

ORDINANCE NO. 16, 2016 SERIES

AN ORDINANCE TO AMEND THE CITY OF FRANKFORT'S CODE OF ORDINANCES – CHAPTER 152 – BY AMENDING THE CITY OF FRANKFORT'S ZONING REGULATIONS; ARTICLE 16 AND ARTICLE 17 OF THE CITY OF FRANKFORT'S ZONING ORDINANCE.

Whereas, the Frankfort/Franklin County Planning Commission held a public hearing on June 9, 2016, closed the public hearing, tabled to allow a summary to be prepared, held a public meeting on July 21, 2016 where the item was removed from the table, approved the summary, and voted 6-1 for approval to recommend the City of Frankfort's Board of Commissioners to approve the proposed text amendments;

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF FRANKFORT, KENTUCKY,

That the City's Zoning Ordinance, Article 16 and Article 17 are hereby amended and adopted as indicated in the attachment of this ordinance.

First Reading on the 22 day of August, 2016

Final adoption on the 26 day of September, 2016

S/William I. May, Jr.
T/Mayor

Attest:

S/Chermie Maxwell
T/City Clerk

Summary: This ordinance amends the City's Zoning Ordinance, Article 16 Article 16 by adding Historic Preservation Design Guidelines for properties within the Special Historic (SH) Zoning District and amends Article 17- Architectural Review Board.

S/Robert C. Moore
T/City Solicitor

Published by summary October 16, 2016.

ARTICLE 16 RESERVEDHistoric Preservation Design Guidelines for properties within the Special Historic (SH) Zoning District

16..01 Special Historic Zoning District Guidelines: For properties located within the Special Historic Zoning District (SH) the adopted and attached by reference historic preservation design guidelines, dated February 2016, shall apply. These guidelines replace Article 17, Sections 17.10. and Section 17.11 which shall not apply to properties zoned SH.

16.01.A PROVISION FOR PROJECTS NOT MEETING THE HISTORIC DESIGN GUIDELINES: Within the general limitations of the Comprehensive Plan, the spirit and intent of the regulations and the public interest, safety and welfare, the Architectural Review Board may approve an applicant's request to deviate from the attached design guidelines for the local Special Historic (SH) zoning district when:

- 1) The request for deviation of these guidelines have been reviewed by the Planning Department and their findings have been provided in a written staff report and forwarded to the Architectural Review Board for review; and
- 2) The requested exterior alteration is consistent with the stated purpose and intent of these guidelines and with the adopted COMPREHENSIVE PLAN; and
- 3) The proposed exterior changes will not have an adverse impact on the architectural character or historic integrity of the structure and property; and
- 4) That the proposed project and structure will remain as compatible with other properties in this District in terms of form, proportion, mass, configuration, scale, and setbacks; and
- 5) The Architectural Review Board has found that the proposed alterations are necessary for the physical functioning of the building or due to health and safety reasons; and no reasonable alternative is available to fully meet the guidelines.

ARTICLE 17 ARCHITECTURAL REVIEW BOARD

17.01 Intent. To establish a board to review development proposals and to provide more design controls in designated older sections of the City of Frankfort. The actions of the board will aid in the prevention of intrusions of undesirable design characteristics, in the protection of desirable and unique physical features in older neighborhoods, in the protection and stabilization of property values and in the prevention of blighting caused by insensitive redevelopment. In addition, this Board is to expand the knowledge of the community on the historic background of Frankfort. This will be accomplished by an ongoing survey and inventory of historic sites within the City of Frankfort. From this information, sites and districts can receive recognition as local landmarks or National Register of Historic Places status. By accomplishing these goals, the City will qualify as a Certified Local Government.

17.09 Appeal from Action of the Architectural Review Board: ~~New Construction, Building Additions, Moving a Structure and Demolition within the Special Capital, Central Business and Special Historic Zone Districts.~~ Appeals from actions of the Architectural Review Board may be taken by any person or entity claiming to be injuriously affected or aggrieved by the granting or denial of an application made to the Architectural Review Board. Such appeal shall be ~~taken~~ filled within thirty (30) days after the decision is made by the Architectural Review Board, by filing with ~~the Office of Planning and Building Codes a notice of appeal specifying the grounds thereof, and giving notice of such appeal to any and all parties of record. The Planning Director shall forthwith transmit to the Appeals Board all papers constituting the record upon which the action appealed from was taken and shall be treated as and be the respondent in such further proceedings. At the public hearing on the appeal held by the Appeals Board, any interested person may appear and enter his appearance, and all shall be given an opportunity to be heard.~~

~~17.09.1 Architectural Review Appeals Board. The Architectural Review Appeals Board shall consist of five (5) members and shall be the City appointed Planning Commission members. Each member shall serve on the Architectural Review Appeals Board for the length of time of his or her appointed term.~~

