

AN ORDINANCE ADDING A NEIGHBORHOOD DESIGN CHARACTER OVERLAY (ND-1) ZONE FOR 4.21± NET AND GROSS ACRES, TO PRESERVE EXISTING NEIGHBORHOOD CHARACTER FOR PROPERTIES LOCATED AT 101-175 AND 201-221 ROMANY ROAD (URBAN COUNTY PLANNING COMMISSION; COUNCIL DISTRICT 5).

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WHEREAS, at a Public Hearing held on October 25, 2018, a petition for a zoning ordinance map amendment to add a Neighborhood Design Character Overlay (ND-1) zone for 4.21± net and gross acres for property located at 101-175 and 201-221 Romany Road, was presented to the Urban County Planning Commission; said Commission recommending approval of the zone change having voted 8-0; and

WHEREAS, this Council agrees with the recommendation of the Planning Commission; and

WHEREAS, the recommendation form of the Planning Commission is attached hereto and incorporated herein by reference.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT:

Section 1 - That the Zoning Ordinance of the Lexington-Fayette Urban County Government be amended to show a change in zone, to add a Neighborhood Design Character Overlay (ND-1) zone for 4.21± net and gross acres for property located at 101-175 and 201-221 Romany Road, being more fully described in Exhibit "A" which is attached hereto and incorporated herein by reference.

Section 2 - That the granting of this zone change is made subject to the following use restrictions as conditions of granting the zone change:

Under the provisions of Article 6-7 of the Zoning Ordinance, the following use restrictions are proposed for the subject property via conditional zoning:

**1. Rear Yard Setbacks**

- A. Measured 70' from the Front Building Plane (excludes porches) or 10' from the Rear Property Line, whichever is greater. Applies to all properties except those on Andover Drive, Garden Road, and Tates Creek Road.
- B. Measured 80' from the Front Building Plane (excludes porches) or 10' from the Rear Property Line, whichever is greater. This applies to all properties on Andover Drive, Garden Road, and Tates Creek Road.

2. **Building Heights**

Maximum of 30 feet to highest ridge and maximum eave height (aka gutter line) at 2" floor ceiling line including dormers. (Excludes new additions which may exceed 30' in order to match existing ridgelines, eave height measured at top of fascia board).

3. **Roof Pitch**

Minimum 7:12 slope for Gabled Primary Roofs (Excludes dormers, single family story flat roofs, roofs built to match existing roof pitches, and for allowable projections per Article 15-5 of the Zoning Ordinance).

4. **Wall Openings**

Minimum of 10% of the wall plane on each elevation of new construction is to be windows, doors and/or vented openings; however, no openings shall be required if Building Code requires Fire Ratings. (Excludes any new construction with a wall plane area of less than 150 square feet, chimneys, and side walls of dormers).

5. **Parking For Single-Family Attached and Multi-Family Dwellings**

No parking in front of the front building plane of the principal structure on the lot. Garage doors shall not face the front building line. (Excludes detached garages).

6. **Accessory Structures**

Maximum footprint of 800 square feet for all accessory structures per lot. Maximum 22' height to roof ridge, maximum 12' height to eave (aka gutter line). No exterior stairs shall be permitted. Maximum 50% of roof square footage allowed to be shed dormer. (Eave height measured at top of fascia board and does not apply to dormers, and no minimum roof pitch required on accessory structures).

These restrictions are appropriate, given the extensive study undertaken to identify the existing neighborhood character and are necessary to maintain that existing character in the future.

Section 3 - That the Lexington-Fayette Urban County Planning Commission is directed to show the amendment on the official zone map atlas and to make reference to the number of this Ordinance.

Section 4 - That this Ordinance shall become effective on the date of passage.

PASSED URBAN COUNTY COUNCIL: December 6, 2018

MAYOR



ATTEST:



CLERK OF URBAN COUNTY COUNCIL  
PUBLISHED:

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PUBLISHED: December 13, 2018-1t

**RECOMMENDATION OF THE**  
**URBAN COUNTY PLANNING COMMISSION**  
**OF LEXINGTON AND FAYETTE COUNTY, KENTUCKY**

IN RE: **PLN-MAR-18-00020: URBAN COUNTY PLANNING COMMISSION** - petition for a zone map amendment to expand a Neighborhood Design Character Overlay (ND-1) zone for the Chevy Chase neighborhood for 4.21± net and gross acres, to preserve existing neighborhood character for properties located at 101-175 and 201-221 Romany Road. (Council District 5)

Having considered the above matter on **October 25, 2018**, at a Public Hearing, and having voted **8-0** that this Recommendation be submitted to the Lexington-Fayette Urban County Council, the Urban County Planning Commission does hereby recommend **APPROVAL** of this matter for the following reasons:

