

Mossotti, Chair
Scutchfield, Vice Chair
Kay
Stinnett
Akers
Gibbs
Lamb
Farmer
Bledsoe
Henson

A G E N D A

Planning & Public Safety Committee

September 8, 2015

1:00 P.M.

1. **August 11, 2015 Committee Summary** (1-3)
2. **Design Excellence Standards/Guidelines – Kay** (4-14)
Design Excellence Zoning Ordinance Text Amendment – Kay (15-65)
3. **Insurance for Firework Displays - Bledsoe** (66-72)
4. **Items Referred** (73)

“Planning and public safety committee, to which shall be referred matters relating to the division of planning and including, but not limited to, matters relating to housing, infill and redevelopment, purchase of development rights and historic preservation, and any related partner agencies and to which shall be referred matters relating to the department of public safety and its related divisions.”

- Council Rules & Procedures, Section 2.102 (1) Effective January 1, 2015. adopted by Urban County Council
September 25, 2014

2015 Meeting Schedule

January 13	February 10
April 14	May 12
June 9	August 11
September 8	October 13
November 10	



Planning & Public Safety Committee

August 11, 2015

Summary and Motions

Chair Mossotti called the meeting to order at 1:02 p.m. Committee Members Scutchfield, Stinnett, Akers, Gibbs, Farmer, Bledsoe and Henson were in attendance. Committee Members Kay and Lamb were absent. Council Member F. Brown was also present.

I. June 9, 2015 Committee Summary

Mossotti spoke a few words for the late Council Member Ed Lane, noting his service to Lexington and his tenure on the Urban County Council.

A motion was made by Scutchfield to approve the June 9, 2015 Committee Summary, seconded by Henson. The motion passed without dissent.

II. Food Truck Fire Safety

Henson introduced the issue of Food Truck Fire Safety and Mike Farmer, Fire Marshall, gave a presentation.

Bledsoe inquired if there is a fee for the food trucks to acquire certification. M. Farmer stated that some businesses have “fallen through the cracks” and have not acquired proper licensing. He further noted that the Fire Department would need to allocate funds to locate those individuals. M. Farmer confirmed that there are no additional fees for the Fire Department’s safety inspection. Bledsoe inquired about fees for businesses found to be in violation of the fire code. M. Farmer stated that under the KRS legislation there are fees for each offense, and he noted that their desire is not to penalize those individuals but to ensure each food truck meets safety standards.

Henson noted it is required that the Health Department be made aware of where each food truck is located and suggested this as a method of locating trucks that are not within compliance.

Akers inquired if the inspections would be annual. M. Farmer stated they would be conducted when a business applies for a business license and yearly when they are renewed. Akers inquired if there will be a sticker or marker to show inspection. M. Farmer stated this is something they may work toward this in the future. Akers stated it may be possible for Revenue to issue the stickers which would allow the public to notify to Fire Department if they encounter a food truck without a visible sticker.

Gibbs inquired about the Kentucky Statue which references a 5 years requirement for propane tanks. M. Farmer stated this is a Department of Transportation regulation and noted that the Standards of Safety are adopted by the Council.

III. Armstrong Mill West Small Area Plan

F. Brown introduced the Armstrong Mill West Small Area Plan. Jim Duncan, from Planning, presented the Area Plan to Council.

Henson stated she is supportive of what small area plans can do for the community.

IV. Distribution of Unsolicited Advertising Supplements

Henson introduced the distribution of unsolicited advertising supplements.

There was public comment.

Bledsoe noted she has received a high number of calls about this issue. She inquired about the difference between community news and advertising supplements. Richard Morgan, from The Lexington Herald Leader, stated editorial content is the difference. Bledsoe inquired if the employees who distribute the publications are part-time workers. John Kim, from CIPS, stated the majority of carriers are contract-based and noted that a small percentage is full-time.

Stinnett noted they have stopped using USPS and inquired about the cost difference. Morgan stated the difference is not only in cost, but in the number of regulations imposed by the post office, including the length of the publication and guaranteed delivery dates.

Stinnett inquired if the drafted ordinance is similar to Louisville's and if it would apply to all types of distribution. Michael Cravens, from Law, stated the ordinance was based loosely on the legislation Louisville passed in 2009 and refers to any unsolicited written materials. Stinnett inquired about materials hanging on doors to which Cravens replied that there are 6 methods of distributing materials outlined in the ordinance. Cravens stated if the distribution is consistent with these methods the hanging materials would be permissible.

Stinnett inquired about enforcement, noting that it falls under two boards and inquired if this could be put under a single board. Cravens stated the workloads of the respective boards were factored into this decision. In response to a question from Stinnett, Cravens replied that a first offence is a civil citation and the next is a civil penalty. There was discussion about other penalty options. Stinnett inquired who would enforce these violations. Cravens stated that citation officers from Code Enforcement would enforce this.

Akers inquired about do-not-deliver requests and if the number given for cancellation goes to The Lexington Herald Leader. Morgan replied that it does. Akers noted this seems to be a problem. Akers inquired further about violations and Cravens outlined the process of

documentation and appeals.

Gibbs stated his concern about litter and noted his belief that if workers were better employed, supplements could be more efficiently distributed.

Farmer noted the view that this could infringe on free speech rights and Morgan emphasized they do not intend to censor their editorial content. Farmer stated past delivery of the supplements have been sloppy and echoed previous comments about storm water concerns.

Mossotti stated that response from the Herald Leader has been poor, noting that supplements reappear after calls to cancel have been made. Morgan stated this has been a learning process.

Henson noted her concern for residents who are unable to retrieve the supplements to properly recycle the, in addition to unclear information about cancellation

Stinnett inquired why the supplements could not be left on doorsteps. Morgan stated this would increase the cost of the publication. Morgan noted that the Herald Leader no longer offers door service without payment in Fayette County.

A motion was made by Henson to move the Distribution of Unsolicited Advertising Supplements to the full Council, seconded by Akers. The motion passed by a 9-1 vote. (Yay: Akers, Bledsoe, Gibbs, Henson, Lamb, Mossotti, Scutchfield, Stinnett, Moloney Nay: Farmer)

V. Items Referred

A motion was made by Henson to removing Ridesharing Regulations from Committee, seconded by Gibbs. The motion passed without dissent.

A motion was made by Stinnett to remove the Status of Small Area Plans from Committee, seconded by Farmer. The motion passed without dissent.

A motion was made by Henson to remove the Versailles Rd Corridor Study from Committee, seconded by Akers. The motion passed without dissent.

A motion was made by Henson to adjourn, seconded by Scutchfield. The motion passed without dissent.

The meeting was adjourned at 2:20 p.m.

DS 8.13.2015

ARTICLE 27**PROPOSED AMENDMENTS****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.);

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- (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}.~~

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- (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) Review and decide applications for Authorization Permits as provided herein below.
- (2) Periodically review the adopted design standards and guidelines and make recommendations to the Urban County Council for changes to design standards and guidelines.

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- (3) 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 Area.
- (4) 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.
- (1) ~~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) ~~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 Court House Area.~~
- (3) ~~Form sub-committees as necessary.~~
- (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.~~
- (5) ~~Review and decide applications for Authorization Permits as provided herein below.~~
- (6) ~~Periodically review the adopted design guidelines and make recommendations to the Urban County Council for changes to design guidelines.~~

~~[27-5] 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; ~~for~~ the demolition of all, or any part 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 — Authorization Permits specified herein below.]~~

~~[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~~

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~~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.]~~

~~(Note: This existing sub-section is moved to later in the document. See Article 25-5(c) below.)~~

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.

~~[27-6(b)(2)(a) — PROCEDURES FOR ISSUANCE OF AN AUTHORIZATION BY THE DESIGN REVIEW OFFICER]~~ *(Note: delete section heading only)*

- ~~(1)-(a)~~ **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)-(b)~~ **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)-(c)~~ **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.

27-5(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 is 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.

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

- (a) **PRE-FILING CONFERENCE** - Prior to formal filing, the applicant shall meet with the Design Excellence Officer to discuss preliminary design concepts, applicable procedures, submittal documents, and similar matters.
- (b) **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

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.

- (c) **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.

- (d) **BOARD PUBLIC HEARING** - After notice, the Board shall consider the request for an Authorization Permit at a public hearing. Prior to the hearing, the Board shall receive the written report of the Officer. At the hearing, the Board shall allow the applicant, protestors and other interested citizens to testify and rebut evidence presented by others, provided the Chair 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

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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. These standards and guidelines shall form the basis of any action by the Board.

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.

- (e) **AUTHORIZATION PERMIT ISSUANCE** - The Design Excellence 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 Divisions of Planning and Building Inspection and/or the Division of Code Enforcement, as appropriate.

