



Louisville Metro Government

Legislation Text

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Ordinance No. _____, Series 2015
AN ORDINANCE CREATING THE NULU REVIEW OVERLAY DISTRICT IN
LOUISVILLE METRO. (AS AMENDED)
SPONSORED BY: COUNCILMAN DAVID TANDY

WHEREAS, the Legislative Council of the Louisville/Jefferson County Metro Government (the "Council") may create overlay districts pursuant to the provisions of Kentucky Revised Statutes 82.650 to 82.670; and

WHEREAS, preparation of the new NuLu Review Overlay District has been in progress for 18 months and reactions have been favorable from interested groups such as the NuLu Business Association, the Phoenix Hill Neighborhood Association and the Louisville Downtown Partnership; and

WHEREAS, the Louisville Downtown Partnership held the public hearing for the Council for this overlay district on March 5, 2015 and the response was universally positive; and

WHEREAS, the Council finds the NuLu area has historical, architectural and cultural significance suitable for preservation; and

WHEREAS, the Council further finds the creation and effectiveness of this overlay district will enhance the appearance, sustainability and economic vitality of the district.

Now therefore be it ordained by the Legislative Council of the Louisville/Jefferson County Metro Government as follows:

Section I: The NuLu Review Overlay District attached hereto and being in Louisville Metro is established and created.

Section II: This Ordinance shall take effect upon its passage and approval.

H. Stephen Ott Metro Council Clerk

David Tandy President of the Council

d: _____ Approve

Greg Fischer Mayor

Date

APPROVED AS TO FORM AND LEGALITY:

Michael J. O'Connell
Jefferson County Attorney

By: _____

NULU REVIEW OVERLAY DISTRICT

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NuLu Review Overlay District

§ ONE. DEFINITIONS.

For the purposes of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ALTERATION. A change to any part or to the whole of a structure that is not ordinary repairs.

BUILDING. A structure.

COMMITTEE. The NuLu Review Overlay District Committee.

CONTRIBUTING HISTORICAL STRUCTURE. A structure located within a National Register Historic District and which has not been determined by the United States Secretary of Interior to be noncontributing or a structure which is listed on the National Register of Historic Places, or which is eligible for such designation.

DEMOLITION. The destruction in whole or in part of a structure.

DEVELOPMENT ACTIVITY. Any alteration, new construction or demolition of a structure, a change in business identification signs, a change in the use of a property, or the construction of public

parking or other publicly accessible area.

DIRECTOR. The Director of the Division of Planning and Design Services.

DISTRICT. The NuLu Review Overlay District established by this chapter.

FIRST TIER PROPERTY OWNER. An owner of any parcel of property adjoining the property that is the subject of the Permit application.

GUIDELINES. The development review Guidelines established by § Three of this chapter.

MAJOR STRUCTURAL CHANGE. Structural alterations and structural repairs made within any 12 month period costing in excess of 50% of the physical value of the structure, as determined by comparison of the extent/value of the alterations involved and the replacement value of the structure at the time the plans for the alteration are approved, using the Building Officials Conference of America (BOCA) chart for construction cost.

NEW CONSTRUCTION. The erection of the whole or any part of a structure.

ORDINARY REPAIRS. Nonstructural reconstruction or renewal of any part of an existing building for the purpose of its maintenance or decoration, which shall include, but not be limited to, the replacement or installation of nonstructural components of the building, such as the roofing, siding, windows, storm windows, insulation, drywall or lath and plaster, or any other replacement in kind, that does not alter the structural integrity, alter the occupancy or use of the building, or affect by rearrangement, exitways and means of egress.

PERMIT. A NuLu Review Overlay District Permit issued pursuant to this chapter.

STAFF. The Urban Design Administrator in the Division of Planning and Design Services, and such other person or persons delegated responsibility by the Director to administer the provisions of this chapter.

STRUCTURE. Any man-made object having an attachment to the ground or to something having an attachment to the ground.

§ TWO. CREATION AND BOUNDARIES.

- (A) Pursuant to KRS 82.650 through 82.670, the NuLu Review Overlay District is established.
- (B) The boundaries of the District shall be as illustrated on Appendix A to this chapter (as may be amended from time to time).
- (C) The distinctive characteristics of the District are described in Appendix B to this chapter.
- (D) The Guidelines for the District are included as Appendix C to this chapter (as may be amended from time to time).

§ THREE. PRINCIPLES AND GUIDELINES.

(A) Upon the effective date of this chapter, within the District, no person shall commence any Development Activity as defined in this chapter without obtaining a Permit issued pursuant to the procedures set forth in this chapter certifying compliance with the applicable Overlay District Development Review Guidelines established pursuant to this chapter.

(B) The Guidelines, attached as Appendix C hereto, are enacted. The Guidelines may be updated or amended from time to time upon a recommendation of the Committee and with the approval of the Metro Council. The Guidelines are not intended to discourage development or to dictate architectural style or design, but to encourage such development that contributes to the overall design quality of the District. These Guidelines and the distinctive characteristics for the District shall be the basis for evaluating applications for development proposals as applicable within the District as follows:

(1) All principles which are part of the Guidelines for a particular District must be addressed before a Permit may be issued.