1. The Neighborhood Design Character (ND-1) overlay zone is substantially in agreement with the 2013 Comprehensive Plan and the Goals and Objectives of the 2018 Comprehensive Plan, for the following reasons:
  - a. The proposed overlay zone respects the context and design features of areas surround development projects and develop design standards and guidelines to ensure compatibility with existing urban form (Theme A, Goal #2.b).
  - b. The implementation of a Neighborhood Design Character (ND-1) overlay will enable the Chevy Chase neighborhood to continue to flourish through improved regulation, expanded opportunities for neighborhood character preservation, and public commitment to expand options for mixed-use and mixed-type housing throughout Lexington-Fayette County (Theme A, Goal #3.a).
  - c. The Chevy Chase neighborhood completed a design character study, defined the existing character of the neighborhood, developed preservation goals, and proposed appropriate neighborhood design standards, thus meeting the requirements of the ND-1 zone. This 2008 study covered the 100 and 200 blocks of Romany Road.

ATTEST: This 16<sup>th</sup> day of November, 2018.

  
 Secretary, Jim Duncan

WILLIAM WILSON  
 CHAIR

K.R.S. 100.211(7) requires that the Council take action on this request by January 23, 2019.

At the Public Hearing before the Urban County Planning Commission, this petitioner was represented by **Hal Baillie, Senior Planner**.

**OBJECTORS**

- None

**OBJECTIONS**

- None

VOTES WERE AS FOLLOWS:

AYES: (9) Bell, Berkley, Brewer, Forester, Mundy, Nichol, Owens, Penn, and Wilson

NAYS: (0)

ABSENT: (1) Brewer

ABSTAINED: (0)

DISQUALIFIED: (0)

Motion for APPROVAL of PLN-MAR-18-00020 carried.

Enclosures: Application  
Plat  
Staff Report  
Applicable excerpts of minutes of above meeting

## MAP AMENDMENT REQUEST (MAR) APPLICATION

### 1. CONTACT INFORMATION (Name, Address, City/State/Zip & Phone No.)

<b>Applicant:</b> Urban County Planning Commission, 200 E. Main Street, Lexington, KY PH: (859) 258-3160
<b>Owner(s):</b> ATS INVESTMENTS LLC, 3009 ATKINSON AVE, STE 400, LEXINGTON, KY 40509 BINION MICHAEL G, 416 RIDGEWAY RD, LEXINGTON, KY 40502 DEMOSS MARGAUX, 169 ROMANY RD, LEXINGTON, KY 40502 DIEBLING TARA AND JASON, 125 ROMANY RD, LEXINGTON, KY 40502 DOLAN PRISCILLA, 135 ROMANY RD, LEXINGTON, KY 40502 FISTER JOHN W JR & GAYLE, 175 ROMANY RD, LEXINGTON, KY 40502 FURLONG JOHN J & NANCY F, 109 ROMANY RD, LEXINGTON, KY 40502 GOODMAN HENRY W III & DEBORAH LACY, 141 ROMANY RD, LEXINGTON, KY 40502 JOHNSTON VICKI CHILES, 166 ROMANY RD, LEXINGTON, KY 40502 JUNKER KRISTIAN & LUCIANNE H, 105 ROMANY RD, LEXINGTON, KY 40502 KANAC LLC, 721 EDGEWATER DR, LEXINGTON, KY 40502 LEACH JANE MARIE, 171 ROMANY RD, LEXINGTON, KY 40502 PARK UNITED METHODIST CHURCH, 645 E HIGH ST, LEXINGTON, KY 40502 PARKER GEORGE, 145 ROMANY RD, LEXINGTON, KY 40502 PARKS ELLEN RICE, 112 ROMANY RD, LEXINGTON, KY 40502 POND SUZANNE L TTEE, 101 ROMANY RD, LEXINGTON, KY 40502 SMITH DAVID A & MARGARET, 108 ROMANY RD, LEXINGTON, KY 40502 SMITH JOAN C, 213 ROMANY RD, LEXINGTON, KY 40502 SOLOMON CHRISTOPHER DAVID, 205 ROMANY RD, LEXINGTON, KY 40502 WEBSTER MICKEY, 160 ROMANY RD, LEXINGTON, KY 40502 WILDS PEGGY, 201 ROMANY RD, LEXINGTON, KY 40502
<b>Attorney:</b> LFUCG Law Department, 200 E. Main Street, Lexington, KY

### 2. ADDRESS OF APPLICANT'S PROPERTY

101-175 & 201-221 Romany Road
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### 3. ZONING, USE & ACREAGE OF APPLICANT'S PROPERTY

Zoning	Existing Use		Requested Use		Acreage	
	Zoning	Use	Zoning	Use	Net	Gross
R-1C		Residential	ND-1 Overlay	Residential	4.21±	4.21±



**4. EXISTING CONDITIONS**

a. Are there any existing dwelling units on this property that will be removed if this application is approved?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
b. Have any such dwelling units been present on the subject property in the past 12 months?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
c. Are these units currently occupied by households earning under 40% of the median income? <span style="float: right;"><input type="checkbox"/> YES <input type="checkbox"/> NO</span> If yes, how many units? If yes, please provide a written statement outlining any efforts to be undertaken to assist those residents in obtaining alternative housing.	