27-5(d) MULTI-PHASE BOARD REVIEW – Multi-phase Board review shall be required for large scale new construction, as defined in Section 27-5(c)3. 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(c)] 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 [protected by a CA overlay] unless and until an Authorization Permit has been issued by the Design Excellence 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(c)(1)] PROCEDURES – [The procedure for review of an Authorization Permit for demolition shall be as set forth in Article 27-5(c) [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 [owner] 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 pur-

chased;

- (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 Section 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 applicant ~~[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~~ **120 days (unless a longer time is agreed to by the applicant)** 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,

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Planning Commission Approved Text on March 27, 2014; with proposed revision to Art 27-5(e) August 2015

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) **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 Divisions of Planning and 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.]~~

27-7(a) — PROCEDURE FOR THE DE NOVO PUBLIC HEARING

27-7(a)(1) — 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.

27-7(a)(2) — 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

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Planning Commission Approved Text on March 27, 2014; with proposed revision to Art 27-5(e) August 2015

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.}~~

Design Excellence

Design Standards & Guidelines

Downtown Lexington, KY

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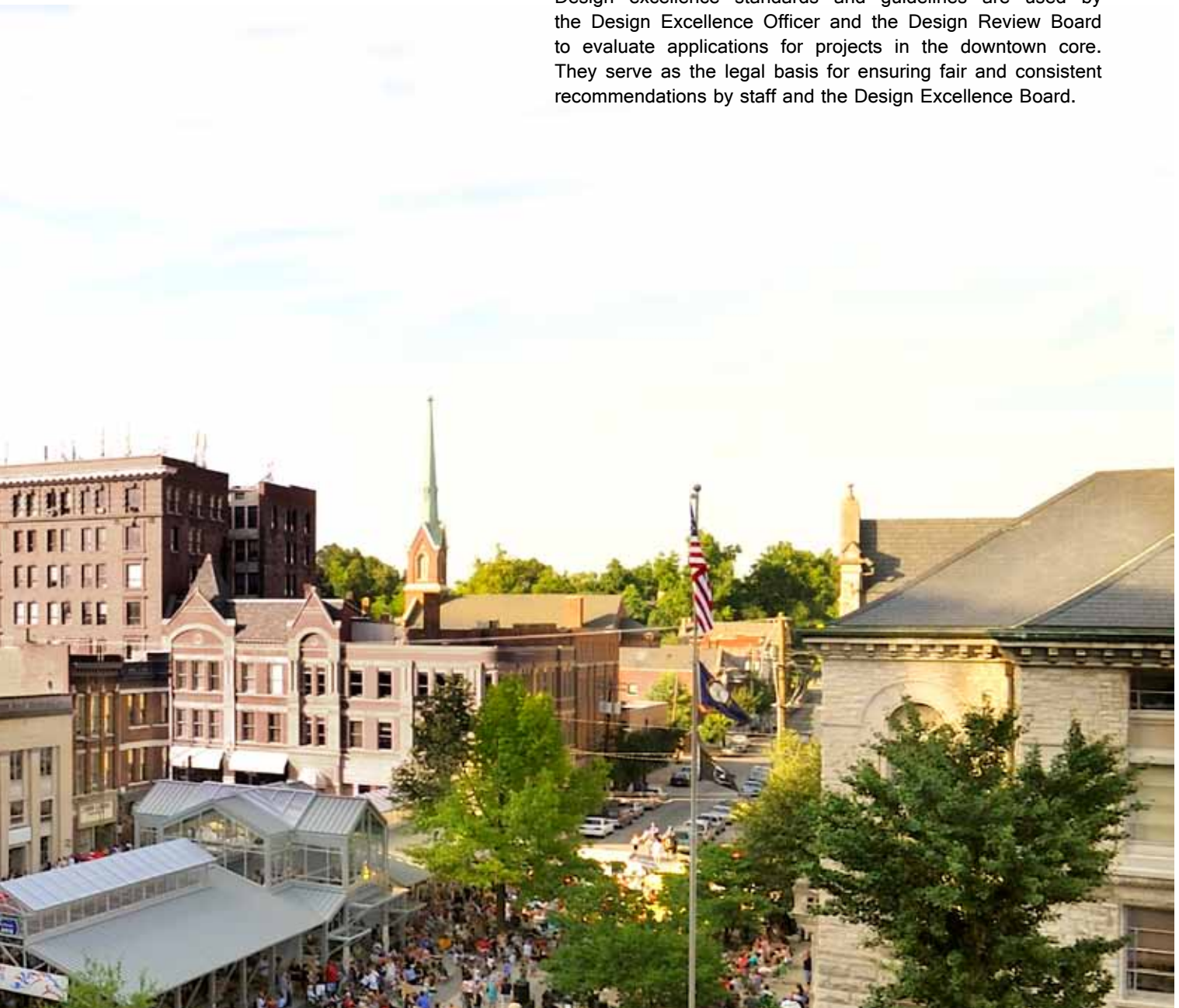




Overview & Intent

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.

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)

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: 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)

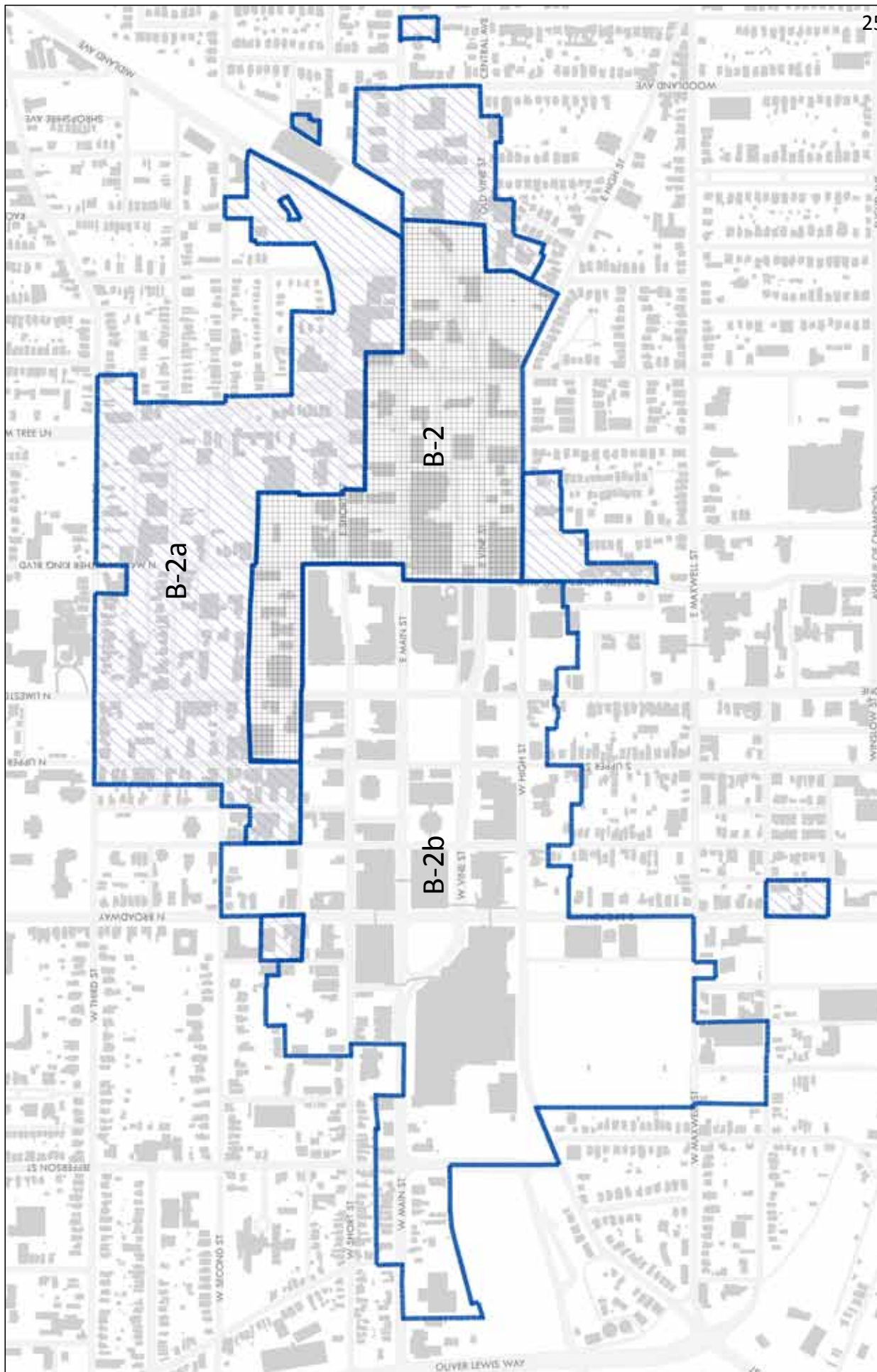
There are two components to the Design Excellence document: design standards and design guidelines.