(2) The Urban Design Administrator or Committee, as authorized respectively under this chapter, may determine that a guideline should not be applied in evaluating a development application upon making findings of fact pursuant to this chapter for each such guideline that:

(a) The particular location characteristics of the site or existing structure, make the Guidelines inappropriate for purposes of reviewing the application; or

(b) The applicant has demonstrated that the application addresses distinctive characteristics of the District not reflected in the Guidelines which are applicable and which provide an additional or alternative basis for determining conformance with the District.

(3) Upon making a determination that a development application concerns a site which is located in sufficient proximity to one or more other Districts and that it shares some of the characteristics of such nearby District or Districts, the Urban Design Administrator or the Committee, as authorized respectively under this chapter, may consider the applicable Guidelines. However, a development application shall not be required to satisfy all of the Guidelines in the other Districts in order to demonstrate compliance.

(4) If a development application involves a phased project, the Urban Design Administrator or the Committee, as authorized respectively under this chapter may, as a condition of approval of a Permit for the first phase or phases, require landscaping, fencing, lighting and such other interim treatments as the Urban Design Administrator or the Committee may determine appropriate for the undeveloped portion of the phased project.

(C) The Guidelines are intended to promote compatibility of new development with existing land use and design features, to enhance the District's visual quality, to preserve the District's commercial character with a pedestrian friendly environment and to strengthen the economic vitality of the District by encouraging new investment and further business and commercial development, in appropriate locations within the District.

(D) The application of Guidelines is intended, in the public interest, to provide public review of the design elements of a proposed development within the District and of the community impact of a proposed demolition of a Contributing Historical Structure within the District. Accordingly, public participation shall be encouraged in the review process.

(E) A development proposal that does not conform to one or more specific Guidelines may be approved if it is determined that the proposal is in conformance with the intent of the Guidelines considered as a whole.

(F) It shall be a condition precedent to obtaining any Permit for any Development Activity within the District that the person has obtained a Permit pursuant to this chapter. Permits shall be issued only where it is determined, pursuant to the procedures established by this chapter that the proposed Development Activity is in compliance with the Guidelines.

(G) No application to demolish any Contributing Historical Structure or Structure more than 65 years old shall be approved by the Urban Design Administrator unless the applicant demonstrates to the satisfaction of the Urban Design Administrator and the Louisville Metro Historic Preservation Officer:

(1) That the rehabilitation of the Structure or construction of a new Structure will have a greater positive impact upon the District's economic vitality and appearance than the preservation of the Structure proposed to be demolished; and that the rehabilitation of the Structure or the construction of the new Structure would not be possible or economically feasible without the demolition of the Structure proposed to be demolished; or

(2) That the applicant cannot obtain a reasonable economic return from the property or Structure unless the Contributing Historical Structure or Structure more than 65 years old is demolished in accordance with the application.

§ FOUR. ADVISORY COMMITTEE CREATION.

(A) There is created a Committee of nine (9) members to be known as the NuLu Review Overlay District Committee. The duties of the Committee shall be as outlined in § Five.

(B) The NuLu Review Overlay District Committee shall consist of nine (9) members who are to be appointed by the Mayor and approved by the Metro Council. All members appointed by the Mayor shall be residents of the county or owners of properties or businesses in the NuLu Overlay and shall have knowledge of or experience in design review and shall serve for a term of three years or until their successors are appointed and approved. For initial appointments, members' terms will be staggered as indicated below. Members shall serve at the pleasure of the Mayor. Any vacancy shall be filled in the same manner as the original appointment. Any member may be reappointed and reapproved for successive terms.

(C) The Committee shall be comprised of:

1. One member of the Landmarks Commission (one year initial term).
2. One staff member or Commissioner of the Louisville Metro Planning Commission (one year initial term).
3. One architect or landscape architect (one year initial term).
4. One member of the Mayor's Committee on Public Amenities (two year initial term).
5. One representative of the Board of the Downtown Development Corporation (two year initial term).
6. One resident of the NuLu Review Overlay District (two year initial term).
7. One representative of the Phoenix Hill Neighborhood Association (three year initial term).
8. One Representative of the Butchertown Neighborhood Association (three year initial term).
9. One representative of the NuLu Business Association (three year initial term).

§ FIVE. COMMITTEE DUTIES.

(A) The duties and responsibilities of the Committee shall be as follows:

- (1) Meet with applicants for nonexpedited development projects to review their applications.