**5. URBAN SERVICES STATUS (Indicate whether existing, or how to be provided)**

Roads:	LFUCG
Storm Sewers:	LFUCG
Sanity Sewers:	LFUCG
Refuse Collection:	LFUCG
Utilities:	<input checked="" type="checkbox"/> Electric <input checked="" type="checkbox"/> Gas <input checked="" type="checkbox"/> Water <input checked="" type="checkbox"/> Phone <input checked="" type="checkbox"/> Cable



- B. **CHEVY CHASE NEIGHBORHOOD ZONE CHANGE INITIATION REQUEST** – staff request for Planning Commission initiation of a ND-1 Overlay zone for residential properties located on the 100 and 200 blocks of Romany Road within the Chevy Chase Neighborhood.

The Zoning Committee Recommended: **Approval** of the initiation of an ND-1 overlay zone.

Staff Presentation – Ms. Tourkow presented the staff’s initiation request. She said that the 100 and 200 blocks of Romany Road were accidentally omitted from the initial ND-1 Overlay. She displayed a map of the general area near the subject property. She said that the ND-1 initiation is needed to include these properties in the Chevy Chase ND-1 Overlay Zone. She said that notice letters and survey cards were sent to these residents. She said that of the 22 properties only eight residents responded. Seven of them approved and one is concerned with the future development of their property since they currently have a permit for remodeling. She said that this will only affect new permits.

Action – A motion was made by Mr. Penn, seconded by Mr. Forester, and carried 10-0 (Plumlee absent) to initiate CHEVY CHASE NEIGHBORHOOD ZONE CHANGE INITIATION REQUEST, as requested by the staff.

- VII. **STAFF ITEMS** – Mr. Duncan reminded the Planning Commission of the Work Session next Thursday in the Phoenix Building on the 3<sup>rd</sup> Floor.

- VIII. **AUDIENCE ITEMS** – No such items were presented.

IX. **MEETING DATES FOR JUNE 2018**

Subdivision Committee, Thursday, 8:30 a.m., Planning Division Office (101 East Vine Street).....	June	7, 2018
Zoning Committee, Thursday, 1:30 p.m., Planning Division Office (101 East Vine Street).....	June	7, 2018
<b>Subdivision and ND-1 Items Public Meeting, Thursday, 1:30 p.m., 2<sup>nd</sup> Floor Council Chambers.....</b>	<b>June</b>	<b>14, 2018</b>
Work Session, Thursday, 1:30 p.m., 3 <sup>rd</sup> Floor Phoenix Building (101 East Vine Street).....	June	21, 2018
Technical Committee, Wednesday, 8:30 a.m., Planning Division Office (101 East Vine Street).....	June	27, 2018
<b>Zoning Items Public Hearing, Thursday, 1:30 p.m., 2nd Floor Council Chambers.....</b>	<b>June</b>	<b>28, 2018</b>

- X. **ADJOURNMENT** - There being no further business, Chairman Wilson declared the meeting adjourned at 4:52 p.m.

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William Wilson, Chair

\_\_\_\_\_  
Carolyn Plumlee, Secretary

TLW/TM/AT/dw

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\* - Denotes date by which Commission must either approve or disapprove request, unless agreed to a longer time by the applicant.





## Ordinance 244-2008 Chevy Chase Neighborhood Design Standards

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Effective January 1, 2009

Unless otherwise noted, the proposed standards shall only apply to single-family detached residential dwellings.

1. **REAR YARD SETBACKS:**

- A. Measured 70' from the Front Building Plane (excludes porches) or 10' from the Rear Property Line, whichever is greater. Applies to all properties except those on Andover Drive, Garden Road, and Bates Creek Road.
- B. Measured 80' from the Front Building Plane (excludes porches) or 10' from the Rear Property Line, whichever is greater. This applies to all properties on Andover Drive, Garden Road, and Bates Creek Road.

2. **BUILDING HEIGHTS:** Maximum of 30' to highest ridge and maximum eave height (aka gutter line) at 2" floor ceiling line including dormers. (Excludes new additions which may exceed 30' in order to match existing ridge lines, eave height measured at top of fascia board)

3. **ROOF PITCH:** Minimum 7:12 slope for Gabled Primary Roofs (Excludes dormers, single story flat roofs, roofs built to match existing roof pitches, and for allowable projections per Article 15-5 of the Zoning Ordinance)

4. **WALL OPENINGS:** Minimum of 10% of the wall plane on each elevation of new construction is to be windows, doors and/or vented openings; however, no openings shall be required if Building Code requires Fire Ratings. (Excludes any new construction with a wall plane area of less than 150 square feet, chimneys, and side walls of dormers)

5. **PARKING FOR SINGLE-FAMILY ATTACHED AND MULTI-FAMILY DWELLINGS:** No parking in front of the front building plane of the principal structure on the lot. Garage doors shall not face the front building line. (Excludes detached garages)