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

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DISTRICTS:

Gateway

Core

Neighborhood

STREET TYPES:

Street Type: A

Major Corridors

Street Type: B

Local Connectors

Street Type: C

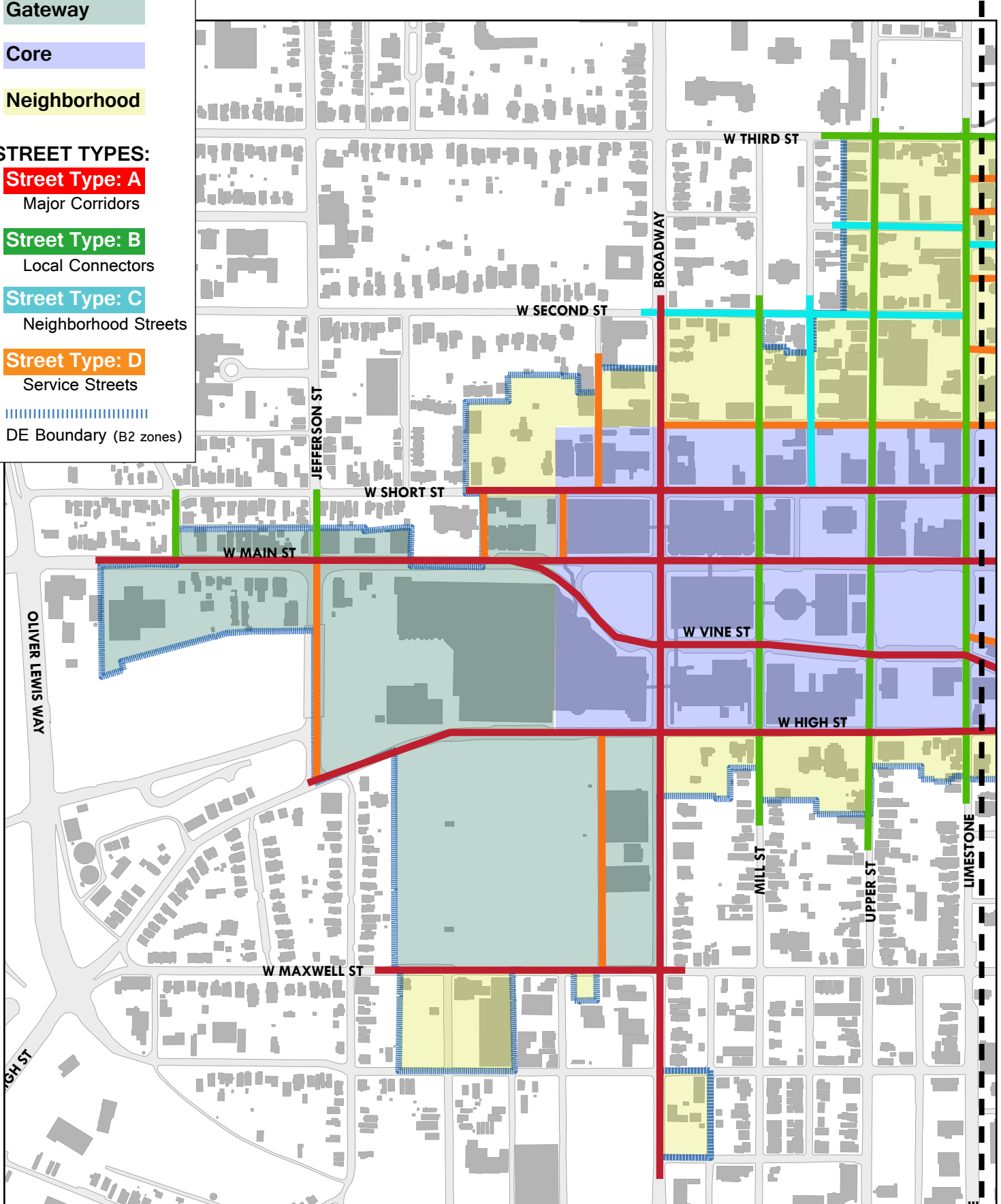
Neighborhood Streets

Street Type: D

Service Streets

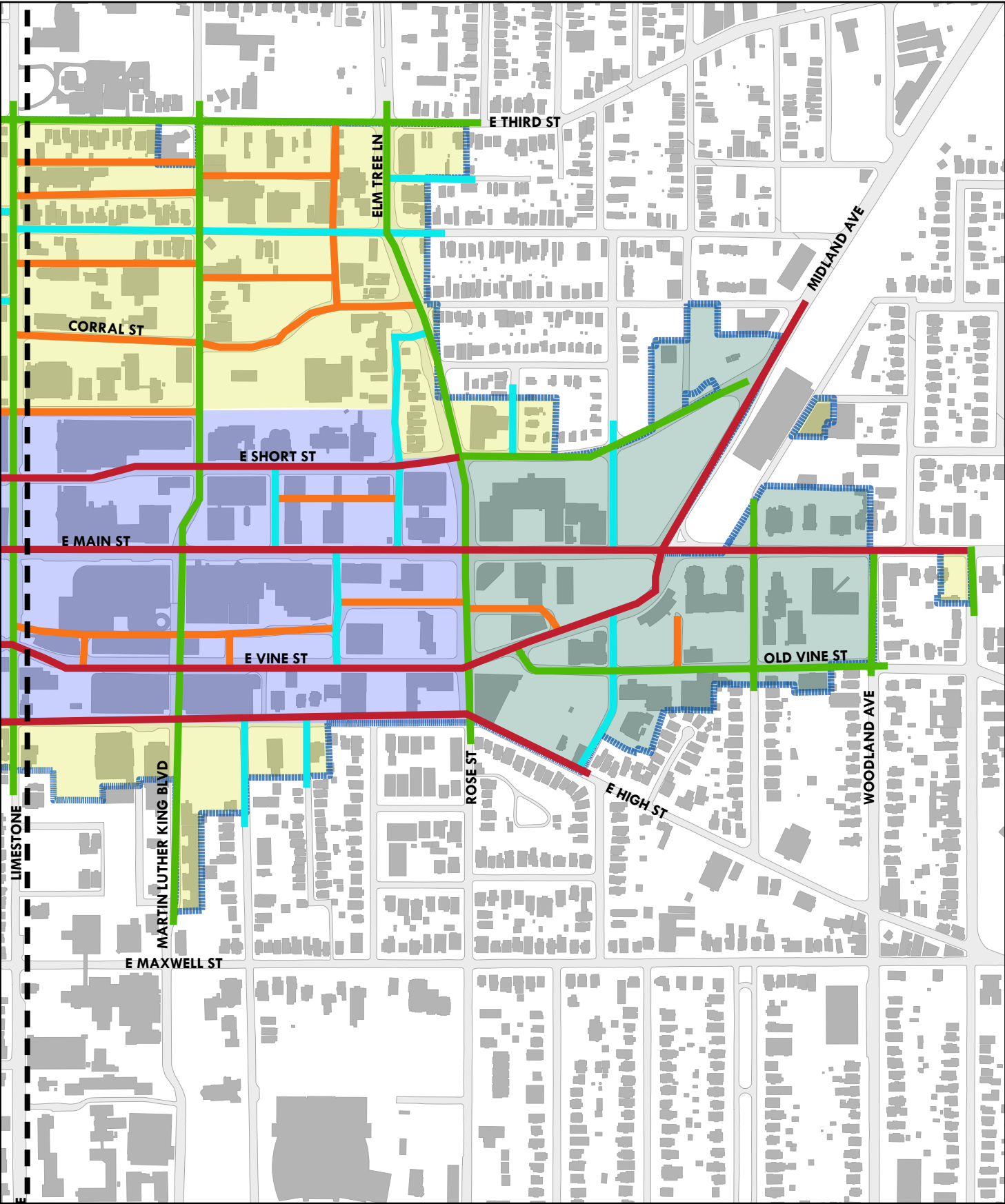
DE Boundary (B2 zones)

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.

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SITE

Districts Street Types	Gateway				Core				Neighborhood			
	A	B	C	D	A	B	C	D	A	B	C	D
DS1.01	0' 10'	0' 10'	0' 10'	no requirement	0'	0'	0' 10'	no requirement	0' 10'	0' 10'	0' 20'	no requirement
DS1.02	0' 10'	0' 10'	no requirement	no requirement	0' 5'	0' 5'	no requirement	no requirement	0' 10'	0' 10'	no requirement	no requirement
DS1.03	25' 2				25' 2				25' 2			
DS1.04	120' 10				360' 30				96' 8			
DS1.05	NA	3	2	1	NA	3	2	1	4	3	2	1
DS1.06	no	yes	yes	yes	no	no	yes	yes	yes	yes	yes	yes
DS1.07	NA	yes	yes	optional	NA	NA	yes	yes	yes	yes	yes	optional
DS1.08	NA	optional	optional	optional	NA	NA	optional	optional	yes	yes	yes	optional
DS1.09	80% min	50% min	optional	optional	80% min	50% min	optional	optional	50% min	50% min	optional	optional

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 Street Types	Gateway				Core				Neighborhood			
	A	B	C	D	A	B	C	D	A	B	C	D
DS2.01	1	2	3	4	1	2	3	4	1	2	3	4
DS2.02	80%	60%	50%	50%	100%	100%	60%	50%	80%	80%	70%	50%
DS2.03	20%	20%	no limit	no limit	20%	20%	no limit	no limit	20%	20%	no limit	no limit
DS2.04	60%	60%	40%	no requirement	70%	60%	40%	no requirement	60%	60%	40%	no requirement
DS2.05	30%	30%	25%	no requirement	30%	30%	25%	no requirement	30%	30%	25%	no requirement
DS2.06	10'	10'	10'	NA	13'	13'	13'	13'	10'	10'	NA	NA

