

STAFF REPORT ON PETITION FOR ZONING ORDINANCE TEXT AMENDMENT

**ZOTA 2014-2: AMENDMENTS TO ARTICLES 8-17, 8-18, 8-19, AND ARTICLE 27 TO IMPLEMENT
“DESIGN EXCELLENCE”**

REQUESTED BY: URBAN COUNTY COUNCIL

PROPOSED TEXT: See Attached
(Note: Underlined text indicates an addition, and ~~stricken through text~~ indicates a deletion to the current Zoning Ordinance.)

STAFF REVIEW:

In mid-February 2014, The Urban County Council initiated a text amendment to the downtown business zones (Articles 8-17, 8-18 and 8-19) and to the Courthouse Area Design Overlay Zone (Article 27) of the Zoning Ordinance in order to authorize, in part, the “Design Excellence” program. By state statute, when the Council initiates a text amendment, the Urban County Planning Commission has 60 days in which to review the ordinance amendment, hold a public hearing and make a recommendation to the Council.

The Design Excellence Task Force was originally established as the “Form-Based Code/Design Guideline Task Force” in the summer of 2010. The group is made up of the Mayor, Vice-Mayor, several Council members, members of the public, and other government representatives. The Task Force has met numerous times to discuss options for achieving the goal of design excellence for the Urban County. Although other approaches were considered, the Task Force determined that the preferred approach would be to utilize the existing downtown business zones (B-2, B-2A and B-2B) to establish a new boundary within which further design standards and guidelines would apply. This approach also requires the dissolution of the existing Courthouse Area Overlay Zone, because it would be a duplication of effort with a similar goal, only on a slightly smaller scale. Adopting design guidelines, as well as possible staffing changes and new incentives, have also been endorsed by the Design Excellence Task Force over the past two years. The proposed text amendment to the Zoning Ordinance is only a part of the much larger approach to “design excellence” that has been discussed for Lexington-Fayette Urban County.

In general, the text amendment establishes the process for review of redevelopment and rehabilitation (including demolition) of structures in the downtown area (Article 27), and modifies the “lot, yard and height requirements” and the “special provisions” sections of each of the downtown business zones to require compliance with Article 27, noting that H-1 Overlay District guidelines would take precedence where any overlap exists. Additionally, in the B-2A zone, the maximum height limit for buildings is proposed to be increased to 12 stories and the off-street parking requirements reduced to ten percent (10%) of the other required parking in any other zone (besides B-2 or B-2B). Currently, the height of a building in this zone is limited to 3 stories (35 feet), or up to 10 stories with Planning Commission approval, and the parking requirement is twenty-five percent (25%) of the required parking otherwise required in other zones.

As noted above and more specifically, the text amendment will abolish the Courthouse Area Design Overlay Zone and the associated Courthouse Area Design Review Board, and in its place create the Downtown Area Design Excellence Board. The new Design Excellence Board will have authority to review applications for redevelopment, rehabilitation and demolition that result in exterior changes to properties within the three downtown business zones (Downtown Business [B-2], Downtown Frame Business [B-2A], and Lexington Center Business [B-2B]), utilizing yet-to-be adopted design standards and guidelines. The proposed modifications to Article 27 create a 7-member board, which must include design-related professionals, a resident from within the zoning boundary, a business owner from within the zoning boundary, a real estate professional or developer with the zoning boundary and a member-at-large. In addition, the changes to Article 27 provide very specific parameters for when the Design Excellence Officer (staff to the Board) reviews an application for small scale projects, and when the Board must hold a public hearing (involving large scale projects). Otherwise, the review procedures will remain very similar to the current procedures for the Courthouse Area Design Review Board. The goal is to have a greater percentage of projects eligible for staff review and approval in comparison with the existing Court House Area requirements.

Other proposed modifications to Article 27 that should be noted are: (1) appeals to Board action will be made to the Fayette Circuit Court, rather than the Planning Commission; (2) enforcement language will be updated to assign the Design Excellence Officer the responsibility of reviewing construction and determining compliance with Authorizations, and the Director of the Division of Planning (Zoning Administrator) will be the appropriate entity to address violations, rather than the Division of Building Inspection; and (3) clarify that “economic hardship” cannot be claimed based on deferred maintenance of historic buildings.

After careful review of the text initiated by the Urban County Council, the staff noticed a few typos that should be corrected prior to action by the Planning Commission (see attached staff alternative text).

The Staff Recommends: **Approval** for the following reason:

1. The proposed text amendment is the first step in implementing the “Design Excellence” program, as developed by the Design Excellence Task Force, an Urban County Council appointed group. The Design Excellence Task Force was tasked with creating an approach to improve the overall design aesthetic of the downtown area.
2. The proposed changes to Articles 8 and 27 will create a new Downtown Area Design Excellence Board to review applications for redevelopment, rehabilitation and demolition that result in an exterior change to a property within the three downtown business zones (Downtown Business [B-2], Downtown Frame Business [B-2A], and Lexington Center Business [B-2B]), utilizing yet-to-be adopted design standards and guidelines.

TLW/BJR/WLS/CDK

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