

Farmer, Chair
Mossotti, Vice Chair
Gorton
Ellinger
Kay
Ford
Lawless
Beard
Clarke
Henson

A G E N D A

Planning & Public Works Committee

January 14, 2014

1:00 P.M.

1. **November 12, 2013 Committee Summary** (1-7)
2. **Merge Streets/Roads & Traffic Engineering - Farmer** (8-10)
3. **Design Excellence Recommendations - Kay** (11-39)
4. **Planning & Development Fee Structure – Gorton/Links** (40-51)
5. **Items Referred** (52)

“Planning & Public Works Committee, to which should be referred matters relating to the Division of Planning and including, but not limited to matters related to housing, infill and redevelopment, purchase of development rights and historic privation, and any related partner agencies and the Department of Public Works and its related divisions, including capital improvement projects and any related partner agencies”

-Council Rules & Procedures, Section 2.102(1)

2014 Meeting Schedule

January 14	June 10
February 11	July 1
March 4	August 12
April 8	September 9
May 6	October 7

**Planning & Public Works Committee
November 12, 2013 Summary**

Chair Farmer called the meeting to order at 11:00am. Council Members Mossotti, Gorton, Ellinger, Kay, Ford, Lawless, Beard and Clarke were present. Henson was absent.

I. October 8, 2013 Committee Summary

Motion by Beard to approve the October 8, 2013 committee summary. Seconded by Ellinger. Motion passed without dissent.

II. Capital & Maintenance of LFUCG Major Roadways

Wente provided an updated to the committee on questions asked at the last meeting. Major and minor arterials were reviewed, not including collector roads. The average assessed rating was 88, which is an excellent rating. The percentage that would require resurfacing was 5%, with an estimated cost of \$1.4MM. Roads rated between 65 and 75 was effectively 9% of major and minor arterials, the estimated cost is roughly \$2.2MM in resurfacing costs. Wente offered to provide a list of roads and map them out in GIS form if the committee would like.

Farmer stated that this sums up the discussion and comes down to a policy and implementation decision. Farmer asked Wente if he wanted to bring something else later. Wente stated that this was just for discussion moving forward if the council wanted to add a line item to the budget for this purpose as opposed to using individual district funds to cover. He added that a number of these streets are already slated for resurfacing in the spring. Alumni is one of them and UK has proposed a complete overhaul from Nicholasville Road to Tates Creek.

Stinnett asked if there was a list of these roads and the last time they were repaved and what it cost that could be used to develop a plan for budgeting purposes going forward. Wente said he was trying to accommodate that in this information and is where the \$1.4MM came in. He does not have the information on the last time and cost. Stinnett added that he was looking for an annual number that could be used during budget planning. Wente feels the \$1.4MM number would be sufficient to cover the roads that are at a greatest need. Stinnett asked what the following year would need. Wente said if we budgeted the \$1.4MM, he did not think we would need nearly that much the next year. Stinnett wants to be able to come up with an annual recommendation. Wente said that is a moving target. At this point, he feels the \$1.4MM would be significant to address the current need and could address later for a lower amount going forward. Stinnett asked what roads make up the \$1.4MM. Wente said sections of Liberty, Fourth, Maxwell, Alumni, Old Paris Pike, sections of Man O' War, etc. He will provide the list. Stinnett asked how often major roads were done, was it the same as residential streets. Wente said that is correct.

Stinnett wants to get to a real number for the upcoming year and also a number that can be used going forward to avoid coming back to this every year and getting behind like we are now. Martin added that in order to get to an annual replacement, we need to modify our approach because failure does not occur on a predictable manner. If we are using a paving rating system, some streets will not fail as quickly as others do. We need to rate the most heavily travelled roads in a different way.

Beard asked if there was a bigger picture for Alumni, i.e. four lanes. Wente said that there have been preliminary drawings for realignment but the width would stay the same (from Bates Creek to Nicholasville). UK would be the contractor and then deed that portion of the road to the city for maintenance. We would have to budget for the shoulder work on the additional parts of the road.

Farmer added that this will serve as a heading for what to fund and requested that we use it in that fashion going forward.

III. Elm Tree Lane Sidewalk

Wente provided an update on the information gathered on the condition of the sidewalk, lighting and overall condition of the road. There is a definite need of repair of this section of the sidewalk. The sidewalk replacement would cost approximately \$4300, tree trimming would be roughly \$500 to address the issue and assist in illuminating that corridor. He is still in discussion with Traffic Engineering to get a cost to increase the lumens on the two fixtures that exist on the corridor. The only other question is the funding source for the improvements.

Ford asked if the administration would have a recommendation to bring to committee for the funding source. The sidewalk needs to be replaced and is in this state due to neglect over the years. Farmer added that there were two recommendations in the packet, MAP or NDF, and between the two he feels that we should ask the Administration to use MAP funds. Paulsen added that they were working with KU to see if they could help in some way with the lighting and this could result in a lower cost for LFUCG. Farmer confirmed that they could have a more definitive number by the December meeting.

Motion by Ford to authorize the administration to use MAP funds to repair the sidewalk. Seconded by Ellinger. Motion passed without dissent.

Akers asked if there was a neighborhood association that could contribute to the cost of the repairs. Ford stated that this was a matter of infrastructure and is the responsibility of the government to maintain. Akers asked who did the lighting assessment. Paulsen stated that he did it and that he has worked on these types of issues in the past.

IV. Design Excellence Task Force

Kay provided an overview of the DETF recommendations and highlights of the report out for the committee.

Bill Lear commented on the recommendations of the task force. He is supportive of the concept and most of the standards and guidelines. However, there are some issues that he and others are not comfortable with. First, there is not a long line of people wanting to build new things in downtown Lexington at this time. The idea of creating new regulations and restrictions at a time when you are not in high demand is not the right way to go. If there is great demand, you can put more restrictions in place and people will comply if they want to be there bad enough. The point is that any new guidelines or restrictions need to be coupled with real incentives to generate interest. What has emerged is lip service but no actual proposals. The only incentive that has been mentioned with any specificity is having some process to make it easier for people to work through the guidelines that do not exist. The second thing is that he feels this should be staff driven. What has evolved is a board driven process with the majority of the board being design professionals. This results in approvals being based on the opinion of design professionals on the board rather than a set of guidelines that can be reviewed. The process is overly dependent on a board which could delay the process or deny ideas that meet the criteria.

Knox Van Nagle commented on the recommendations of the task force. She agrees with Lear that there are some issues that need to be resolved. There needs to be more clarity given to building demolition within the design excellence district. We need a development incentives package. We need to determine how the guidelines will interact with ongoing parking, traffic (such as two-way streets) and public space planning efforts downtown. To move the design excellence program forward without resolving these issues will result in the creation of an environment that will demand improved development quality and added expense without the regulatory clarity, financial programs and collaboration with our master planning efforts in order to make it a success. They request that they slow down this effort to focus on these issues.

Farmer stated that there will be a meeting for public input on November 14th, the task force will meet again on November 18th and this could come up again in a more complete form at the December 3rd meeting.

Gorton commented on item #6 (the board) she feels there should be discussion around whether the board should include a citizen who does not live or work downtown and is not a design, planning or historic preservation person, just a plain old citizen. Gorton added that the council should have approval of the nominees to

the board. Gorton agreed with Lear on incentives and that we cannot go forward until something is flushed out on incentives.

Mossotti suggested that there should be someone on the board with a real estate background. She feels everyone has the same goal to revitalize the downtown, when impediments are added it makes it more difficult for people to come here. Someone with a real estate background can offer suggestions as they do this every day so they know what people like and what they are looking for. Mossotti agrees that there needs to be some type of incentive offered.

There was a knock at the door...

After returning from door duty, Akers commented.

Akers asked how this board would relate the existing BOAR and the courthouse area design review board. Kay stated that the courthouse overlay would be absorbed by this new board and would cease to function. The others would continue to function with the exception that if you are in an H1 overlay zone, then those rules would prevail. Akers think we all want great design and architecture but does not know that implementing or enforcing increased guidelines will help. She feels this will only increase the cost to be downtown.

Clarke asked for examples of incentives. Lear said number one is parking. In the most progressive cities there are a lot of parking structures that are built publicly or in a public-private partnership. The cost of parking is the number one issue in downtown. Lear feels we should TIF everything we can downtown and the government should do this rather than leave it up to the developer to initiate. Another issue is solid waste, chances are you will pay the full urban service rate for garbage collection and not get it from the Urban County Government, resulting in having to pay a private service to pick up. Van Nagel added that if they could have a couple of months, and the DDA would agree, they could organize a group to come up with some kind of report about what is out there and what would be feasible, along with a cost. Van Nagle feels we need to define better what Lexington can do and what it will cost so that we can at least have some sort of strategic plan and an idea to work into the process.

Lawless agrees with Lear on the TIF money. Lawless added that one of the barriers she has seen is that when a project is ready to go, there are a lot of hoops to jump through resulting in delays to the project or no completion. She feels this is a good working document. She agreed again with Lear about parking. Lawless wanted to address the amendment to the B2a parking at some point. She thinks there are places in B2a that would work well and places that would not work at all. This has to be something that we look at. She thinks this is a great document and there are

some things we will love about it and some things that people may not love so much.

Akers agreed that we talk about incentives but do not do anything with them. Akers agrees with Van Nagle that there should be a group to review the options. Akers asked about staffing, will these be new positions in the Division of Planning. Kay stated that the infill position formerly existed in Planning but was eliminated during budget reductions. The other position, in part, would replace the person that staffed the courthouse overlay. It is not a new position but an expanded position. Akers asked why this would not be the DDA. Fugate commented on the differences between the DDA and the Planning Division. Fugate stated that the infill facilitator would be not just in planning but in the commissioner's office and would deal with all permitting functions. The DDA was created to work on economic development functions. In the past, DDA staff may have taken this on but it is really an internal function. Akers asked if all development gets a facilitator or only downtown development. Paulsen stated that this person would focus on projects downtown but would also work on other projects around town. Akers asked if the guidelines were applicable to the entire city. Kay said that as proposed they are applicable to downtown zones. Akers asked if a design excellence officer would focus on all projects or downtown, added that it doesn't seem like there would be enough to keep them busy. Paulsen stated that they think there will be plenty for them to do and offered examples of things they could do to help with design plans. They are asked for help that we currently cannot provide without hiring an outside entity to help.

Gorton asked about small area plans, which have been housed in planning and outside people were hired to help with small area plans. She did not think the small area plans would be part of design excellence. Paulsen said they are not a part of it. They are a lot more in depth and require a lot more work than our staff can supply. They are talking about projects that do not fall into this category. This individual could cover these requests and cover the downtown area, as well as others that come in that do not qualify as a small area plan. King commented on the difference between urban design and planning. We have not had any urban design planners. King stated that it is important that the design excellence person be in planning. The advantage of having the facilitator housed on the commissioner's office, is that there are so many things this person would do that cross all of government. He feels this new person could manage this part of the design excellence program, would bring urban design expertise services not currently provided and review public works projects to see if we can turn them into visual assets. Gorton asked Farmer to have King to send his thoughts via email for inclusion in the packet for the next meeting. Farmer agreed that this would be a great opportunity for the council to become familiar with not only this work product but other things that they need to take action on.

Lawless added that she would like the North Nicholasville small area plan that was started before she came onto Council and was abandoned to be done. She understood that there was funding for two small area plans and would like to put a plug in for this one because it is necessary.

Clarke mentioned the potential for something special on Southland Drive. They have been begging for help and having someone in government that could do this would be extremely valuable. This is the kind of thing that can help throughout the city and would be an important step forward.

Beard stated that this may be much ado about nothing and asked how we would get anybody to come down here and do anything without real money. Why would they come here when they could go to Hamburg or Beaumont. He feels this is not going to happen. He has been in 37 meetings and this did not come out as they thought it would and feels it has wasted a lot of time. Farmer suggested that it could be much ado about something we want to get right in the future. Beard asked if that was 2084. Farmer said the opportunity lies ahead of them and feels that the conversation about a facilitator has been valuable and if that is the only thing to come from this, then it was worth it.

Akers thinks the conversations about the staffing are needed and should be part of a separate discussion from the downtown proposal of the task force. Akers commented on the Distillery District and issues surrounding the development of that area.

Farmer stated that the package before them was to help downtown but if the committee desires to send to full council, the funding of a facilitator, then that is what will happen. We need infill and we need to find ways to incentivize it and make it happen.

Kay commented on the discussion. He would encourage the task force to make decisions and changes as needed after input from this meeting and public input. He is hopeful that a modified set of materials can be brought back to committee for further changes or referral to the full Council.

Farmer stated that this conversation will be continued in December.

V. Agenda Addendum – B1 ZOTA Report

Farmer commented on the process involved up to this point and added that this could be moved forward to the full Council for approval.

Lawless would like the Public Safety Committee to look at a way to provide oversight to rehabilitation homes and will make a motion at work session to refer this item.

Motion by Clarke to move the B1 ZOTA to full council. Seconded by Ellinger. Motion passed without dissent.

VI. Items Referred

Motion by Ellinger to adjourn. Seconded by Gorton. Motion passed without dissent.



Lexington-Fayette Urban County Government
DEPARTMENT OF ENVIRONMENTAL QUALITY & PUBLIC WORKS

Jim Gray
Mayor

Charles H. Martin, P.E.
Acting Commissioner

To: Sally Hamilton, CAO
Glenn Brown, Deputy CAO

From: 
Charles H. Martin, P.E., Acting Commissioner
Department of Environmental Quality and Public Works

Date: January 3, 2014

RE: Evaluation of the Potential Merger - Traffic Engineering and Streets & Roads

After careful consideration of the opportunities for merger of the two above referenced divisions; it is my recommendation that the existing division structure be left unchanged with the single exception of considering reclassification of the Streets & Roads director position.

If this recommendation were endorsed, my plan would be to:

- Immediately re-advertise the vacant Director of Traffic Engineering;
- Work with Human Resources, the administration and Urban County Council to reclassify the vacant Director of Streets & Roads position, removing the requirement of a Professional Engineer's license;
- Advertise the vacant Director of Streets and Roads position based on the outcome of the reclassification process.

Enclosed is a pros and cons analysis spreadsheet that outlines my thought process in developing this recommendation. In summary, it is my conclusion that merger of these two divisions, based on their current respective areas of assignment and responsibility; is not justified because sufficient synergies to justify the merger do not currently exist.

Questions regarding this agreement should be directed to Charles Martin at 425-2851.

2013 MERGER EVALUATION
TRAFFIC ENGINEERING / STREETS and ROADS

MERGER OPPORTUNITY	PROS	CONS
Personnel	Reduced cost at management level by merging two divisions, each currently with a director / deputy director format.	Management of merged unit operating from four different offices would not likely address accountability challenges that currently exist.
	Streets & Roads would have better access to technical advice from licensed engineers.	The vast majority of projects completed internally by S&R does not require direction from a licensed engineer. For those that do require engineering expertise, S&R already utilizes staff from the division's of Water Quality and Engineering in a fairly effective manner.
		Labor series for each division have little in common. Traffic labor series is comprised of traffic signal and engineering technicians - electronics and control panels is their forte. Labor series for S&R comprised of site work type workers (grading/parking lot/curb/sidewalk construction).
		Skill set most needed in S&R are workers with a Commercial Drivers License (CDL). No current Traffic employee classifications are required to have a CDL and no current employees possess one.
		Nearly one-third of the Traffic Engineering staff (Computerized Traffic Signals section) has no readily apparent common work processes with Streets and Roads. In particular, operation and maintenance of the Traffic Management Center has more in common with Public Safety and Public Information than with Streets and Roads.
		No apparent reduced cost in administrative support because consolidation of the four different office locations is unlikely in the near-term.

2013 MERGER EVALUATION
TRAFFIC ENGINEERING / STREETS and ROADS

MERGER OPPORTUNITY		PROS	CONS
Operations			
	Opportunities for better fleet utilization exist with merger of the two divisions.	The existing scheme of operating from four different office locations eliminates any substantive near-term opportunities.	
		Future operational synergies could be realized by combining operational units into fewer locations but this could obviously be accomplished without an ordinance driven merger of divisions.	
	Potentially better coordination of the repaving program by placing pavement contractor management, vehicle detection loop restoration and restriping under one chain of command.	Failure to move the pavement rating process into the merged division would undermine the value of the change.	
	Potentially better coordination of the sign installation program by merging the existing internal sign evaluation process and developing an internal sign installation process.	Failure to move the other transportation oriented programs which reside in Engineering (New Development, MAP Capital Construction and Right of Way Management) and Planning (MPO functions) seems to undermine the overall value of a merger.	
Capital			
	None perceived	Capital project menu for each division has little in common, electronics vs. asphalt/concrete/rebar. Traffic - signal installation or reconstruction is largest field level expense, most of which is externally contracted. For S&R - most capital projects are routine in nature: parking lots, stormwater inlet improvements, curb and sidewalk modifications. Larger, external projects budgeted and managed by DWQ or Engineering.	

Design Excellence Task Force Update
January 14, 2014

Since the November Planning Committee meeting, the Design Excellence Task Force held a public outreach meeting which had an attendance of approximately 20 people. There was an interesting and lively discussion but no concerns were raised.

The Task Force also met to address the outstanding issues and made the following recommendations:

1. Iconic - The definition will be removed.
2. Thresholds
 - a. New Construction - The threshold for Board review of new construction was changed to .75 acre or greater development site.
 - b. Rehabilitation - The threshold for rehabilitation was changed to include a minimum square footage of 10,000 square feet or greater or if the building has been designated outstanding or significant by the Downtown Building Inventory; and modification of exterior existing primary structure is greater than 50% or an addition is greater than 25% of the square footage of the existing primary structure for Board review.
 - c. Demolition - The threshold for Board review of demolition was changed to 25 % or greater of a existing principle structure or if the building was designated outstanding or significant by the Downtown Building Inventory. Language will be included that demolition is stayed on appeal.
3. Multi-state process - The multi-stage process will remain as is but the filing requirements will be lessened. An applicant will be required to file scaled elevations, plans, context analysis, and other documents as needed including guiding notes and dimensions.
4. Pedways – The prohibition will remain but there was not consensus.
5. Sustainability – The guideline will be removed and incentives will be investigated.
6. Parking – Julian Beard expressed a concern that commercial wraps don't always work. The staff proposed that the language be left as is since it was only one of several suggestions. The Task Force agreed, but there was not consensus.

7. Replication discouraged - The last bullet point which states “[r]eplication and recreation of non-surviving historic facades and architectural features is discouraged” will be removed.
8. Repair rather than replace - The phrase “repair rather than replace” will be removed and language will be inserted reflecting the intention that changes should be consistent with the building’s design elements.
9. Board make-up – The board make-up was changed to reduce the number of design professionals to three, one of which had to be an architect and one of which had to be a landscape designer; and a citizen-at-large was added.
10. Board – The Board will be approved by Council.
11. The Board will have to follow all Standards and Guidelines unless the written findings provide a reasons for any variance.
12. Appeal – The appeal will be direct to Circuit Court.
13. Government Projects – The Standards and Guidelines should be applied to government projects even though it cannot be required by law.
14. Grandfathering - Projects approved or in process under the current Courthouse Area Design Review Board will be grandfathered into the current process.
15. Staff qualifications – Graham Pohl had a concern that the Design Excellence officer should be an architect with five years design leadership. The staff proposed that it should be left as it is and those requirements be evaluated in the job description. Comm. Paulsen is concerned that the budget will not allow the salary to be commensurate with this requirement. He is currently having problems hiring a professional engineer. The Task Force agreed that this requirement should not be in the ordinance but in the job description.
16. Infill Facilitator – This position will be renamed to “Project Facilitator” and the Commissioner intends with hiring this position as soon as possible.
17. The incentives should include but should not be limited to:
 - a. Lexington Downtown Development Authority (LDDA) conduct an economic analysis of the residential and retail markets and develop an economic incentive program proposal;

- b. Lexington Parking Authority (LPA) create a ten-year capital development plan for new garages and other public parking facilities;
- c. LFUCG fund the acquisition of land within the Infill and Redevelopment Zone for Economic Development purposes;
- d. LFUCG review and propose fee waivers or restructuring of permitting fees within the Infill and Redevelopment (I/R) Area;
- e. LFUCG create commercial parking zones, providing alternatives to current parking requirements in the I/R Area;
- f. LFUCG develop new waste collection protocol and policies for the I/R area;
- g. LFUCG create an I/R specialist staff position;
- h. LFUCG create a streamlined “one-stop” permitting process; and
- i. LFUCG create incentives for sustainable development.

Status of Incentives

1. The LDDA is conducting an economic analysis of the residential and commercial (office, retail, etc.) markets to develop an economic incentive program. Base data will be collected by mid-January 2014 to be used for the analysis and a consultant will be engaged in February 2014. Economic incentive recommendations will be created following this analysis with a report due by budget discussions.

Often economic incentives are managed by a Downtown Development Corporation whose operations are typically funded through a mix of earned income from the real estate and finance activities and program grants from national organizations. Start-up funds and sometimes part of the operational costs are provided by the city. 3CDC in Cincinnati is a relatively new entity and got started when the City sold them a garage below market value and then provided a grant to help fix it up. The revenue from the garage helped fund their acquisition of blighted properties in Over the Rhine. Also, the local corporations contributed a significant amount of money for a series of redevelopment loans that have paid back and been reinvested in the organization's activities.

Louisville's Downtown Development Corporation is also a relatively new entity and has an annual operating budget of approximately \$1.2 million. It receives approximately \$600,000 from the lease of Slugger field and the rest from private donations. It operates two \$4.5 million revolving loan funds (residential and commercial) funded by a consortium of local banks.

2. The LPA is writing a scope of work for a ten-year capital development plan for new garages and other public parking facilities. Pending LPA board approval the RFP is to be released late spring with a completed plan by the end of the 2014 calendar year. While the need for parking is known, it is important to understand exactly where and when this parking is needed and the best funding mechanism. For example, Indianapolis recently provided \$6.35 million to build a parking garage in downtown Indianapolis funded by the sale of the city's parking meters to a private company. Concerns have been raised because it is currently only 5.5% full on average and 19% full at peak times. The city also does not get any revenue from the garage, its signage is not up to code, and a neighborhood parking permit program has not been initiated as promised. As this example shows, research and planning into need, funding, site selection, and operation are imperative before appropriating funding for parking garages as development incentives.
3. The Infill Committee is also reviewing and proposing fee waivers and restructuring of permitting fees within the infill area; investigating creating commercial parking zones and providing alternatives to current parking requirements; developing new waste collection protocols and policies for the infill area; and researching several different kind of incentives including façade improvement and sustainability.
4. The Commissioner plans to request a "project facilitator" in next year's budget and is working on streamlining a "one-stop" permitting process.