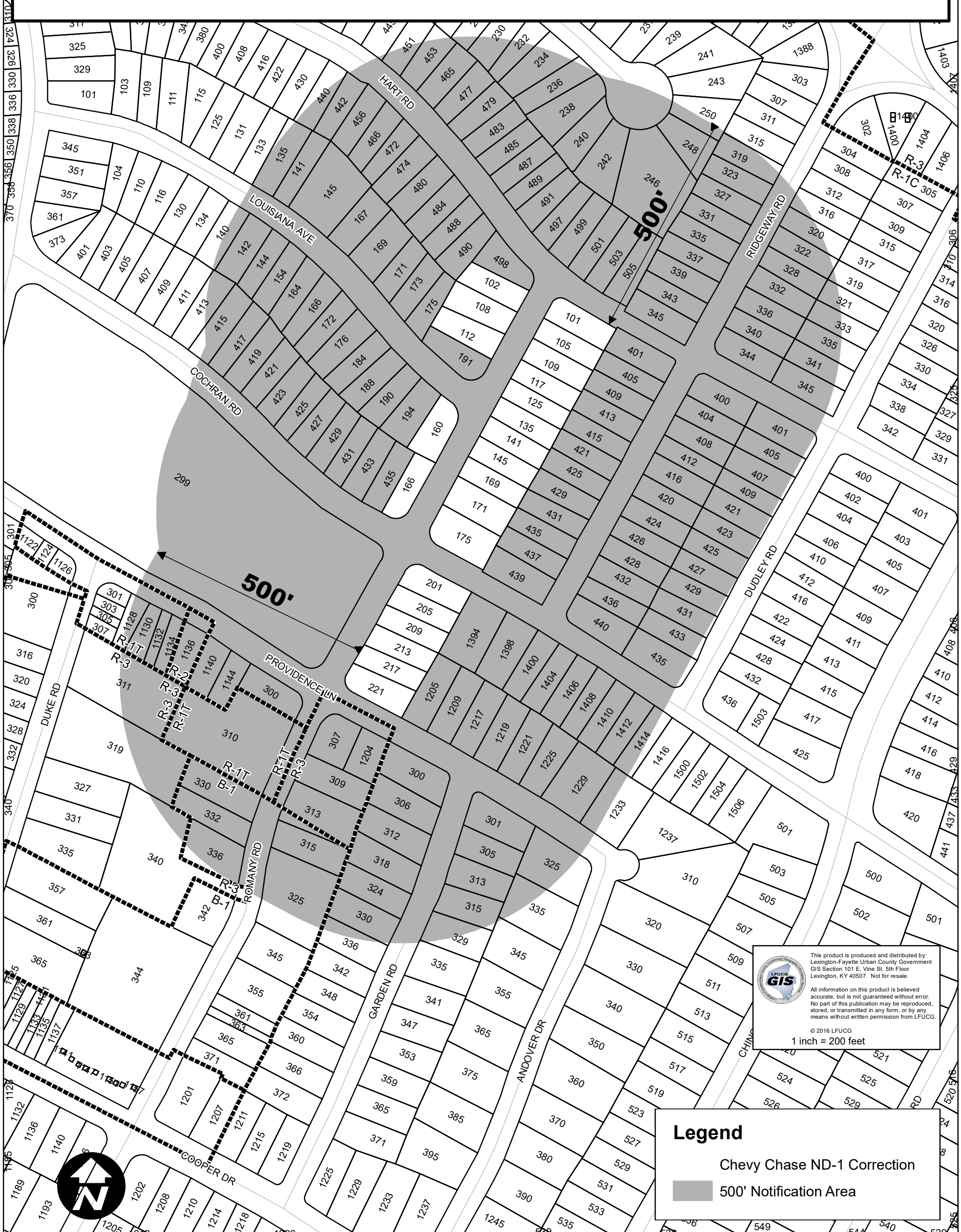
6. **ACCESSORY STRUCTURES:** Maximum footprint of 800 square feet for all accessory structures per lot. Maximum 22' height to roof ridge, maximum 12' height to eave (aka gutter line). No exterior stairs shall be permitted. Maximum 50 percent of roof square footage allowed to be shed dormer. (Eave height measured at top of fascia board and does not apply to dormers, and no minimum roof pitch required on accessory structures)

**Applicant: LEXINGTON-FAYETTE URBAN COUNTY PLANNING COMMISSION**

**Proposed Zone: Neighborhood Design Character (ND-1) Overlay Zone**

**Acreage: 4.21± Net (4.21± Gross) Acres**

**Addresses:  
101-221 Romany Rd**



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1 inch = 200 feet

**Legend**

- Chevy Chase ND-1 Correction
- 500' Notification Area

**STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT**

**PLN-MAR-18-00020: URBAN COUNTY PLANNING COMMISSION**

**DESCRIPTION**

**Zone Change:** From: Single Family Residential (R-1C)  
 To: Single Family Residential (R-1C) with  
 Neighborhood Character Design Overlay (ND-1) zone