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), DryVlt, 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			
	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							1
DS3.02	Fences permitted/ max height	yes/ 4'	yes/ 8'	yes/ 8'	yes/ 8'	no	no	no	yes/ 4'	yes/ 4'	yes/ 8'	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'
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
DS4.01	Streetscape Standards construction/reconstruction reference Downtown Streetscape Master Plan 2008 for street design standards				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:

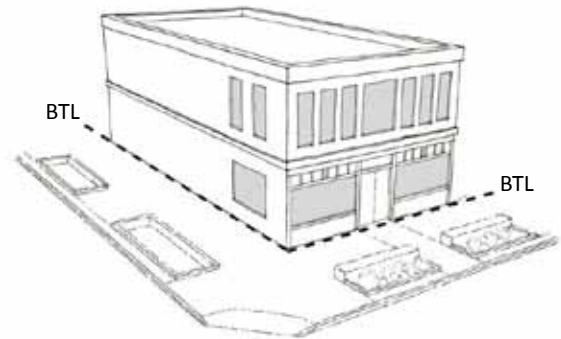
DS 1.01

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.

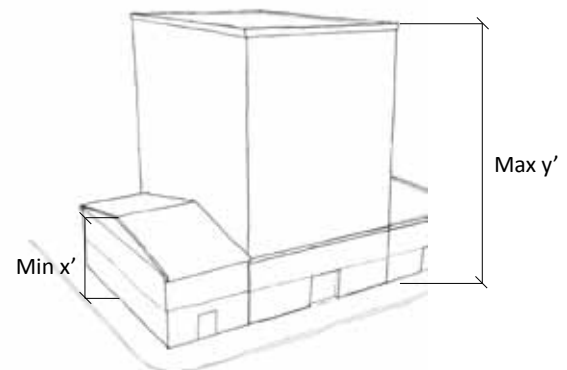


DS 1.03

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).



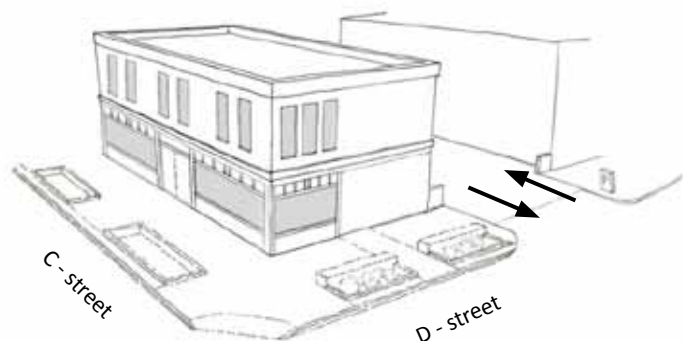
DS 1.05

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.



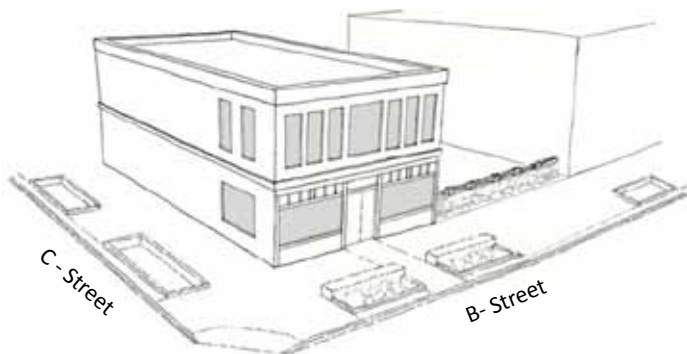
Design Standards Illustrated

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

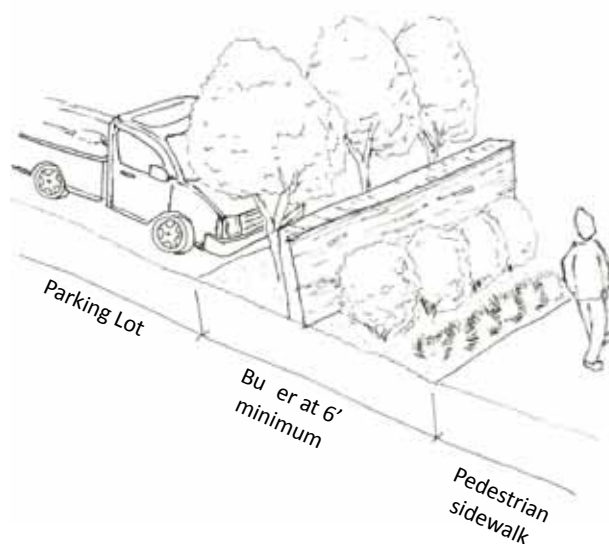
Provide visual buffers at perimeter of surface lots. A visual buffer includes the use of a fence/wall. Fences and walls are located at the BTL in the Core, and within a landscape strip in other districts as required.



DS 1.08

Surface Parking Buffer: Landscape

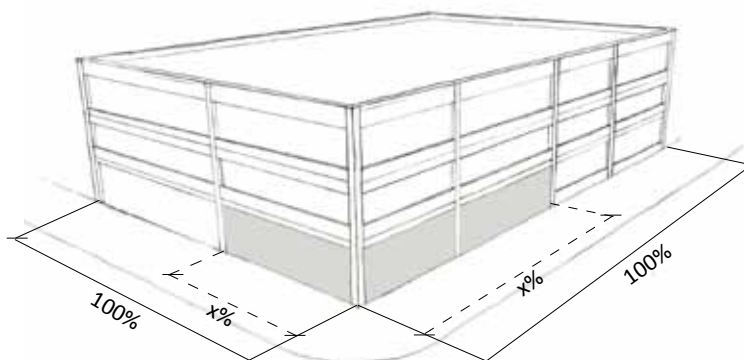
Provide visual buffers at perimeter of surface lots. May include the use of a landscape strip where permitted. 6' minimum width. Strip may include shrubs, trees, and other landscape elements. All perimeter landscape strips adjacent to primary streets must include a fence or wall as designated.



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.



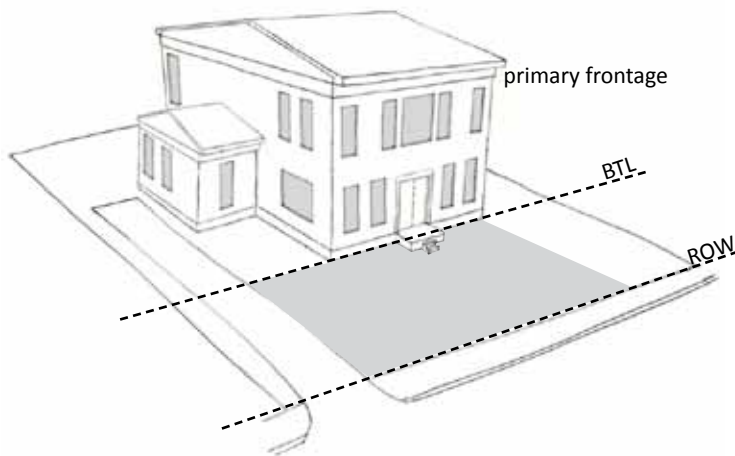
Design Standards Illustrated

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

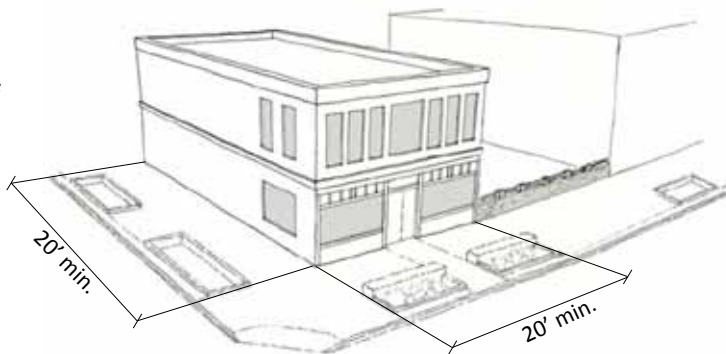
Surface parking prohibited between the primary facade and the public ROW. Locate parking to side or rear of building.