Attached are the following:

Timeline

Proposed amendments to Article 8 of the Zoning Ordinance

Proposed amendments to Article 27 of the Zoning Ordinance

Standards and Guidelines

January

Planning Committee
Jan. 14th
-Present Incentives
Development Plan
*Execute Plan to create
Incentives
Recommendations

-DDA data collection
-I/R data collection

Incentives

Planning Committee
Jan. 14th
-Present DE Proposal
-Standards & Guidelines
-Process
-Staffing

Council
Jan. 21st- Planning Committee
Report out
Jan. 30th- First Reading

DE Proposal

February

-DDA data collection
-I/R data collection
-LPA Study presented to
Board

Incentives

Council
Feb. 13th- Second Reading
*send to Planning Commission

Planning Commission
work through DE proposal for up to
60 days (up to April 13th)

DE Proposal

March

Incentives Budget
Requests
-DDA
-LPA
-I/R Committee
-Request for Project
Facilitator and DE Officer
staffing

Budget

-DDA Market Analysis with
Consultant
-I/R data collection
-LPA RFP drafted &
approved by board

Incentives

*Report to Mayor & Council
regarding budget requests
as needed

Planning Commission
work through DE proposal for up to
60 days (up to April 13th)

DE Proposal

April

Mayor's Budget Released

Budget

Planning Committee
Report regarding work
completed and next steps
and any incentive
recommendations

Incentives

-DDA report of residential &
commercial market analysis
-I/R barriers
recommendations

Planning Commission
work through DE proposal for up to
60 days (up to April 13th)

*send to Planning Committee with
recommended changes

DE Proposal

May			
Council Budget	Budget	Incentives	DE Proposal
	Council Report regarding work completed and next steps and any incentive recommendations -LPA RFP released, submittal deadline early may	Planning Committee May 6th work through recommended Planning Commission changes *send to Council Council -Planning Committee Report May 13th -First reading May 22nd	
June			
FY15 Budget Completed	Budget	Incentives	DE Proposal
	-LPA RFP out, submittal deadline	Council -Second reading June 5th DE Proposal Executed -Standards & Guidelines -Process -Staffing (create job descriptions)	
July			
FY15 Budget Executed	Budget	Incentives	DE Proposal
	-LPA RFP awarded & contract drafted	DE staffing job postings -DE Officer -Project Facilitator	
August			
FY15 Budget Executed	Budget	Incentives	DE Proposal
	-LPA study begins -LPA report completed Dec. 2014	DE staffing job postings -DE Officer -Project Facilitator	

PROPOSED AMENDMENTS 11-4-2013
8-17 DOWNTOWN BUSINESS (B-2) ZONE

8-17(a) Intent - This zone is intended to accommodate existing and future development in the Central Business District.

8-17(b) Principal Uses (Other uses substantially similar to those listed herein shall also be deemed permitted.)

1. The principal permitted uses in the B-1 (and P-1) zone.
2. Amusement enterprises, such as indoor billiard or pool halls; bowling alleys; dance halls; skating rinks.
3. Restaurants, cocktail lounges and nightclubs, with entertainment, dancing or the sale of alcoholic beverages.
4. Establishments for the display, rental, or sale of automobiles, motorcycles, trucks not exceeding one and one-half (1½) tons, and boats limited to runabout boats, provided that the outdoor display or storage of vehicles shall conform to the requirements of Article 16.
5. Establishments engaged in blueprinting, printing, publishing, and lithographing, interior decorating; upholstering; laundering; clothes cleaning and dyeing; dressmaking and tailoring.
6. Hotels and motels.
7. Passenger transportation terminals.
8. Any type of dwelling unit.
9. Wholesale establishments.
10. Minor automobile and truck repair.
11. Establishments primarily engaged in the sale of supplies and parts for vehicles and farm equipment.
12. Pawnshops.
13. Stadium and exhibition halls.
14. Cable television system signal distribution centers and studios.
15. Animal hospitals or clinics, provided all exterior walls are completely soundproofed and all animal pens are completely within the principal building and used only for the medical treatment of small animals.
16. Athletic club facilities.
17. Adult arcades, massage parlors, adult book- stores, adult video stores, adult cabarets, adult dancing establishments, adult entertainment establishments, and sexual entertainment centers, provided that none shall be located within a 500-foot radius of any agricultural or residential zone, any elementary or secondary school, any park attended by persons under 18 years of age, or within a 1,000-foot radius of any other similarly regulated adult business.

8-17(c) Accessory Uses (Uses and structures which are customarily accessory, clearly incidental and subordinate to permitted uses.)

1. Storage, wholesaling, and warehousing.
2. Storage yards for delivery vehicles of a permitted use.
3. Sidewalk café, when accessory to any permitted restaurant.
4. Major automobile and truck repair, when accessory to an establishment primarily engaged in the sale of automobiles and trucks.
5. Satellite dish antennas, as further regulated in Article 15-8.
6. Micro-brewery, when accessory to a restaurant permitted herein, and shall be located at least one hundred (100) feet from a residential zone and shall be soundproofed to the maximum extent feasible by using existing technology, with noise or other emissions not creating a nuisance to the surrounding neighborhood.

8-17(d) Conditional Uses (Permitted only with Board of Adjustment approval.)

1. Helistops, provided such facilities conform to the requirements of all appropriate federal, state and local regulations.
2. Drive-through facilities for sale of goods or products or provision of services otherwise permitted herein.
3. Mining of non-metallic minerals, but only when the proposal complies with the requirements of the Mining/Quarrying Ordinance (Code of Ordinances #252-91) and the conditions and requirements as set forth

therein. The Board of Adjustment shall specifically consider and be able to find:

- a. That the proposed use will not constitute a public nuisance by creating excessive noise, odor, traffic, dust, or damage to the environment or surrounding properties;
 - b. That a reasonable degree of reclamation and proper drainage control is feasible; and
 - c. That the owner and/or applicant has not had a permit revoked or bond or other security forfeited for failure to comply with any Federal, State or local laws, regulations or conditions, including land reclamation, pertaining to the proposed use.
4. Adult arcades, adult bookstores, adult video stores, adult cabarets, adult dancing establishments, adult entertainment establishments, and sexual entertainment centers, except as permitted herein, provided none shall be located within a 500-foot radius of any elementary or secondary school, any park attended by persons under 18 years of age, or within a 1,000-foot radius of any other similarly regulated adult business.
 5. Gasoline pumps available to the public without an employee on site, provided a plan is approved by the Board of Adjustment for periodic inspection of the site by an employee for the following purposes:
 - a. To check all operating equipment;
 - b. To check fire suppression system(s);
 - c. To check the condition of the fire alarm(s);
 - d. To check for indications of fuel leaks and spillage;
 - e. To remove trash from the site;
 - f. To monitor the general condition of the site.
 6. Assisted living facilities and rehabilitation homes, when located closer than five hundred (500) feet from a residential zone.

8-17(e) Prohibited Uses (All uses other than those listed as principal, accessory, or conditional uses or substantially similar to principal, accessory, or conditional uses shall be prohibited. The uses below are provided for illustration purposes and for the purpose of limiting permitted uses, and are not intended to be a total listing of all the uses that are prohibited.)

1. The prohibited uses in the B-1 zone, items 1 through 7, except as permitted herein.
2. Outdoor kennels, or outdoor animal runs.
3. Establishments engaged in the display, rental, or repair of farm equipment, trucks exceeding one and one-half (1½) tons, and contractor's equipment.
4. The above- or below-ground storage of any flammable material in gaseous form, including compressed natural gas.

Lot, Yard and Height Requirements (See Articles 3 and 15 for additional regulations.)

8-17(f) Minimum Lot Size - No limitation.

8-17(g) Minimum Lot Frontage - No limitation.

8-17(h) Minimum Front Yard - ~~No limitation.~~ See Special Provisions

8-17(i) Minimum Each Side Yard - ~~No limitation.~~ See Special Provisions

8-17(j) Minimum Rear Yard - No limitation.

8-17(k) Minimum Usable Open Space - No limitation (~~except that residential uses shall provide useable open space equal to not less than 10% of only those floors occupied by dwelling units.~~)

8-17(l) Maximum Lot Coverage - No limitation.

8-17(m) Maximum Height of Building - ~~No limitation.~~ See Special Provisions

8-17(n) Off-Street Parking (See Article 16 for additional parking regulations.)

Dwelling Units - No requirements, except for buildings with 25 or more dwelling units; then one (1) space for

every two thousand (2,000) square feet of residential floor area.

All Other Permitted Uses - Off-street parking not required.

Off-street loading shall be as required in Article 16.

8-17(o) Special Provisions

- ~~1. For any development within the Urban Renewal Project Area, all provisions of the Urban Renewal Plan shall take precedence over any provisions of this B-2 zone where such provisions are more restrictive than those set out in this zone.~~
- ~~2. For those floors of buildings containing dwelling units with windows for habitable rooms, there shall be provided a height to yard ratio of 3:1 for light and air. Public street right of way width may be used as part of this setback requirement, except that a minimum setback of five (5) feet from the property line, other than property lines adjoining street right of way, shall be required in any case. No setback shall be required for those floors containing non-residential uses or dwelling unit walls without windows.~~
- ~~3.1. Redevelopment of any site shall comply with the Downtown Streetscape Master Plan for Lexington, Kentucky.~~
2. No building permits shall be issued within a B-2 zone except in compliance with the provisions of Article 27. The Downtown Design Excellence Board shall be empowered to fully regulate building heights, setbacks, and other design features in compliance with the provisions of the adopted guidelines.
3. For any property zoned B-2 which is within an H-1 Overlay District, the rules and procedures outlined in Article 13 shall take precedent and the property shall not be subject to 8-17(o)(2).

8-18 DOWNTOWN FRAME BUSINESS (B-2A) ZONE

8-18(a) Intent - This zone is intended to accommodate existing and proposed development in the transitional "frame," which surrounds the downtown core area, by providing for comparable and compatible uses while anticipating the future expansion of the downtown core area.

8-18(b) Principal Uses (Other uses substantially similar to those listed herein shall also be deemed permitted.)

1. The principal permitted uses in the B-2 zone.

8-18(c) Accessory Uses (Uses and structures which are customarily accessory, clearly incidental and subordinate to permitted uses.)

1. The permitted accessory uses in the B-2 zone.

8-18(d) Conditional Uses (Permitted only with Board of Adjustment approval.)

1. The permitted conditional uses in the B-2 zone.

8-18(e) Prohibited Uses (All uses other than those listed as principal, accessory, or conditional uses or substantially similar to principal, accessory, or conditional uses shall be prohibited. The uses below are provided for illustration purposes and for the purpose of limiting permitted uses, and are not intended to be a total listing of all the uses that are prohibited.)

1. The prohibited uses in the B-2 zone.

Lot, Yard, and Height Requirements (See Articles 3 and 15 for additional regulations.)

8-18(f) Minimum Lot Size - No limitation.

8-18(g) Minimum Lot Frontage - No limitation.

8-18(h) Minimum Front Yard - 40 feet. ~~No limitation.~~

8-18(i) Minimum Each Side Yard - No limitation, ~~except that side street side yard shall be ten (10) feet.~~

8-18(j) Minimum Rear Yard - No limitation.

8-18(k) Minimum Usable Open Space - No limitation, ~~except that residential uses shall provide useable open space equal to not less than ten percent (10%) of only those floors occupied by dwelling units.~~

8-18(l) Maximum Lot Coverage - No limitation.

8-18(m) Maximum Height of Building -- ~~Up to 12 stories under Special Provisions below, that buildings up to ten (10) stories shall be permitted if the Planning Commission approves a development plan; and for every story in excess of three (3) stories, one percent (1%) of the total lot area shall be added to the otherwise required front yard, or such area shall be provided as ground level open space on land adjoining the right of way.~~

8-18(n) Off-Street Parking (See Article 16 for additional parking regulations.)

~~Twenty-five percent (25%)~~ Ten percent (10%) of the least parking area required in any zone, other than the B-2 or B-2B zones which permit the principal or a similar use. Off-street loading and unloading areas shall be as required in Article 16.

8-18(o) Special Provisions

1. No building permits shall be issued within a B-2A zone except in compliance with the provisions of Article 27. The Downtown Area Design Board shall be empowered to fully regulate building heights up to the 12-story limit, setbacks, and other design features in compliance with the provisions of the adopted guidelines.
2. For any property zoned B-2A which is within an H-1 Overlay District, the rules and procedures outlined in Article 13 shall take precedent and the property shall not be subject to 8-17(o)(1).

8-19 LEXINGTON CENTER BUSINESS (B-2B) ZONE

8-19(a) Intent - This zone is intended to ensure compatible land uses, the preservation of existing attractions compatible with the Lexington Center, and the encouragement of new uses necessary to the proper development of the downtown area. The permitted land uses in the zone should have some logical relation to the Lexington Center and to the downtown core, should promote tourism, should promote the economic health of the community, should provide for an aesthetically pleasing environment, and should prevent the creation of influences adverse to the prospering of the Lexington Center and the downtown area.

8-19(b) Principal Uses (Other uses substantially similar to those listed herein shall also be deemed permitted.)

1. Civic Center and convention facilities.
2. Banks, credit agencies, security and commodity brokers and exchanges, credit institutions; savings and loan companies, holding and investment companies.
3. Offices and clinics.
4. Schools for academic instruction.
5. Libraries, museums, art galleries, and reading rooms.
6. Studios for work or teaching of fine arts, such as photography, music, drama, dance or theater.
7. Churches, Sunday schools, and parish houses.
8. Ticket and travel agencies.
9. Restaurants, cocktail lounges and nightclubs, including those serving alcoholic beverages and/or offering live entertainment, except as prohibited under Section 8-19(e).
10. Establishments for the retail sale of primarily new merchandise.
11. Beauty shops, barber shops, shoe repair, dressmaking or tailoring.
12. Retail sale of plant, nursery or greenhouse products, or agricultural produce.
13. Hotels or motels.
14. Any type of residential use.
15. Antique shops.
16. Establishments for the display, rental or sale of automobiles, motorcycles, trucks not exceeding one and one-half (1½) tons, and boats limited to runabout boats; provided that the outdoor display or storage of vehicles shall conform to the requirements of Article 16.
17. Amusement enterprises, such as circuses; carnivals; horse racing or automobile racing, provided such activity is operated on a temporary basis of a duration not exceeding two weeks.
18. Establishments engaged in blueprinting, printing, publishing, and lithography; interior decoration and upholstering; repair of household appliances.
19. Bookstores, except as prohibited under Section 8-19(e).
20. Indoor amusement enterprises, such as motion picture theaters, except as prohibited under Section 8-19(e); billiard or pool halls; bowling alleys; dance halls, skating rinks; and arcades.
21. Computer and data processing centers.
22. Telephone exchanges, radio and television studios.
23. Cable television system signal distribution centers and studios.
24. Private clubs, except as prohibited under Section 8-19(e)(7, 8 and 9).
25. Kindergartens, nursery schools and child care centers for four (4) or more children. A fenced and screened play area shall be provided, which shall contain not less than twenty-five (25) square feet per child.
26. Pawnshops which: (1) were in operation prior to August 31, 1990 and in compliance with the provisions of KRS 226.010 et seq. and Code of Ordinances, Sections 13-52 and 13-53; or (2) had on file with the Lexington-Fayette Urban County Government, prior to August 31, 1990, an application for a business license or certificate of occupancy.

8-19(c) Accessory Uses (Uses and structures which are customarily accessory, clearly incidental and subordinate to permitted uses.)

1. Storage area for delivery vehicles of a permitted use.
2. Sidewalk café, when accessory to any permitted restaurant.
3. Health clubs, athletic clubs and spas, when operated solely for the use of occupants of residential uses, employees, tenants and owners of office uses, or registered guests of hotels and motels.

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4. Major automobile and truck repair, when accessory to an establishment primarily engaged in the sale of automobiles and trucks.
 5. Parking lots and parking structures, when accessory to principal permitted uses.
 6. Satellite dish antennas, as further regulated by Article 15-8.
 7. Micro-brewery, when accessory to a restaurant permitted herein; and shall be located at least one hundred (100) feet from a residential zone and shall be soundproofed to the maximum extent feasible by using existing technology, with noise or other emissions not creating a nuisance to the surrounding neighborhood.

8-19(d) Conditional Uses (Permitted only with Board of Adjustment approval.)

1. Automobile service stations at which only minor automobile and truck repair is performed, and provided such use conforms to all requirements of Article 16.
2. Automobile rental facilities; parking lots and parking structures, when not accessory to a principal permitted use, provided such uses conform to all requirements of Article 16.
3. Secondhand shops.
4. Self-service laundry or laundry pick-up stations, including clothes cleaning establishments of not more than forty (40) pounds capacity and using a closed-system process.
5. Helistops, provided such facilities conform to the requirements of all appropriate Federal, State and local regulations.
6. Drive-through facilities for sale of goods or products or provision of services otherwise permitted herein.
7. Health clubs, athletic clubs and spas, except as a permitted in 8-19(c)(3).
8. Recycling drop-off centers for aluminum; steel; plastic; glass; newspapers; cardboard and other paper products; oil and other household recyclable waste, provided that such an establishment shall be located at least two hundred (200) feet from any residential zone. Any appeal for a conditional use permit to operate a recycling drop-off center shall include as part of the application: Reasons for the location of the proposed use at a specific site, description of equipment to be used, physical arrangement, and operation of the proposed center. The Board of Adjustment shall consider the necessity of screening, if needed.
9. Mining of non-metallic minerals, but only when the proposal complies with the requirements of the Mining/Quarrying Ordinance (Code of Ordinances #252-91) and the conditions and requirements as set forth therein. The Board of Adjustment shall specifically consider and be able to find:
 - a. That the proposed use will not constitute a public nuisance by creating excessive noise, odor, traffic, dust, or damage to the environment or surrounding properties;
 - b. That a reasonable degree of reclamation and proper drainage control is feasible; and
 - c. That the owner and/or applicant has not had a permit revoked or bond or other security forfeited for failure to comply with any Federal, State or local laws, regulations or conditions, including land reclamation, pertaining to the proposed use.
10. Gasoline pumps available to the public without an employee on site, provided a plan is approved by the Board of Adjustment for periodic inspection of the site by an employee for the following purposes:
 - a. To check all operating equipment;
 - b. To check fire suppression system(s);
 - c. To check the condition of the fire alarm(s);
 - d. To check for indications of fuel leaks and spillage;
 - e. To remove trash from the site;
 - f. To monitor the general condition of the site.

8-19(e) Prohibited Uses (All uses other than those listed as principal, accessory, or conditional uses shall be prohibited. The uses below are provided for illustration purposes and for the purpose of limiting permitted uses, and are not intended to be a total listing of all the uses that are prohibited.)

1. Establishments primarily engaged in agricultural equipment sales and services.
2. Warehouse, as well as storage uses, except as accessory uses herein.
3. Shops of special trade and general contractors, such as plumbing; heating; carpentry; masonry; plastering; painting; metal work; electrical; sign painting; tile, mosaic and terrazzo work; electroplating; drilling; excavating; wrecking; construction, and paving. This is not intended to prohibit administrative offices of such.

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4. Manufacturing, compounding, assembling, bottling, processing and packaging, and other industrial uses for sale or distribution other than as retail on the premises.
 5. Truck terminals and freight yards.
 6. Drive-in restaurants or drive-in theaters.
 7. Establishments offering live entertainment in which a person is unclothed, or in such attire, costume or clothing as to expose to view any portion of the female breast below the top of the areola, the male or female genitalia, or the buttocks.
 8. Establishments at which any employee is unclothed or in the attire, costume, or clothing described above, or is clothed in such a manner as to simulate the breast, genitalia, buttocks, or any portion thereof.
 9. Establishments having as a substantial or significant portion of their stock in trade for sale, rent or display, pictures, books, periodicals, magazines, appliances and similar material which are distinguished or characterized by their emphasis on matter depicting, describing or relating to such sexual activities, as (a) depiction of human genitals in a state of sexual stimulation or arousal; (b) acts of human masturbation, sexual intercourse or sodomy, or (c) holding or other erotic touching of human genitals, pubic region, buttocks or breasts.
 10. Animal kennels, hospitals, clinics, outdoor runways or pens.
 11. The above- or below-ground storage of any flammable material in gaseous form including compressed natural gas.
 12. Pawnshops, except as permitted herein.

Lot, Yard, and Height Requirements (See Articles 3 and 15 for additional regulations.)

8-19(f) Minimum Lot Size - No limitation.

8-19(g) Minimum Lot Frontage - No limitation.

8-19(h) Minimum Front Yard - No limitation. See Special Provisions

8-19(i) Minimum Each Side Yard - No limitation. See Special Provisions

8-19(j) Minimum Rear Yard - No limitation.

8-19(k) Minimum Usable Open Space - No limitation (~~except that residential uses shall provide useable open space equal to not less than 10% of only those floors occupied by dwelling units).~~

8-19(l) Maximum Lot Coverage - No limitation.

8-19(m) Maximum Height of Building - No limitation. See Special Provisions

8-19(n) Off-Street Parking (See Article 16 for additional parking regulations.)

Dwelling Units - No requirements, except for buildings with 25 or more dwelling units; then one (1) space for every two thousand (2,000) square feet of residential floor area.

Hotels or Motels - One (1) space per suite, with a minimum of five (5) spaces.

All Other Permitted Uses - Off-street parking not required.

Off-street loading shall be as required in Article 16.

8-19(o) Special Provisions:

- ~~1. For any development within the Urban Renewal Project Area, all provisions of the Urban Renewal Plan shall take precedence over any provisions of this B-2B zone where such provisions are more restrictive than those set in this zone.~~

1. Redevelopment of any site shall comply with the Downtown Streetscape Master Plan for Lexington, Kentucky.
2. No building permits shall be issued within a B-2B zone except in compliance with the provisions of Article 27. The Downtown Area Design Board shall be empowered to fully regulate building heights, setbacks, and other design features in compliance with the provisions of the adopted guidelines.
3. For any property zoned B-2B which is within an H-1 Overlay District, the rules and procedures outlined in Article 13 shall take precedent and the property shall not be subject to 8-17(o)(2).

ARTICLE 27

PROPOSED AMENDMENTS 11-25-2013

DOWNTOWN AREA DESIGN EXCELLENCE BOARD {COURTHOUSE AREA DESIGN OVERLAY ZONE}

27-1 INTENT - The intent of the Downtown Area Design Excellence Board {Courthouse Area Design Overlay Zone} is to encourage growth and redevelopment in the downtown area, while preserving and protecting the unique features and characteristics of the area in conformity with the Comprehensive Plan and the design standards and guidelines for the Downtown {Courthouse Area} Area adopted by the Lexington-Fayette Urban County Council.