- (2) Prepare, pursuant to the procedures set forth in this chapter, final findings of fact and conclusions on nonexpedited development applications to issue a Permit, issue the Permit with conditions, or deny the Permit.
 - (3) Review decisions of the Urban Design Administrator on expedited development applications upon the request of the applicant pursuant to this chapter.
 - (4) Review Development Activity referred to the Committee by the Board of Zoning Adjustment pursuant to § Ten.
 - (5) Recommend to the Metro Council, as provided for in this chapter, amendments to the Guidelines based on experience in reviewing applications and the need to preserve the distinctive characteristics of the District.
- (B) The Committee shall establish a schedule of regular meetings and may hold special meetings upon the call of the Chair.
- (C) One member of the Committee shall be elected by a majority of the Committee as the Chair and he or she shall preside at all meetings of the Committee. The Committee may elect a Vice-Chair to preside at meetings when the Chair is absent. The Chair shall serve for a one year term and shall be eligible for re-election.
- (D) A quorum of the Committee shall be a majority of the members of the Committee. The concurring vote of a majority of the members present shall be necessary to take action on Permit application.
- (E) No member of the Committee may participate in the hearing or disposition of any matter in which that member has any conflict of interest, as defined in Chapter 21 of the Metro Code of Ordinances.
- (F) The Committee shall adopt policies and procedures for the conduct of its meetings, the processing of applications and for any other purposes considered necessary for its proper functioning.

§ SIX. ADMINISTRATION AND IMPLEMENTATION.

The responsibility for administering and implementing this chapter is delegated to the Division of Planning and Design Services or its successor, whose Urban Design Administrator, staff and Director shall have the following duties and responsibilities pursuant to this chapter.

- (A) *Urban Design Administrator.* The duties of the Urban Design Administrator shall be to:
- (1) Classify all Development Activity in accordance with § Seven as (a) exempt, (b) expedited, or (c) nonexpedited.
 - (2) Coordinate review of Permit applications with the Department of Public Works and Assets, the Department of Codes and Regulations, and other departments, divisions, agencies, commissions or boards.
 - (3) Lead staff review of expedited development applications.
 - (4) Prepare, pursuant to the procedures set forth in this chapter, written findings of fact and conclusions to support his or her decision or recommendation on expedited and non-expedited development applications to issue a Permit, issue a Permit with conditions, or deny a Permit.
 - (5) Serve as staff to the Committee in its consideration of applications classified as nonexpedited and those expedited applications appealed to the Committee pursuant to this chapter.

(B) *Director*. The duties of the Director shall be to review the decisions of the Urban Design Administrator and the Committee as provided for in this chapter. The Director, whenever the Urban Design Administrator is unable to perform his or her duties and responsibilities under this chapter, may assign the duties and responsibilities of the Urban Design Administrator to another employee or contractor of the Division of Planning and Design Services or its successor.

§ SEVEN. EXEMPT ACTIVITIES AND CLASSIFICATION OF ACTIVITIES.

(A) The following Development Activities shall be exempt from review under the Guidelines and the provisions of this chapter.

- (1) Ordinary repairs;
- (2) Removal of existing signage without replacement;
- (3) Temporary signage, installed for a period of less than two months, during which time an application for permanent signage is pending under this chapter.
- (4) Emergency repairs ordered by a Metro Government Building Code enforcement official in order to protect health and safety;
- (5) Alterations or major structural change only to the interior of a Structure;
- (6) Development activity which falls within the jurisdiction of the Louisville/Jefferson County Landmarks Commission;
- (7) Demolition of accessory Structures;
- (8) Temporary Structures;
- (9) Maintenance of existing signage advertising an on-site business, including but not limited to rewording or replacing non-internally-illuminated sign panels;
- (10) Exterior alteration, addition or repair of a Structure used as a single-family residence which does not increase the number of dwelling units in the Structure or does not increase the total square footage of floor space in the structure by more than 20%.

(B) All Development Activity within the District established by this chapter, except for exempt activities described in subsection (A) of this section shall be classified pursuant to the procedures set forth in § Eight as either requiring expedited or nonexpedited review under the Guidelines, as follows:

- (1) The following Development Activities shall be subject to expedited review:
 - (a) Landscaping;
 - (b) Sidewalk/street paving, lighting, streetscape furnishings, banners;
 - (c) New awnings, business and other signs and replacement of structural elements of existing signs, and the replacement of sign panels for internally illuminated signs;
 - (d) Exterior alterations which are not major structural changes.
 - (e) An addition to a Structure used for commercial purposes which is not visible from the corridor and which does not increase the total square footage of floor space in the Structure by more than 10%.
- (2) All other development activities shall be subject to nonexpedited review.

§ EIGHT. PERMIT REQUIREMENTS AND APPEAL.

(A) No Permit or certificate of occupancy shall be issued by any Metro Government agency for any Development Activity within the District unless a Permit for such Development Activity has been obtained pursuant to this chapter.

(B) An application for Development Activity within the District shall be submitted to the Division of Planning and Design Services or its successor on a form provided by the Division. The application shall include at least the following information, unless waived pursuant to subsection (C) of this section:

(1) A site plan, drawn to an appropriate scale, photographs or other presentation media showing the proposed Development Activity in the context of property lines, adjacent structures, trees, streets, sidewalks, and the like.