DS 1.14

Corner Building

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



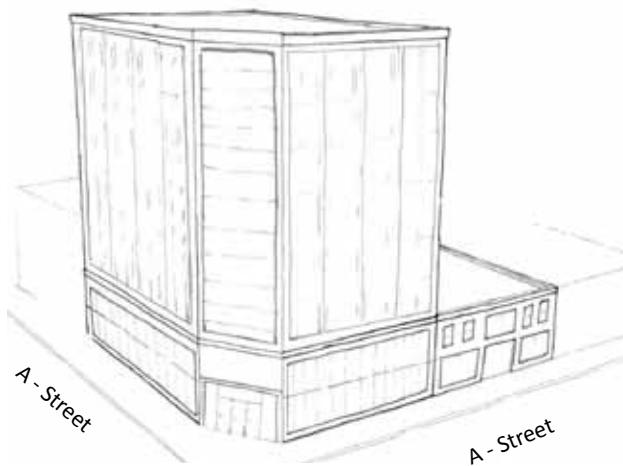
Building Related Standards:

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

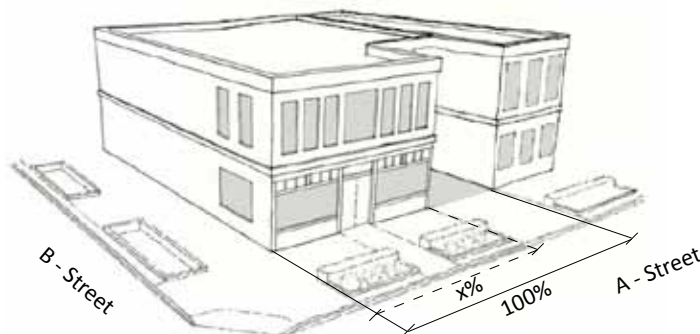
Standards within this section do not include all standards applicable. Refer to matrix on page 14 -15 for all standards.

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.

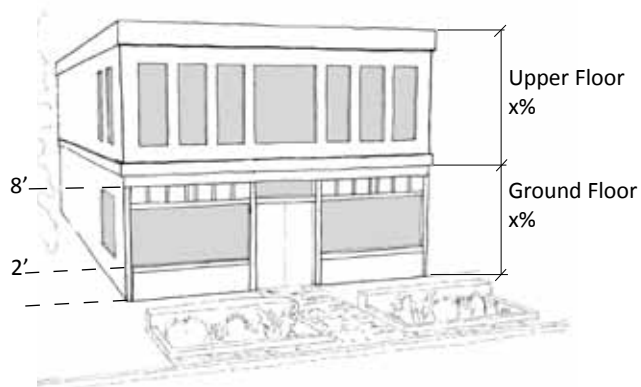


DS 2.04

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

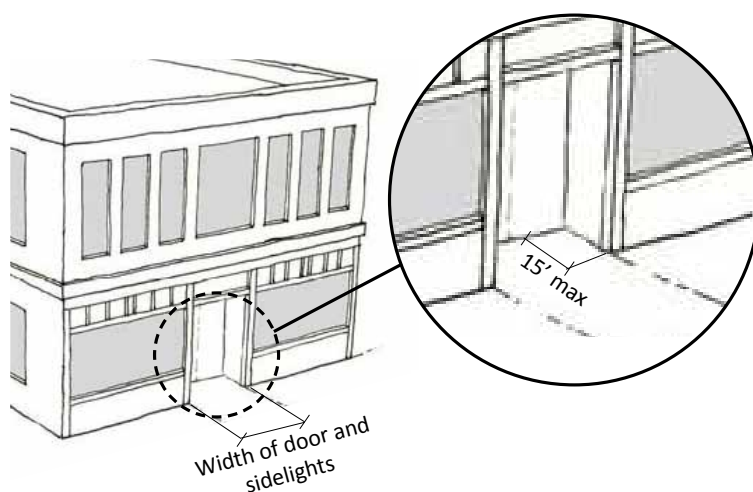
The ground floor height is the allowed vertical distance between the finished floor and ceiling on the ground floor of a building, or the exterior expression of that distance. Objective is to establish a datum with a scale appropriate to its place.



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.



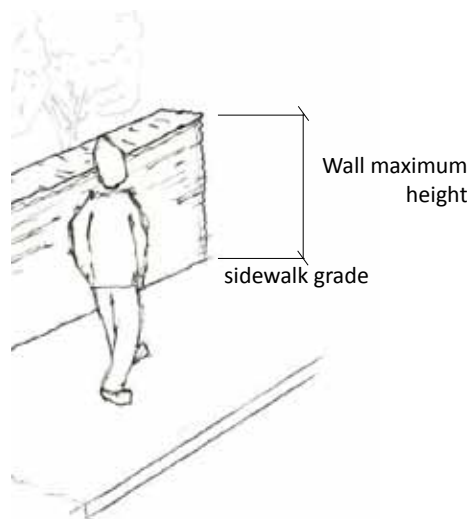
Amenities Related Standards:

DS 3.02

DS 3.03

Fences and Walls Maximum Height

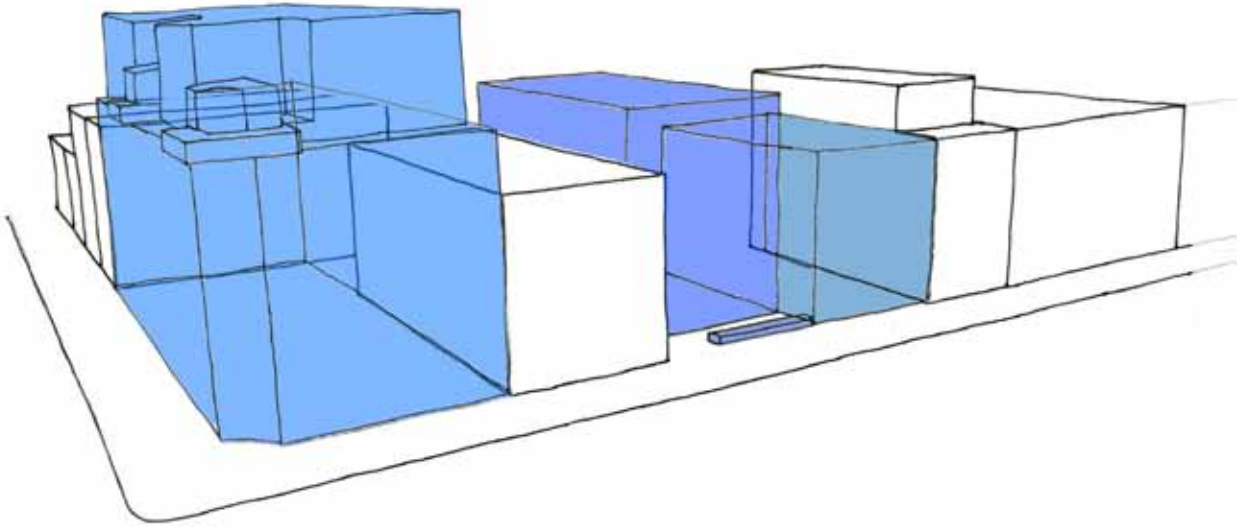
Maximum height is measured from sidewalk grade to top of fence.



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:

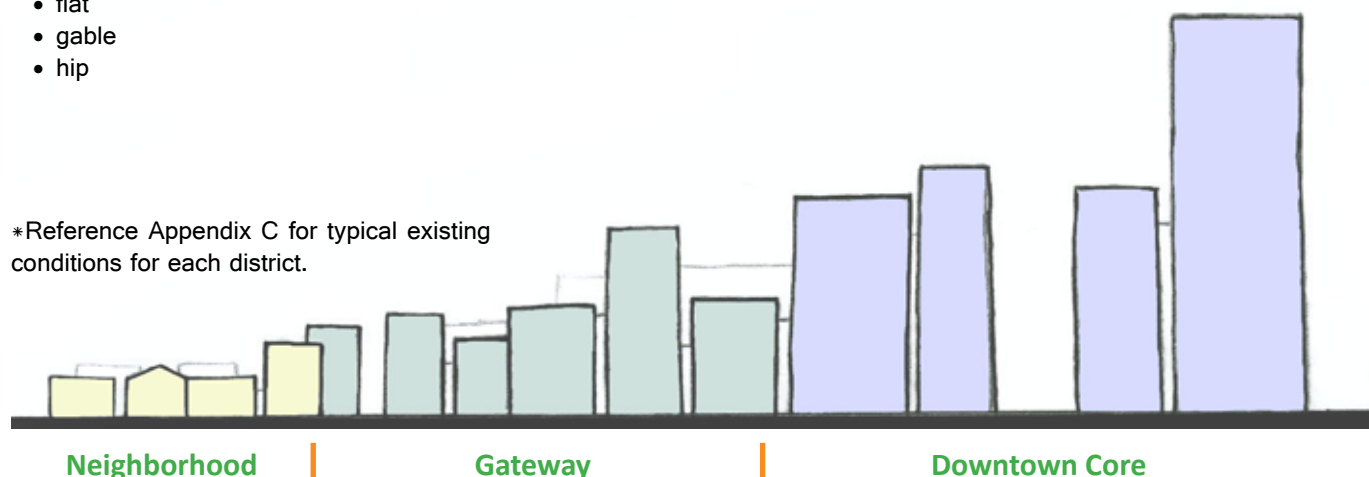
- within a 50' buffer of any Residential (R) zoned property the structure may have a maximum height of 36' or 3 story maximum.
- within a 150' buffer of any Residential (R) zoned property the structure may have a maximum height of 60' or 5 story maximum.
- within a 150' transitional zone of the Core 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.