27-2 APPLICATION OF REGULATIONS - The classifications and regulations hereunder shall be established in addition to the zone classifications and regulations for the B-2, B-2A, and B-2B zones as provided under Article 8 herein. ~~[as shown on the zoning map atlas for the subject areas. Except as provided herein below, the use, dimensions and other requirements for said zones, as provided in the Zoning Ordinance, shall apply. Where there are conflicts between the procedures and regulations within the Zoning Ordinance, the more restrictive shall apply.]~~

27-3 DEFINITIONS - As used in this Article, the following terms shall mean:

AUTHORIZATION PERMIT - A document which certifies the findings of the Board or the Design Excellence ~~{Review}~~ Officer that the work proposed by the applicant is appropriate. The Authorization shall also delineate any conditions imposed by the Board or Officer in approving the request. In order to grant an Authorization, the Board or Officer shall consider all circumstances related to the proposal, and may grant the Authorization if it finds that the proposed

changes are consistent with the adopted Downtown {Courthouse} Area Design Excellence Standards and Guidelines.

BOARD - The Downtown {Courthouse} Area Design Excellence {Review} Board of the Lexington-Fayette Urban County Government.

DEMOLITION - Any act that destroys, in whole or in part, a building or structure; or which results in the moving of any building or structure.

DESIGN EXCELLENCE {REVIEW} OFFICER - The employee of the Lexington-Fayette Urban County Government assigned ~~{by the Chief Administrative Officer}~~ to carry out the duties and functions of the officer as defined herein. This individual shall ~~{demonstrate expertise and/or}~~ have a professional degree in architecture, design, or a similar field so as to be qualified to carry out such duties. The term "officer" when used in this Article refers to the Design Excellence ~~{Review}~~ Officer.

EXTERIOR CHANGE - Rehabilitation or replacement which is not ordinary maintenance and repair. New construction of any building element, addition, building or structure is an exterior change. Demolition of any building element, addition, building or structure is an exterior change.

(1) EXTERIOR CHANGE includes, but is not limited to:

(a) MAJOR REHABILITATION, REPLACEMENT AND INSTALLATION OF BUILDING ELEMENTS.

(1) Rehabilitating large amounts of existing building elements when repairs are made with materials of the same size, shape, style,

configuration, texture and material color;

- (2) Rehabilitating/replacing existing building elements when changes are made in materials, style or configuration;
- (3) Installing new building elements;
- (4) Replacing missing building elements and/or materials;
- (5) Painting a structure or material not previously painted;
- (6) Removing paint from a material previously painted.

(b) MAJOR REHABILITATION, REPLACEMENT AND INSTALLATION OF SITE ELEMENTS

- (1) Rehabilitating large amounts of existing site elements when repairs are made with materials of the same size, shape, style, configuration, texture and material color;
- (2) Rehabilitating or replacing existing site elements when changes are made in materials, style or configuration;
- (3) Installing new site elements;
- (4) Replacing missing site elements or materials;
- (5) Painting a site element not previously painted;
- (6) Removing paint from a site

element which has been painted;

- (7) Removing trees with trunks more than 10" in diameter;
- (8) Major landscaping projects, including installation, relocation or redesign of new or existing site elements;
- (9) Disturbing fields, archaeological and other land features by demolition or new construction on sites.

ORDINARY MAINTENANCE AND REPAIR - The correction of minor deterioration to site and building elements and structures when changes are made with the same materials with the same size, shape, configuration, style, texture and material color.

- (1) ORDINARY MAINTENANCE AND REPAIR includes the following activities:

(a) ROUTINE MAINTENANCE AND REPAIR OF BUILDING ELEMENTS

- (1) Repairing small amounts of existing building materials and elements when repairs are made with materials of the same size, shape, style, configuration, texture and material color;
- (2) Painting a structure or material that is already painted;
- (3) Caulking and weather stripping windows and doors.

(b) ROUTINE MAINTENANCE, REPAIR AND INSTALLATION OF SITE ELEMENTS

- (1) Repairing site elements when repairs are made with materials of the same size, shape, style, configuration, texture and material color;
- (2) Pruning trees and shrubbery and removal of trees less than 10" in diameter;
- (3) Planting vegetable and flower gardens, except as part of a major landscaping plan;
- (4) Planting shrubs and trees, except as part of a major landscaping plan;
- (5) Installing temporary signs (real estate, political, etc.);
- (6) Installing building numbers and mailboxes.

27-4 DOWNTOWN [COURTHOUSE] AREA DESIGN EXCELLENCE [REVIEW] BOARD

27-4(a) ESTABLISHMENT - The Downtown [Courthouse] Area Design Excellence Board [Review Commission] is established to review and decide applications in compliance with the provisions of this Article.

27-4(b) MEMBERSHIP - The Downtown [Court House] Area Design [Review] Excellence Board shall consist of seven (7) [five (5)] voting members, including the Chair [chairman], appointed by the Mayor and approved by Council. The Board shall:

- (1) Include only members who are residents of Fayette County;
- (2) Have at least three (3) members that are design-related professionals: one (1)

shall be an architect, one (1) shall be a landscape architect, and the other design professional could include the professions of architecture, historic preservation, urban design or related disciplines such as urban planning or landscape architecture.

(3) One (1) member that is a resident within a B-2, B-2A or B-2B zoning category;

(4) One (1) member that is a business owner within a B-2, B-2A or B-2B zoning category;

(5) One (1) member that is a real estate agent or broker or developer within a B-2, B-2A, OR B-2B zoning category; and

(6) One (1) citizen-at-large.

~~[All members must be residents of Fayette County. At least two (2) of the five (5) members shall be design or preservation-related professionals. These include the professions of architecture, history, archaeology, architectural history, historic preservation, urban design or related disciplines such as urban planning or landscape architecture. One (1) member shall be an employee of the Lexington-Fayette urban County Government who is not the Design Review Officer; one (1) member shall be a representative of the banking or financial community; and one (1) member shall be a property or business owner within the Court House Area overlay Zoning District.]~~

When the Downtown [Court House] Area Design Excellence [Review] Board reviews an issue, and that field is not represented on the Downtown [Courthouse] Area Design Excellence [Review] Board, the Downtown [Courthouse] Area Design Excellence

~~[Review]~~ Board may ~~[shall]~~ seek expert advice before rendering its decision.

27-4(c) ETHICS - The Downtown ~~[Courthouse]~~ Area Design Excellence ~~[Review]~~ Board shall prepare and keep on file, available for public inspection, the members' qualifications. Article 16, the Code of Ethics of the Lexington-Fayette Urban County Government Charter, shall apply to members of the Downtown ~~[Court House]~~ Area Design Excellence ~~[Review]~~ Board.

27-4(d) OFFICERS - The Downtown ~~[Court House]~~ Area Design Excellence ~~[Review]~~ Board shall annually elect one (1) of its members to be Chair ~~[chairman]~~ and one (1) of its members to be Vice-Chair ~~[Vice-Chairman]~~. The Secretary of the Downtown ~~[Court House]~~ Area Design Excellence ~~[Review]~~ Board shall be the Design Excellence ~~[Review]~~ Officer, who shall also serve as a non-voting member of the Downtown ~~[Court House]~~ Area Design Excellence ~~[Review]~~ Board.

27-4(e) LENGTH OF TERM - The terms of Downtown ~~[Court House]~~ Area Design Excellence ~~[Review]~~ Board members shall be as follows:

- (1) Members shall serve a term of four (4) years. ~~[except that the membership of those representing particular organizations or offices shall be deemed to have terminated upon their leaving their respective memberships or positions]~~
- (2) Terms shall be staggered in such manner to allow the appointment or reappointment of at least one-half of the membership every two (2) years.
- (3) Term of membership shall extend from July 1 of one year through and

until June 30 of the designated year.

- (4) Vacancies, when they occur during a term of office, shall be filled for the unexpired term in the manner prescribed for original appointment.
- (5) Members may serve consecutive terms but must go through the reappointment process to do so. The maximum length of membership shall be two terms, or eight years, whichever is longer.
- (6) Any member may be removed from office by a majority of the Council of the Lexington-Fayette Urban County Government.

27-4(f) COMPENSATION - The members shall serve without compensation but shall be reimbursed for expenses necessarily incurred in the performance of their duties, subject to sufficient funds being appropriated by the Lexington-Fayette Urban County Council for this purpose.

27-4(g) BYLAWS - The Downtown ~~[Court House]~~ Area Design Excellence ~~[Review]~~ Board shall adopt bylaws for the transaction of its business and the transactions of the business of all of its sub-committees.

(1) MEETINGS - At least one (1) meeting shall be held each month, and special meetings called, as provided in KRS 61.825. ~~[Regular meetings shall be held and special meetings may be held as specified in the bylaws.]~~ Minutes of all meetings and records of all proceedings, including the number of votes for and against each question and the record of the vote of each member, shall be kept and made available for public inspection.

(2) ANNUAL REPORT - The Downtown

~~{Court House}~~ Area Design Excellence ~~{Review}~~ Board shall prepare a written annual report, which shall be kept and made available for public inspection.

(3) QUORUM - A simple majority of the total membership of the Downtown {Courthouse} Area Design Excellence ~~{Review}~~ Board shall constitute a quorum for the transaction of business. ~~{The chair man votes only in case of a tie}.~~

(4) ATTENDANCE - Each member shall be required to attend meetings regularly as defined in the bylaws. Failure to do so may result in removal from the Downtown {Court House} Area Design Excellence ~~{Review}~~ Board.

~~{The Court House Area Design Review Board shall have the power to establish sub-committees as it deems necessary, from both within and without its membership, and to receive assistance in its work from outside individuals, groups and organizations. The Court House Area Design Review Board may give special recognition to outside individuals, groups and organizations.}~~

27-4(h) JURISDICTION - The jurisdiction of the Downtown {Court House} Area Design Excellence ~~{Review}~~ Board shall include all necessary and implied powers as shall be described herein with respect to the regulation of the B-2, B-2A or B-2B Zones ~~{Court House Area Overlay Zone}.~~

27-4(i) POWERS AND DUTIES - In addition to such other powers, duties and authorities as are set forth in this Article, the Downtown {Court House} Area Design Excellence ~~{Review}~~ Board shall, in order to accomplish the purpose of this Article, perform duties that include, but are not limited to, the following:

(1) ~~{5}~~ Review and decide applications for Authorization Permits as provided herein below.

~~{Present to the Lexington Fayette Urban County Council and the Planning Commission annually a report containing (i) a statement of goals and objectives for the county for the next ensuing five year period; (ii) any financial records pertaining to the Court House Area Design Review Board's operation.}~~

(2) ~~{(6)}~~ Periodically review the adopted design standards and guidelines and make recommendations to the Urban County Council for changes to design standards and guidelines.

(3) ~~{2}~~ Cooperate with and advise the Lexington- Fayette Urban County Council and other government agencies, departments, commissions and offices with regard to such matters as may be appropriate with respect to the Downtown {Court House} Area.

(4) ~~{3}~~ Form sub-committees as necessary from both within and without its membership, and to receive assistance in its work from outside individuals, groups and organizations. The Downtown Area Design Excellence Board may give special recognition to outside individuals, groups and organizations.

~~{(4) Establish criteria for which applications may be acted upon by the Design Review Officer, and which cases require both a preliminary and final review by the Board.}~~

~~{DESIGNATION OF THE COURT HOUSE AREA DESIGN ZONE (CA) - To further the goals and purposes of this Article and the preservation, protection, perpetuation and use of~~

~~the Court House Area, the Urban County Council shall have the authority to designate properties protected by a zoning overlay district to be known as the CA zone. The procedures to establish such zoning shall comply with all applicable state statutes and requirements contained in this Zoning Ordinance for the creation of a zoning district as a zoning map amendment.]~~

27-5 [27-6] AUTHORIZATION PERMITS

~~[An Authorization Permit shall be required before a person may undertake any exterior changes on a property or structure within a zone protected by a CA overlay. Ordinary maintenance and repair as defined under Article 27-3(f) may be undertaken without an Authorization Permit, provided that the work involves repairs to existing features of a building or the replacement of elements of a building with identical pieces, and provided that the work does not change the exterior appearance of the building.]~~

27-5(a) [27-6(a)] WHERE REQUIRED – An Authorization Permit shall be required prior to the initiation of any new construction on; any exterior change to; the demolition of all or 25% or more of, any building, structure or sign; the construction of any drive-thru or drop-off; on any premises in a B-2, B-2A or B-2B zone [protected by a CA overlay]. Ordinary maintenance and repair as defined under Article 27-3 may be undertaken without an Authorization Permit, provided that the work involves repairs to existing features of a building or the replacement of elements of a building with identical pieces, and provided that the work does not change the exterior appearance of the building. In no case shall an Authorization Permit be required to change the paint color of a previously painted surface.

[27-6(b)] PROCEDURES FOR ISSUANCE OF AN AUTHORIZATION PERMIT FOR

EXTERIOR CHANGES AND NEW CONSTRUCTION]

27-5(b) STAFF REVIEW OF SMALL SCALE REHABILITATION, ADDITIONS, NEW CONSTRUCTION AND DEMOLITION PROJECTS

~~[27-6(b)(2) AUTHORIZATIONS ISSUED BY THE DESIGN REVIEW OFFICER – An Authorization issued by the Design Review officer is intended to expedite approval of routine applications for exterior changes without full hearing and action by the Board.]~~
The application for an Authorization Permit shall be reviewed by the Design Excellence Officer for the following issues unless the Officer refers the matter to the Board or the applicant requests Board review.

(1) Rehabilitations - the minimum square footage of the existing building is less than 10,000 square feet and the building has not been designated outstanding or significant by the Downtown Building Inventory; and the modification of the exterior is less than 50% of the existing building.

(2) Additions - the minimum square footage of the existing building is less than 10,000 square feet and the building has not been designated outstanding or significant by the Downtown Building Inventory; and the addition is less than 25% of the square footage of the existing building.

(3) New Construction - the development site size is less than .75 acres, the building footprint is less than 30,000 square feet, or the building height is less than 96 feet or eight stories (whichever is greater).

(4) Demolitions - the building has not been designated outstanding or significant by the Downtown Building Inventory and the demolition is less than 25% of the existing principle structure or is an accessory structure.

The Board may also review and delegate additional items to the responsibility of the Design Excellence [Review] Officer for

review and issuance of Authorization Permits. The delegation of these items shall be reviewed by the Board at a public hearing and recorded in the minutes of the Board.

The procedure to obtain an Authorization Permit is specified herein below.

~~PROCEDURES FOR ISSUANCE OF AN AUTHORIZATION BY THE DESIGN REVIEW OFFICER~~

- (1) FILING - Depending on the scope of work of the project, the Design Excellence Officer shall require the submission of any or all of the following: application and proposal summary, site analysis, site plan, floor plans(s), elevations, sections, and renderings. [The applicant shall file sufficient information as to accurately depict the location, design and scope of the work to be done.] The Officer shall review the information and promptly notify the applicant if the material is not adequate for review and advise the applicant what specific information will be required.
- (2) REVIEW - The Officer shall review the application for compliance with the adopted standards and guidelines and consult with other Divisions, as appropriate, to ensure proper review. Upon determination that all requirements of the standards and guidelines have been met and that the application complies with the requirements of the Board, the Design Excellence [Review] Officer shall approve the application and issue the Authorization Permit. If any question arises as to compliance, or if the Design Excellence [Review]

Officer or applicant feels that the application raises issues deserving review by the full Board, the application shall be referred to the Board for action.

- (3) AUTHORIZATION PERMIT ISSUANCE - Upon approval by the Design Excellence [Review] Officer, the Officer shall issue the Authorization Permit and notify the applicant. In addition, the Officer shall forward a copy of the Authorization and application materials to the Division of Building Inspection.

~~[27-6(b) PROCEDURES FOR ISSUANCE OF AN AUTHORIZATION PERMIT FOR EXTERIOR CHANGES AND NEW CONSTRUCTION - Authorization Permits specified herein below.]~~

27-5(c) BOARD REVIEW OF LARGE SCALE REHABILITATIONS, ADDITIONS, NEW CONSTRUCTION, DRIVE-THRU, DROP-OFFS, AND DEMOLITIONS

The application for Authorization Permit shall be reviewed by the Board at a public hearing if:

- (1) Rehabilitations - the minimum square footage of the existing building is 10,000 square feet or greater or the building has been designated outstanding or significant by the Downtown Building Inventory; and the modification of the exterior is 50% or greater of the existing building; or
- (2) Additions - the minimum square footage of the existing building is 10,000 square feet or greater or the building has been designated outstanding or significant by the Downtown Building Inventory; and the addition is 25% or greater of the square footage of the existing building; or
- (3) New Construction - the development site size is .75 acres or greater, the building

footprint is 30,000 square feet or greater, or the building height 96 feet or eight stories or more (whichever is greater); or

(4) Demolition - the building has been designated outstanding or significant by the Downtown Building Inventory or the demolition is 25% or more of the existing principle structure;

(5) the plan contains a drive-thru or drop-off; or

(6) The matter has been referred to the Board by the Design Excellence Officer or the applicant has requested Board review.

~~[27-6(b)(1) ——— AUTHORIZATION PERMITS ISSUED BY THE BOARD — All application for Authorization Permits shall be reviewed by the Board at a public hearing, except those applications for work which have been specifically delegated to the Design Review Officer under 27-6(b)(2).~~

~~[In addition, the Board shall review all applications for Authorizations referred by the Design Review Officer or those requested for public hearing by the applicant.]~~

The procedure to obtain an Authorization Permit is specified herein below.

~~(1){(a)}~~ PRE-FILING

CONFERENCE - Prior to formal filing, the applicant shall meet with the Design Excellence [Review] Officer to discuss preliminary design concepts, applicable procedures, submittal documents, and similar matters. ~~[The Office shall determine whether the matter can be approved by the Officer as specified under 27-6(b)(2). If the Officer determines that full Board approval is necessary, the Officer shall further determine if~~

~~preliminary Board review is required, or if the applicant may proceed directly to final action by the Board.~~

~~[(b)]PRELIMINARY — BOARD REVIEW — Where determined to be necessary by the Officer, the Board shall first consider the application at a preliminary review meeting. This meeting shall not be considered a hearing, and notice shall not be required. The extent of the review shall be concept plans on building mass and scale. The Board will provide comments to the applicant for the applicant to consider for final Board review.~~

~~[(e)]FINAL BOARD REVIEW — Final Board review shall be considered a public hearing as specified under Article 27-6(b)(1)(f) and will be subject to the notice requirements of Article 27-6 (b)(1)(e). Authorization permits may only be issued by the Board after action at a hearing.]~~

(2) ~~[d]~~ FILING MATERIALS - Depending on the scope of work of the project, the Board shall require the submission of any or all of the following: application and proposal summary, site analysis, site plan, floor plans(s), elevations, sections, and renderings. ~~[The Board, where it deems necessary in order to review a particular application, may require the submission of any or all of the following items: architectural plans, plot plans, landscaping plans, plans for off-street parking, elevations of all portions of proposed additions to structures, photographs, elevations, or perspective drawings showing the proposed structure and existing~~

~~structures that are within one hundred (100) feet or are substantially related to it visually or by reason of function, traffic generation or other characteristics.]~~

Should the Board find that the material submitted is not adequate for the proper review of the proposal, the Board shall promptly notify the applicant and state the specific information that will be required. In such cases, the applicant shall not be deemed to have made a bona fide application to the Board until the specific information is submitted.

- (3) ~~[(e)]~~ NOTICE - Notice of the time, place and reason for holding a public hearing shall be given by first class letter at least fourteen (14) days in advance of the public hearing to owners of all properties located within two hundred (200) feet of the subject property. It shall be the obligation of the Design Review Officer to prepare, certify and mail all notice as required herein.

Further, the Board shall give notice of the time, place and reason for holding a public hearing by publication in the newspaper of highest circulation in Fayette County, Kentucky, not earlier than twenty-one (21) days or later than seven (7) days before the public hearing.

- (4) ~~[(f)]~~ BOARD PUBLIC HEARING - After notice, the Board shall consider the request for an Authorization Permit at a public hearing. Prior to the ~~[At the]~~ hearing, the Board shall receive the

written report of the Officer ~~[orally and/or in writing,]~~ and shall allow the applicant, protestors and other interested citizens to testify and rebut evidence presented by others, provided the Chair ~~[Chairman]~~ shall have the power to limit repetitive testimony and exclude irrelevant testimony and evidence.

In its review of material submitted, the Board shall examine the architectural design and the exterior surface treatment of the proposed construction on the site in question and its relationship to other structures within the area, the relationship of the proposed construction to the design of the building, and other pertinent factors affecting the appearance and efficient functioning of the structure.

The Board shall not consider any interior arrangement. The Board shall make no requirements except for the purpose of preventing development incongruous in scale, design or materials to the district.

In reviewing proposals, the Board shall utilize the adopted design standards and guidelines ~~[and criteria adopted by the Court House Area Design Review Board.]~~ These standards and guidelines shall form the basis of any action by the Board.

1. The Board shall vote to approve all or part of the application or disapprove all or part of the application within sixty (60) days after the completed application is filed. The Board shall be required to make written findings regarding what Standards and Guidelines were followed and which were not, with

reasons for any variance. ~~[to support any action of approval/disapproval, indicating the specific provisions of the adopted design standards and guidelines that support the action.]~~

(5) ~~[(g)]~~ AUTHORIZATION

PERMIT ISSUANCE - The Design Excellence ~~[Review]~~ Officer shall promptly issue the Authorization Permit in accordance with the action of the Board. Copies of the Authorization and the application materials shall be forwarded to the Division of Building Inspection and/or the Division of Housing Maintenance, as appropriate.

27-5(d) [27-6(d)] MULTI-PHASE BOARD REVIEW - Multi-phase Board review shall be required for large scale new construction. The applicant shall first obtain Board approval for site, building mass, parking, and scale and subsequent approvals for all other design standards and guidelines. The standards and guidelines approved in the initial review will not be reviewed in subsequent proceedings unless a material change has been made. The applicant may have as many Board reviews as needed to complete the project. The applicant may also receive both approvals in one (1) Board review.

27-5(e) [27-6(e)] AUTHORIZATION

PERMITS FOR DEMOLITION - The Division of Building Inspection shall issue no permit which would result in the demolition of any or all of a structure within a B-2, B-2A or B-2B zone ~~[zone protected by a CA overlay]~~ unless and until an Authorization Permit has been issued by the Design Review Officer or approved by the Board at a public hearing, and a building permit has been approved for an allowed use.

