

ARTICLE 29

NEIGHBORHOOD DESIGN CHARACTER OVERLAY (ND-1) ZONE

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

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

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

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

- (1) Give such designations and enact such regulations as are needed to protect against destruction, degradation, or encroachment

upon neighborhoods, areas or places having a special, unique or distinctive character of aesthetic, architectural or cultural significance that serves as the identity of either a residential neighborhood or a non-residential area.

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

29-2 APPLICATION REGULATIONS - The classifications and regulations hereunder shall be established in addition to the zone classifications and regulations as shown on the zoning map atlas for the subject areas. These regulations are intended to preserve, protect and conserve neighborhoods and areas. The uses, dimensions and other requirements for said zones, as provided in the Zoning Ordinance, shall apply, except where modified as conditional zoning restrictions determined under these regulations. The rezoning of an underlying zone does not automatically remove ND-1 standards, and the applicant would need to request that the overlay restrictions either be removed or revised as conditions appropriate to the use. Where there are conflicts between the procedures and regulations within the Zoning Ordinance, the more restrictive shall apply.

29-3 OVERLAY DISTRICT DESIGNATION CRITERIA – An area, neighborhood or place meeting one or more of the following criteria shall be eligible for designation as a Neighborhood Design Character (ND-1) District:

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

29-4 DESIGNATION OF ZONES PROTECTED BY NEIGHBORHOOD DESIGN CHARACTER OVERLAYS - To further the goals and purposes of this Article and the preservation, protection, conservation and use of neighborhood design character districts, the Urban County Council shall have the authority to designate zones protected by a neighborhood design character overlay, whether residential or non-residential in nature.

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

29-4(a)(1) DESIGN STANDARDS

ANALYSIS - The requesting party shall prepare a design analysis of the proposed overlay district by one of the following methods, depending on whether the proposed neighborhood design character zone is for a residential or a non-residential area:

(a) For Residential:

- (1) Establish a clear, decipherable set of neighborhood features to describe the character of individual building types. This set shall define the relationships among features and shall serve as a tool to identify common elements in a neighborhood.
- (2) Conduct architectural surveys so as to define present character of the neighborhood. The requesting party shall conduct a field survey containing, as a minimum, the following criteria: distinctive building features; represented building styles; typical building components; finishing materials; placement of building(s) on a site; landscape treatment; degree of visual continuity; degree of density; and degree of compatibility of new structures within historical context.
- (3) Conduct architectural surveys so as to define early character of the neighborhood. The requesting party shall conduct a field survey containing, as a minimum, the following criteria: distinctive building features; represented building styles; typical building components; finishing materials; placement of building(s) on a site; landscape treatment; degree of visual continuity; degree of density; and degree of compatibility of new structures within historical context.
- (4) Develop preservation goals for the neighborhood and identify important characteristics to be respected by comparing the degree of change between early and present-day character.
- (5) Identify and project future character, based on potential change from present-day trends and regulations, relying on predominant existing characteristics within the neighborhood; on characteristics that are seen as desirable but not yet existing; or on a combination of the

two. Based on the present-day scenario, identify if the neighborhood will preserve its integrity and meet its design goals for the community.

- (b) For Non-Residential: Depending on the intent of the neighborhood design character overlay, one of the two following methods of design analysis shall be used by the requesting party:

(1) DEFINE NEW CHARACTER - Establish a clear, decipherable set of standards that describe the desired character of the area. These criteria shall define the relationships among existing and future features and shall serve as a tool to identify common elements in a non-residential area so as to create a unified design.

(2) RETAIN EXISTING CHARACTER

- (a) Conduct architectural surveys so as to define present character of the area. The requesting party shall conduct a field survey containing, as a minimum, the following criteria: distinctive building features; represented building styles; typical building components; finishing materials; placement of building(s) on the site; landscape treatment; degree of visual continuity; degree of density; and degree of compatibility of new structures within historical context.
- (b) Conduct architectural surveys so as to define early character of the non-residential area. The requesting party shall conduct a field survey containing, as a minimum, the following criteria: distinctive building features; represented building styles; typical building components; finishing materials; placement of building(s) on the site; landscape treatment; degree of visual continuity; degree of density; and degree of compatibility of new structures within historical context.
- (c) Develop preservation goals for the area and identify important characteristics to be respected by comparing the degree of change between early and present-day character.
- (d) Identify and project future character as

it relates to potential change from present-day trends and regulations. Based on the present-day scenario, identify if the area will preserve its integrity and meet its design goals for the community.

29-4(a)(2) DESIGN STANDARDS - The following criteria for new construction or additions shall be based on the design standards analysis within each district. The following are categories of design standards that shall be eligible for overlay regulations and may modify existing zoning as conditional zoning restrictions. It is not required that each of the following be addressed; instead, to utilize only those elements as applicable or desirable to conserve the character of the neighborhood or surrounding area, and as determined in the design standards analysis. All proposed standards should be specific and measurable.

- (a) Exterior building material restrictions
- (b) Roof lines and shape requirements
- (c) Repeating elements
- (d) Landscaping requirements
- (e) Minimum window and door opening requirements
- (f) Front building features
- (g) Garage door restrictions
- (h) Lot widths
- (i) Building orientation
- (j) Building heights
- (k) Building setbacks
- (l) Rear yard building setbacks
- (m) Accessory structures
- (n) Accessory dwelling units
- (o) Bulk plane restrictions
- (p) Off-street parking design
- (q) Floor area ratios; and
- (r) Signs

29-4(a)(3) APPLICATION - An application for the establishment of a neighborhood design character overlay district may be filed only by the Lexington-Fayette Urban County Council, Planning Commission, or the owners of the subject properties. The Board of Architectural Review, the Historic Preservation Commission, an individual Lexington-Fayette Urban County citizen or group of citizens may request that the Lexington-Fayette Urban County Council or the Planning Commission initiate a zone map amendment. Any group or individual(s) requesting initiation shall be referred to as the requesting party.

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

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

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

29-6 COMPLIANCE WITH OTHER CODES, STATUTES AND REGULATIONS - In order to prevent purposeful neglect of structures within zones protected by neighborhood design character overlays, all properties shall comply with the BOCA, adopted Basic Property Maintenance Code, as well as all other applicable codes, statutes and regulations. To accomplish this, the Division of Code Enforcement shall, on a quarterly basis, compile and forward to the Planning Commission a list of those properties in zones with neighborhood design character overlays that have been found to be in violation of the BOCA Basic Property Maintenance Code.

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