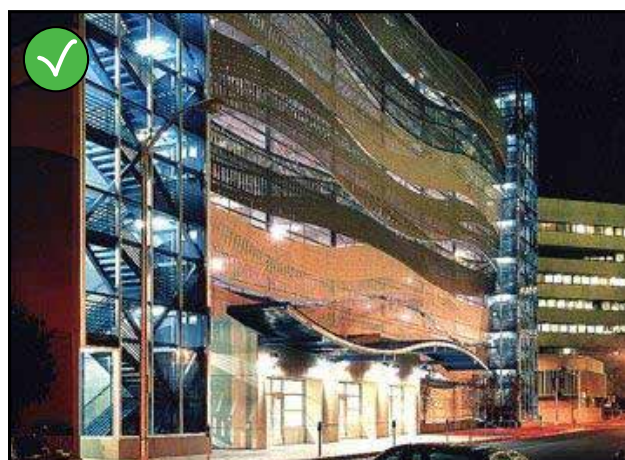
DG 5.12

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 effect 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.

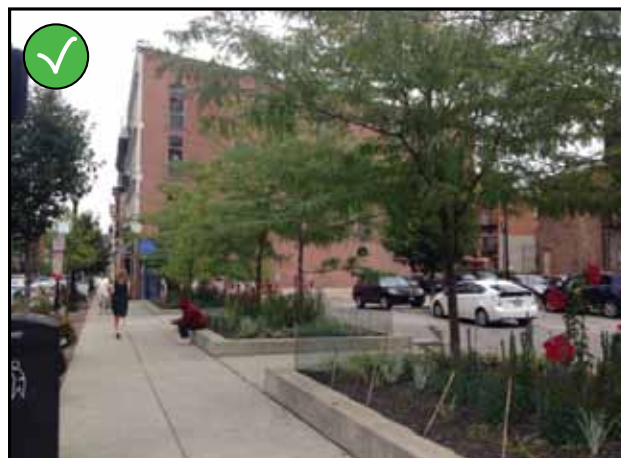
DG 5.16

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

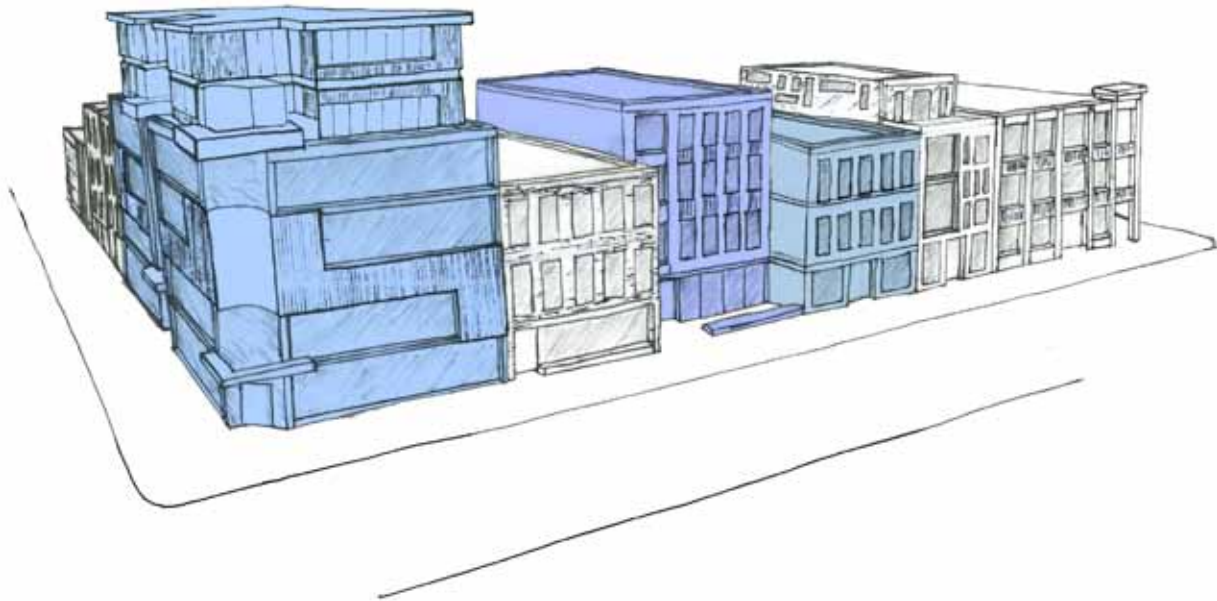
- Locate in the interior of a block
- Where a parking lot shares a site with a building, place the parking at the rear of the site or beside the building and screen it.

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.

Frontages continued.

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.



Creating 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 .



Additions should respect the scale and context of surrounding buildings.

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 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.

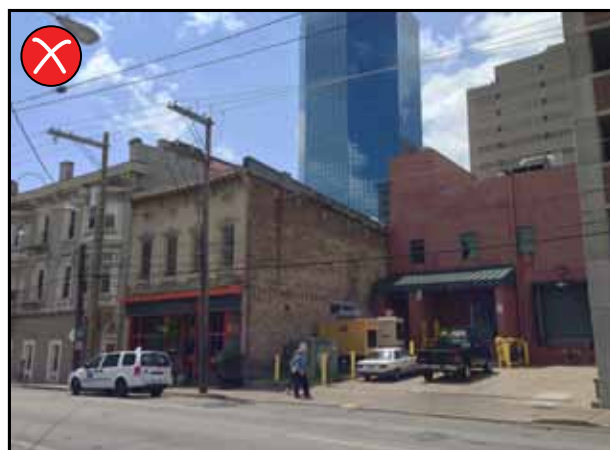


Utilities can be hidden even without completely blocking them out of sight by simply blending them into their context.

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 sight 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

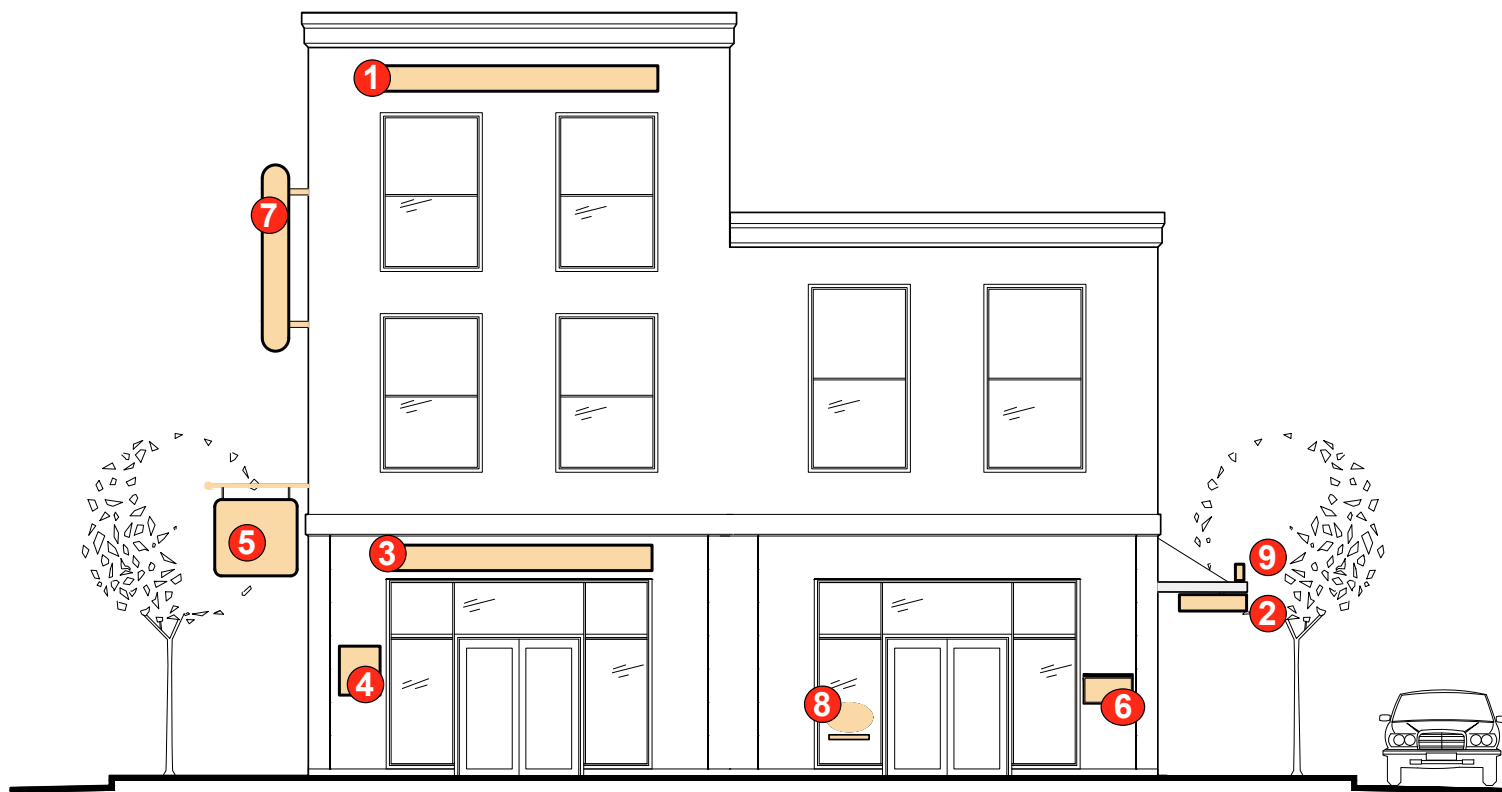
Employ signage where feasible along all A and B streets to create district identity and facilitate orientation and wayfinding within the downtown. Incorporate signage along other streets is encouraged as needed.