27-5(e)(1) [27-6(e)(1)] PROCEDURES - ~~[The~~

~~procedure for review of an Authorization Permit for demolition shall be as set forth in Article 27-5(e) [27-6(b)(2)] above.]~~ The Design Excellence Officer or the Board ~~[shall hear evidence concerning the application at its public hearing and]~~ may approve an Authorization Permit for demolition only if one of the following conditions is determined to exist:

- (a) The application is for demolition of an addition, for a portion of a building or for an accessory structure which is not significant to the principal structure, site, streetscape, or district; and the approval of the application would not adversely affect those parts of a building, site, or district which are significant.
- (b) The application is for the demolition or moving of a building, or portion of a building, which does not contribute to the character of, and will not adversely affect the character of the property, the streetscape and the downtown district ~~[in a zone protected by a CA overlay]~~.
- (c) No reasonable economic return can be realized from the property, and the denial of the application would result in the taking of the property without just compensation. In order to make this claim, ~~[If the owner wishes to make a claim that the denial of the permit would amount to a taking of the property without just compensation]~~ the applicant shall submit to the Board, not less than twenty (20) days prior to the public hearing, the following information:

1. For all property:

- (a) The amount paid for the property, the date of purchase and the party from whom

purchased, including a description of the relationship, if any, between the owner and the person from whom the property was purchased;

- (b) The assessed value of the land and improvements thereon, according to the two (2) most recent assessments recorded in the office of the Property Valuation Administrator;
- (c) The two most recent real estate tax bills;
- (d) Annual debt service for the previous two (2) years recorded by the lending agency;
- (e) All appraisals obtained within the previous two (2) years by the owner in connection with his purchases, financing or ownership of the property;
- (f) Listings of the property for sale or rent, price asked and offers received, if any;
- (g) Any consideration by the owner as to profitable adaptive uses for the property.

2. For income-producing property: In addition to the information required in Sec. 27-5(e)(1)(c)(1), the applicant must also provide information of:

- (a) Annual gross income from

the property for the previous two (2) years;

- (b) Itemized operating and maintenance expenses for the previous two (2) years;
- (c) Annual cash flow for the previous two (2) years.

- 3. The Board may require that the property owner furnish such additional information as the Board believes is relevant to its determination of taking without just compensation and may provide, in appropriate instances, that such additional information be furnished under seal. In the event that any of the required information is not reasonably available to the applicant and cannot be obtained by the applicant, the applicant shall file with his affidavit a statement of the information that cannot be obtained, and shall describe the reasons why such information cannot be obtained.

Should the Board find that the material submitted is not adequate for the proper review of the proposal, the Board shall promptly notify the applicant and state specifically the information that the Board requires.

Deterioration of historic buildings attributable to the owner's failure to provide proper maintenance over an extended period of time will not be considered a mitigating circumstance in evaluations of economic hardship. Such

“hardship: will be considered
“self-imposed”, restoration costs
to remediate such neglect will
not be considered.

27-5(e)(2) [27-6(e)(2)] ACTION

Notwithstanding any other provision of this Article, the Board, after hearing evidence at its public hearing, may vote to postpone action to approve or deny an appeal for a reasonable period of time not to exceed one (1) year from the filing date of application in order to conduct studies, surveys and/or gather information concerning the following:

- (a) Alternatives which may be or may become available, including restoration, rehabilitation, adaptive reuse, or other alternatives to demolition; and
- (b) Study the question of economic hardship for the applicant, including whether the structure can be put to reasonable beneficial use without the approval of the demolition; and whether the applicant can obtain a reasonable return from his/her existing building and offering the property at fair-market value to party willing to renovate the building. If economic hardship or the lack of a reasonable return is not proved, the Board shall deny the demolition application, giving the facts and reasons for its decision.

27-5(e)(3) [27-6(d)] EFFECT OF AUTHORIZATION PERMIT - Upon receipt of the Authorization Permit from the Design Review Officer, a 7-day waiting period shall begin in which no demolition activity may be undertaken by the applicant or its agents, and no demolition permits may be issued. Upon completion of the waiting period, the

Division of Building Inspection shall issue a demolition or wrecking permit, in accord with the Authorization Permit, provided that a building permit has been issued and the application meets all other requirements of law. In the instance an applicant is required to and has obtained a building permit for new construction on the site, no mandatory waiting period shall apply, and the Division of Building Inspection shall issue a building permit upon receipt of the Authorization Permit from the Design Excellence [Review] Officer, provided the application meets all other requirements of law.

~~[The Division of Building Inspection shall enforce all provisions of the Authorization, including any conditions thereof, and shall inspect the property at regular intervals to insure strict compliance. The Building Inspector who inspects the site shall be governed by the design guidelines adopted by the Court House Area Design Review Board and shall receive technical assistance from the Officer in this inspection.]~~

27-5(f) [27-6(f)] AUTHORIZATION PERMIT VALID FOR ONE YEAR FROM DATE OF ISSUANCE - The property owner shall obtain permits, when required, and commence work on all work authorized by the Authorization Permit within one (1) year from the issuance of the Authorization.

27-6 [27-6(e)] FAILURE OF BOARD OR DESIGN EXCELLENCE OFFICER TO ACT - Upon failure of the Board or the Design Excellence Officer to take final action upon any application within sixty (60) days after the completed application has been filed; and unless a documented mutual [written] agreement between the Board and the applicant has been made for an extension of time, the application shall be deemed to be approved and an Authorization Permit shall be issued to the applicant, and a copy of said

Authorization transmitted to the Division of Building Inspection. ~~for the Division of Code Enforcement, as appropriate].~~

~~[27-7 APPEALS — Any person or entity claiming to be injured or aggrieved by any decision of the Board to Approve or deny any request for an Authorization Permit may appeal such decision to the Planning Commission within thirty (30) days of the Board's action. Such appeal shall be in writing and shall fully state the grounds upon which the appeal is sought. Upon receipt of the appeal, the Secretary to the Planning Commission shall notify the Design Review Officer, who shall promptly transmit the entire record of the Board, including tapes and transcripts, if any. In addition, within five (5) days of the filing of the appeal, the Secretary to the Planning Commission shall, by certified mail, notify the applicant of the appeal, if the applicant is not the appellant. The Commission shall then hold a de novo hearing on the appeal and render a decision within ninety (90) days of the date of filing the appeal.~~

PROCEDURE FOR THE DE NOVO PUBLIC HEARING

~~NOTICE — All parties to the appeal, including the Board, shall be notified of the time, place and reason for the public hearing by first class letter at least fourteen (14) days in advance. In addition, notice of the appeal shall be given by one publication in the newspaper of highest circulation in Fayette County, Kentucky, not earlier than twenty one (21) days nor later than seven (7) days before the public hearing.~~

~~ACTION BY THE PLANNING COMMISSION — After notice, as required above, the Commission shall conduct a public hearing and vote to approve or deny the appeal. At the hearing, the Planning commission shall allow its staff, Design Review Officer, the Board members, the appellant, protestors, and~~

~~other interested citizens to testify and rebut the evidence presented, provided that the Chairman shall have the power to limit repetitive testimony and exclude irrelevant testimony and evidence. In its deliberations, the Planning Commission shall give due consideration to the decision of the Board and the finding and conclusions reflected in the Board's record and shall apply the adopted design guidelines.]~~

27-7(a) [27-7(b)] APPEAL TO THE FAYETTE CIRCUIT COURT - Any person or entity claiming to be injured or aggrieved by any order of the Downtown Area Design Excellence Board ~~[Planning Commission]~~ to affirm, modify or set aside the Authorization Permit and/or final decision of the Board may appeal from the Board's ~~[Planning Commission's]~~ action to the Fayette Circuit Court within thirty (30) days of that order in the manner as established in KRS 100.347. All orders of the Board ~~[Planning Commission]~~ which have not been appealed within thirty (30) days shall become final.

27-7(b) [27-7(e)] CONSIDERATION BY THE BOARD OF PREVIOUSLY DENIED APPEALS - In the event the appeal of an applicant is denied by the Board, the building, or any portion thereof, which was the subject of the applicant's application, shall not be included in a subsequent application to the Board for an Authorization Permit and/or final decision until the expiration of one (1) year from the date of the order of the Board ~~[Planning Commission]~~.

However, before the expiration of one (1) year, the Board may allow the filing of an application for an Authorization Permit and/or final decision if the Board finds that there are new facts or conditions not considered previously, or that there has been a change in the adopted guidelines which has substantially altered the character of the request. In such cases, after the evidence is presented by the

applicant, the Board shall vote to approve or deny such a request for a new hearing. The Board's reconsideration of the application shall take into consideration the new evidence presented. The Board's decision need not be restricted to the new evidence. If the new evidence is withdrawn at any time during the reconsideration by the applicant, the Board shall have no authority to reconsider the application.

27-8 ENFORCEMENT – The Design Excellence Officer shall be responsible for reviewing construction authorized under the provisions of this Article to determine compliance. Matters involving violations shall be administered under the authority ascribed to the Director of the Division of Planning as Zoning Administrator under Article 5 of the Zoning Ordinance.

~~[COMPLIANCE WITH OTHER CODES, STATUTES AND REGULATIONS—in order to prevent purposeful neglect of structures within zone protected by CA overlays, all properties shall comply with the BOCA, adopted Basic Property Maintenance Code, as well as all other applicable codes, statutes, and regulations. To accomplish this, the Design Review Officer shall quarterly consult with appropriate enforcement officials and compile and forward to the Board and the court House area Design Review Board a list of those properties in zone with CA overlays which have been found to be in violation of the BOCA Basic Property Maintenance Code.]~~

PERMIT FEE REVIEW

DEPARTMENT OF PLANNING, PRESERVATION, AND DEVELOPMENT

January 14, 2013

Planning and Public Works Committee

Permit Fee Review



- ☐ Key Findings
- ☐ Scope of Presentation
- ☐ Fee Change History
- ☐ Fee Revenue and Personnel Expense Comparison
- ☐ Fees Scenarios in Surrounding Communities
- ☐ Recommendations

Key Findings



- Lexington's fees are reasonable and business friendly compared to surrounding communities.
- The review of new development is a General Fund activity and fees will never fully subsidize these functions.

Scope of Presentation

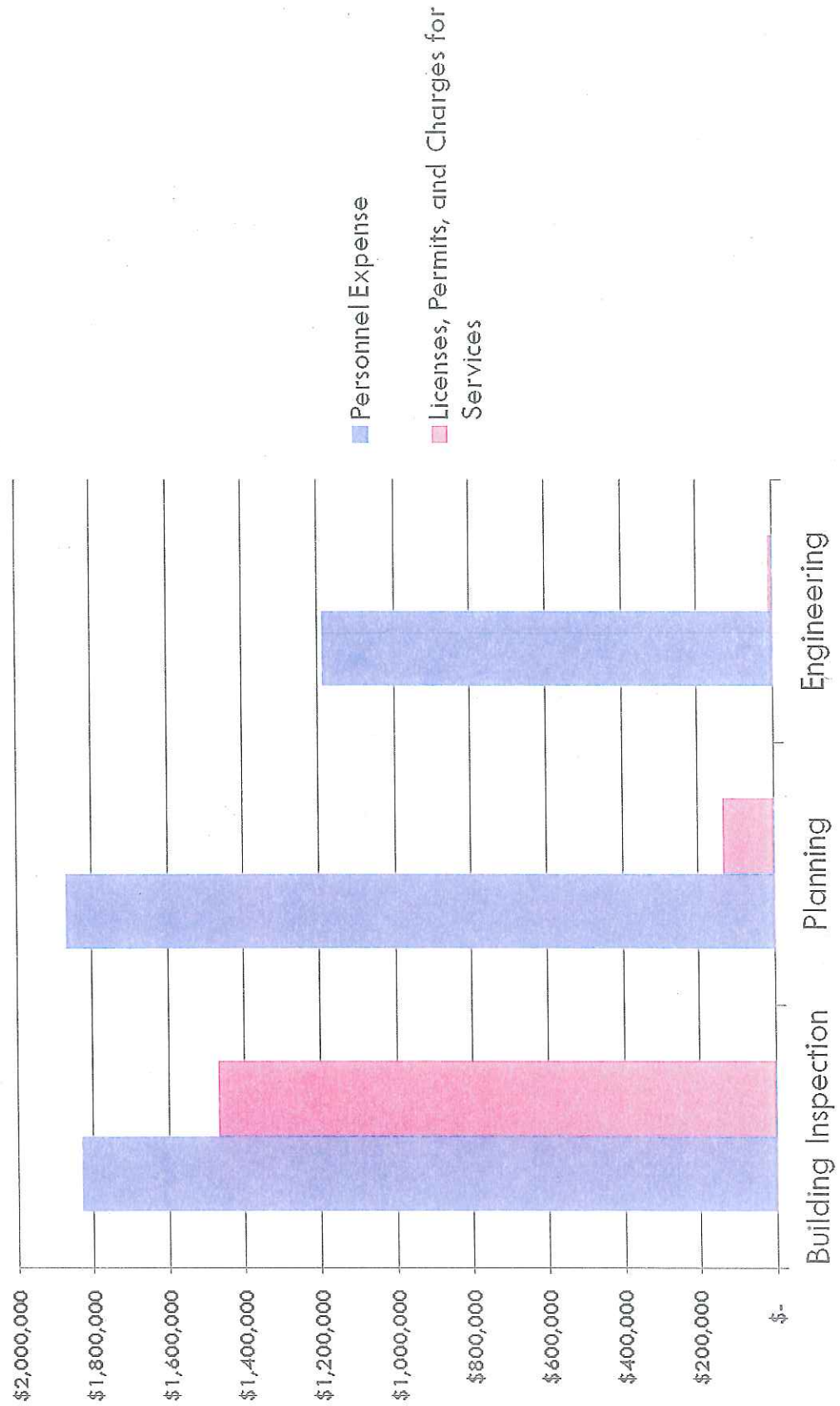
- This presentation includes permits and associated fees in the Department of Planning, Preservation, and Development.
- Exactions are not included, as the extent to which they apply is unique to each property.
- Sewer tap-on fees, stormwater fees, and other fees outside of the Department are not included.

Fee Change History

- 2004
 - Residential permit minimums increased from \$25 to \$50 (except for homes under 1500 sq ft)
 - Commercial permit minimums increased from \$100 to \$200
- 2006
 - Certificate of Land Use Restriction and recording fees rolled into base fee (no net increase)
- 2009
 - Penalty for work without a permit increased.
 - Penalty doubled for fence, paving, and sign permits.
 - Penalty of no less than \$500 for all other work.
 - Minimum fee of \$25 for paving implemented.
 - Fees for Certificates of Occupancy (CO) without a building permit implemented.
 - \$10 - Home Office, \$25 Commercial CO
- 2011
 - Mechanical Permit fees changed to mirror state mandates.
 - HVAC fees were changed to a construction cost based fee for commercial projects.

Permit Revenue and Personnel Expense

FY 2013 General Fund – By Division



Permit Revenue and Personnel Expense

FY 2013 General Fund – All Divisions



Permit Fee Comparison

Scenario 1: 30 Acre Site, 90 Lot Single Family Detached Development

	LEXINGTON	LOUISVILLE	RICHMOND	SCOTT	WOODFORD	JESSAMINE
MAP AMENDMENT REQUEST	\$400	\$1,800	\$500	\$750	\$650	\$320
ZONING DEVELOPMENT PLAN	\$200	\$270	\$350	\$975	\$300	\$300
PRELIMINARY SUBDIVISION PLAN	\$650	\$800	\$800	\$2,145	\$800	\$820
IMPROVEMENT PLAN REVIEW	\$0		\$350	\$500	\$800	\$300
LAND DISTURBANCE PERMIT	\$25				\$125	\$200
FINAL SUBDIVISION PLATS*	\$1,050	\$400	\$1,525	\$2,325	\$1,200	
BUILDING PERMITS	\$13,500	\$17,955	\$43,200	\$21,600	\$27,000	\$49,500
PAVING PERMIT/CURB CUT (90)	\$5,400					
Total	\$21,225	\$21,225	\$46,725	\$28,295	\$30,875	\$51,440
Total Fee Per Lot	\$235.83	\$235.83	\$519.17	\$314.39	\$343.06	\$571.56

*Assumes 3 final plats of 30 lots each

**Assumes all homes between 1500-2500 sq ft

Permit Fee Comparison

Scenario 2: 20 Acre Site, 360 Unit Garden Apartment Complex

	LEXINGTON	LOUISVILLE	RICHMOND	SCOTT	WOODFORD	JESSAMINE
MAP AMENDMENT REQUEST	\$550	\$3,600	\$500	\$750	\$600	\$300
ZONING DEVELOPMENT PLAN	\$300	\$270	\$350	\$825	\$300	\$300
FINAL DEVELOPMENT PLAN	\$500	\$270	\$350	\$2,265	\$300	\$300
LAND DISTURBANCE PERMIT	\$25				\$125	\$200
FINAL SUBDIVISION PLAT	\$300		\$350	\$340	\$355	
BUILDING PERMIT*	\$6,120	\$39,780	\$39,780	\$36,720	\$61,200	\$36,500
PAVING PERMIT/CURB CUT**	\$1,820					
Total	\$9,615	\$43,920	\$41,330	\$40,900	\$62,880	\$37,600
Total Fee Per Dwelling Unit	\$26.71	\$122.00	\$114.81	\$113.61	\$174.67	\$104.44

* Assumes 850 sq ft/unit average (306,000 sq ft)

** Assumes 2 curb cuts + 300,000 sq ft paving

Permit Fee Comparison

Scenario 3: 10 Acre Site, Planned Shopping Center, 150,000 square feet, 3 Outlots

	LEXINGTON	LOUISVILLE	RICHMOND	SCOTT	WOODFORD	JESSAMINE
MAP AMENDMENT REQUEST	\$650	\$5,400	\$500	\$750	\$550	\$320
ZONING DEVELOPMENT PLAN	\$400	\$270	\$350	\$575	\$300	\$300
FINAL DEVELOPMENT PLAN	\$550	\$270	\$350	\$625	\$300	\$300
LAND DISTURBANCE PERMIT	\$25				\$125	\$200
FINAL SUBDIVISION PLAT*	\$460		\$750	\$385	\$370	
BUILDING PERMIT**	\$6,780	\$19,600	\$19,600	\$19,600	\$30,000	\$19,600
PAVING PERMIT/CURB CUT***	\$1,820					
Total	\$10,685	\$25,540	\$21,550	\$21,935	\$31,645	\$20,720
Total Fee Per Square Foot	\$0.07	\$0.17	\$0.14	\$0.15	\$0.21	\$0.14

*Assumes 4 lots (main + 3 outlots)

**Assumes 140,000 sq ft retail; 10,000 sq ft restaurants (including outlots)

***Assumes 2 curb cuts + 300,000 sq ft paving

Recommendations

- Residential Permit Fees
 - No change is recommended.
 - Single family development has not fully recovered.
 - Capacity Assurance Program (CAP) and other Water Quality fees are significant challenges.
- Commercial Permit Fees
 - Further examination is needed.

Questions?

Planning and Public Works Committee Referrals

<u>Item</u>	<u>Referred Date</u>	<u>Status</u>
Erecting Large Utility Poles in ROW	Clarke 3.12.10	12.11.12
Re Paving Program	Clarke 4.13.11	10.16.12, 12.11.12, 3.12.13
Working with FCPS to Sustain Road Salt Services	EQ Link 6.19.11	11.20.12
Review Street Tree & Tree Protection Ordinances	9.27.11 11.20.12	11.20.12
Possible Revision of Sign Ordinance	Farmer 6.12.12	
Exploring Use of Alternative Fuel	Farmer 7.10.12	8.14.12, 1.15.13
Private Streets: Enforcement, Maintenance & Specifications	Mossotti 1.129.13	
H-1 Notification Process	Myers 1.19.13	
Maintenance of Major Roadways	Stinnett 4.16.13	
Performance Bonds & Letters of Credit	Stinnett 4.23.13	6.18.13
Greenway Manual & Plan	Mossotti 10.8.13	
Merge Streets & Roads and Traffic Engineering	Farmer 8.20.13	
Fees to Offset Historic Preservation Services	Gorton 12.5.13	
Explore Providing Assistance to Low Income Homeowners with Code Compliance	Gorton 12.5.13	
Examine Fee Structure for Planning, Preservation & Development Services	Gorton 12.5.13	
Homeowner Associations Rights & Responsibilities	Akers 12.3.13	

<u>Item</u>	<u>Referred Date</u>	<u>Status</u>
Oliver Lewis Way Update	Blues 4.9.09	Quarterly Update
Todd's Road Widening Phase II	Stinnett 4.15.09	Quarterly Update
Downtown Traffic Study	Farmer	Quarterly Update
Design Excellence Update	Kay	Quarterly Update

PAS 12.27.13

Design Excellence

Design Standards & Guidelines

Downtown Lexington, KY

DRAFT 11.26.2013

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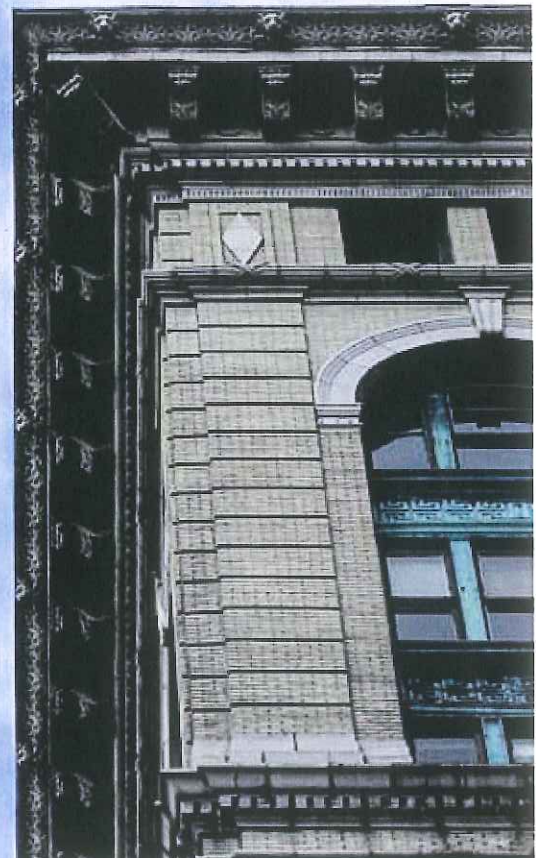
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Overview & Intent

The Design Excellence Standards and Guidelines are a framework for the future development of downtown Lexington, aimed at enhancing the existing built environment and protecting economic investments in downtown. This document and process was created by the Lexington-Fayette Urban County Government with the understanding that the downtown urban core is the heart of our city. It aims to ensure that new development, rehabilitation, and adaptive reuse projects are consistent with the city's vision while meeting the individual needs of the applicant. All phases of a development project should demonstrate adherence to the four sections of the design standards and guidelines: site, building, amenities, and street.

Design excellence standards and guidelines are used by the Design Excellence Officer and the Design Review Board to evaluate applications for projects in the downtown core. They serve as the legal basis for ensuring fair and consistent recommendations by staff and the Design Excellence Board.



Design Excellence Defined

Good architecture and urban design contribute to making cities both functional and attractive to residents and visitors by creating and enhancing places with distinct beauty and authentic identity. While architecture is about the design of buildings, urban design is about the relationships between the buildings, the roads and spaces that they front, and the people who make use of them. A well-designed city takes into consideration these important relationships in order to create a desirable urban environment.

