

City of Frankfort

Capital of Kentucky

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Where History Is Made Every Day!

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William I. May, Jr

Commissioners
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Tommy Haynes
Katie Flynn Hedden
Robert E. Roach

MEMORANDUM

Date: July 1, 2014

To: Honorable Mayor and Commissioners

Thru: City Manager, Tim Zisoff

From: Planning and Building Codes Director, Gary Muller

RE: Discussion/Update item relating to changes to the Historic Regulations.

As you may recall, at the June Commission work sessions, the Commission requested our office to provide an update/summary of where we are with the draft code changes relating to historic properties. We have summarized our changes below and attached the actual draft language:

1. Overall overview:

- a. We have reviewed the current guidelines within Article 17 and areas that contained regulatory requirements (shall provide/shall maintain), rather than guidelines (should provide/encourage to maintain), were moved from Article 17 and placed within each of the 3 local historic zoning district. The remaining guidelines in Article 17 that were not regulatory (contain language like should provide/ encourage to maintain) are being moved and separated into 3 design guidelines for each of the historic districts.
- b. We amended the requirements that windows or materials of the building that are not visible from public sidewalk, are not required to follow the same standards as those areas that are visible from the public sidewalk – with the exception of specifically listed historic structures.
- c. Building additions of 40% or less can be approved administratively, rather than all new construction to go to ARB.
- d. Setbacks can be determined by staff, rather than requiring ARB review.
- e. Any demolition of any part of a contributing structure or contributing accessory structure still requires ARB review, while non-contributing structures and accessory structures can be demolish with administrative approval.
- f. Certain elements of the Form Code that appeared to have support and matched the public survey results were also added.
- g. Most elements that are not visible from public sidewalk are not required to match existing materials.

2. Specific highlights of the **Special Capital District**:

- a. New permitted uses: properties on Capital Ave., Shelby St., or Second St. may have mixed use of professional office and one or two family units in same building; or only retail professional office or retail when limited to 3000 sq.ft.; or restaurant/café when limited to 1500 sq.ft.
- b. New conditional uses: office or retail over 3000 sq.ft. or restaurant/café over 1500 sq.ft.; added maximum density of 8 units per acre for multi-family uses with minimum interior of 700 sq.ft per unit; and added shelters/boarding homes.
- c. Setbacks determined by staff
- d. Height is limited to 35 feet and 2 stories with maximum 70% lot coverage
- e. Signage – allows monument signs for building identification, adds fascia or hanging signs of 2 sq.ft.; retail may have same as commercial in other districts with ARB approval and shall only be non-illuminated fascia.
- f. Non-contributing structures are exempt from maintenance and repair standards, they only go to ARB when they add more than 40% increase or more of existing.
- g. Architectural details are still maintained, preserved, repaired, or replicated; vinyl remains allowed; Tile or slate roofs shall remain same, others may be replaced in kind or with tile, slate or metal that has minimum 15” seams; Gutters on side or rear may be modern – modern gutters on front elevations allowed for properties not located on Capital Ave or Shelby St.; those on Capital and Shelby - front elevations to be replaced/repaired with same style.
- h. Windows – properties on Capital and Shelby – those visible from sidewalk to be maintained or replaced in kind; all other properties - windows may be replaced with non-original windows, but must maintain original window opening; exceptions for individually listed properties shall maintain same materials. Shutters are not required to be functional, may be replaced with same size, shape, not material, and must fit window.
- i. Doors - properties on Capital and Shelby – maintained or replaced in kind; all other properties – doors may be different material, but must maintain original opening size.
- j. Bonus for new construction – setback of 1 foot for off street parking, lot coverage may increase to 100% if off street parking is provided; when mixed use is provided - no parking for residential use and reduction of 25% for non-residential use; those providing public pedestrian plazas or open spaces along Kentucky River – height may increase to 4 stories and parking reduced by 50%.
- k. Handicap ramps and decks do not require ARB review and porches can be administratively approved unless enclosed.