(2) Plans, elevations and other drawings, drawn to appropriate scale, as may be necessary to fully explain all proposed Structures or alterations to existing Structures.

(3) Details of urban design elements, off-street parking, landscaping, fencing or walls, signage, streetscape and other aspects as may be necessary to fully present the proposed Development Activity.

(C) Applicants may seek review of a development proposal prior to making formal application pursuant to subsection (B) of this section. The preliminary review shall be conducted by the Urban Design Administrator to determine if the minimal requirements for acceptance of the application have been met. The Urban Design Administrator may agree to waive certain requirements set out in subsection (B) of this section if he or she determines that such requirements are not necessary for review of the application pursuant to this chapter. An applicant whose proposal has been determined to require nonexpedited approval may seek a preliminary review of his or her proposal by the Committee.

(D) After determining that an application is complete, the Urban Design Administrator shall classify the development proposal as either exempt or not exempt, requiring either expedited or nonexpedited approval. The Urban Design Administrator may classify an application as requiring nonexpedited review even if the proposed Development Activity meets the definition for expedited review if it determines that the application would be more appropriately considered by the Committee.

(E) A Permit application classified as requiring expedited approval shall be reviewed by the Urban Design Administrator, who shall prepare a written decision supported by findings of fact which shall approve the Permit, approve the Permit with conditions, or deny the Permit. An applicant, within ten business days of the date of the decision of the Urban Design Administrator on a proposal requiring expedited review, may request appeal of the application to the Committee. The application shall be reviewed as provided in subsection (F) of this section for applications classified as requiring nonexpedited approval. The Committee shall provide notice of the appeal in accordance with the notice procedures outlined for a nonexpedited review, and shall consider the application at its next regularly scheduled meeting for which notice can be provided.

(F) An application classified as requiring nonexpedited approval shall be reviewed by the Committee. The Permit application shall be reviewed by the Urban Design Administrator in accordance with the Guidelines and forwarded to the Committee with the Urban Design Administrator's written recommendation to either approve the Permit, approve the Permit with conditions, or to deny the Permit.

(G) Where an application requiring non-expedited review will also require a Category 3 review or a variance as defined by the Land Development Code, the Committee shall provide a forum for the public hearing component of that review in accordance with the following procedures.

(1) Notice for the Category 3 review or variance shall be sent in accordance with the requirements of the Land Development Code and any applicable state statutes.

(2) The Planning Commission, in the case of a Category 3 review, or the Board of Zoning Adjustment, in the case of a variance, shall designate a hearing officer in accordance with that body's Policies and Procedures who shall attend the Committee meeting at which the review will take place.

(3) A staff report outlining the issues involved in the Category 3 review or variance shall be presented by appropriate staff member in the Division of Planning and Design Services in addition to the staff report presented by the Urban Design Administrator.

(4) Final action on the Category 3 review or variance shall be taken at the next regularly scheduled meeting of the body with the authority to take such action on the proposal.

(H) *Notice.* The applicant shall be sent, by first class mail, written notice of the date, time and location of the meeting of the Committee at which his application shall be considered. Notice of the application and of the date, time and location of the meeting of the Committee shall also be sent by first class mail to all First Tier Property Owners of record, and to any business associations or neighborhood associations which have requested in writing to receive such notices. The notice shall be sent no later than ten days prior to the date of the meeting. Notice procedures for applications involving a Category 3 or variance component pursuant to subsection (G) of this section shall be in accordance with the notice requirements for such reviews set forth in the Land Development Code and any applicable state statutes.

(I) At the meeting scheduled to review the application, the Committee shall first hear a description of the proposed Development Activity and receive preliminary comments and a recommendation from the Urban Design Administrator which shall indicate which of the Guidelines apply to the proposed Development Activity. Following the Urban Design Administrator's presentation, the applicant shall present such information as he or she chooses for the Committee's consideration. The Committee shall receive testimony or written comments from other parties.

(J) The Committee shall, by majority vote of the members present, make a decision, supported by written findings of fact, which shall approve the Permit, approve the Permit with conditions, deny the Permit, or defer consideration of the application until the next meeting of the Committee. Consideration of an application shall not be deferred more than one time. If the Committee defers consideration of an application it shall state the reasons for such deferral. Findings of fact made by the Committee shall be based on the information presented in each application and at each Committee meeting and shall support the Committee's written conclusion.

(K) The Director shall review all decisions of the Urban Design Administrator and the Committee, and may, within three business days, refer any application back to the Urban Design Administrator or Committee, as appropriate, if he or she determines the decision is not adequately supported by findings of fact. The Committee shall consider and render a final decision upon a remanded application at its next regularly scheduled meeting.

(L) The Committee and the Urban Design Administrator shall, in their decision-making capacities, make written findings of fact based upon the information presented in each application and at each Committee meeting which support the written conclusion that the proposed Development Activity is or is not in compliance with the Guidelines.

