet</u>
<u>2. Any B-2, B-2A or B-2B zone</u>	<u>a. Front yard: 6 feet</u> <u>b. Side or Rear Yard: 8 feet</u>
<u>3. Any agricultural, B-4 or Industrial Zone</u>	<u>a. No limitation</u>

For the purpose of this section, the height of a wall or fence shall be the vertical distance from the established grade at the fence or wall to the top of the fence or wall.

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING AND GRANTING AUTHORITY TO THE DIVISION OF POLICE TO ADMINISTER THE SECURED BY DESIGN PROGRAM.

WHEREAS, the goal of Secured by Design Program is to encourage safe design and further the development of socially suitable neighborhoods throughout Lexington-Fayette Urban County via the certification of residential, commercial mixed use developments, parks and green space;

WHEREAS, organizations and community members associated with the built environment are highly encouraged to participate in Secured by Design Program and adhere to the safe design principles; and

WHEREAS, the Council finds it beneficial to the Lexington-Fayette Urban County for the Division of Police to administer the Secured by Design Program.

BE IT RESOLVED BY THE COUNCIL OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT:

Section 1 - That the Division of Police is authorized to administer the Secured by Design Program in Lexington-Fayette Urban County.

Section 2 – Certification will be based on design guides created and maintained by the Secured by Design Organization as administered by the Division of Police.

Section 3 - That this Resolution shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL:

MAYOR

ATTEST:

CLERK OF URBAN COUNTY COUNCIL

PUBLISHED:

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4

Paul Schoninger

From: Ronnie Bastin
Sent: Monday, May 24, 2010 3:43 PM
To: Council Members
Cc: Council Staff; Tim Bennett; Gregg Jones; David Boggs
Subject: FW: Draft Resolution for Secured by Design (00254986).DOC

Attachments: Draft Resolution for Secured by Design (00254986).DOC

Please find the attached draft resolution and below information pertaining to the Secured by Design program. Prior to this item coming before council, this information serves as a reminder about the goals of the Secured by Design program. If additional information is needed about this program, please contact Lieutenant Gregg Jones, Lexington Division of Police at (859) 258-3653.

Secured by Design

The goal of Secured by Design is to encourage safe design and further the development of socially sustainable neighborhoods throughout Lexington via the certification of residential, commercial mixed-use developments, parks and green space. Certification of these developments will be based on design guides created and maintained by the Secured by Design organization. The Secured by Design program is a **voluntary** program. Organizations and community members associated with the built environment are *highly encouraged* to participate in this program and adhere to these safe design principles. Awarding of the certifications will be based on a point system, with awards being given in two grades (platinum or basic) based on the characteristics of the development under review. Awarding of the certification will be based on the characteristics of the design guides and must be voted on by a certification board comprised of members from the Division of Police. Certifications will be valid for a period of 5 years at which time an updated review of the development will be conducted to determine the ongoing conditions of the development.

Ronnie Bastin
Chief of Police

08/13/2010

Secured by Design Program Overview

Program Goal: Secured by Design focuses on crime prevention at the design, layout and construction stages of homes, commercial premises and other built features and promotes the use of security standards for a wide range of applications and products. Secured by Design works with developers, builders, architects, and planners to create the safest developments and communities possible, with a goal of creating socially sustainable communities. Socially sustainable communities are communities that succeed now, economically, socially and environmentally, and respect the needs of future generations. They are well-designed places where people feel safe and secure; where crime and disorder, or the fear of crime, doesn't undermine quality of life or community cohesion.

Secured by Design-U.S. is the North American affiliate of Secured by Design, the official United Kingdom Police flagship initiative supporting the principles of "designing out crime". Secured by Design has been in existence in the UK for over 20 years and has been shown to have a dramatic impact on reducing crime through good design principles

Secured by Design and Crime: Secured by Design does not guarantee that a particular area will be crime proof, but indicates that the site has been subject to a design process and improved level of security which, in the experience of the police and other agencies, have been shown to significantly reduce the risks of crime and fear of crime.

Rationale of using good planning to prevent Crime: Safe design and planning makes sense financially, as once a development has been completed the main opportunity to incorporate crime prevention measures has been lost. The costs involved in correcting or managing badly designed development are much greater than getting it right in the first place. This does not mean that planning and safe design alone can prevent crime. However, informed positive planning, particularly when coordinated with other measures, can make a significant contribution to tackling crime. We need to create environments that people want to occupy and use, creating a strong and positive sense of communal identity.

Secured by Design Certification: The main tool for ensuring safe developments that Secured by Design (SbD) uses is the certification of new and existing developments. The certification process covers several different types of developments (residential, commercial, mixed-use, parks, etc..) and is an indicator of a commitment by the developer to a safe and socially sustainable project. The SbD rating systems consists of several minimum design prerequisites and many additional "credits". In order to be certified, a development must meet each prerequisite. While each credit is optional, the achievement of each credit contributes to the project's point total. A minimum point total is required for certification, and higher point scores are required for platinum SbD certification. In addition, a separate "renovation" certification process is also available for existing developments and built structures. Once a project is certified, the certification is good for 5 years, at which time the property must be recertified. The

recertification process helps to ensure the maintenance and continued safety and social sustainability of a location. Importantly, while Secured by Design certification is not a guarantee against crime and disorder, it indicates that an area has been subject to a design process and improved level of security that, in the experience of the police and other agencies, have been shown to significantly reduce the risks of crime and fear of crime.