~~—The Architectural Review Appeals Board shall have the duty to hear and decide cases where it is alleged by an applicant that the decision reached by the Architectural Review Board was made in error, or that the appellant has been injuriously affected or aggrieved by an official action of the Architectural Review Board.~~

~~—The Architectural Review Appeals Board shall fix a reasonable time for hearing the appeal and give public notice at least seven (7) days in advance of the meeting in the local newspaper, as well as written notice to the appellant and the administrative official at least one (1) week prior to the hearing, and shall decide it within sixty (60) days. The affected party may appear at the hearing in person or by attorney.~~

~~17.09.2 Appeal from Action of the Architectural Review Appeals Board. In the event that the Architectural Review Appeals Board finds in favor of the Architectural Review Board, after holding the public hearing on the appeal, the appellant may file an appeal to the court of local jurisdiction.~~

17.10 DESIGN GUIDELINES FOR EXTERIOR REMODELING

The following guidelines shall be used by an applicant within the SC or CB zoning district in filing applications for approval for exterior remodeling and shall be used by the Director of the Planning and Building Codes Department in determining if a Certificate of No Exterior Effect may be issued for the proposed work. Building permit applications that meet these guidelines may be administratively approved, while those not meeting these guidelines shall require the review and approval of the Architectural Review Board prior to issuance of any building permit for work not meeting these guidelines.

1. Masonry

Masonry is one of the most durable building materials and can last for centuries. Brick, stone, terra cotta, stucco, concrete, and mortar are all examples of masonry. Masonry is used primarily for wall surfaces, but is also used for cornices, pediments, window lintels and sills, and other decorative building elements. The color, texture and patterns of the masonry and mortar joints help define the character of a building.

- A. Original architectural materials such as brick and stone, wood siding and trim, cast and wrought iron, and sheet metal shall be repaired, restored, and reused whenever possible. Original materials shall not be removed or covered. Where necessary, missing or deteriorated material shall be replaced with appropriate recycled or new materials that match the original as closely as possible. When the exterior masonry of a structure must be repaired, the color, texture, and pattern (where applicable) and composition of the masonry and the composition, color and tooling of the mortar shall duplicate the original
- B. Existing architectural features that give buildings their character, such as decorative piers, columns, brackets and cornice work, decorative brickwork, and terra cotta shall be preserved.
- C. The addition of inappropriate and out of character features shall be avoided.
- D. Existing architectural elements or portions of the original features shall be retained, repaired or replicated.
- E. If an original detail, such as a cornice, is deteriorated beyond repair or missing, it shall be replaced with a newly designed detail appropriate in scale, material, proportion and accuracy of detail. A simplified design may be used.

- F. Cleaning masonry shall be done by the least damaging method available, ranging from washing with a mild detergent and soft bristle brushes to chemical cleaning.
- G. Sandblasting is not an acceptable method for cleaning and shall not be permitted because it destroys brick and reduces the life of buildings.
- H. Sealants, such as water repellent coatings, shall not be used unless there is actual water penetration through the masonry units themselves, and the problem is not caused by faulty or missing mortar, poorly functioning gutters and downspouts, or rising ground water. If water is penetrating through the masonry to interior surfaces, then only the affected area shall be treated, and only after the masonry has been allowed to dry. Paint is more permanent and provides a good measure of waterproofing to masonry walls. Painting is recommended for building in the Special Capital, ~~Special Historic,~~ and Central Business zone districts that have been previously painted.
- I. Tuck pointing shall be completed with a soft mortar, simulating the old lime and sand mortars in appearance and composition. A mixture consisting of one part lime, and seven to nine parts of the smallest available mesh sand (to match the original sand) is recommended. The use of this mortar will ensure that expansion and contraction characteristics of the brick and mortar will be approximated.
- J. The original joint type shall be matched by new tuck pointing. In general, the mortar joint shall be concave because this allows for the greatest bond of mortar to brick.
 - 1) The mortar shall be tinted to match the color of the original materials as closely as possible.
 - 2) If brick needs to be replaced, it shall match the original as closely as possible.

2. Siding

Wood is a common building material in the historic areas, used for structural framing, protective siding and decorative elements. Wood can be easily shaped by sawing, planing, and carving, and it is used for a broad range of building elements such as cornices, brackets, shutters, columns, porches, doors and windows, and other decorative building elements. For the purposes of these guidelines, siding shall mean all wood siding, shingles, decorative wooden elements and framing.