- 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.

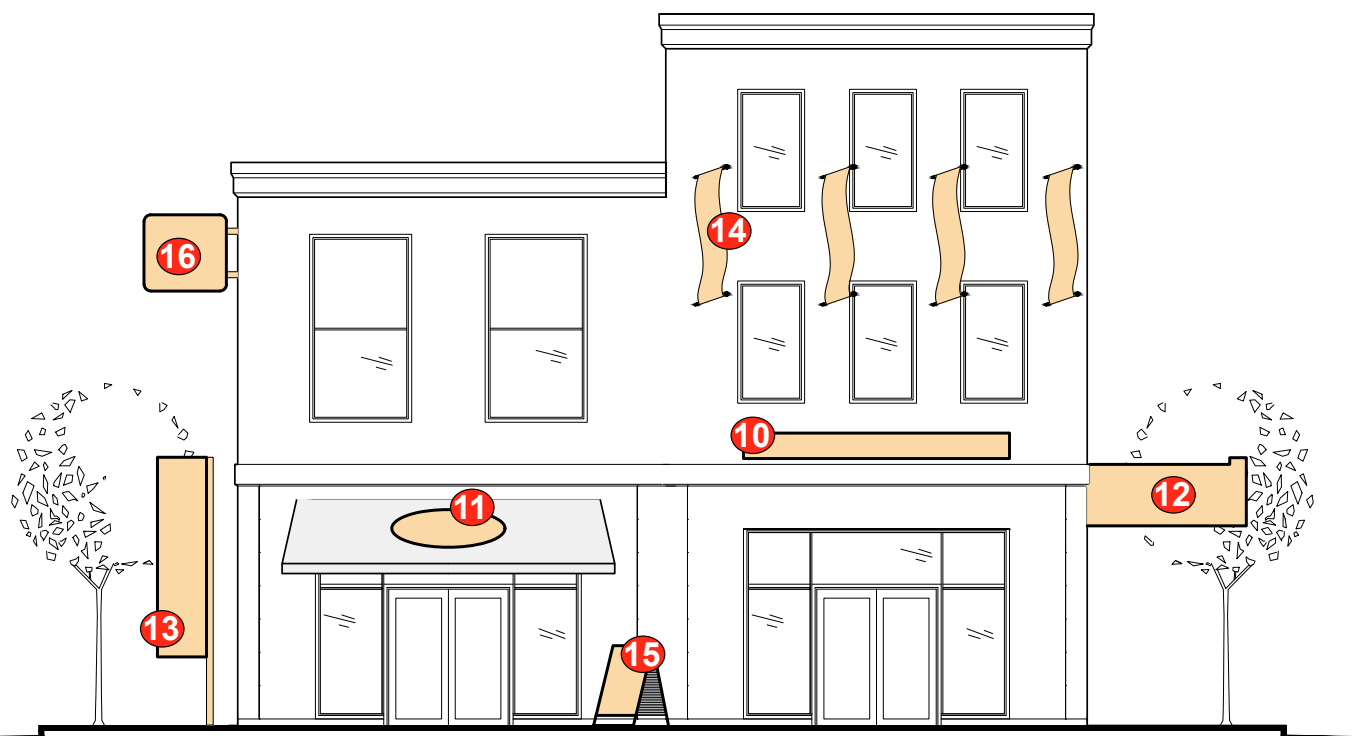


Creating a presence on the street and protecting pedestrians from the elements makes for a pleasant experience.

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 characteristic which illustrate that a building, structure or detail was constructed in the present or recent past rather than being imitative or reflection 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 a 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; whenever possible, 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



B2 zones	A
District Definitions	B
Street Types	C
District Analysis	D



Lexington-Fayette Urban County Council

TO: Amanda Bledsoe, Councilmember
10th District

FROM: Paul Schoninger
Research Analyst

DATE: August 23, 2015

SUBJECT: Insurance for Fireworks' Displays

This is in response to your recent referral to the Council Planning & Public Safety Committee regarding the issue of insurance for fireworks displays.

The general liability limits were increased from \$ 1 million to \$ 5 million for public fireworks displays in Lexington-Fayette County in 2014. Under KRS 227.720 the Fire Marshall and/or the Fire Chief have the power to establish insurance requirements above the State minimum of \$ 1 million for general liability.

After you referred the issue to Committee both the Fire Marshall and Division of Risk Management provided information pertaining to the insurance increase decision. The information and materials provided by Risk Management and the Fire Marshall was in part antidotal and did not appear to be based on any of quantitative analysis.

Risk Management identified one lawsuit award of \$ 4.75 million from 2008 in South Carolina. The lawsuit alleged "failure to properly oversee the discharge of the fireworks; failure to properly protect attendees from falling debris and faulty fireworks; failure to properly distance attendees from the area where the fireworks were being ignited; failure to properly warn attendees of the inherent dangers of faulty fireworks and falling debris; failure to properly ensure the safety of attendees; and failure to use that degree of care than an ordinary and prudent person would use under the same or similar circumstances."

There is no question that fireworks can be dangerous and there is a substantial risk involved. I anticipated that the decision to increase the insurance limits would have been based on an actuarial table or at least based on upon actuarial science. Mr. Patrick Johnston, Director of the Division of Risk Management in one of his responses stated "I know that we used exposure analysis work sheets in prior years to review insurance limit request for events like this. However, in 2009 the Law Department took all of our exposure analysis and contract files. We have no idea where this information is today."

There are several alternative actions that the Council could take, including:

1. Council does nothing and lets indemnity increase stand;
2. Request that CAO/Mayor/Public Safety Commissioner review the decision;
3. Direct Risk Management & Fire Marshall prepare quantitative evidence supporting their decision;
4. Council holds a Public Hearing/Meeting on the change; \
5. Council, via resolution, adopts a tiered general liability limit. One level of liability coverage for large community wide fireworks events with the \$ 5 million limit, and a second level for smaller neighborhood fireworks events with a lower insurance limit;
6. Council via resolution rescinds the change.

In addition many locales offer safety training for groups that host special events including fireworks. This could also be included here with any alternative.

I examined insurance limit requirements from other local governments. They all appear to be between \$ 1- \$ million. Montgomery, AL; Augusta, GA; Ft. Wayne, IN; and Plano, TX have a \$ 1 million insurance requirement.

Aurora, CO; Wichita, KS; Lincoln, NE; Chattanooga, TN; Chesapeake, VA; and Columbus, have a \$ 2 million insurance requirement.

Des Moines, IA; Dayton, OH; Madison, WI; Columbus, OH; Baton Rouge, LA; and New Orleans, LA have a \$ 3 million insurance requirement.

Grand Rapids, MI; St. Paul, MN; Durham, NC; Greensboro, NC; Rochester, NY; Providence, RI; Spokane, WA; Tacoma, WA; Denver, CO; Jacksonville, FL; Louisville, KY; Cincinnati, OH; and Indianapolis, IN have a \$ 5 million insurance requirement.

Numerous Kentucky cities are consistent with the State requirement of \$ 1 million limits. These include Ashland, Frankfort, Owensboro and Richmond.

If, after reviewing this memo and attached materials, you have any questions, comments or need clarification, please don't hesitate to contact me.

Paul Schoninger
Research Analyst

c: Jamie Giles



Lexington-Fayette Urban County Government
DEPARTMENT OF LAW

Jim Gray
Mayor

Janet Graham
Commissioner

TO: Paul Schoninger, Research Analyst
Council Office

FROM: Department of Law

DATE: August 20, 2015

RE: Fireworks Insurance
Log. # 15-CC0585

You have asked whether the Fire Marshal and/or Director of Risk Management has the authority to adjust the required insurance coverage for fireworks displays without Council, Mayor or CAO approval. And whether the Council can amend the amount of insurance coverage required.

The Fire Marshal and Director of Risk Management have the authority to adjust the required insurance coverage without Council, Mayor or CAO approval. KRS 227.720 provides in part that liability insurance coverage for fireworks displays shall be not less than 1 million dollars. KRS 227.720 provides the local fire chief or state fire marshal may require a larger amount of insurance, if in their judgment the situation requires more insurance.