3. Specific highlights of the **Special Historic District**:

- a. New permitted uses: Two family units - attached or semi-attached and added mixed use of professional office or retail on first floor and residential above
- b. New conditional uses: secondary detached residence of 900 sq.ft. or less
- c. Establish maximum density of 14 units per acre for multi-family uses
- d. Setbacks determined by staff
- e. Height is limited to 2 stories with maximum 70% lot coverage
- f. Signage – allows monument signs for building identification, adds fascia or hanging signs of 2 sq.ft.; retail may have same as commercial in other districts with ARB approval.

- g. Non-contributing structures are exempt from maintenance and repair standards, they only go to ARB when they add more than 40% increase or more of addition.
- h. Architectural details are still maintained and preserved; Tile or slate roofs shall remain same, others may be replaced in kind or with tile, slate or metal that has minimum 15” seams; Gutters on rear may be modern – others types to be maintained.
- i. Windows – when not visible from public sidewalk may be replaced with non-original windows, but must maintain original window opening; Shutters are not required to be functional, may be replaced with same size, shape, texture, and must fit window.
- j. Bonus for new construction – setback of 1 foot for off street parking, lot coverage may increase to 100% if off street parking is provided; when mixed use is provided - no parking for residential use and reduction of 25% for non-residential use; those providing public pedestrian plazas or open spaces along Kentucky River – height may increase to 4 stories and parking reduced by 50%.
- k. Handicap ramps do not require ARB review

4. Specific highlights of the **Central Business District**:

- a. No maximum density added;
- b. Max height increased from 40’ to 50’
- c. Non-contributing structures are exempt from maintenance and repair standards, they only go to ARB when they add more than 40% increase or more of addition.
- d. Architectural details are still maintained and preserved; Tile or slate roofs shall remain same, others may be replaced in kind or with tile, slate or metal that has minimum 15” seams;
- e. Gutters on rear may be modern – others types visible from public sidewalk to be maintained.
- f. Windows – when not visible from public sidewalk may be replaced with non-original windows, but must maintain original window opening.
- g. Bonus for new construction – height can increase to 60 and floor area ratio(FAR) may be waived if off street parking is provided; residential above or mixed use may waive FAR; and signage may be increased by 50%.
- h. Fascia Signage: change from maximum 5% of storefront area to maximum 1:1 ratio as in other commercial districts – but shall not cover building features. Window signage increased from 5% to 25%; any internally illuminated sign still requires ARB approval.

5. **Alternative Options/Concerns:**

- a. **Grant application:** The city had applied for a CLG grant to hire a consultant to amend Article 17 by establishing 3 separate historic preservation guidelines and requirements for each of the 3 local historic zoning regulations. One of the basis of applying for the grant was to free up staff from this task to work on other projects directed by the Commission. Funding has been budgeted for this grant, however, the Commission did not approve the funding when it approved to apply for the grant. This grant has recently been approved, however, if the consultants are to follow the current city draft version – the grant will likely be revoked due to the direction of the lessening of the preservation requirements. Therefore, the City needs to determine if we wish to proceed with the grant and allow the consultants to make the changes based on their professional

preservation background and public meeting input (rather than public survey results and staff's draft version only) for changes to our local historic districts or to cancel the grant.

- b. **Rezone properties:** An alternative was suggested by staff to the heritage council that rather than continuing the city's draft version (which was perceived/feared as undermining the overall historic preservation efforts), and to continue with the grant efforts, the city would seek to rezone portions of the Special Capital District out of the local historic district and into a non-historic residential district similarly to those currently zoned residential on the outer edges of the neighborhood like Paul Sawyer. This option would not reduce the national historic boundary, would maintain tax credits for all currently eligible, would improve chances of property maintenance or redevelopment of certain properties outside of the historic preservation requirements, and would allow the consultant to use best practices for creating the 3 separate districts without undermining the overall historic preservation regulations – as it currently is feared.



I hope we have researched and responded to your concerns sufficiently and I look forward to discussing this more with each of you at the July Work Session on the 14th.

Thank you for your time and consideration.