The Design Excellence review process:

- Provides a predictable and transparent set of standards and guidelines that conveys clear constraints and opportunities.
 - **Design standards** are quantifiable criteria by which the minimum requirements for projects in the downtown are established. Applicants must demonstrate adherence to each design standard.
 - **Design guidelines** are intended to be flexible and are not intended to prescribe specific design solutions but rather to express the preferred design objectives. The intent of each objective is to be met but the method by which the design addresses it may vary. Due to limitations of specific sites there will be instances in which the applicant should consult with staff and/or board to discuss the best method of achieving the optimum design for the respective site.
- Promotes economic viability by encouraging projects that promote economic development in our downtown core.
- Creates a higher quality of life in our downtown core through creative and innovative projects.
- Supports sustainability efforts by encouraging the use of sustainable practices and materials into all development projects.

Generally, design excellence addresses an on-going need to:

- Foster public support for design excellence in the built environment;
- Encourage a vibrant professional design community;
- Elevate the quality of design in our built environment;
- Enhance the standing of Lexington's built environment as a distinctive city; and
- Identify and remove barriers to investing downtown.

Specifically, this document sets forth codified Design Standards and enumerates guidelines that support and encourage:

- New buildings that address the context of their surroundings: built form to respect mass and spacing of buildings, placement on site, response to adjacent uses, heights and densities.
- Historic Buildings to be appropriately renovated, retaining their historic integrity and character while accommodating potential new uses.
- Context of historic structures and streetscapes to be protected, retained, and enhanced through renovation of historic buildings, review of any proposed demolition, and creative and compatible new construction.
- Use of durable long-lasting materials and designs that are flexible for future uses.
- An engaging pedestrian environment.
- Connections to existing and future networks, which should be comfortable and convenient for both pedestrians and vehicles and ensure cohesive interaction from block to block.
- Comfort and Safety for all users of downtown.



Design Review Process

Design Review is a component of the Design Excellence application and is required for all projects within the B-2, B-2a, and B-2b zones. It provides a forum in which developers and citizens can work together to ensure that new developments contribute positively to downtown Lexington.

Design Review has three principal objectives:

- Improve communication and participation among developers, neighbors and the City early in the design and siting of new development.
- Encourage superior design and site planning to enhance the character of the city and ensure that new development and rehab of existing development fits sensitively into and enhances downtown.
- Provide a framework that is consistent, predictable, and transparent.
- Strike an appropriate balance between the need for a streamlined process where a majority of the projects are approved by staff and ensuring appropriate public input by Board review of larger projects or more difficult projects.

Design Excellence, along with the Downtown Streetscape Master Plan (2008) and the Downtown Master Plan (2007), sets out a framework for the creation of high quality design in downtown Lexington. These documents will provide direction for a cohesive and high quality relationship of the public and private realm. In conjunction with these documents, properties with an H-1 overlay will have additional criteria to reference and H-1 guidelines and review process will take precedence over all standards and guidelines found in this document.

The design review process will occur as identified on the following pages based on the project type and various thresholds noted.

Project Types:

Rehab

Rehabilitation projects are those that retain the existing structure. These projects place importance on the retention of the existing urban fabric through maintenance and repair and enhancement of the existing building.

Complete rehabs are those with modifications of 50% or more of the exterior of the existing primary structure. Anything below 50% or is an accessory structure is considered **minor rehab**.

Addition

Additions are new construction horizontally or vertically attached to an existing structure. Additions are to respect and enhance the existing structure and enhance the existing building and its surroundings.

Major additions are those with an addition of 25% or more of the existing structure, and anything less than 25% is considered a **minor addition**.

New Construction

New construction developments are important to the downtown fabric and are to address the scale and massing of existing structures surrounding the site and within the area.

New Construction: small scale projects are defined as any new development with the following criteria: development site less than .75 acres (32,670sf); building footprint less than 30,000 sf; or building height less than 96' or 8 stories (whichever is greater).

New Construction: large scale is defined by the following: development site of .75 acres (32,670sf) or more; building footprint 30,000 sf or more; or building height 96' or 8 stories (whichever is greater) or more.

Demolition

Demolition is any act which destroys any part or all of a building or structure.

Minor demolition is the removal of less than 25% of the primary structure or an accessory structure, and **significant demolition** is the removal of 25% or more of primary structure or the entire structure.

Design Review Process

Thresholds which trigger automatic board review:

- Drive-thru
- Drop-off
- Size: percent of modification, addition, parcel, building footprint, or building height

Staff Review

Minor Rehab & Minor Additions

- Modification of exterior existing primary structure < 50% or
- Addition < 25% of the SF of the existing building

Minor Demolition

- Demolition (less than 25% of the existing primary structure or an accessory building)

New Infill Construction

- Development site < .75 acres (32,670sf) or
- Building footprint of < 30,000 sf or
- Building Height < 96' or 8 stories (whichever is greater)

All projects will fit within one of the categories listed on this page and review processes. In the event that a project relates to more than one of the thresholds mentioned below, board review will be required if any of the thresholds are met.

All projects may work iteratively with the DE staff as needed.

Those projects requiring board review will schedule a time during a monthly meeting to present before the board.

The board will consist of three design community representatives (including one architect and one landscape architect), one real estate or development representative, one resident in the DE boundary, one owner of a business within the DE boundary, and one at-large Lexington resident.

NOTE: If a DE property falls within an H-1 overlay the H-1 review process will occur. The DE staff may advise the H-1 process if requested by Historic Preservation staff or the BOAR.

Board Review

Complete Rehab & Major Additions

- A building identified as Outstanding or Significant by the Downtown Building Inventory or
- A drive-thru or drop-off or
- A building 10,000sf or greater and
- Modification of exterior existing primary structure 50% or more or
- Addition 25% or more of the SF of the existing building

Significant Demolition

- Demolition (25% or more of primary structure or the entire structure)

Board Review: Two Phases

Applicant may choose to review Phase I and Phase II sequentially at the same meeting.

New Construction: Large Scale & Iconic

- Development Site .75 acres (32,670sf) or more or
- Building footprint of 30,000 sf or more or
- Building Height 96' or 8 stories (whichever is greater) or more

*Two Phase Submittal/ Approval Process
Phase I: Site/Massing Review
Phase II: Comprehensive Review

Design Review Process: Multi-Phase Submittal

Reference previous page for thresholds triggering multi-phase submittal. Applicant may choose to review Phase I and Phase II at the same time if desired. Contact DE Officer for filing requirements.

Phase I Submittal

The standards and guidelines listed below will be reviewed during this first submittal.

Phase I Submittal: STANDARDS & GUIDELINES REVIEWED

Standards	
DS1.01	Front BTL (min/max)*
DS1.02	Side BTL
DS1.03	Height Min (feet/ stories)
DS1.04	Height Max (feet/ stories)
DS1.05	Surface Parking Access
DS1.06	Surface Parking permitted
DS1.10	Structure Parking may be accessed
DS1.11	Surface parking is not permitted: locations
DS1.14	Corner buildings min. of 20' wide facades at BTL
DS1.15	Pedways are prohibited.
DS2.01	Principal Frontages Orientation
DS2.02	Principal Frontage Width Min
Guidelines	
DG5.01	Large development: street network/urban fabric
DG5.02	Large development: scale of building
DG5.04	Maintain alignment with BTL
DG5.06	Mass and form relate to surrounding
DG5.07	Address typical height of surrounding
DG5.08	Roof shapes and forms
DG5.16	Surface parking: location

Phase II Submittal

All other design standards and guidelines will be reviewed and approved during the second submittal.

- Standards and guidelines approved in Phase I will not be reviewed unless material change has been made
- Repeat reviews as needed

How to use this document

Design review is mandatory for all projects within the B-2, B-2a, and B-2b zones. Implementation of design standards and guidelines is based upon the context of the specific project, including the classification of the fronting street. Design considerations include siting and building placement, building design, streetscape, and amenities.

1 Locate the property on the map (p 12-13)

- Identify the Downtown District
- Identify the Downtown Street Type(s)

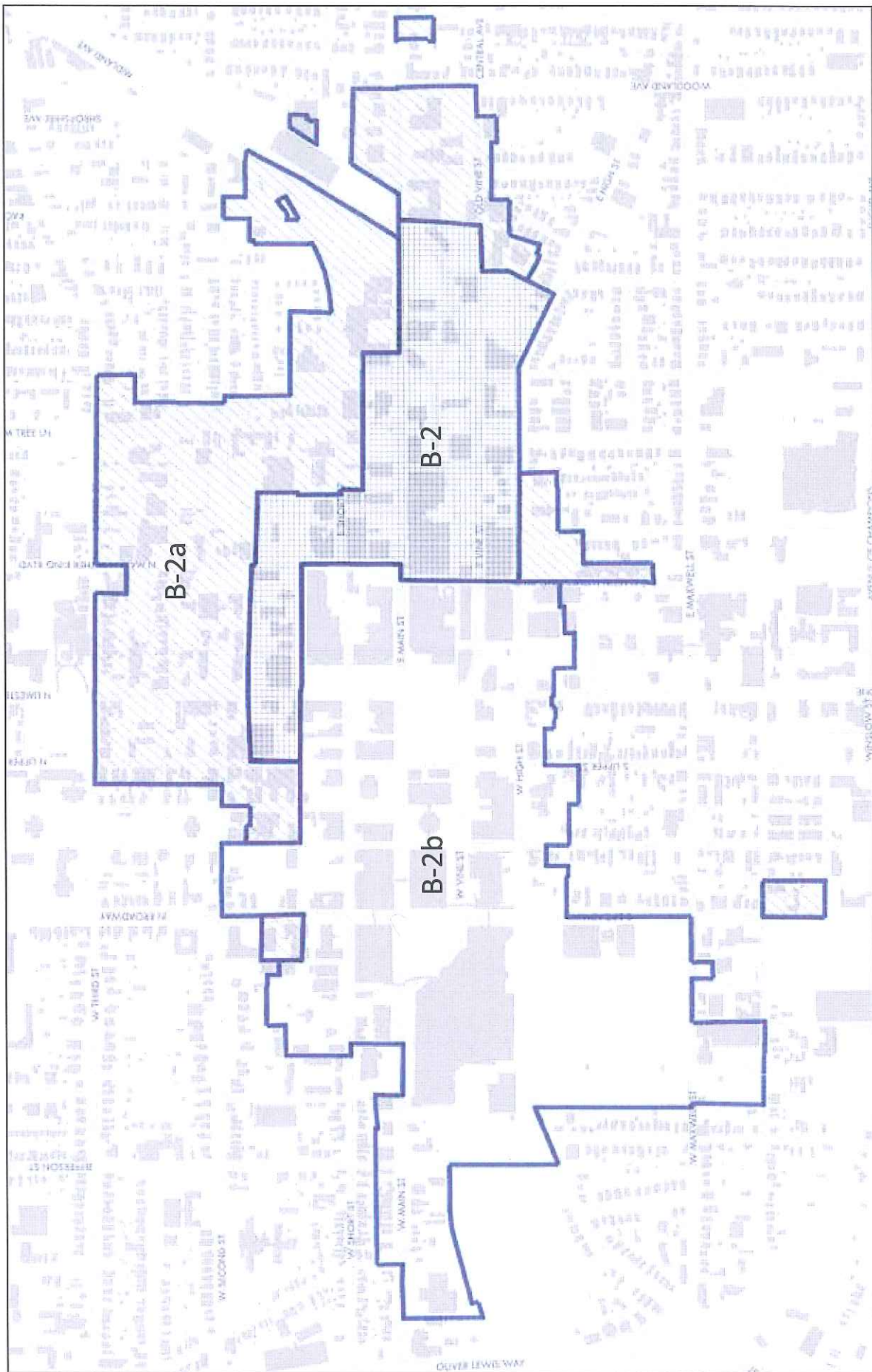
There are two components to the Design Excellence document: design standards and design guidelines.

2 Use the Design Standards Matrix and Illustrations

- Locate the district and street type on the matrix.
- Utilize the matrix to find the design standards applicable to the property.
- Reference illustrations following the matrix for explanations of standards in more detail.

3 Use the Design Guidelines

Use the guidelines applicable to your project.



Downtown Districts & Street Types

DISTRICTS:

Gateway

Core

Neighborhood

STREET TYPES:

Street Type: A

Major Corridors

Street Type: B

Local Connectors

Street Type: C

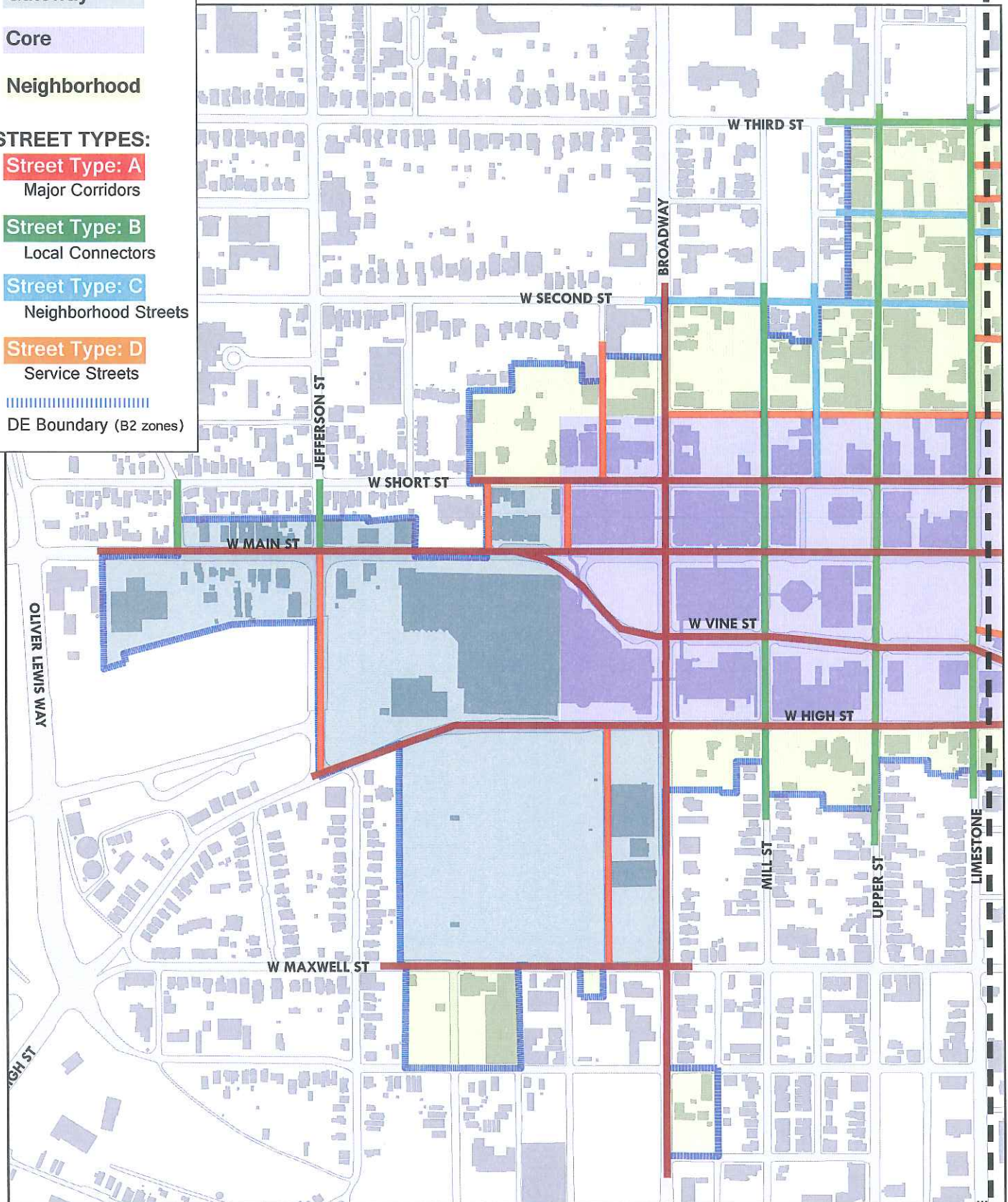
Neighborhood Streets

Street Type: D

Service Streets

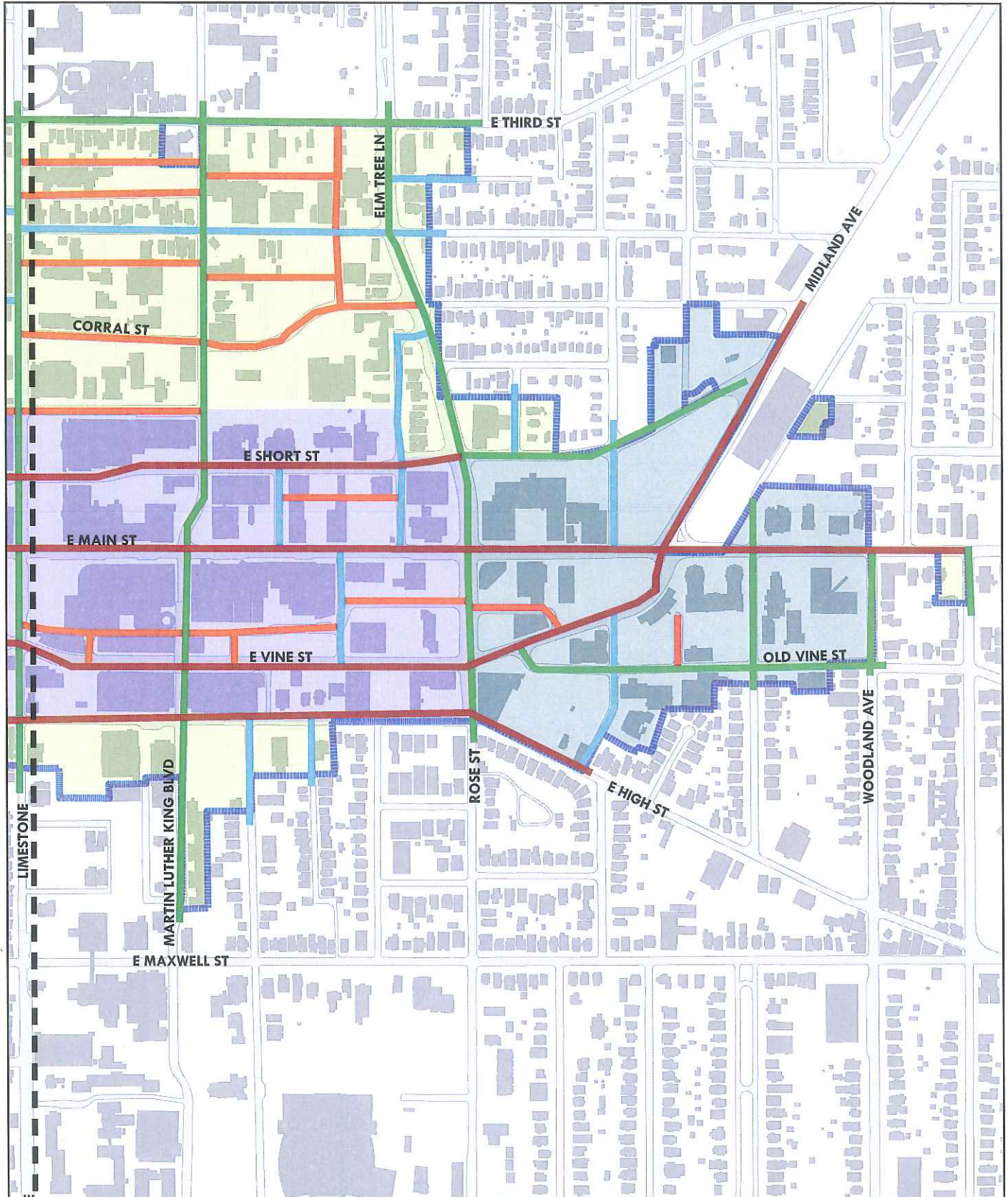
DE Boundary (B2 zones)

Identify the project location and note the street types that surround it. A list of streets with street types is found in Appendix B Refer to this map when using the standards matrix.



Downtown Districts & Street Types

Refer to previous page for legend and more information.



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Design Standards



Design Standards:

Locate the project's district and surrounding street types below for applicable standards. General Standards are listed below each section. Illustrations and explanations are on the following pages. Reference Appendix C for typical existing conditions for each district.

SITE	Districts											
	Gateway						Core					
	A	B	C	D	A	B	A	B	C	D	A	B
Street Types	A	B	C	D	A	B	A	B	C	D	A	B
DS1.01 Front BTL (min/max)*	0/10'	0/10'	0/10'	no requirement	0'	0'	0'	0'	0/10'	no requirement	0/10'	0/10'
DS1.02 Side BTL	0/10'	0/10'	no requirement	no requirement	0/5'	0/5'	0/5'	0/5'	no requirement	no requirement	0/10'	no requirement
DS1.03 Height Min (feet/ stories)	25/2						25/2					
DS1.04 Height Max (feet/ stories)	120/ 10						360/ 30					
DS1.05 Surface Parking Access access from streets in the following order (priority ranking: 1- highest & 4-lowest)	NA	3	2	1	NA	3	NA	3	2	1	4	3
DS1.06 Surface Parking permitted	no	yes	yes	yes	no	no	no	no	yes	yes	yes	yes
DS1.07 Surface Parking Buffer: Fence/Wall	NA	yes	yes	optional	NA	NA	NA	NA	yes	yes	yes	yes
DS1.08 Surface Parking Buffer: Landscape	NA	optional	optional	optional	NA	NA	NA	NA	optional	optional	yes	yes
DS1.09 Structure Parking: Street Level Frontage (% of facade width)	80% min	50% min	optional	optional	80% min	50% min	80% min	50% min	optional	optional	50% min	50% min
General Standards applicable to all districts and all street types												
DS1.10 Surface parking is not permitted between the BTL and the public ROW along the principal frontage.												
DS1.12 Structure Parking may be accessed off any street type but priority remains in the following order: D, C, B, A.												
DS1.13 Incorporate clearly marked pedestrian entrance separate from vehicular access in all structured parking.												
DS1.14 Corner buildings shall have minimum of 20' wide facades at the BTL along both street edges.												
DS1.15 Pedways are prohibited.												