- A. Wood clapboard siding shall be used as the repair or replacement material on wood frame buildings.
- B. With the exception of accessory structures less than ~~420-200~~ s.f., rough-sawn wood, diagonally-oriented wood or plywood siding (i.e. T-111) is inappropriate and shall be prohibited for exterior walls, trim and ornamentation.
- C. Aluminum, fiber cement, or vinyl siding shall be permitted for any structure within the Special Capital zone district. The following guidelines shall be followed in installing aluminum or vinyl siding in the Special Capital zone district:
 - 1. Corner boards for artificial siding shall be the same size as the existing corner boards.
 - 2. All new window and door trim shall be the same width as the original trim.
 - 3. Architectural features must be covered in a manner that will allow for the same proportion after coverage as before coverage.
 - 4. All artificial siding shall run in the same direction as the original siding.
 - 5. Frieze and soffit boards must be covered in the same widths as exists on the building.
 - 6. All detailing which is not flush with the siding or surface must bear the same proportion after coverage as before coverage.
 - 7. All exterior façade shingles shall remain and must not be covered or altered.
 - 8. All decorative porch posts, railings, brackets, cornices, and cornice trim must remain uncovered.
 - 9. Existing shutters consistent with the style of the building shall be returned to the original location after the artificial siding is applied.
 - 10. All masonry must remain uncovered.
 - 11. The width of artificial siding must have approximately the same width and shape as the original, and generally should be 4ö to 6ö wide.
 - 12. Artificial siding shall not be installed over rotted wood ó all original siding, trim, fascia and drip items shall be repaired or replaced.
 - 13. All artificial siding shall be the original color of the building, if possible
 - 14. Siding materials with a stamped or molded design which imitates masonry or wood grain may be used when it matches the existing design.

In the ~~Special Historic zone district and in the~~ Central Business zone district, vinyl or aluminum siding shall not be permitted, fiber cement may be approved administratively. Buildings already having artificial stone, asbestos, asphalt shingles, and other similar materials, shall be permitted to use similar materials in resurfacing or repairing these surfaces. Siding shall not be used to cover or replace brick walls

3. Roofs

- A. The original roof shape shall be preserved on the principle building.
- B. Changes to the original roof shape or adding features inappropriate to the character of the roof, such as oversized dormer windows, is discouraged. Skylights, roof decks and roof gardens may be permitted if they do not detract from the architectural integrity of the building. Generally, the use of skylights, roof decks or roof gardens on the main façade of the building is discouraged.
- C. Whenever possible, original roofing materials shall be retained. New roofing shall be appropriate to the style and period of the building and neighborhood and should match the old in composition, size, shape, color and texture. Retain or replace, where necessary, all architectural features that give the roof its essential character, such as dormer windows, cupolas, cornices, brackets, chimneys, cresting and weather vanes. Full replacement of roof with material other than existing shall be only approved by the Board and after the applicant has submitted documentation and evidence of why the existing roof material can not be repaired and/or replaced with the same material.

- D. Architectural details that will change the character of the roof and the structure are discouraged. Television antennae, satellite dishes or similar items and mechanical equipment such as air conditioning units shall be placed in an inconspicuous location where they will not detract from the character of the building

4. Gutters and Downspouts

- A. Box gutters shall be preserved and repaired or replaced with the same style box gutters on all elevations visible from a public right-of-way. Box gutters that cannot be repaired on elevations not visible from a public right-of-way, may be replaced with half-round hanging gutters and round downspouts, ,
- B. Finish Treatment: Hanging gutters and downspouts, unless made of copper, shall be painted the same color as the house or the trim. To prevent the paint from flaking and peeling within a short period of time, new non-galvanized metal or aluminum gutters or downspouts shall be coated with a galvanized steel primer before applying the finishing coats of paint.
- C. Style: All hanging gutters and downspouts may be repaired or replaced with the same style and design. All new Hanging gutters shall be half-round and new downspouts shall be round unless otherwise approved by the Architectural Review Board; however, modern K-style gutters are allowed within the SC district, with the exception of historically contributing structures. PVC style gutters shall not be allowed in any historic district.
- D. Any ornamental roof accessories shall be cleaned, repaired and painted.

5. Windows

- A. The original pattern of window openings and their shape and configuration shall not be altered.
- B. Original windows shall be retained when possible, and repaired as needed.
- C. When replacement windows are used, they shall match the original in size, shape and design. Wood with vinyl or aluminum clad exteriors are allowed within the SC district, ~~with the exception of historically contributing structures.~~
- D. Existing 6-over-6, 4-over-4, or 2-over-2 window sash may be replaced with 1-over-1 window sashes.
- E. Snap-in grids or grids between panels of glass that give a false appearance of a multi-pane sash are discouraged and shall not be administratively approved within the ~~SH or~~ CB districts, .
- F. Windows of a style or era different than the house shall not be used.
- G. New storm windows shall be of wood or anodized aluminum with a painted finish.
- H. Window openings shall not be reduced, enlarged, or filled in on street facades.
- I. If original openings are filled in on the side or rear, the outline of the original opening shall remain apparent by setting infill material back from the surface and leaving original sills and lintels in place. Original openings on the side and rear may be blocked by attaching shutters in a closed position to maintain the appearance of a window.

Installation of new window openings shall match the existing window openings as much as possible, especially on the primary elevations. New openings shall be of the same size and at the same height as existing openings. Board review and approval is required when such new window openings are proposed on street façade elevations