**Acreage:** 4.21± net and gross acres

**Location:** 101-175 & 201-222 Romany Road (22 lots)

**Proposed Design Standards:**

1. **REAR YARD SETBACKS:**
  - A. Measured 70' from the Front Building Plane (excludes porches) or 10' from the Rear Property Line, whichever is greater. Applies to all properties except those on Andover Drive, Garden Road, and Tates Creek Road.
  - B. Measured 80' from the Front Building Plane (excludes porches) or 10' from the Rear Property Line, whichever is greater. This applies to all properties on Andover Drive, Garden Road, and Tates Creek Road.
2. **BUILDING HEIGHTS:** Maximum of 30' to highest ridge and maximum eave height (aka gutter line) at 2" floor ceiling line including dormers. (Excludes new additions which may exceed 30' in order to match existing ridge lines, eave height measured at top of fascia board)
3. **ROOF PITCH:** Minimum 7:12 slope for Gabled Primary Roofs (Excludes dormers, single story flat roofs, roofs built to match existing roof pitches, and for allowable projections per Article 15-5 of the Zoning Ordinance)
4. **WALL OPENINGS:** Minimum of 10% of the wall plane on each elevation of new construction is to be windows, doors and/or vented openings; however, no openings shall be required if Building Code requires Fire Ratings. (Excludes any new construction with a wall plane area of less than 150 square feet, chimneys, and side walls of dormers)
5. **PARKING FOR SINGLE-FAMILY ATTACHED AND MULTI-FAMILY DWELLINGS:** No parking in front of the front building plane of the principal structure on the lot. Garage doors shall not face the front building line. (Excludes detached garages)
6. **ACCESSORY STRUCTURES:** Maximum footprint of 800 square feet for all accessory structures per lot. Maximum 22' height to roof ridge, maximum 12' height to eave (aka gutter line). No exterior stairs shall be permitted. Maximum 50 percent of roof square footage allowed to be shed dormer. (Eave height measured at top of fascia board and does not apply to dormers, and no minimum roof pitch required on accessory structures)

**EXISTING ZONING & LAND USE**

<b><u>Properties</u></b>	<b><u>Zoning</u></b>	<b><u>Existing Land Use</u></b>
Subject Property	R-1C	Residential
To North	ND-1	Residential
To East	ND-1	Residential
To South	ND-1	Residential
To West	ND-1	Residential / School

## **URBAN SERVICES REPORT**

**Roads** – Romany Road is a collector street meant to carry low-to-moderate levels of traffic that serves to move traffic from local streets to arterial roads. Additionally, collector roads are designed to provide access to residential properties.

**Curb/Gutter/Sidewalks** – The street system in this neighborhood is suburban in character, with curbs, gutters and sidewalks throughout the area.

**Storm Sewers** – The neighborhood area is split between the Town Branch and the West Hickman watersheds. Storm sewers are constructed throughout the neighborhood. Historically, the Duke Road area has seen severe drainage problems, but many improvements have been constructed in that area to alleviate those problems.

**Sanitary Sewers** – Sanitary sewers exist in the Chevy Chase neighborhood area. This area is served by gravity sanitary sewer lines to both of Lexington-Fayette County's wastewater treatment facilities. A majority of the neighborhood area is served by the Town Branch Wastewater Treatment facility; however, the southern and eastern edges of the neighborhood are served by the West Hickman Wastewater Treatment facility in northern Jessamine County. Some sanitary sewer problems have been reported in this area, specifically during the record September 2006 storm event.

**Refuse** – The Urban County Government serves this residential area with collection on Fridays.

**Police** – The nearest police station is the Central Sector roll call center, located about 3 miles to the northeast of Chevy Chase, off of Winchester Road, near the Eastland Shopping Center

**Fire/Ambulance** – Fire Stations #5 and #9 both serve the Chevy Chase neighborhood area. Fire Station #5 is located about 1¼ miles to the northwest of Chevy Chase, at the corner of Woodland Avenue and East Maxwell Street. Fire Station #9 is located about 2 miles to the southeast of Chevy Chase along Richmond Road, just south of the Fontaine Road and Richmond Road signalized intersection.

**Utilities** – Electric, gas, cable television, water, and phone service, as well as street lights all exist in the neighborhood at this time.

## **COMPREHENSIVE PLAN AND PROPOSED USE**

The 2013 Comprehensive Plan's mission statement is to "provide flexible planning guidance to ensure that development of our community's resources and infrastructure preserves our quality of life, and fosters regional planning and economic development." The Plan's mission statement notes that this will be accomplished while protecting the environment, promoting successful, accessible neighborhoods, and preserving the unique Bluegrass landscape that has made Lexington-Fayette County the Horse Capital of the World. In addition, the Plan encourages a mix of uses, housing types and/or residential densities; development in a compatible, compact and contiguous manner; and provision of land for a diverse workforce.