(M) If, after an applicant has obtained a Permit, the development proposal is amended, he or she shall submit the amended development proposal to the Urban Design Administrator, who shall make

a determination that the amendment has no significant impact or that the development proposal as amended requires additional review. Review of an amended proposal shall follow the same procedure as provided herein for an original application. Upon a determination by the Urban Design Administrator that the amended proposal requires review, the previously issued Permit shall be suspended pending the review of the amended development proposal.

(N) Any applicant who is denied a Permit or any person or entity injured or aggrieved by a decision of the Committee shall have a right of appeal to the Circuit Court in accordance with applicable state statutes.

§ NINE. PERMIT AGREEMENT.

(A) No certificate of occupancy shall be issued for any project undertaken pursuant to a Permit unless the work has complied with the conditions established by the Permit. The filing of an application to obtain a Permit pursuant to this chapter shall constitute an agreement by the applicant that he or she will undertake the Development Activity in conformity with the plans approved by the Permit and that he or she will abide by any conditions imposed by a conditional approval of the Permit. All conditions imposed by a Permit shall be binding on the applicant, his or her successors, heirs or assigns, unless otherwise amended or released by the Committee or Urban Design Administrator.

(B) All work performed pursuant to a Permit shall conform to the Permit and all conditions imposed thereby. It shall be the duty of the ~~Division of Inspections, Permits and Licenses~~ Department of Develop Louisville or the Department of Public Works and Assets, or their successors, as appropriate, to inspect from time to time any work performed pursuant to the Permit to assure compliance. In the event work is performed not in accordance with the Permit, the Director of the ~~Department of Codes and Regulations~~ Department of Develop Louisville, or the Director of the Department of Public Works and Assets, or their designated representatives or successors, shall issue a stop work order and all work shall cease. No person, firm, or corporation shall undertake any work on the project as long as the stop work order shall continue in effect.

§ TEN. APPLICATION TO PROPERTIES CONTIGUOUS TO DISTRICT.

Pursuant to the Land Development Code, the Board of Zoning Adjustment may attach conditions in addition to those listed in connection with a particular use when granting conditional use permits if it finds that such conditions are necessary for the protection of surrounding persons, property or neighborhood values. The Metro Council finds that the application of the Guidelines of this District to properties located outside this District but contiguous thereto is necessary to protect the properties and neighborhoods within the District. The Board of Zoning Adjustment is directed to apply these Guidelines to Development Activities undertaken upon properties contiguous to the District when conditional use permits are required for such development activities. The Board of Zoning Adjustment is authorized to request the Committee to review such requests for conditional use permits and to consider the recommendations of the Committee when establishing the conditions of such conditional use permits.

**NULU REVIEW OVERLAY DISTRICT
-Review Process-**

(See attachment)

**Appendix A
Boundaries**

(See attachment)

Appendix B

Distinctive Characteristics

Distinctive Characteristics of the NuLu Review Overlay District

There are several defining characteristics that are identified with the NuLu Review Overlay District that help to shape the identity of the area. The NuLu District is situated in the Phoenix Hill Neighborhood and its history is preserved and portrayed through the commercial, residential, and religious structures located within the District's boundaries. The NuLu District is part of the Phoenix Hill National Register Historic District, and includes Local Landmark properties and other buildings of historical or architectural significance. Commercial structures and residences with distinctive architectural features assist in creating a unique contextual and eclectic environment. Several architecturally significant buildings, due to their location, height, mass and design serve as visual landmarks throughout the District and downtown.

East Market Street runs through the core of the District and serves as its primary connector with Downtown. The street is primarily bordered by two and three story Italianate commercial structures from the late nineteenth and early twentieth centuries, along with modern infill structures that were constructed on vacant lots. The width of Market Street was historically a key element that allowed it to function as a market for selling goods; this feature remains a distinctive design feature today that enhances both pedestrian and vehicular movement.

Building height in the District ranges from one to five stories, with the predominance given to buildings between one and three stories in height. The overall design character of the area is that of building forms featuring both large and small scale massing, with a feeling of light and openness. Many buildings, particularly retail and related structures on Market Street, have both a well located and defined public entrance from the sidewalk. A majority of the District's structures are historic and utilize such materials as brick, wood siding, cast iron, and metal. Contemporary structures in the District highlight glass curtain wall and wall panel cladding systems. The District also includes historic churches, a mix of one-story residential shotgun style homes and shotgun homes with camel back additions, and a mixture of commercial manufacturing and warehouse storage structures.

Appendix C

Guidelines

NuLu Review Overlay District Guidelines

Principles and Guidelines

Objective

The NuLu Review Overlay District (the NuLu Overlay, for short) was created in 2015 to help enhance the appearance, sustainability, and economic vitality of the NuLu area - one of the community's burgeoning mixed-use areas. The boundaries of the NuLu Overlay are shown on Appendix A of this text. The NuLu Overlay is administered by the Louisville Metro Division of Planning and Design Services, with input from a citizen-review panel known as the NuLu Review Overlay District Committee, as prescribed by KRS 82.670. Within the Division of Planning and Design Services, the Urban Design Administrator and Staff (Overlay Staff) administers, manages and conducts the architectural review process.

