

ORDINANCE NO. 23, 2020 SERIES

AN ORDINANCE TO AMEND THE CITY OF FRANKFORT'S CODE OF ORDINANCES – CHAPTER 152 – BY AMENDING ARTICLE 4.41 OF THE ZONING REGULATIONS REGARDING SPECIAL CAPITAL DISTRICTS

WHEREAS, the Frankfort/Franklin County Planning Commission held a public hearing on September 10, 2020 and voted unanimously for approval to recommend the City of Frankfort's Board of Commissioners to approve the proposed text amendment;

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

That the City's Zoning Ordinance, Article 4.41 "Special Capital Districts" is hereby amended and adopted as indicated in the attachment of this ordinance.

First Reading on the 23 day of November, 2020

Final adoption on the 21 day of December, 2020

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

Attest:

S/Chermie Maxwell
T/City Clerk

Summary: This ordinance amends the City's Zoning Ordinance Article 4.412 "Special Capital Districts" by classifying churches as a permissible Conditional Use within the District.

S/Laura Milam Ross
T/City Solicitor

Published by title and summary on December 29, 2020.

4.41 Special Capital District

Purpose. To establish a zoning district to encourage the renovation, rehabilitation and preservation of older neighborhoods in Frankfort that have special or unique features or important associations with the City's historical development. These neighborhoods may not have the substantial architectural and historical significance of the Special Capital District, but have a definable characteristic, architectural period or living environment substantially different from those existing or intended in regular zoning districts. The Architectural Review Board shall have the power to review permits for all conditional uses, variances, construction, demolition or moving of structures within the district.

Permitted Uses. Single or two family dwelling units and owner occupied short term rentals. *(Amended 09-2018)*

Conditional Uses. The Architectural Review Board may grant conditional use permits for the following uses.

- A. Mixed use such as professional office use or retail uses with residential unit or units within the same building - provided all other applicable requirements within this Article and Article 17 are satisfied.
- B. Multi-family units in new or existing structures provided that the density requirements of the RL zone not be exceeded and provided that usable open space at least be as much as the average of other structures within the same block.
- C. Professional offices limited to the conversion of existing structures and provided that open space, exclusive of building or other paved area, is at least equal to the average of open space for structures within the same block, but not less than twenty percent (20%) of lot area.
- D. Retail commercial when limited to 3,000 square feet of floor area for retail use or sit down restaurant/cafe when limited to a gross floor area of 1,500 sq. ft. Any such use must directly service the surrounding neighborhood and must be located on a collector or arterial street; or located on Second Street between Capital Avenue and Logan Street.

- E. New syndicates provided that no manufacturing or distribution takes place on site.
- F. Community Centers provided that parking is provided and that landscaping is provided.
- G. Child day care facilities meeting all requirements of Article 19 - RS District.
- H. Bed and Breakfast facility per Article 19.
- I. Confectionery Manufacturing with associated retail and storage provided the following conditions are met:
 - 1. A demolition of existing principal building(s) shall not be permitted.
 - 2. New construction of additions related to the use of confectionery will be permitted subject to a certificate of appropriateness issued by the Architectural Review Board and a Final Development Plan (per Article 5) being approved by the Planning Commission.
- J. Short term rental - non-owner occupied.

K. Churches

4.414 Bulk and Density. Because of the wide range of existing density and lot sizes in older neighborhoods, no specific density or setbacks shall be established. Development and redevelopment shall be consistent with the character and density of the neighborhood. The bulk and density of new uses or structures shall be determined by the Architectural Review Board. (ORD 5-2003), with the exception to setbacks, which can be administratively approved for fences and walls; and for additions or accessory structures that meet the existing setbacks on the property.

4.415 Maximum Height. Forty-five (45) feet.

4.416 Signs.

- A. For any nonresidential use within a residential structure signs are limited to two (2) square feet and shall be mounted flush on the facade of the structure.
- B. Identification signs for any residential complex may be two (2) square feet for each 100 feet of street frontage to a maximum of eight (8) square feet and may be flush mounted fascia or ground signs.
- C. Identification of professional offices may be two (2) square feet for each 100 feet of street frontage to a maximum of eight (8) square feet and may be fascia or ground mounted. In addition, each separate office may have a sign limited to two (2) square feet fascia mounted.
- D. Retail commercial uses may have signs as permitted in article 13, however shall be limited to only fascia mounted and non-internally illuminated.
- E. All pole signs are prohibited.

4.417 Off Street Parking. Off street parking for a proposed land use shall be provided in accordance with the requirements of Article 12.

4.418 Design Criteria. At the time of application for any building, remodeling, demolition or moving a structure, or variance or change of use permit when a conditional use permit is required, or for any permit for new construction, the Architectural Review Board shall review and building and site plans to:

- A. Assure the continuity of architectural styles, building mass and density, as well as the overall character of the area and its relationship to the Capital Complex.
- B. Protect the open space and landscape features of the district.
- C. Conform to the applicable requirements of the Article 17 of this ordinance.

4.419 In review of plans proposed for conditional uses or variances, the Board of Architectural Review shall be governed by the guidelines as required by Article 18.
(amended 4-28-08)