The Planning Commission has initiated a zone change request to add a Neighborhood Design Character Overlay (ND-1) zone to a total of 22 properties along Romany Road in the Chevy Chase neighborhood. The ND-1 Zone is proposed to regulate rear yard setbacks, building height, roof pitch, off-street parking, garage door restrictions, and accessory structures, regardless of the underlying zoning.

## **CASE REVIEW**

The Planning Commission originally initiated the zone change to a Neighborhood Design Character Overlay (ND-1) zone for the Chevy Chase neighborhood in June 2008 at the request of the Chevy Chase Neighborhood Association and its Neighborhood Design Committee. The total area encompassed by the Chevy Chase ND-1 overlay zone constitutes over 130 acres of property and more than 600 individual properties. The current overlay area is bounded by Tates Creek Road to the west, the rear of residential properties on the south side of Fontaine Road to the north, Chinoe Road to the east, and Cooper Drive to the south. Additionally, the commercial properties along Duke and Romany Roads (including the U.S. Post Office), church-owned properties along Colony Boulevard, and Morton Middle School and Cassidy Elementary School were excluded from the ND-1 overlay area, due to their non-residential land use status.

The current zone change will complete the intended Chevy Chase ND-1 Overlay zone that was initiated in 2008. During the initial application, 22 properties were not sent mailings providing them with the information regarding public participation and impacts of the proposed overlay. These properties are located along the 100 and 200 blocks of Romany Road and constitute about four acres of property. The subject properties are located near the center of the Overlay zone, and contribute to the overall neighborhood character. The two subject blocks are located between Hart Road on the north and Providence Lane on the south. This portion of Romany Road is intersected by Louisiana

Avenue and Cochran Road. The 200 block of Romany Road is directly opposite the Cathedral of the Christ the King Catholic Church and school.

Chevy Chase was originally developed in the 1920s and 1930s as a mixed-use neighborhood with single and multi-family homes, commercial and institutional structures. Some residential development continued into the 1940s. The majority of the neighborhood is zoned R-1C, although R-1D, R-1T, R-2, and R-3 zoning also exists mostly near the Romany Road/Duke Road commercial area. Outside of the subject area, churches, schools, businesses and institutional uses help to create a neighborhood with a unique and distinctive character within Lexington-Fayette County. The neighborhood's application describes the area:

“The streets in Chevy Chase tend to have a visual continuity with the manner in which the neighborhood was developed; almost a park-like appearance. There is a rhythm and a beauty to the manner in which the homes relate to one another and their design cues in setbacks, building heights, eaves and scale that link adjoining properties into unified block faces and in creating a distinct character. This visual continuity is a critical factor that helps to create the unique identity of Chevy Chase.”

The Chevy Chase neighborhood has experienced some new residential development in the form of “tear-downs and pop-ups,” and new additions that are, in many instances, a stark contrast to the existing neighborhood character. In order to protect the neighborhood from inappropriate or incompatible development, the ND-1 overlay zone was requested to maintain the existing rear yard setbacks, further limit building height, establish a minimum roof pitch, limit off-street parking in front yards and garage door orientation, and limit the size of accessory structures.

The purpose of the ND-1 overlay zone is to establish a design framework to conserve key features or visual and natural characteristics of an interested neighborhood. Although the ND-1 overlay has been applied to other neighborhoods, Chevy Chase was the first neighborhood effort to regulate specific structural and design features such as building sizes, roof shapes, and parking area design. The ND-1 zone is designed to be administered in a way similar to properties that have conditional zoning restrictions.

Article 29-3 of the LFUCG Zoning Ordinance provides seven criteria, at least one of which must be met by a neighborhood in order to qualify for the ND-1 overlay zone. As noted in the Chevy Chase petition to the Planning Commission in 2008, the neighborhood would like to maintain the overall character of the neighborhood, and they have established a need to protect the visual characteristics that give their neighborhood its distinct identity based upon recent changes to the neighborhood.

Initially, the neighborhood identified two conservation and design goals through the study process. They are: (1) promote new construction in harmony with the scale and physical character of original buildings; and (2) encourage the use of existing buildings through adaptive rehabilitation in a manner appropriate to the scale and physical character of original buildings. The six design standards were developed based upon these goals.