The guidelines are not intended to discourage development or to dictate architectural design or style,

but to encourage development that contributes to the overall design quality and sustainability of the NuLu Overlay area. The guidelines address construction and other external changes to buildings and properties located in the Overlay District area.

They are intended to promote compatibility of new development with existing land use and design features, to enhance NuLu's visual quality, to reinforce the area's focus on sustainability, to preserve the area's mixed-use character with a pedestrian friendly environment, and to strengthen the economic vitality of the area by encouraging new investment in business, residential, and commercial development in appropriate locations.

All development proposals within the NuLu Overlay area shall comply with applicable guidelines; however a proposal that does not conform to one or more specific guidelines may be approved by the Committee or its staff if they determine that the proposal is in conformance with the intent of the guidelines as a whole.

The principles and guidelines of the NuLu Overlay expand upon the requirements of the Land Development Code as necessary to achieve the objectives of these facets of urban design in recognition of a project's specific location.

SIGNAGE

Objective

Signage is important to every business. By posting signs businesses not only create a brand image for themselves, but also create an opportunity to attract customers. The Signage Guidelines promote attractive, artistic, well-proportioned and thoughtfully located signs, which will enhance the existing NuLu area. Signs are to be designed as integral parts of the site and architectural design of a proposed project.

Sign Design Guidelines

1. Applicants are required to re-use and reface existing "significant, historic, or contributing signs". "Significant, historic, or contributing Signs" are signs that are unique in design or material fabrication. These signs contribute to the history and diverse character of the NROD. (See list of significant, historic, or contributing Signs; next page). For signage to be recognized as "significant, historic, or contributing" or for existing recognized signs to be removed or altered an application must be submitted to the overlay staff.

2. Significant, historic, or contributing signs or graphics that have been painted directly onto walls and

represent out of date logos or logos for businesses that are no longer in business are encouraged to remain in either their existing faded condition or restored to their original condition. These signs are recognized as contributing to the historic artistic character of the area and our community.

3. Back-lit cabinet signs and monument signs including re-faced signs shall have opaque, non-illuminated face panels; only the individual letters and / or logos should be back-lit, not the entire surface of the sign.

4. Freestanding pole signs are not allowed. Existing pole signs that are associated with a property that has not been abandoned or vacant for a period of less than one (1) year may be restored or refaced, but not expanded in size or scope.

5. Attached wall signs or projecting signs are preferred. Attached signage composed of individual letters or symbols is also preferred.

6. Signs that incorporate flashing text, animation, moving graphics, video, or LED text / image signage with a text change rate greater than one (1) hour are prohibited.

7. Storefront window signage including temporary window signage, window cling signs, and promotional advertising shall not exceed 25% of the total window area. Neon and hanging window signs are encouraged, and add to the “active atmosphere” for both vehicles and pedestrians.

8. Projecting wall signs can be erected or attached to a building’s wall and extend a minimum of 18” to a maximum of 8’-0” from the wall surface. These signs are mounted perpendicular to the building’s façade.

9. Projecting banner signs can project no more than 24” from the face of the building. These signs should be attached so that they do not “flap” in the air, and should be removed or replaced when they show signs of unattractive wear.

10. Existing non-conforming signage must be removed prior to new approved signs being installed. A “Significant, Historic, or Contributing Sign” as defined by the guideline in A1.1 is exempt from this requirement.

11. Neon and Neon simulated bulbs (such as “fiber optic” and “LED lighting strips” that simulate neon) are encouraged and help to maintain a sense of activity and contribute to the animated environment of the area.

12. Projecting light fixtures used for externally illuminated signs shall be simple and unobtrusive in appearance. They should not obscure the graphics of the sign.

13. Directional signage is used to direct pedestrian or vehicular traffic. No more than one (1) image, logo, or text combined with the “entry” or “exit” text is allowed on each directional sign. Directional signage cannot exceed 3’-0” in height above finished grade.

14. All exposed conduit, electrical transformer boxes, and electrical raceways should be concealed from public view, or painted to blend in with background.

15. Multiple signs placed on a building's façade should be compatible with other surrounding signage located on the structure.

16. Permanent banner signage shall be made of canvas material or matte textured vinyl material.

LIST OF SIGNIFICANT, HISTORIC, OR CONTRIBUTING SIGNS

Voelcker & Co. - attached	642 E. Market Street
Joe Ley figurines - painted	615 E. Market Street
Historic Sign under Decca - painted	812 E. Market Street
Multiple painted historic signs	720 E. Market Street
D&E Marine - painted	826 U.S. 31E
De Hart Paint Company - painted	115 S. Campbell Street
Service Welding and Machine Co. - painted	700 U.S. 31E
Louisville Chemical - attached	601 E. Jefferson Street
Muth's Candies - projecting	630 E. Market Street
Albert Hess Furniture Co. - projecting	203 S. Hancock Street
Bourbon Stock Yards - attached	1057 E. Main Street
Coke-Cola - painted historic sign	304-312 S. Campbell Street
Building dates and office sign - attached	121 S. Clay St.
Service Tanks multiple signs - attached	700-798 E. Main Street

SIGN MOUNTING AND PLACEMENT

Objective

The following signage guidelines help bring greater awareness to businesses while allowing signs to add to the diversity and character of the NuLu Review Overlay District.