The Division of Risk Management procedures for contract review, risk transfer and acceptance as well as RCO 2-7 allows the Division of Risk Management to transfer unacceptable risk as it deems appropriate. This is in accordance with the master contract approved by Council and the Risk Management procedures manual approved by the Mayor. After research was conducted by the local Fire Marshall and Division of Risk Management there was a recommendation to increase the insurance liability coverage to 5 million dollars for fireworks displays.

This recommendation was based on recent lawsuits that exceeded 1 million dollars and an increase in injuries and property damage as a result of fireworks displays. The increase was to protect innocent unassuming bystanders in the event of a catastrophic event. Medical costs, property damage and lawsuits have driven the cost of risk exposure higher. To protect the risk of exposure to citizens and assets of community, the Fire Marshall and Division of Risk Management recommended the increase to 5 million dollars

for insurance policies for fireworks displays. This recommendation is within the statutory and local authority.

In theory the Council does have authority to amend the required insurance coverage established by the Fire Marshall and Director of Risk Management with the exception they cannot set an amount less than the statutory amount of 1 million dollars as stated in KRS 227.720. Before passing a resolution reducing the insurance requirement the Council should consider the following:

The Council would need to weigh the risk of reducing the insurance requirement as recommended by the experts in the field against the possibility of a catastrophic event in which personal injuries and property damages would exceed the reduced amount set by Council.

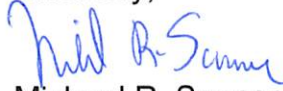
Whether the Council wants to pass resolutions regarding the day to day operations of the executive branch of the Government

If a resolution is passed by Council reducing the insurance coverage, if situations change and/or the state statute is revised to increase the minimum amount required for fireworks insurance, the resolution would have to be amended or be void as being less restrictive than the state statute.

One possible solution that we discussed in our meeting was a tier down approach. A policy could be implemented whereby insurance coverage would vary based on the extent of the fireworks display. Input would be needed from the Fire Marshall and the Division of Risk Management as to how the different levels of insurance would be measured i.e. number of fireworks or any other devise used by the Fire Marshall or Division of Risk Management to determine the situation which could result in more damage.

Please contact me with any questions.

Sincerely,


Michael R. Sanner
Attorney Sr.

Cc: Sally Hamilton, Chief Administrative Officer

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227.720 Bond for public display permit.

No permit shall be issued under KRS 227.710 unless the applicant shall give bond or evidence of liability insurance deemed adequate by the official to whom application for the permit is made, in a sum not less than one million dollars (\$1,000,000). However, the local fire chief or state fire marshal may require a larger amount if in their judgment the situation requires it, conditioned for the payment of all damages which may be caused thereby either to a person or to property by reason of the permitted display, and arising from any acts of the licensee, his agents, employees or subcontractors.

Effective: July 13, 2004

History: Amended 2004 Ky. Acts ch. 70, sec. 3, effective July 13, 2004. -- Amended 1982 Ky. Acts ch. 436, sec. 7, effective July 15, 1982. -- Created 1980 Ky. Acts ch. 49, sec. 17, effective July 15, 1980.

227.710 Sale or use of display fireworks prohibited -- Exceptions.

No person, firm, copartnership, or corporation shall offer for sale, expose for sale, sell at retail, keep with intent to sell, possess, use, or explode any display fireworks, except as follows:

- (1) (a) In cities the chief of the fire department, or mayor, or similar official where there is no fire department, and in counties outside of cities the county judge/executive, may grant permits for supervised public displays of fireworks by municipalities, fair associations, amusement parks, and other organizations or groups of individuals.
- (b) Every display shall be handled by a competent display operator to be approved by the public official by whom the permit is granted, and shall be of such character, and so located, discharged or fired as in the opinion of the official, after proper inspection, to not be hazardous to property or endanger any person.
- (c) "Competent display operator" shall be defined as the person with overall responsibility for the operation and safety of a fireworks display. The competent display operator shall have a Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) License and have participated as an assistant in firing at least five (5) public displays. A "competent display operator" is also an employee possessor. A permit under paragraph (a) of this subsection shall be issued only to a competent display operator holding an ATF license.
- (d) At least one (1) competent display operator shall be on site during display set-up and firing. This competent display operator shall maintain a copy of the permit application, as signed by the local authority having jurisdiction as identified in this section, on site and at all times the display is in place, and shall be presented on demand of the state fire marshal or local fire chief. All public displays that require issuance of a permit shall be conducted in accordance with the provisions of National Fire Protection Association (NFPA) 1123 "Code for Fireworks Display (adopted edition).
- (e) Permits shall be filed with the state fire marshal at least fifteen (15) days in advance of the date of the display. After the privilege is granted, sales, possession, use, and distribution of fireworks for the display shall be lawful for that purpose only. No permit granted under this subsection shall be transferable. For the purposes of this subsection, "public display of fireworks" shall include the use of pyrotechnic devices or pyrotechnic materials before a proximate audience, whether indoors or outdoors.
- (f) Any person remaining within the display area shall be identified as licensed by the ATF, or an employee thereof, or be an assistant in training to become a competent display operator. All persons remaining within the display area shall be at least eighteen (18) years of age.
- (g) The commissioner of the Department of Housing, Buildings and Construction with recommendation from the state fire marshal shall promulgate administrative regulations in accordance with KRS Chapter 13A to administer

the provisions of this subsection. The regulations shall address the process by which permits are issued and any other procedures that are reasonably necessary to effectuate this subsection.

- (2) The sale, at wholesale, of any display fireworks for permitted displays by any resident manufacturer, wholesaler, dealer, or jobber, in accordance with regulations of the United States Bureau of Alcohol, Tobacco, Firearms and Explosives if the sale is to the person holding a display permit as outlined in subsection (1) of this section. The permit holder shall present the permit along with other verifiable identification at the time of sale.
- (3) The sale of display fireworks in accordance with a license issued by the United States Bureau of Alcohol, Tobacco, Firearms and Explosives.
- (4) The sale and use in emergency situations of pyrotechnic signaling devices and distress signals for marine, aviation, and highway use.
- (5) The use of fuses and railway torpedoes by railroads.
- (6) The sale and use of blank cartridges for use in a show or theater or for signal or ceremonial purpose in athletics or sports.
- (7) The use of any pyrotechnic device by military organizations.
- (8) The use of fireworks for agricultural purposes under the direct supervision of the United States Department of the Interior or any equivalent or local agency.
- (9) Nothing in this section shall prohibit a person, firm, co-partnership, nonprofit, or corporation from offering for sale, exposing for sale, selling at retail, keeping with intent to sell, possessing or using consumer fireworks as defined in KRS 227.702 and as permitted pursuant to KRS 227.715.

Effective: March 16, 2011

History: Amended 2011 Ky. Acts ch. 66, sec. 6, effective March 16, 2011. -- Amended 2010 Ky. Acts ch. 24, sec. 425, effective July 15, 2010. -- Amended 2004 Ky. Acts ch. 70, sec. 1, effective July 13, 2004. -- Amended 1994 Ky. Acts ch. 335, sec. 2, effective July 15, 1994. - Amended 1982 Ky. Acts ch. 436, sec. 6, effective July 15, 1982. -- Created 1980 Ky. Acts ch. 49, sec. 16, effective July 15, 1980.

Planning & Public Safety Committee Referrals

<u>Items</u>	<u>Referred By</u>	<u>Date Referred</u>	<u>Status</u>
H-1 Notification Process	Farmer	1.19.13	October 2015
Greenway Manual & Plan	Mossoffi	10.8.13	June 2015
Explore Providing Assistance to Low Income Homeowners with Code Compliance	Akers	12.5.13	May/Nov. 2014
Downtown Traffic Study	Farmer	4.13.12	May 2015
Taxi Cab Ordinance	Henson	2.11.14	Dec. 2014, Jan. 2015
Merge Division of Emergency Management (DEM) into Fire & Em. Management Services	Public Safety Link	6.19.14	Winter-Spring 2015
Scrap Metal Dealers UCG Code 13.54-3	Farmer	6.23.14	Fall 2015-Winter 2016
Sky Lanterns	Farmer	6.24.14	Fall 2015-Winter 2016
Distribution of Unsolicited Advertising Supplements	Henson	4.21.15	Spring 2015
Armstrong Mill Small Area Plan	F.Brown	5.12.14	August 2015
Cardinal Valley Small Area Plan	Henson	5.19.15	Fall 2015
Fireworks' Display Insurance	Bledsoe	7.2.15	September 2015
Drones - Unmanned Aircraft Systems (UAS)	Moloney	8.18.15	October 2015
Community and Market Gardens	Kay	8.18.15	Fall 2015
Design Excellence ZOTA	Kay	8.18.15	September 2015
Design Excellence Standards & Guidelines	Kay	8.18.15	September 2015
Taxi Cab Ordinance	Henson	8.27.15	Fall 2015-Winter 2016
Snow Removal on Sidewalks Enforcement	Gibbs	8.18.15	Fall 2015-Winter 2016
Officer Turnover in Community Corrections	Evans	9.1.15	Fall 2015-Winter 2016
Review Nuisance Ordinances	Gibbs	9.1.15	Fall 2015-Winter 2016