BUILDING	Districts											
	Gateway						Core					
	A	B	C	D	A	B	A	B	C	D	A	B
Street Types	A	B	C	D	A	B	A	B	C	D	A	B
DS2.01 Principal Frontages Orientation (priority ranking: 1- highest & 4-lowest)	1	2	3	4	1	2	1	2	3	4	1	2
DS2.02 Principal Frontage Width Min (% of lot frontage min)	80%	60%	50%	50%	100%	100%	100%	100%	60%	50%	80%	80%
DS2.03 Principal Frontage Setback Max (% max for open space setback)	20%	20%	no limit	no limit	20%	20%	20%	20%	no limit	no limit	20%	20%
DS2.04 Ground Floor Transparency Min	60%	60%	40%	40%	70%	60%	70%	60%	40%	40%	60%	60%
DS2.05 Upper Floor(s) Transparency Min	30%	30%	25%	25%	30%	30%	30%	30%	25%	25%	30%	30%
DS2.06 Ground Floor Height: Min	10'	10'	10'	10'	13'	13'	13'	13'	13'	13'	10'	10'
General Standards applicable to all districts and all street types												
DS2.07 Glazing to have a minimum of 60% light transmittance and a maximum reflectance factor of 0.25. No reflective coating permitted on the first (exterior) surface of the glass.												
DS2.08 Prohibited visible exterior building materials include exterior insulation and finishing systems (EIFS), DryVit, vinyl, and unfinished or painted concrete masonry units.												
DS2.09 Buildings required to have minimum of one (1) pedestrian entrance on the principal building frontage; corner entrances are permitted at corner lots.												
DS2.10 Recessed pedestrian entrances may be setback a maximum of 15' from BTL and are not to exceed width of doors and typical sidelights.												
DS2.11 All frontages along A streets require primary entrances. If a building faces more than one A street, a corner entrance is acceptable as a shared primary entrance with entrances along the remaining frontage as needed.												

Design Standards:

Locate the project's district and surrounding street types below for applicable standards. General Standards are listed below each section. Illustrations and explanations are on the following pages. Reference Appendix C for typical existing conditions for each district.

AMENITIES

	Districts	Gateway				Core				Neighborhood			
	Street Types	A	B	C	D	A	B	C	D	A	B	C	D
DS3.01	Mechanical, Utilities, Service & Loading place along streets in the following order (priority ranking: 1- highest & 4-lowest)	4	3	2	1	4	3	2	1	4	3	2	1
DS3.02	Fences permitted/ max height	yes/ 4'	yes/ 4'	yes/ 8'	yes/ 8'	no	no	no	no	yes/ 4'	yes/ 4'	yes/ 4'	yes/ 8'
DS3.03	Walls permitted/ max height	yes/ 8'	yes/ 8'	yes/ 8'	yes/ 8'	yes/ 8'	yes/ 8'	yes/ 8'	yes/ 8'	yes/ 8'	yes/ 8'	yes/ 8'	yes/ 8'
DS3.04	Wall and Fence Materials permitted	metal, brick, stone				metal, brick, stone				metal, brick, stone, wood			
General Standards applicable to all districts and all street types													
DS3.05	Reference the sign ordinance, Article 17, in the LFUCG Zoning Ordinance and the illustrated sign guide for all signage standards.												
DS3.06	Reference the arts review board ordinance, Article 17, in the LFUCG Code of Ordinances for information regarding permanent visual artwork with regard to its design and installation.												
DS3.07	Screen mechanical, utilities, service & loading elements which cannot be located away from the street front.												
DS3.08	Fences and walls used to screen parking shall be a minimum of 2 and 1/2 feet above the grade of the parking lot.												
DS3.09	Fences and walls above 3' in height shall be a minimum of 30% transparency.												
DS3.10	Chain-link fences are prohibited.												
DS3.11	Projecting balconies and railings must have a minimum of 30% transparency.												

STREET												
Districts												
Street Types												
Gateway				Core				Neighborhood				
A	B	C	D	A	B	C	D	A	B	C	D	
Streetscape Standards construction/reconstruction reference Downtown Streetscape Master Plan 2008 for street design standards												
DS4.01	Main Street	Campus/ Neighborhood	Minor Streets	Service Streets	Main Street**	Campus/ Neighborhood	Minor Streets	Service Streets	Main Street	Campus/ Neighborhood	Minor Streets	Service Streets
General Standards applicable to all districts and all street types												
**Short Street in the Core is to adhere to Downtown Thoroughfare Street type in the Master Plan.												

Design Standards Illustrated

Standards within this section do not include all standards applicable.
Refer to matrix on page 14 -15 for all standards.

Site Related Standards:

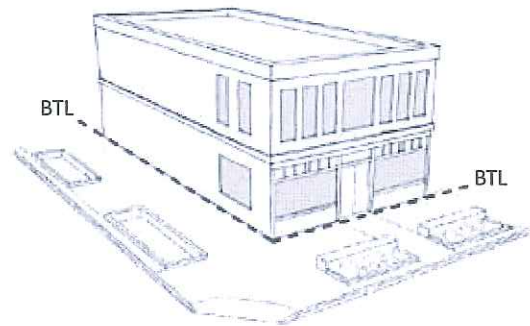
DS 1.01

DS 1.02

Build-to-line Front & Side

Maintain the alignment of building frontage at the BTL.

The build-to-line (BTL) is a line parallel to the property line where the facade of the buildings is required to be located.

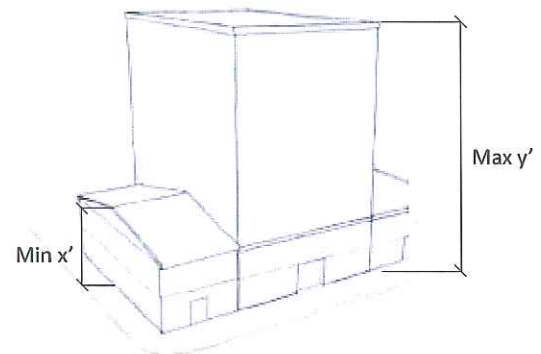


DS 1.03

DS 1.04

Building Height Minimum & Maximum (feet/stories whichever is greater)

Building height is the allowed vertical distance from the sidewalk to the top point of reference for a building facade along the front ROW. The top point of reference is mid-gable, top of the cornice or roofline, or deck line depending on the style of roof in accordance with Article 15-1(b).



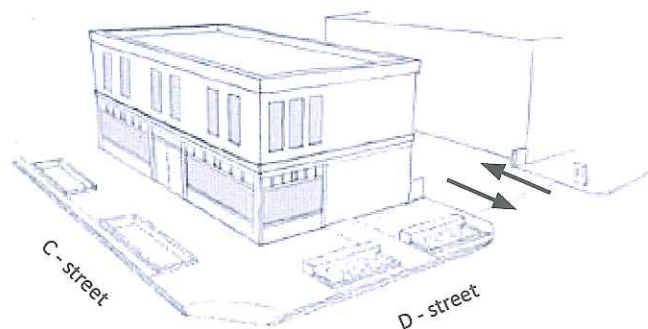
DS 1.05

DS 1.12

Parking Access

Access surface parking via streets in the following order: Street Types D, C, and B. Surface parking prohibited along A.

Structures may be accessed off any street, but if possible use the following for access: Street Types D, C, B, then A.



Design Standards Illustrated

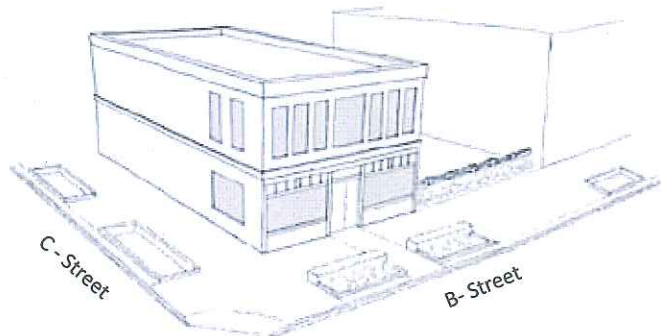
Standards within this section do not include all standards applicable. Refer to matrix on page 14 -15 for all standards.

DS 1.07

Surface Parking

Buffer: Fence/Wall

Provide visual buffers at perimeter of surface lots. A visual buffer includes the use of a fence/wall. Fences and walls are located at the BTL in the Core, and within a landscape strip in other districts as required.

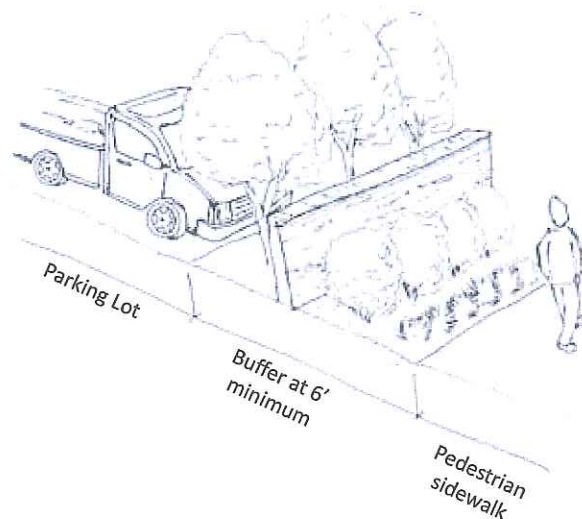


DS 1.08

Surface Parking

Buffer: Landscape

Provide visual buffers at perimeter of surface lots. May include the use of a landscape strip where permitted. 6' minimum width. Strip may include shrubs, trees, and other landscape elements. All perimeter landscape strips adjacent to primary streets must include a fence or wall as designated.



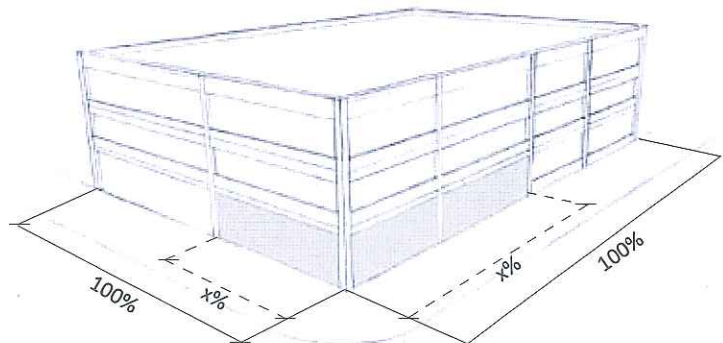
DS 1.09

Structure Parking

Street Level Frontage

(% of facade width)

Wrap parking structures with programmable space on the ground floor as designated. This percentage indicates the width of a parking structure facade dedicated to pedestrian oriented uses (width must be a minimum of 20'). See guidelines for a list of appropriate uses.



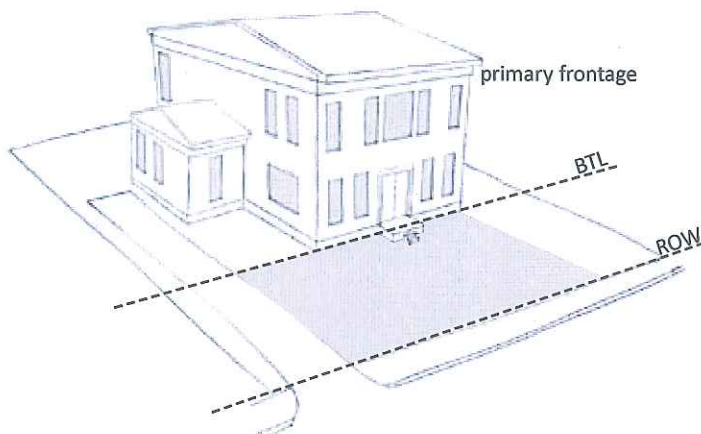
Design Standards Illustrated

Standards within this section do not include all standards applicable. Refer to matrix on page 14 -15 for all standards.

DS 1.10

Surface Parking location

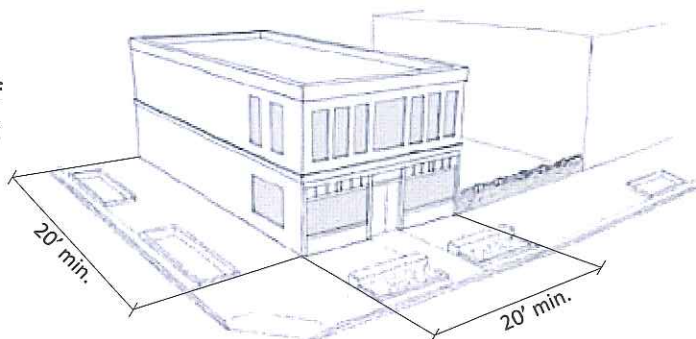
Surface parking prohibited between the primary facade and the public ROW. Locate parking to side or rear of building.



DS 1.14

Corner Building

Corner buildings shall have minimum of 20' wide facades at the BTL along both street edges.



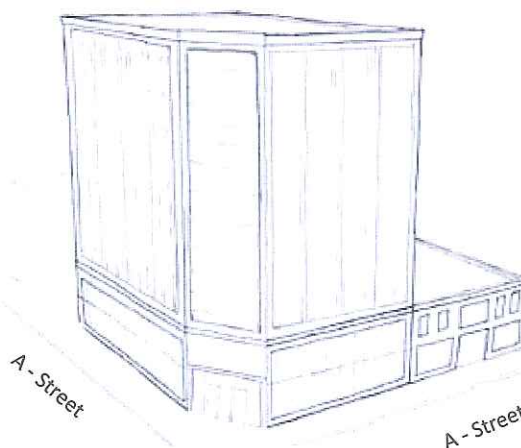
Building Related Standards:

DS 2.01

Principal Frontage Orientation

Orient buildings to streets in the following order: Street Type A, B, C, then D. The orientation is the direction in which the primary building facade and main entrance would face.

- When a building faces more than one A street, address each with principal frontages



Design Standards Illustrated

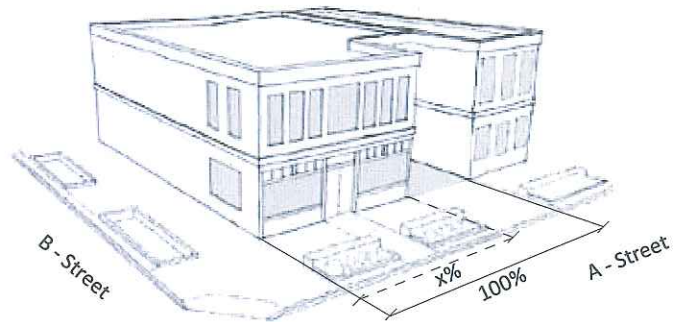
Standards within this section do not include all standards applicable. Refer to matrix on page 14-15 for all standards.

DS 2.02

Principal Frontage Width Minimum (% of lot frontage)

The façade width is the minimum amount of the frontage that must be defined by a building and is designated as a percentage of the lot frontage

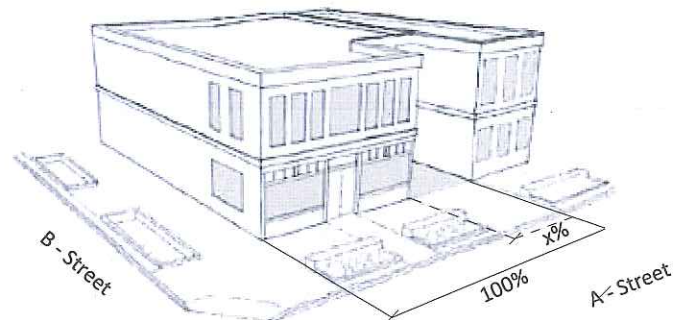
- Required build-to is measured as a percentage of the building wall or allowed alternative, such as garden walls, located at the build-to requirement.



DS 2.03

Principal Frontage Setback Maximum (% of principal frontage)

A percentage of the front facade may set back from BTL to allow space for programmable open space. The maximum width of the principal frontage that can be dedicated to a programmed open space located in an area set back from the BTL. See public open space guidelines for examples of uses.

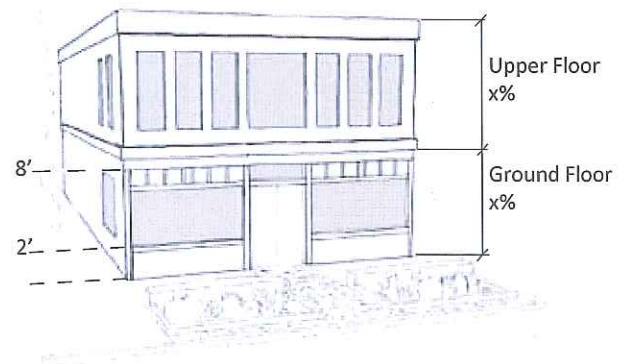


DS 2.04

DS 2.05

Ground Floor and Upper Floor Transparency Minimum

The percentage of transparent openings to solid surface within the front facade to allow visible connection from interior to exterior. Design so that a majority of the ground floor transparency falls between 2'-8' min.



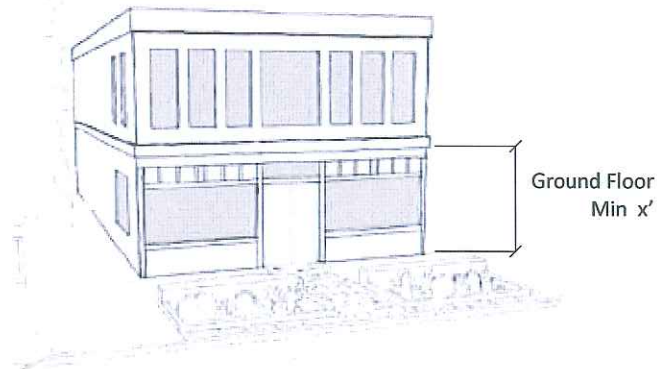
Design Standards Illustrated

Standards within this section do not include all standards applicable. Refer to matrix on page 14 -15 for all standards.

DS 2.06

Ground Floor Height: Minimum

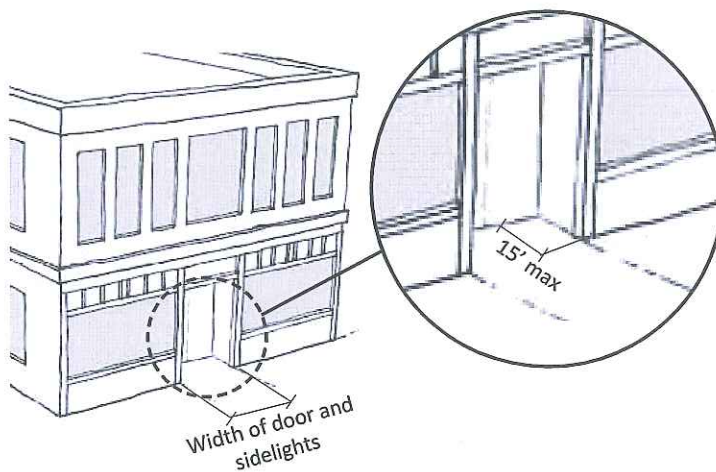
The ground floor height is the allowed vertical distance between the finished floor and ceiling on the ground floor of a building, or the exterior expression of that distance. Objective is to establish a datum with a scale appropriate to its place.



DS 2.10

Recessed Pedestrian Entries

Recessed pedestrian entrances may be setback a maximum of 15' from BTL and are not to exceed width of doors and typical sidelights.



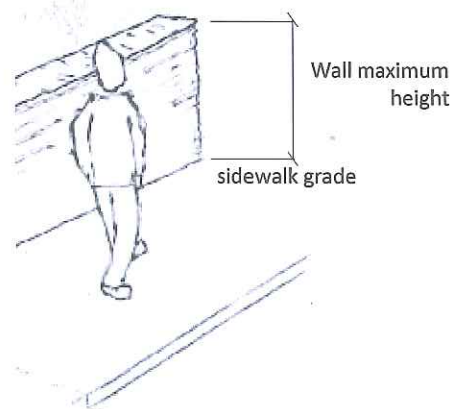
Amenities Related Standards:

DS 3.02

DS 3.03

Fences and Walls Maximum Height

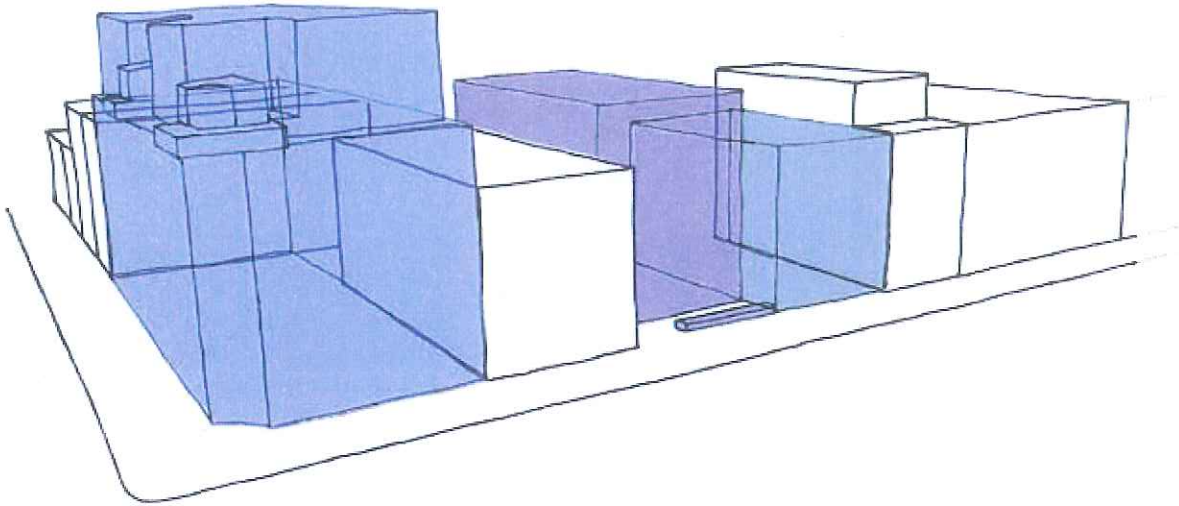
Maximum height is measured from sidewalk grade to top of fence.



Design Guidelines



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SITE

Create new buildings to address context of their surroundings.

- Create buildings with mass and form to provide an appropriate relationship between structures, streets and open spaces.
- Respond to urban patterns including mass and spacing of buildings; respond to adjacent structures, and transition heights and densities.
- Use location of building walls to define the street at an urban and human scale.
- Incorporate sustainable design methods where feasible.

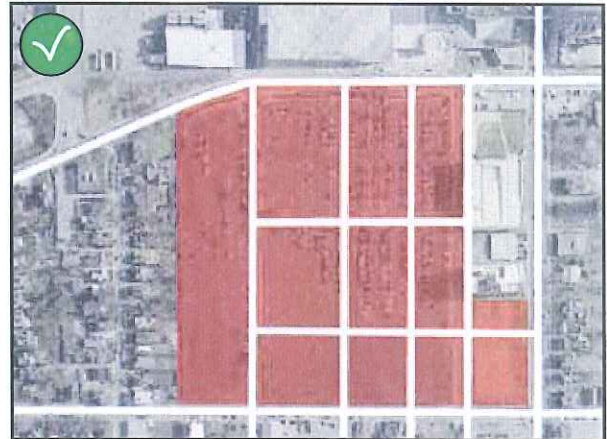
Large Scale Development (reference page 7 for large scale definition)

For large scale, block redevelopment ensure the block is integrated into the existing urban fabric to include appropriately scaled buildings while promoting connectivity.

DG 5.01

Weave developments into the surrounding urban fabric. Larger block sizes offer the potential to contribute to an area's special character and the overall urban diversity.