Sign Mounting and Placement Guidelines

1. Signs shall be mounted or erected so they do not obscure the architectural features or openings of a building.
2. Signs may not be located in the right-of-way unless they are approved by the public works department. Exceptions include portable "A" Frame Signs which must be removed at the close of the business day. "A" frame signs cannot exceed 4'-0" in height and 3'-0" in width.
3. All wood signs need to be stained or painted and have a finished appearance.
4. No sign or portion of a sign shall extend above the cornice line at the top of the building facade or exceed 20 feet in height above finished grade. Rooftop signs are prohibited.
5. New outdoor advertising billboards are not permitted. Removal of existing billboards is encouraged to promote an active and engaging atmosphere for pedestrians and vehicle traffic.

AWNING AND AWNING SIGN

Objective

Awnings can add aesthetic value as well as provide shade and cover for pedestrians. There are, however, a few guidelines that need to be followed. Awnings and canopies should be mounted in locations that respect the design of a building and the neighboring structures; including the arrangement of bays and openings. In general, they should not obscure transom windows, grillwork, piers, pilasters, or ornamental features of a structure.

Awning Guidelines

1. Lettering, logos, and other symbols shall take up less than 33% of the total area of an awning that is attached to a commercial structure. It is recommended that signs and logos be located on the valance area of awnings that have them.
2. Convex (or bull nose) awnings are not allowed. Shed awnings are visually lighter and have simpler features, and they are more traditional in appearance than convex or bull nose awnings. Awnings with no end panels are more transparent and allow better views into openings and storefronts. Awnings with back-lit graphics or other kinds of interior illumination are not allowed.
3. Approved awning fabric materials include canvas and vinyl.
4. Metal or glass canopies may be appropriate on some buildings if they are compatible with the design and scale of the building.
5. Awnings and canopies are to be installed at a minimum of 8'-0" above finished grade so that pedestrian entry clearances are operationally functional. Awnings must project a minimum of 24" from the building. They should be mounted on the wood or metal framing within a door or window opening (and not on the wall surrounding the opening).
6. In openings with transoms, the awnings should be mounted on the horizontal framing element separating the storefront window from the transom. Awnings should be designed to project over individual window and door openings and not be a continuous feature extending over masonry piers or arches.

BUILDING

Objective

The buildings in the NuLu Review Overlay District are not only picturesque but also have strong historic character. New structures should have a "contextual fit" and reinforce the existing pattern of individual storefronts extending throughout the NuLu area. Contextual design elements include building setbacks, building heights, building form, rhythm of openings, rhythm of horizontal building lines, color, materials, texture, adjacent building styles, and building details should be respected in new projects. The Overlay Staff can assist a licensed Architect or design professional to develop

designs that adaptively reuse these structures to meet the needs of new businesses and services. The Overlay Staff will also assist the applicant through the review and approval process.

Building Guidelines

1. Existing structures in the NuLu area are strongly encouraged to be sustainably renovated and reused.
2. Buildings should be “pedestrian-friendly.” Design building façade elements that promote a pedestrian-friendly environment including: building to the edge of sidewalk, large storefront window openings at the ground floor, awnings, canopies, lighting, and entrances that face the street.
3. All storefront windows and doors at ground level shall have clear glass or light window tinting. Severe window tinting or mirrored glass is not permitted unless reapproved by staff for “special conditions.” Examples of “special conditions” may include restaurant kitchen areas, storage space, and restrooms that would need to be hidden from public view.
4. New structures should be located at the front property line. Building sites should provide side yards wide enough to allow for maintenance of the building unless common party walls are provided on the lot line.
5. High quality materials and historically appropriate architectural details at the ground floor / street level of buildings can both accent buildings, and provide visual interest for pedestrians and motorists.
6. New structures greater than three stories high may be permissible if taller portions are set back from the street frontage so that overall sight lines are compatible, and if the increased height is not intrusive towards adjacent structures.
7. New structures must be a minimum of two stories high and should be no shorter than one story beneath the height of adjacent properties.
8. A visual terminus, such as a cornice at the top of a wall helps articulate the architecture, and gives it a completed finished look.
9. All new mechanical equipment that is visible from a public right of way should be installed to have a minimal impact on adjacent properties and from public view unless the equipment is solar dependent. In this instance, function supersedes design. Replacement of existing mechanical equipment is considered general maintenance and will not require a staff review. Additional permits and approvals by other government agencies or authorities may be required.
10. Permanent service counters, service bars, decks, or similar structures may not be constructed in front of a building’s primary street facing façade.