Secured by Design Certification Levels

- Basic
- Platinum

Secured by Design Certification Categories

- Single Family Homes/Neighborhoods
- Multi-family Homes/Apartment Complexes
- Mixed use developments
- Commercial Developments
- Re-Development projects
- Parks, trails, and green space areas
- Housing Voucher Properties
- Public Housing Projects

Benefits of the Secured by Design Program

- **Reduction in Crime:** Research conducted on the Secured by Design (SbD) program in England has shown that developments that used SbD recommendations had 26% lower **overall** crime than similarly matched Non-SbD developments. In addition, burglary rates at SbD developments were 50-65% less than those at Non-SbD developments and car theft and theft from auto were 42% lower than non-SbD developments.
- **Lower Insurance rates:** In England, where Secured by Design has been in existence for over 20 years, Insurance companies charge lower rates for homes and commercial developments that are SbD certified.
- **Reduced Property Liability:** In general, property owners are required to maintain reasonably safe premises in light of the risk of crime. Specifically, property owners/developers must provide security that is reasonable and proportionate to the risk of crime at that site. As the risk of crime increases, so should the level of security. During 1993-2001 the average liability settlement due to lack of adequate security was \$1,659,706. Safe by Design certification can assist in dramatically reducing potential liability caused by design related safety and security issues.
- **Consumer Choices:** The number one factor in residential housing choices is the presence of low crime and a safe environment. Importantly, research in England shows that home buyers will pay up to \$2,000 more for extra security. More than

anything else, consumers know that an affordable home is simply a house and not a good investment, if it is not safe from crime. Safe by Design certification helps developers to let consumers know that homes in that area are a safe investment not only financially, but in piece of mind as well.

- **Cost Savings:** When design changes are made to a development prior to planning approval and the beginning of the building process, the costs to build in safe design are negligible. Specifically, the average costs associated with SbD requirements are less than \$700. Importantly, the costs of retrofitting a development to provide security that is reasonable and proportionate to the risk of crime at that site have been shown to be financially prohibitive for many developers.
- **Marketability:** The awarding of the Secured by Design certification is highly marketable and has been shown to improve not only the value of homes at original sale, but also helps them hold their value in an ever-changing market. Moreover, developers who consistently earn Secured by Design certifications will earn a reputation as builders of communities, not just developments
- **Long Term Stability:** The 5 year Secured by Design re-certification process helps to ensure a community from neighborhood decline as economic and social changes occur. This focus on maintenance and stability of communities is especially important given the ever-growing encroachment of crime into the suburbs. While Secured by Design is not a guarantee against crime and disorder, it indicates that an area has been subject to a design process and improved level of security that, in the experience of the police and other agencies, have been shown to significantly reduce the risks of crime and fear of crime.

Areas of Secured by Design focus

1. **Access and Movement:** The goal when considering access and movement issues is to create places that are both well connected and secure. Too few connections can undermine the vitality of an area, while too many connections can increase the opportunity for crime. Importantly, sidewalks are to be encouraged because well used sidewalks helps to provide natural surveillance.
2. **Site Design:** An essential aspect to safe neighborhoods is ensuring well thought out and well planned site design. The layout of homes, open spaces, parks and mixed-use areas is key to reducing opportunities for crime. More than any other aspect of safe design, extra thought needs to go into site design, as these decisions are expensive and highly difficult to change after construction.
3. **Surveillance:** Neighborhoods where all publicly accessible spaces are overlooked provide for more safety and less criminal victimization. While cameras and other forms of mechanical surveillance can provide adequate crime prevention in some circumstances, natural forms of surveillance

created by design and neighborhood activity are often superior in impact and cost. Although designing in surveillance should form a core aspect of crime prevention, it should not be relied on as the sole strategy for crime prevention

4. **Lighting:** Research has shown that where lighting is weak or patchy, improving the levels and uniformity of lighting reduces fear of crime and makes people feel more secure. Adequate lighting is crucial to making neighborhoods livable and ensuring legitimate activity after dark. However, it is important to balance the needs of security and livability by avoiding overly bright or harsh lighting.
5. **Ownership:** Neighborhoods that promote a sense of ownership, respect and territorial responsibility generally have lower crime. Uncertainty of ownership can reduce responsibility and increase likelihood of crime in a neighborhood. Neighborhoods should be built and maintained in a manner that encourages residents to take an active part in the ownership and responsibility of their community.
6. **Physical Protection:** Physical protection focuses on the quality of initial construction as well as the inclusion of well designed security measures where appropriate. Physical protection should make a home a more difficult "target" for offenders. A premium is placed on the aesthetic quality of protective measures, so as to ensure that homes and neighborhoods are attractive places to live. Importantly, poorly designed and implemented physical protection can increase fear of crime.
7. **Activity:** Crime can be deterred through "eyes on the street" from legitimate activities in a neighborhood. Neighborhoods where the level of human activity is appropriate create reduced levels of risk of crime and a sense of security. Importantly, too much activity in a neighborhood creates a potential sense of anonymity that can lead to increases in opportunity for crime and reduced prevention benefits.
8. **Maintenance and Management:** The work of the developer is not finished when a neighborhood is completed. One of the most important factors in the reputation of a builder is the look and feel of the neighborhood and how well it maintains its status. Essential to maintaining value and adequate status is developing a maintenance and management proposal for the neighborhood.

Planning Committee- Issues Outstanding

08.05.2010

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/ Nov 2010
• Infill Redevelopment Committee Recommendations	Gray	Feb 08	
• Downtown Master Plan	Lawless	Apr 08	
• Management Audit Recommendations	Crosbie	May 08	Fall 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	Fall 2010
• Parks Master Plan Funding	Feigel	Jan 10	Fall 2010
• Secure by Design	James	Jul 10	August 2010