- Create a street and block network that follows the existing block size and achieves a similar level of connectivity.
- Extend street grids, to reestablish or create connections in areas of large-scale redevelopment.
- Incorporate internal circulation paths that connect to larger external patterns to achieve a pedestrian-friendly environment within the internal layout the site.
- Superblock developments that join together one or more blocks and eliminates street connectivity are discouraged.



Large superblock sites may look to break down the site into smaller blocks and create new internal connections that extend outside the site.

DG 5.02

Design full block developments so that the scale of the building is consistent with the scale of the buildings in the surrounding context.

- Transition the building mass, height, and scale to that of the less dense adjacent areas.
- Full block developments should increase activity to the adjacent properties; not become a deterrent to surrounding opportunities.



Design full block developments to address the scale of surrounding buildings and the pedestrian at street level.

Siting & Building Placement

Place the building on the site to respond to existing urban patterns in the surrounding area.

DG 5.03

Maintain the alignment of buildings at the build-to-line (BTL) as required per the standards to promote a consistent street wall.

- Structures, including stairs, porches and stoops may not encroach beyond the front of the BTL.
- Elements such as awnings, signs, balconies, and landscaping may encroach beyond the front of the BTL. Refer to the amenities section for additional information.

DG 5.04

When a portion of the facade is set back from the BTL, design spaces that complement pedestrian activities.

- Use walls or other landscape elements to define the predominant alignment on the street where a building must be set back from the BTL.
- These may include plazas, cafes, and building entrances.



A continuous and diverse building wall adds interest to city blocks.

Height, Mass, & Scale

Compose the building's height, mass, and scale in response to existing surrounding elements.

DG 5.05

Create buildings with mass and form that relate to structures, streets and open spaces and define the street edge.

- Enhance corner buildings with unique design features, arcades, or other mass designs to support their function as buildings establishing entries into the downtown and into districts.

DG 5.06

Address the typical height of surrounding structures by designing to a height that reflects the surroundings.

- Design taller buildings to relate to smaller scaled buildings nearby. Consider the following techniques:
 - Design the lower levels to express the alignment of elements seen traditionally in the block.
 - Step upper stories back from the main facade once above the first several floors.

- Transition the building mass, height, and scale to that of the less dense adjacent areas.

The following may be used for guidance:

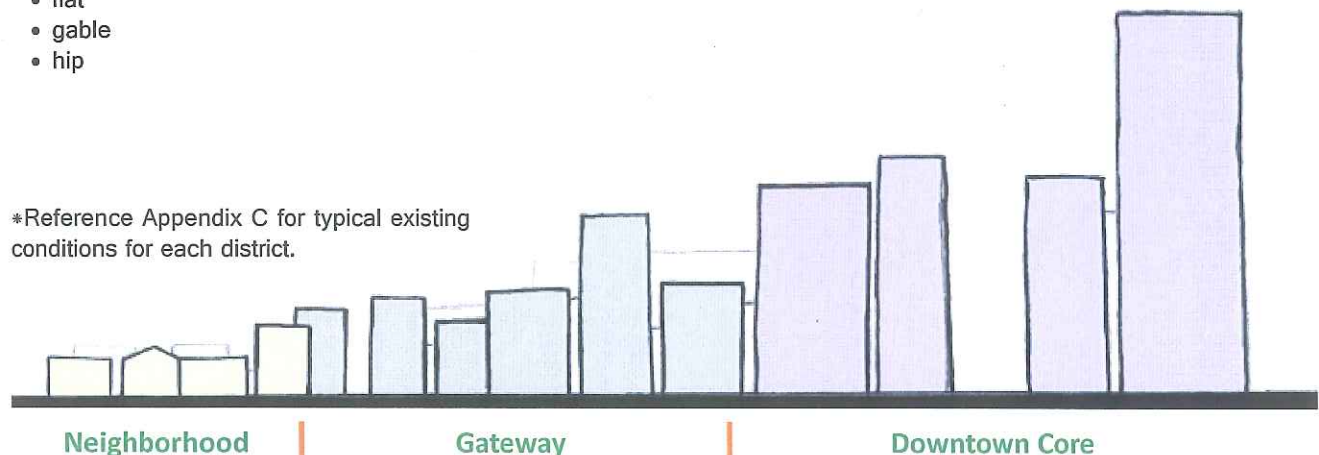
- within a 50' buffer of any Residential (R) zoned property the structure may have a maximum height of 36' or 3 story maximum.
- within a 150' buffer of any Residential (R) zoned property the structure may have a maximum height of 60' or 5 story maximum.
- within a 150' transitional zone of the Core District, measured off the perimeter of the Core District toward the center of the Core, a structure may have a maximum height of 180' or 15 stories.

DG 5.07

Design roof shapes, forms, and slopes that are typical within the district. These roof types include:

- flat
- gable
- hip

*Reference Appendix C for typical existing conditions for each district.



Common character is portrayed here in buildings of various sizes respecting the context of the block.



Corner buildings need to respect both fronting streets, character and proportions of surrounding buildings, as well as create a positive pedestrian environment.

Site Access & Parking: general

Provide safe and convenient parking while integrating it into the urban setting and reinforcing the pedestrian oriented street front.

DG 5.08

Integrate access and parking facilities with surrounding development to minimize its visual impact.

DG 5.09

Design parking and access areas with pedestrian engagement in mind and so that pedestrians are top priority within the space.

- Clearly define walkways with graphics, lighting, and/or landscaping (see open space guidelines for more info)
- Plan interior and exterior lighting to ensure user safety

DG 5.10

Design curb cuts for maximum safety and comfort of pedestrians.

- Minimize number of curb cuts and locate them away from the street intersections. (min. 20' from corners)
- Minimize the width of the curb cut, drive-way, and garage openings.
- Share driveways with adjacent property owners when possible.
- Provide change in paving materials where driveway crosses the sidewalk.

DG 5.11

Orient a drive-thru (based on conditional approval) for easy vehicular access but placed out of sight from street and away from interaction with pedestrians.

- Locate along D streets, or behind or within a structure when possible.
- Designate pedestrian right of way with varying paving materials.
- Ensure pedestrian comfort and security with buffering as needed.

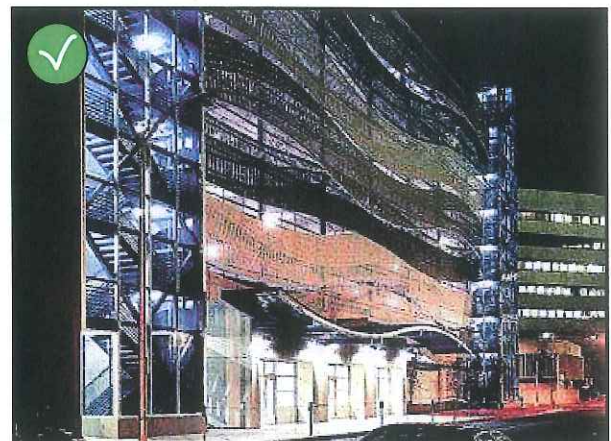
DG 5.12

Locate and design drop-off areas so that pedestrians have priority access while providing amenity for the building.

- Locate along streets in the following order D, C, B, then A.
- Incorporate landscape and various engaging elements along the area to ensure connectivity along the street for pedestrians.
- Designate pedestrian right of way with varying paving materials.
- Ensure pedestrian comfort and security with buffering as needed.



Incorporating vegetation into urban surface parking can greatly reduce the negative visual affect it may have on the street.



Unique facade treatments of a garage will add to rather than detract from the pedestrian realm.



Simple yet apparent signs for parking reduce clutter while still expressing where an entrance for motorists is located.

Parking: structured parking

Design structured parking so that it creates a visually attractive and active street edge and integrates into the existing urban fabric.

DG 5.13

Incorporate pedestrian oriented spaces along the primary facade(s) as required by the standards matrix to create an active street edge. Methods include, but are not limited to the following:

- retail/commercial wrap
- murals or public art
- landscaping
- product display cases

DG 5.14

Design structured parking to be architecturally compatible with the rest of the building and streetscape.

- Visually integrate the parking structure with building volumes above, below, and adjacent.
- Maintain alignments and rhythms of architectural elements, as seen along the street.
- Respect the regular window pattern and other architectural elements of adjacent buildings.
- Address the traditional widths of buildings in the area within the design.
- Continue the use of similar building materials.

DG 5.15

Design vehicular entrances so as to not dominate the street frontage of a building.



Incorporate programmable spaces into the ground floor and respect the context using architecture design.



Blank facades with limited interaction to the street leave voids in the urban environment.

Parking: surface parking

Parking area screening and landscaping guidelines apply to all surface parking lots including, but not limited to, public and private parking facilities, driveways and access aisles.

DG 5.16

Locate surface parking so it will minimize gaps in the continuous building wall of a block

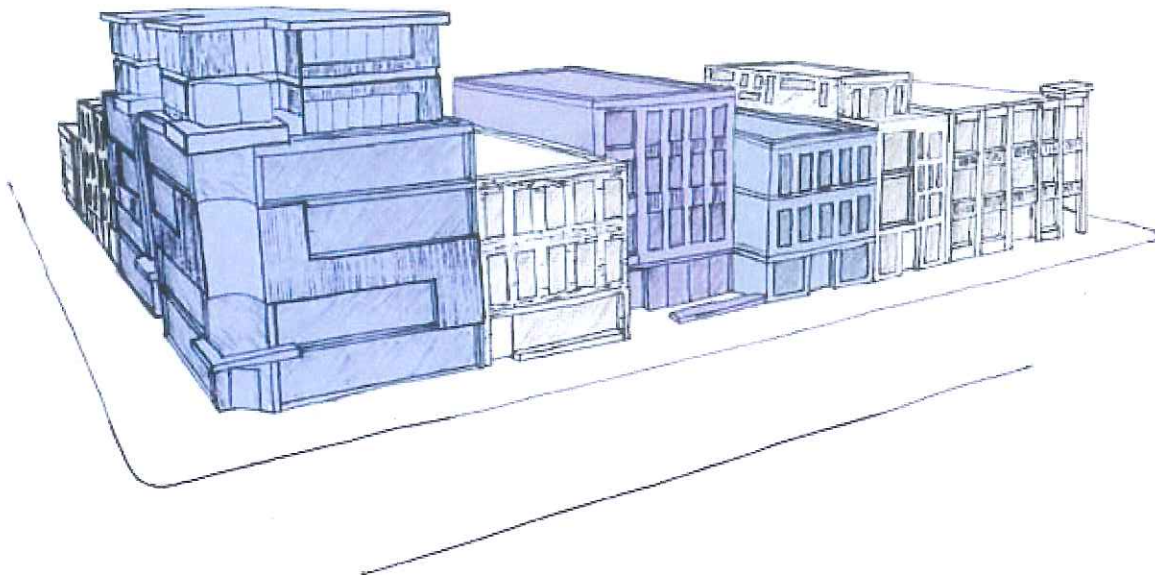
- Locate in the interior of a block
- Where a parking lot shares a site with a building, place the parking at the rear of the site or beside the building and screen it.

DG 5.17

Provide visual buffers at perimeter of surface parking lots.



Visual buffers keep the streetscape appealing as well as maintaining the streetwall.



BUILDING

Design buildings to create a lively mix of notable architecture and form exhibiting high design standards.

- Provide visual interest at pedestrian levels, mitigate the massive appearance of large buildings, and use architectural features to reflect the local character of the district.
- Ensure visual harmony with surrounding developments.
- All visible exterior surfaces must incorporate design features consistent with primary frontages.
- Incorporate durable and environmentally responsible building materials and methods to reduce resource and energy consumption and inspire future sustainable developments.

Frontages

Design building frontages to transition and interact between the public and private realms.

DG 6.01

Design corner treatments with signature entries and taller significant architectural elements to enhance the intersection. Establish a clear and defined edge at the public right-of-way.

DG 6.02

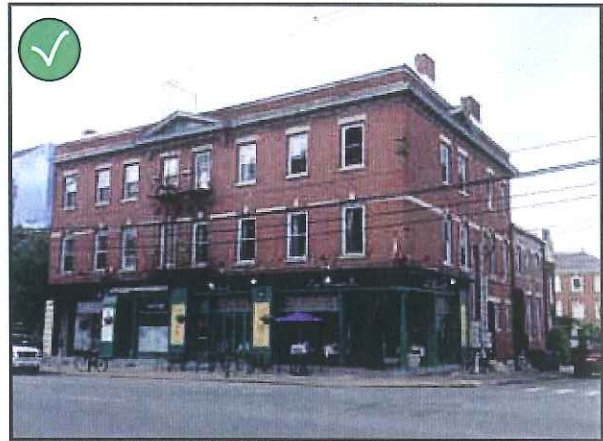
Connect interior and exterior of building sites with visibility view sheds, creating a sense of spatial connectivity and security.

- Provide transparency at the street level to promote a lively street environment, interest and activity along the sidewalk
- Reinforce the human scale along the street front.

DG 6.03

Design facades to address the scale of the surrounding buildings and the human scale at street level.

- Express architectural scale relationships between buildings of varying heights through compatible horizontal relationships of architectural features. These may include, but are not limited to the following:
 - alignment of cornices and belt courses,
 - fenestrations
 - turrets
 - changes in materials and color
 - modulations and building setbacks
- Design larger buildings with modulations so that facades reflect the uses within and respond to the existing scale of buildings in the surrounding area.
 - Reinforce modulation of the building facades with the composition of fenestration patterns, other architectural features, finish material compositions, lighting fixtures, landscape elements, and the roof line.



Street level addresses the pedestrian scale for a majority of the principal frontage while wrapping the around to the secondary street.



Addressing the building scale established at 2-4 stories works well for buildings of different heights.



Long blank facades on street corners creates voids on two streets that could otherwise engage pedestrians.

DG 6.04

Design street level principal frontages that engage pedestrians and promote a lively street environment. Potential methods include, but are not limited to:

- Setting portions of the building back slightly to create spaces for pedestrian-oriented uses (see Open Space Guidelines).
- Utilizing various design features and techniques to enliven facades, including, but not limited to, retail spaces, display cases, visibility into the buildings, landscaped areas, public art, articulation of wall surfaces, use of textures and materials, lighting, and various other design elements.
- Providing places for interaction by incorporating design elements such as entrances, arcades, open space, shop fronts and seating.
- Articulating the street level facade with windows and display areas that encourage pedestrians to look into the building interior.



Adding visual interest for pedestrians such as this mural distracts from an otherwise blank facade.

Materials

Use materials that respond to the character of the district, address the pedestrian scale, and are chosen with quality and durability in mind.

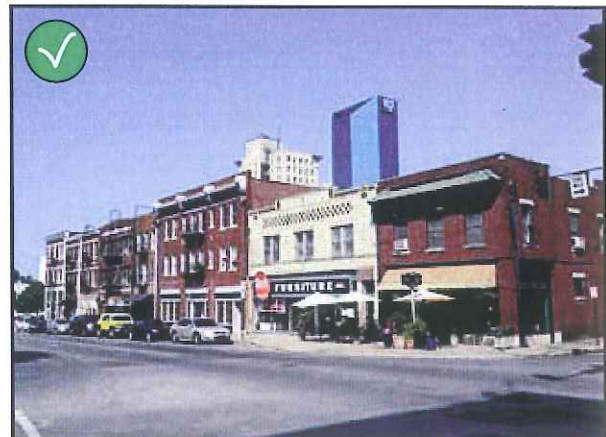
DG 6.05

Use quality building materials that respond to the character of the environment through changes in scale, detail, texture, and color.

DG 6.06

Incorporate durable and environmentally responsible building materials that reduce resource and energy consumption and that inspire future sustainable developments. Potential materials include but are not limited to:

- High quality, energy efficient, and durable materials
- Regional materials in order to minimize transport costs and benefit local economy
- Recycled materials
- EnergyStar and/or LEED certified materials



A variety of materials adds interest to the streetwall and engages the pedestrian visually.

Entrances

Promote pedestrian comfort, safety, and orientation by reinforcing building entries.

DG 6.07

Locate the primary entrance of a building toward the primary street along the build-to-line. Corner entrances are encouraged for buildings located on a corner lot.

DG 6.08

Locate a primary entrance at arcade overhang when applicable to promote activity within the space.

DG 6.09

Design entries so that they are clearly identifiable from the street and easily accessible, safe, and inviting to pedestrians. Elements include, but are not limited to the following:

- extra-height lobby space
- distinctive doorways
- decorative lighting
- entry canopy
- projected or recessed entry bay
- artwork, change in paving materials
- distinctive landscaping
- ornamental glazing
- railings

DG 6.10

Design entries and associated open spaces to increase safety, to avoid the creation of isolated areas, and to maintain lines of sight into and out of the space.



Varied styles of entry can help identify certain buildings as well as their function.



Address a street corner to welcome pedestrians and make a positive statement visually for motorists.

Existing Buildings: general

All guidelines listed below, in addition to other guidelines listed within this design document, are applicable to the renovation of and/or additions to existing structures. These guidelines apply to all buildings but special attention is given to traditional storefront architecture.

DG 6.11

Preserve and enhance existing building's historic character and integrity, including architectural features that collectively help establish a sense of place, provide human scale, or contribute to the detail and interest of the public realm.

- Rehabilitate and preserve existing buildings retaining the significant design elements.
- Design contemporary or abstracted interpretations of traditional buildings and its elements where preservation of historic fabric is not an option.

DG 6.12

Retain, maintain, repair, or replace as needed the following key elements of existing buildings:

- **Original exterior building materials and design features** which contribute to the character, place, scale, and texture of the building.
 - Do not cover, damage, or remove.
 - Expose and restore original building materials that have been covered in the past.
 - Incorporate replacement materials of the same size, shape, material and configuration as historic features when repairs or replacement are necessary.
 - Clean masonry only when necessary. Abrasive cleaning, such as sandblasting, is not allowed but appropriate chemical treatments are available.
 - Carefully repair masonry and mortar to match original including width, depth, color, raking, profile, composition, and texture.
- **Existing openings, including windows, doors, and transoms**, to maintain the rhythm and patterns that help establish a sense of scale and a strong sense of entry.
 - Do not fill or block. No partially enclosed openings permitted for the installation of smaller windows or doors.
 - Replace glazing where windows are currently filled in or blocked with windows that are appropriate to the existing structure.
 - Design new openings consistent with design standards and guidelines and consistent with the typical design elements of this building type at the time of its construction.
 - Maintain entry design and arrangement including



Historic rehab can be implemented for various uses such as introducing retail/restaurant frontage on the ground floor.



Preserving distinct architectural features can enhance the visual interest of buildings.



Bricked up openings are not permitted

Existing Buildings: general

recessed entries where found.

- **Architectural details and features, including cornices, scuppers, gutters, lighting, and signage.**
 - Repair damaged elements when possible, or develop an architecturally compatible interpretation if evidence of the original is not available.
 - Preserve and maintain historic signs including painted wall signs.
 - Install new features, such as lighting fixtures or signs, in such a way as to not adversely affect the building.
- **Roofs** including original roof form, dormers, and materials.
 - Preserve original size, shape, and pitch, with original features (such as dormers) if possible.
 - Repair and preserve historic roof materials if possible.
 - See additions, for information on additions to existing roof structures.



Preserving existing architectural features is key to preserving character as shown here with these roof dormers and cornice.



Avoid the use of large signs that take from the historic character of the structure.

Existing Buildings: storefronts

DG 6.13

Maintain and preserve traditional storefront architecture. The size, shape, massing, and design details of the storefront are important contributions to the integrity of the building and the streetscape. In addition to the previously listed general elements, retain, maintain, repair, or replace the following key storefront elements:

- **Kick plates, awnings, transoms, and other decorative elements** with appropriate forms and materials.
- **Display windows** ensuring the main portion of glass on the storefront is maintained.



Creative, properly scaled storefronts enhance the building and the pedestrian experience.

Existing Buildings: additions

DG 6.14

Create additions to an existing building so that the character of the existing building is still evident.

- Design to be compatible and complementary in scale, materials, roof forms, and character with the existing building and are clearly distinguishable from the existing building.

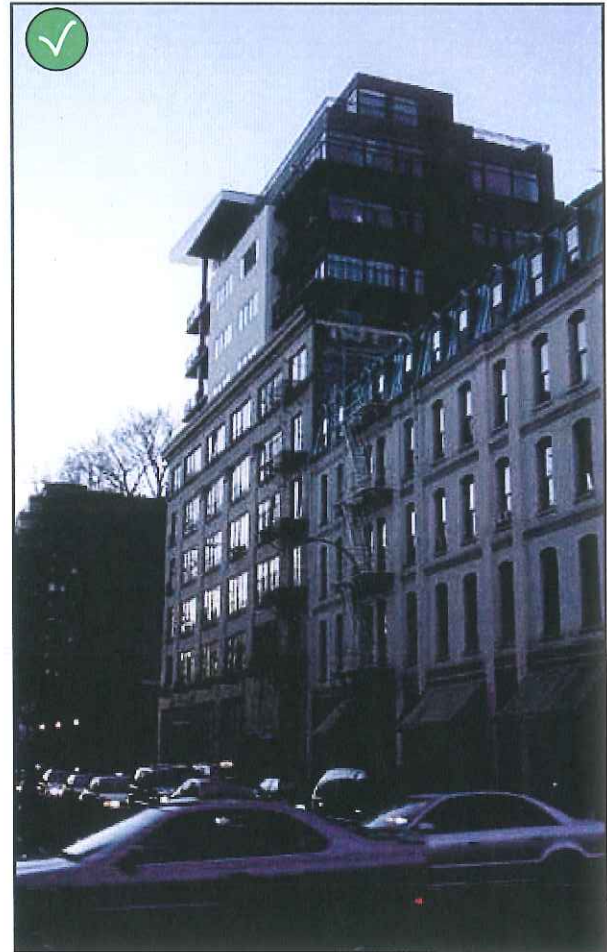
Note: "compatible and complementary" does not mean replication

- **Additions to the rear or side of an existing building:** design to be sensitive to the alignment and location of its storefront elements, moldings, cornices, and upper story windows and its immediate context.
- **Additions or changes to the roof of an existing building:** design to set back from the primary facade to preserve the scale and character of the building from the street.
 - In limited circumstances an addition may be made to the roof and not be set back. Design the addition so that a distinction between the addition and the existing structure through form or materials is created.
 - Place skylights, decks, or dormers so they are not readily visible, and are placed to have the least negative impact on the exterior appearance .

DG 6.15

Site stair and fire escape additions to the side or rear of buildings when possible.