The first requested standard, designates a minimum rear yard setback measured 70' from the Front Building Plane (excluding porches) or 10' from the Rear Property Line, whichever is greater. The application of this standard helps maintain green space and building scale in the neighborhood. This standard applies to all properties except those on Andover Drive, Garden Road, and Tates Creek Road. For those properties located on Andover Drive, Garden Road, and Tates Creek Road there would be a minimum rear yard setback measured 80' from the Front Building Plane (excluding porches) or 10' from the Rear Property Line, whichever is greater. The rear yard setback would only apply to the principal structure on the lot. Second, building heights are requested to be a maximum of 30 feet to the tallest ridge and a maximum eave height (generally thought of as the gutter line) of the 2nd story ceiling height. This regulation is aimed at keeping homes in scale with the neighborhood and will, in combination with the third proposed standard, prevent three-story homes or even two-story homes with dormers. The third proposed standard would require a minimum 7:12 slope for a gabled primary roof structure; that is, one located on the principal structure on the lot. The neighborhood has defined some exceptions to this regulation to allow some variation and additions that are typical of the neighborhood already. The fourth standard proposes that a minimum of 10% of any wall plane of new construction be openings, specifically windows or doors. This is similar to an existing Infill & Redevelopment Area regulation and will help to ensure visual continuity of the neighborhood. For regulatory purposes, this standard should only apply once the wall plane area is at least 150 square feet in size. The fifth standard applies only to single-family attached (townhouses), and multi-family residential development. The standard would require that all parking be located behind the building(s), so that it is not as intrusive to the existing streetscape. Additionally, the standard would

require that overhead garage doors not face the front building line, except for detached garages. Although the existing underlying zone for these 22 lots would not permit multi-family residential development, but including this standard allows for consistency for the entire neighborhood. The sixth proposed standard limits the size of detached garages and other accessory structures to 700 square feet (total footprint or lot coverage) per lot, a maximum height of 22 feet, with a maximum eave height (aka gutter line) of 12 feet. The neighborhood noted that the roof pitch regulation in Standard #3 is not intended to be applied to accessory structures. The neighborhood requested these restrictions in order to maintain the "sense of place" and the "architectural integrity" currently found in Chevy Chase.

During the initial zone change, staff reviewed the application's compliance with the 2007 Comprehensive Plan. The plan recommended that neighborhood protection overlay zoning provisions be implemented for establishing stability and protection in existing and, especially, older neighborhoods (Goal 15, Objective I), and more generally suggested "preserving, protecting, and maintaining existing residential neighborhoods in a manner that ensures stability and the highest quality of life for all residents," which is one of eight overriding themes of the Plan. Therefore, it followed that the implementation of a Neighborhood Design Character (ND-1) overlay zone in the Chevy Chase neighborhood was in agreement with the Comprehensive Plan's Goals & Objectives by providing specific standards that maintained the existing character of the neighborhood, regardless of the underlying zoning.

The current application to rezone the remaining properties within the Chevy Chase neighborhood conforms with both the 2007 and 2013 Comprehensive Plans, as well as the adopted Goals and Objectives of the 2018 Comprehensive Plan. The rezoning of these properties respects the context and design features of the areas surrounding the area and develops design standards and guidelines to ensure compatibility with existing urban form (Theme A, Goal #2.b). Furthermore, the use of the ND-1 zone will enable the Chevy Chase neighborhood to flourish through improved regulation, expanded opportunities for neighborhood character preservation, and public commitment to expand options for mixed-use and mixed-type housing throughout Lexington-Fayette County (Theme A, Goal #3.a).

The proposed ND-1 design standards will continue to maintain the existing character of the Chevy Chase neighborhood, ensuring that any new development or additions to existing homes will be compatible with the surrounding development. The neighborhood studied the early and present character of the neighborhood, and found that incompatible development was occurring and threatening the identity and unique fabric of the neighborhood. Should this portion of the neighborhood not be protected through the use of either conditional zoning restrictions or the proposed Neighborhood Design Character Overlay (ND-1) zone, it might be altered to the extent that the quality of life of residents would be impacted.

The Staff Recommends: **Approval**, for the following reasons:

1. The Neighborhood Design Character (ND-1) overlay zone is substantially in agreement with the 2013 Comprehensive Plan and the Goals and Objectives of the 2018 Comprehensive Plan, for the following reasons:
  - a. The proposed overlay zone respects the context and design features of areas surround development projects and develop design standards and guidelines to ensure compatibility with existing urban form (Theme A, Goal #2.b).
  - b. The implementation of a Neighborhood Design Character (ND-1) overlay will enable the Chevy Chase neighborhood to continue to flourish through improved regulation, expanded opportunities for neighborhood character preservation, and public commitment to expand options for mixed-use and mixed-type housing throughout Lexington-Fayette County (Theme A, Goal #3.a).
  - c. The Chevy Chase neighborhood completed a design character study, defined the existing character of the neighborhood, developed preservation goals, and proposed appropriate neighborhood design standards, thus meeting the requirements of the ND-1 zone. This 2008 study covered the 100 and 200 blocks of Romany Road

HBB/TLW  
10/1/18

Planning Services/Staff Reports/MAR/2018/PLN-MAR-19-00020 Urban County Planning Commission



**1. URBAN COUNTY PLANNING COMMISSION ZONING MAP AMENDMENT**

- a. PLN-MAR-18-00020: URBAN COUNTY PLANNING COMMISSION (11/4/18)\*- petition for a zone map amendment to expand a Neighborhood Design Character Overlay (ND-1) zone for the Chevy Chase neighborhood for 4.21± net and gross acres, to preserve existing neighborhood character for properties located at 101-175 and 201-221 Romany Road.