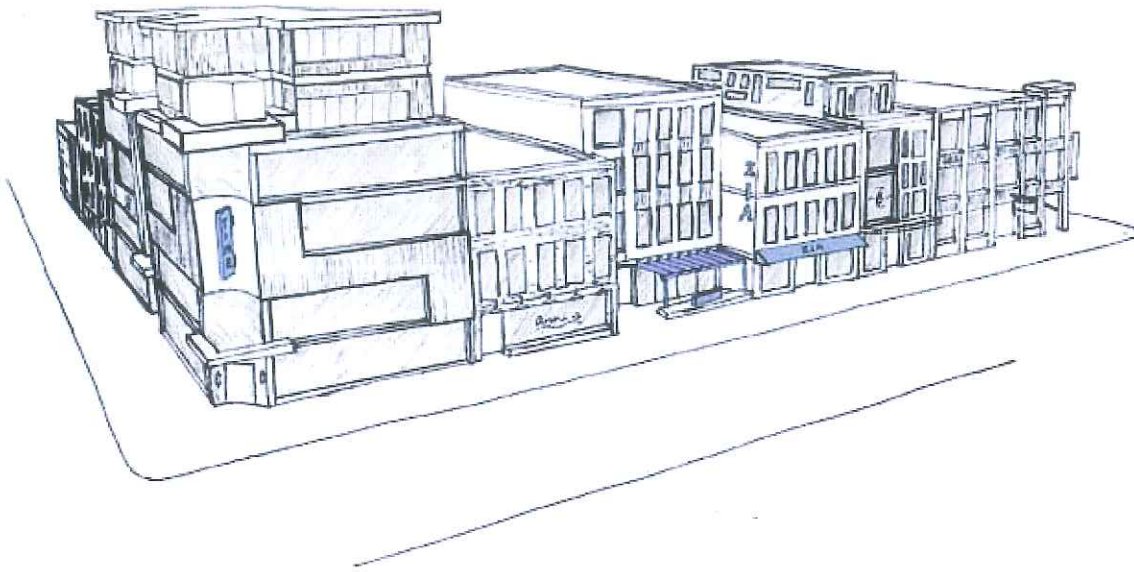
- Do not add unless required by building codes or where no other means of upper floor access is reasonably feasible.



Additions should respect the scale and context of surrounding buildings.



Additions may be contemporary interpretations while acknowledging the importance of the existing structure and the surrounding context.



AMENITIES

Add visual interest and enhance pedestrian oriented design through the addition of amenities such as signage, awnings, canopies, and lighting.

- Enhance the pedestrian environment, reinforce building patterns and rhythms through addition of amenities.
- Design amenities to be integral parts of the architectural design of the buildings to which they are attached.

Mechanical, Utilities, Service & Loading

Minimize the presence of service areas and elements that adversely impact the downtown pedestrian environment and create hazards for pedestrians and vehicles.

DG 7.01

Locate service areas for trash dumpsters, loading docks, mechanical equipment, and other similar elements away from the public view. Locate the following:

- Services away from primary facades unless a primary facade is the only available frontage.
- Utility connections and service boxes on secondary walls.
- Window air conditioning units away from building's primary facade.
- Low-profile mechanical units on rooftops that are not visible from public ways and so that noise does not interfere with adjacent properties.
- Satellite dish out of public view, where feasible.



Utilities can be hidden even without completely blocking them out of sight by simply blending them into their context.

DG 7.02

Screen elements which for programmatic reasons cannot be located away from the street front.

- Screening Methods include vegetative material, fencing and walls, parapet walls, integrated building elements or features, and alternative screening methods as approved.
- Use durable screening materials that complement the building.
- Use fences, walls, and/or garage doors along a large service area when necessary to continue the established street edge.



Utilities not hidden become unsightly to both pedestrians and motorists passing by.

Fences and Walls

Utilize fences and walls to reinforce the desirable urban patterns along the street wall and to act as screening when necessary.

DG 7.03

Do not install a fence or wall that:

- Encroaches upon a right-of-way
- Blocks or diverts a natural drainage flow on to or off of any other property.
- Compromises safety by blocking site triangles at street intersections or obstructs the visibility of vehicles entering or leaving driveways or alleys
- Blocks access to any above ground or pad-mounted electrical transformer, equipment vault, fire hydrant or similar device



Fences can be incorporated to maintain a consistent street wall along heavy pedestrian corridors.

Signage

Design Signage to the scale and character of the project and neighborhood while orienting signs to pedestrians and/or people in vehicles within the immediate district.

DG 7.04

Employ signage where feasible along all A and B streets to create district identity and facilitate orientation and wayfinding within the downtown. Incorporate signage along other streets is encouraged as needed.

- Design signage to facilitate rapid orientation, to add interest to the street level environment, to reduce visual clutter, to unify the project as a whole, and to enhance the appearance and safety of the downtown area.
- Coordinate a sign within the overall facade composition, ensuring proportionality and scale to the building and its subordination to the overall building composition.
- Locate a sign on a building so to emphasize and not obscure design elements of the facade itself.



Variety in signs signifies hierarchy for the pedestrian and motorists.

Note: Reference the sign ordinance (Article 17 in LFUCG Zoning Ordinance) and the illustrated sign guide for all design standards.



Examples of Permitted Signs

- | | | |
|---------------------------|---------------------------------|-------------------------|
| 1. Wall Mounted: Building | 4. Wall Mounted: Identification | 7. Projecting: Vertical |
| 2. Under Canopy/ Awning | 5. Projecting: Suspended | 8. Window Sign |
| 3. Wall Mounted: Entrance | 6. Menu Boxes | 9. Above Canopy/ Awning |

Awnings & Canopies

Utilize overhead weather protection to define the pedestrian realm and reduce the scale of tall buildings while providing protection and improving pedestrian comfort and safety along major pedestrian routes.

DG 7.05

Provide awnings and canopies along A and B streets where feasible to add visual interest to the streetscape.

Design considerations include:

- Translucent or transparent material to maintain a pleasant sidewalk environment with natural light.
- Fabric awnings
- Operable awnings
- Fixed metal canopies
- Internally lit awnings and canopies are prohibited unless the lights are shielded from above and direct downward. I.e. down lights could be used to illuminate pathways, tables, plantings, entries, architectural elements, artwork on walls, etc.

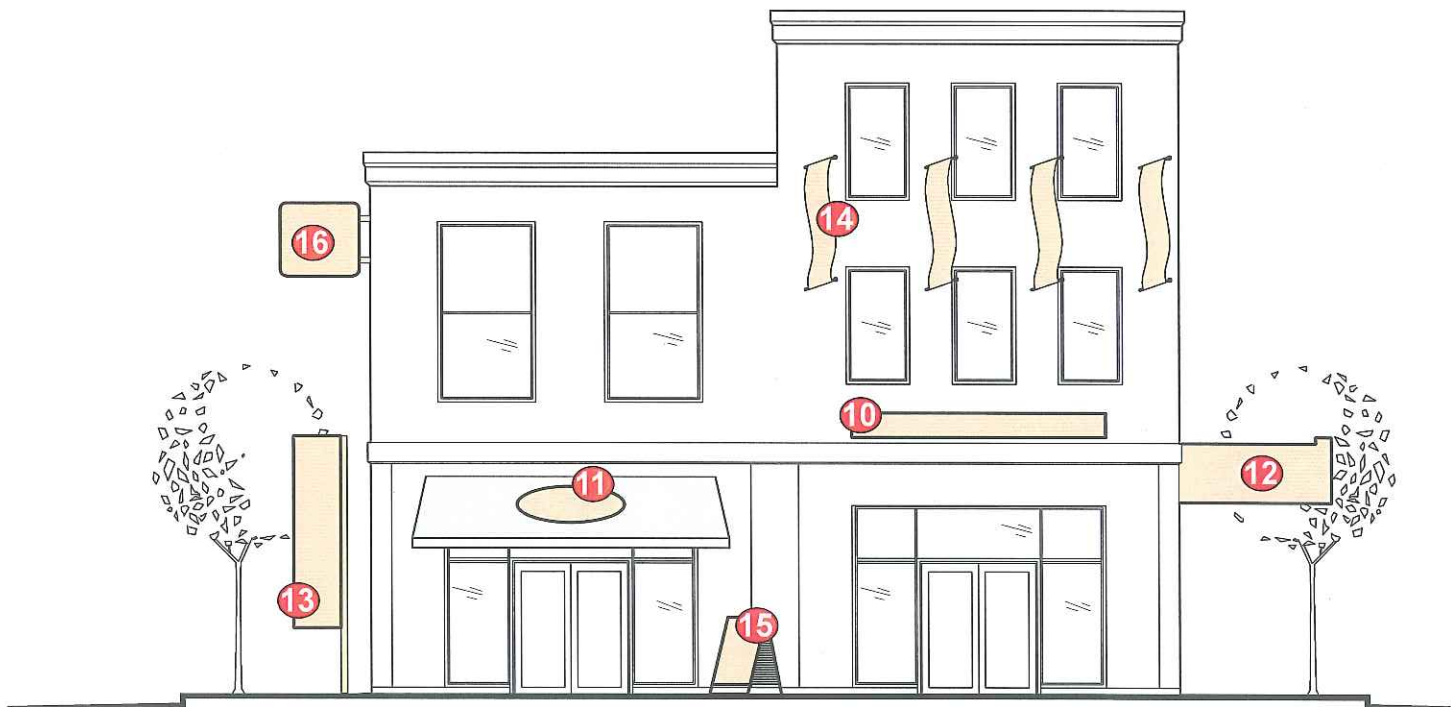


Creating a presence on the street and protecting pedestrians from the elements makes for a pleasant experience.

DG 7.06

Address the human scale of the space defined by the height and depth of the weather protection.

- Design the awning to fit the opening; for example, use simple shed shapes for rectangular openings.
- Do not cover or conceal significant architectural



Examples of Permitted Signs (continued)

- 10. Wall Mounted: Fascia
- 11. Canopy/awning
- 12. Projecting: Marquee

- 13. Free-Standing
- 14. Banner, Pennant, or Streamer

- 15. A-Frame of Sandwich Board
- 16. Projecting: Cantilevered

Building Lighting

Use lighting to accent architectural details, building entrances, and signs. Illuminate sidewalks to provide appropriate levels of lighting on the building facade and to promote a sense of security during nighttime hours.

DG 7.07

Use various lighting techniques for building lighting. These may include:

- Illuminate distinct features of the building.
- Install lighting in display windows that spills onto and illuminates the sidewalk
- Orient outside lighting to minimize glare within the public right-of-way.
- Choose exterior light sources with a low level of luminescence
- Select lights that cast a color similar to daylight, use color in unique situations
- Select lighting fixtures appropriate to the building and its surroundings in terms of style, scale and intensity of illumination



Lighting that is visually attractive and showcases an important building creates a unique urban environment.

Public Art

Encourage the use of public art within the urban environment to enliven a space and create visual interest in various locations. Art may also be used to help define a district and add to its overall character.

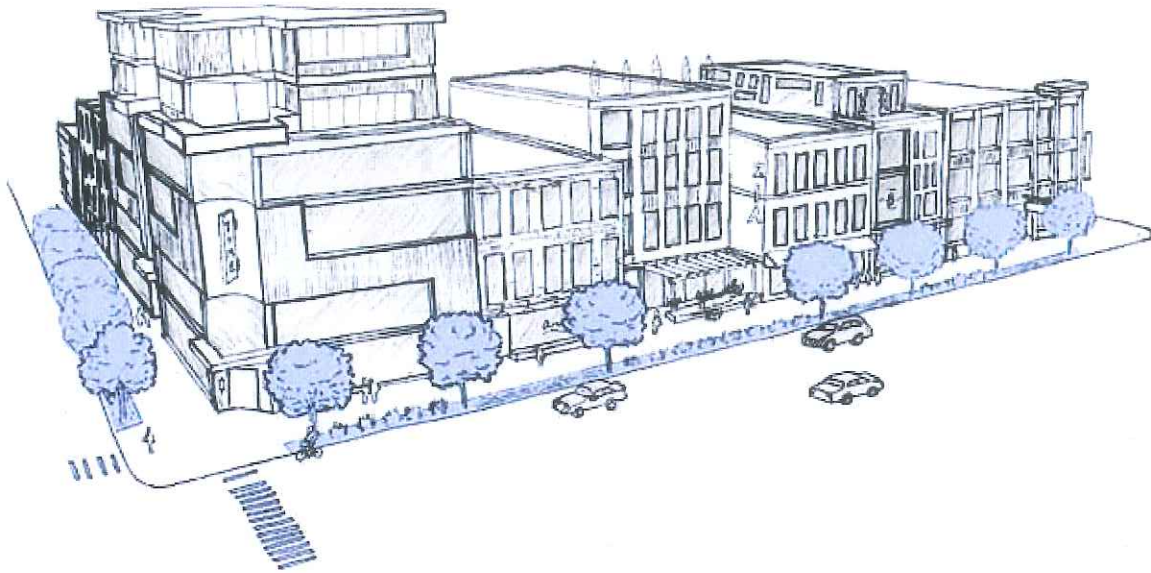
DG 7.08

Use public art where appropriate to add visual interest along the street and within public open spaces.

*Note: all public art must be reviewed by a separate board. See standards for more information.



Murals along building walls at large scale at varying degrees of interest along this surface lot at the corner.



STREET

Employ continuous street walls, activated open spaces, street trees, furniture, and lighting to further accentuate the human scale along the street

Streetscape

Ensure that the streetscape is designed to facilitate walking and that amenities are provided to create a lively and inviting environment.

DG 8.01

For construction/reconstruction of sidewalks, refer to Downtown Streetscape Master Plan for Lexington, Kentucky (2008).

Reference the standards matrix for street type standards.



Use streetscape elements to define the pedestrian environment.

Landscaping & Planting

Enhance the building and site with landscaping. Elements aid in establishing a human scaled street level facade and can add visual interest to an otherwise flat surface.

DG 8.02

Utilize landscaping and planting to emphasize building entries and other architectural features to give a sense of place along the street. Approaches may include, but are not limited to the following:

- entries with special planting in conjunction with decorative paving and/or lighting
- special features such as a fountain
- planters as part of the architecture
- landscaped open areas
- modulated blank walls with terracing, retaining walls, plantings, etc
- frameworks, such as a trellis or arbor
- upper story planter boxes or roof planters



Use unique landscape design elements to enhance the pedestrian environment and to identify entries.

DG 8.03

Reinforce desirable patterns of landscaping by planting trees, shrubs and/or other forms of planting material best suited for the specific site. Use similar landscape materials as adjacent mature planting.

DG 8.04

Ensure landscaping maintains sightlines of paths and entryways and allows for natural surveillance to promote security along the street.



If open programmed space is incorporated into the site, planting can distract from the typical "concrete jungle" feel of the urban landscape while adding interest to the site.

Public Open Space

Design inviting and usable open spaces that promote a safe and active environment while enhancing the character of the area. These spaces may include programmable public spaces, parking and building access areas, plazas, courtyards, patios, cafe dining, and other open spaces.

DG 8.05

Incorporate public spaces into new buildings to enhance the pedestrian environment and reinforce the downtown open space network.

DG 8.06

Accentuate the street edge where gaps in the street wall occur due to planned open spaces.

Define the edges of the open space along the sidewalk.

- Use changes in paving, hedges and walls to define the street edge.
- Allow visibility into and out of an open space.

DG 8.07

Design open spaces that are inviting to people and enhance the building's setting. Open spaces may feature, but are not limited to:

- walking surfaces of attractive pavers
- pedestrian scaled lighting
- landscaping
- site furniture
- art work
- fountains
- seating
- kiosks



Programmed open space adds interest and a variety within the urban environment.



Activate open space day and night with various elements.



Stepbacks that respect the pedestrian environment on the ground plane can also create programmed open spaces for buildings such as residential buildings in the urban core.

DEMOLITION

Demolition or Moving of Buildings

- should only occur as a last resort after all other avenues to protect buildings and structures have been exhausted.
- should not be detrimental to the character, scale, rhythm, design and importance of a group of buildings, streetscape or district.
- of a building within the DE boundary (B-2 zones) is NOT PERMITTED, UNLESS one of the following conditions is proven to exist:
 - The demolition application is for a building which does not contribute to the positive character of the property and/or the streetscape and its demolition will not adversely affect the character of the property, adjacent properties, streetscape, nor the character of the downtown district as a whole.
 - The application is for demolition of a portion of a building, an addition, or for an accessory structure which is not significant to the principal structure, site, or district; and the approval of the application would not adversely affect the building, adjacent buildings, streetscape or the district
 - The applicant proves that no reasonable economic return can be realized from the property without the demolition of the building and that there is no economically reasonable alternative. Documentation required to be provided for consideration of same is outlined in Article 27 of the Fayette County Zoning Ordinance.

Applications for demolition must simultaneously be accompanied by application for new construction and if demolition is granted, a demolition permit may not be issued until a new construction building permit is obtained. Demolition and new construction applications will be reviewed concurrently.

GLOSSARY

Access: The way by which vehicles ingress to and egress from a land parcel or property and the street fronting along such property or parcel.

Additions: New construction horizontally or vertically attached to an existing structure. Additions are to respect and enhance the existing structure and enhance the existing building and its surroundings. Major additions are those with an addition of 25% or more of the existing structure; anything less than 25% is considered a minor addition.

Architectural Features: Prominent or significant parts or elements of a building or structure.

Art, Public: Original works which are located on public property and/or integrated with public construction projects. Public Art can include all forms of original works of art work, exterior or interior, which are accessible to the public.

Articulation: The manner in which portions of a building form are expressed (materials, color, texture, pattern, modulation, etc.) and come together to define the structure.

Awning: A roof-like cover designed and intended for protection from the weather or as a decorative embellishment, and which is supported by and projects from a wall or roof of a structure over a window, walk, door.

Belt Course: A horizontal band usually marking the floor levels on the exterior facade of a building.

Board of Architectural Review (BOAR): A five-member appointed board that is responsible for overseeing design review in locally designated historic districts (H-1).

Build-to-Line (BTL): The line parallel to the property line where the facade of the building is required to be located.

Canopy: See awning definition.

Character: The qualities and attributes of any structure, site, street or district which separates and distinguishes the individual from its context.

Contemporary: Reflecting characteristics of the current period. Contemporary denotes characteristics which illustrate that a building, structure or detail was constructed in the present or recent past rather than being imitative or reflective of a historic design.

Context: The characteristics of the buildings, streetscape, and landscape that surround a given building, site, or area.

Contextual Sensitivity: Refers to how the design and planning of new development consider the existing context in the design process.

Cornice: The uppermost, projecting part of an entablature, or feature resembling it. Any projecting ornamental molding along the top of a wall, building, etc.

Demolition: Any act which destroys any part or all of a building or structure.

Density: The concentration of buildings in any given physical geographic area.

Development Site: The parcel or series of parcels a project is constructed on.

Dormer: A window that projects from a roof.

Eave: The edge of a roof that projects beyond the face of a wall.

Façade: Any vertical, exterior face or wall of a building.

Fenestration: The arrangement of windows and/or doors on a building.

Guideline: Criteria developed that are intended to be flexible and not intended to prescribe specific design solutions but rather to express the preferred design objectives. The intent of each objective is to be met but the method by which the design addresses it may vary.

H-1: The Local Historic District and Landmark design overlay and review process. Provides specific criteria for appropriate rehabilitation work, new construction, and demolition in Lexington designated local historic

districts.

Masonry: Exterior wall construction of brick, stone, or adobe laid up in small units.

Massing: The three dimensional bulk of a structure: height, width, and depth.

Material Change: A change that will affect either the exterior architectural or environmental features of property or any structure, site or work of art within the design boundary.

Mixed-Use: Any development – urban, suburban, or single building – that combines any two or more of the following: residential, commercial, or institutional uses within the same context of space as a cohesive programmed site.

Modulation: A visual or physical change along the facade. A change, using materials or physically stepping back/projecting forward, of sections of a structure's façade within specified intervals of building width and depth, in order to break up a structure's apparent bulk.

New Construction: Construction characterized by the introduction of new elements, sites, buildings or structures.

New Construction Small Scale: These small scale infill projects are defined as any new development with the following criteria: development site less than .75 acres (32,670sf); building footprint less than 30,000 sf; or building height less than 96' or 8 stories (whichever is greater).

New Construction: Large Scale: Large scale new construction developments are defined by the following: development site of .75 acres (32,670sf) or more; building footprint 30,000 sf or more; or building height 96' or 8 stories (whichever is greater) or more.

Open Space, Public: Land and/or water area which is set aside to serve the purposes of providing active or passive recreational opportunities, conserving valuable natural resources, and structuring urban development and form. Programmed space that is designed to be permanently used for outside seating, dining or features such as sculpture or fountains.

Orientation: The manner in which a building relates to the street. The entrance(s) to the building play(s) a large role in the orientation of a building; whereas, it should face the street.

Parapet: A low wall or railing often used around a balcony or along the edge of a roof.

Preservation: the act or process of applying measures necessary to sustain the existing form, integrity, and materials of an historic property. Work, including preliminary measures to protect and stabilize the property, generally focuses upon the ongoing maintenance and repair of historic materials and features rather than extensive replacement and new construction.

Preserved: Kept up or maintained.

Reflectance: The visible light reflectance (VLR), is the percentage of total visible light that is reflected by glass and that can be seen.

Rehabilitation: Projects that retain the existing structure. These projects place importance on the retention of the existing urban fabric through maintenance and repair and enhancement of the existing building. Complete rehabs are those with modifications of 50% or more of the exterior of the existing primary structure. Anything below 50% or is an accessory structure is considered minor rehab.

Retain: To keep secure and intact.

Rhythm: Movement or fluctuation marked by the regular occurrence or natural flow of related elements.

Scale: Proportional elements that demonstrate the size, material and style of the buildings.

Scale, Pedestrian: Used to describe the quality of a building that includes structural or architectural components of size and proportions that relate to the human form and/or that exhibits through its structural or architectural components the human functions contained within.

Screening: A method of visually shielding or obscuring a use on a lot from another use or from the right-of-way by fencing, walls, or densely planted vegetation.

Setback: When a portion/all of a building, above the required frontage at the BTL, is recessed from the primary façade and/or frontage.

Standard: Quantifiable criteria by which the minimum requirements for projects in the downtown are established. Applicants must demonstrate adherence to each design standard.

Street Edge: A defined edge, typically with change in materials, landscaping, or other elements, that reinforces and continues the street wall when a setback exists along the street.

Street wall: A street wall is the part of a building that faces the street, and refers to how and where several buildings line up to define a proper walking environment adjacent to the buildings.

Streetscape: The distinguishing character of a particular street created by its width, degree of curvature, paving materials, design of the street furniture and forms of surrounding buildings. Generally, the streetscape refers to the character of the street, or how elements of the street form a cohesive environment.

Transom: A horizontal opening (or bar) over a door or window.

Threshold: Criteria identified to trigger staff or board reviews.

Transparency: Defines a requirement for clear or lightly tinted glass in terms of a percentage of the façade (area between an area falling within 2' and 8' above the adjacent sidewalk or walkway).

Turrets: A small tower usually located at the corner of a structure.

View Shed: The natural environment visible from one or more viewing points.

Wayfinding: The process of using spatial and environmental information to find our way in the built

APPENDIX



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