**COMPREHENSIVE PLAN AND PROPOSED USE**

The 2013 Comprehensive Plan's mission statement is to "provide flexible planning guidance to ensure that development of our community's resources and infrastructure preserves our quality of life, and fosters regional planning and economic development." The Plan's mission statement notes that this will be accomplished while protecting the environment, promoting successful, accessible neighborhoods, and preserving the unique Bluegrass landscape that has made Lexington-Fayette County the Horse Capital of the World. In addition, the Plan encourages a mix of uses, housing types and/or residential densities; development in a compatible, compact and contiguous manner; and provision of land for a diverse workforce.

The Planning Commission has initiated a zone change request to add a Neighborhood Design Character Overlay (ND-1) zone to a total of 22 properties along Romany Road in the Chevy Chase neighborhood. The ND-1 Zone is proposed to regulate rear yard setbacks, building height, roof pitch, off-street parking, garage door restrictions, and accessory structures, regardless of the underlying zoning.

The Zoning Committee Recommended: made no recommendation, due to lack of a quorum.

The Staff Recommended: Approval, for the following reasons:

1. The Neighborhood Design Character (ND-1) overlay zone is substantially in agreement with the 2013 Comprehensive Plan and the Goals and Objectives of the 2018 Comprehensive Plan, for the following reasons:
  - a. The proposed overlay zone respects the context and design features of areas surround development projects and develop design standards and guidelines to ensure compatibility with existing urban form (Theme A, Goal #2.b).
  - b. The implementation of a Neighborhood Design Character (ND-1) overlay will enable the Chevy Chase neighborhood to continue to flourish through improved regulation, expanded opportunities for neighborhood character preservation, and public commitment to expand options for mixed-use and mixed-type housing throughout Lexington-Fayette County (Theme A, Goal #3.a).
  - c. The Chevy Chase neighborhood completed a design character study, defined the existing character of the neighborhood, developed preservation goals, and proposed appropriate neighborhood design standards, thus meeting the requirements of the ND-1 zone. This 2008 study covered the 100 and 200 blocks of Romany Road.

Staff Zoning Presentation – Mr. Baillie presented the staff report and recommendations for the zone change. He displayed photographs of the subject property and aerial photographs of the general area. He said that the Planning Commission initiated a zone change to a Neighborhood Character Design Overlay (ND-1) back in 2008; however, 22 properties did not receive the required notice providing them information regarding public participation and the impacts of the proposed overlay. This zone change will complete the ND-1 zone overlay as intended by the neighborhood. He added that these properties were notified with this zone change and staff has received eight responses. He said that the Chevy Chase neighborhood is unique, and has a distinctive character within the county. He added that the neighborhood has a rhythm and beauty to the manner that almost appears park-like. In order to protect the neighborhood from inappropriate or incompatible development, the ND-1 Overlay zone was requested to maintain the existing rear yard setbacks, limit building height, establish a minimum roof pitch, limit off-street parking and limit the size of accessory structures.

Mr. Baillie reviewed the ND-1 Overlay design standards, which are: rear yard setbacks measure seventy feet from the front building plane or ten feet from the rear property lines, whichever is greater; building heights of a maximum of thirty feet at the highest ridge and maximum eave height at two inch floor ceiling line; roof pitch to a minimum of 7:12 slope for gabled primary roofs; wall openings have a minimum of 10% of the wall plane on each elevation of new construction; parking for single-family attached townhomes and multi-family developments is required to be located in the rear of the buildings; and the size of detached garages and other accessory structures limited to a maximum footprint of eight-hundred square feet per lot with a maximum roof height of twenty-two feet and an eave height of twelve feet.

Mr. Baillie said that this zone change request is in agreement with the 2007 Comprehensive Plan, because of the initial zone change, the 2013 Comprehensive Plan, as well as the adopted Goals and Objectives of the 2018 Comprehensive Plan. He added that the staff has recommended approval of this zone change.

Commission Questions – Mr. Penn asked why these properties were left out of the initial zone change. Mr. Baillie said that they were inadvertently left out of the notification area. Mr. Penn asked if these properties had been notified and whether or not they agree with the standards. Mr. Baillie said that the staff received seven positive and one negative responses from the neighborhood at the time of the requested initiation.

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\* - Denotes date by which Commission must either approve or disapprove request, unless agreed to a longer time by the applicant.

Citizen Comment – Mr. David Smith 108, Romany Rd, said that this is the first he had understood that an error had occurred. He said that he was involved in the initial meetings and assumed that their property was already included in this ND-1 Overlay. He added that he is in support of this zone change.

Commission Comment – Mr. Penn said that he appreciated the work of the staff and the citizens present to support this zone change.

Zoning Action – A motion was made by Mr. Penn, seconded by Mr. Forester, and carried 9-0 (Brewer absent) to approve PLN-MAR-18-00020: URBAN COUNTY PLANNING COMMISSION, for the reasons provided by the staff.