PUBLIC ART

Objective

Public art is the continuously growing record of the community's identity, creativity, values, and its

highest aspirations. Public art is defined as art placed on public or publicly-accessible private property, including building exteriors and outdoor public areas. Public art contributes to the local economy, and adds to the richness of the community. The consideration of public art should be included in every project's written development plan.

Public Art Guidelines

1. Public art should be available for the enjoyment and enrichment of people within the community. The plan should include a meaningful allowance for public art in the planning and construction of all projects.
2. Public art can include all mediums, such as sculpture, mural or painting, film, light, or other forms of creative expression that are viewable on a site or building. Commercial logos or elements of commercial advertising for a business or organization are not considered public art under this definition.
3. Public art shall be designed, executed, and supervised by recognized artists or other design professionals who have been trained or have consistently provided examples of artistic work in their medium of expression.
4. Public Art, if implemented, should be integrated with the design of the project or development, and shall aesthetically enhance the urban environment of the Overlay District.
5. Public Art proposals should conform to the design guidelines and master plan established by the Committee for Public Art (COPA).

SITE PLANNING AND PARKING

Objective

Site Planning is an important part of any project. Sites should incorporate attractive and maintainable landscaping to enhance the hardscape of the building. Plants should be used to minimize the visual impact of parking lots and service areas in the NROD.

Site Planning and Parking Guidelines

1. Development Plans shall minimize the adverse visual impact of utility lines on the area. Underground lines or service from the alley, where feasible, is encouraged.
2. Combining existing small, under-utilized lots to create shared parking areas that are more efficient and more accessible is encouraged.
3. Additional surface parking lots and drive-throughs shall not be permitted in the NROD.
4. Parking areas adjacent to the public sidewalks must use landscaping, trees, colonnades or other construction, to maintain the building line created by structures along the sidewalk. Side parking lots which exceed 40% of the total linear lot frontage adjacent to right-of-way shall provide a 36" high masonry, stone, or concrete wall that makes reference to a similar design within the surrounding area

extending from the principal structure across the front of the parking area. Surface parking lots with no principal structure shall provide the 36" wall as described. The 36" tall wall can wrap around any existing or proposed monument signage to maintain visibility.

5. Adequate perimeter landscaping, fencing, or a combination of both is required to help screen vehicles and/or equipment from public view. The screening height for vehicle parking lots shall be 36" above finished grade of the lot. This height will enable drivers of vehicles to safely see and avoid other pedestrians and vehicles while screening most parked cars. A 7'-0" max high screened fence or wall can be used for industrial or commercial sites to screen for large vehicles or equipment on site.

6. New commercial developments should provide adequate and significant screening to adjacent residential structures. Opaque landscape buffers and other forms of screening should be used to minimize noise and lighting impact.

7. Fencing and screening shall be constructed of materials compatible with the principal structure.

8. Chain link fencing must not be visible within the NuLu Review Overlay District.

9. Intensity, location, color, and direction of outdoor lighting shall be sensitive to nearby residential areas.

10. The number and width of curb-cuts in the Overlay Area should be minimized to promote pedestrian circulation. Existing continuous curb-cuts should be reduced to widths necessary for vehicular traffic, or removed altogether.

11. Minimum 4'-0" wide landscape buffer area (LBA) containing a 36" minimum height (at maturity) screen shall run along 90% of the lineal area in front of the patio, plaza, or outdoor space that faces the street. This landscape buffer area (LBA) shall include permanent landscaping material such as trees (minimum 1 3/4" caliper size at time of planting), shrubs (minimum 18" height at time of planting), groundcover, and /or perennials. Fences, planters, and/or walls (maximum height of 36") are permitted within the LBA. Landscape Buffer Plantings shall be installed prior to occupancy or use of the patio, plaza, or outdoor space.

12. Existing trees located within the property or adjacent property along the street, alley, or access easement shall be preserved and protected unless the city arborist determines they are not healthy or are dangerous and should be removed. Removed trees should be replaced with appropriate trees approved by the City Arborist. The replacement trees shall be sized at a minimum of 1 3/4" caliper (at time of planting). Replacement tree(s) shall be planted within 3 months of the tree(s) removal or during the next planting season, whichever comes first.

13. The construction or installation of a deck or structure built off the ground and over existing landscaped areas in front of a building's primary façade is prohibited. Balconies located on the second or third floors of buildings that are cantilevered or bracketed, scaled to match the building's façade, and utilize contextual materials are appropriate.

HISTORIC PRESERVATION

Objective

Historic buildings (65 years of age or older) comprise a significant part of NROD and are physical reminders of Louisville's early history. The historic buildings in the Area are some of the oldest remaining in the city and exhibit characteristics of classic urbanism. Historic structures define the area's origins while providing unique adaptive reuse potential. Structures over 100 years old are sometimes flanked by more contemporary mid-century ones that exhibit similar urban characteristics of scale, massing, and setback, and are thus contributing structures in their own right. Given the important role of many existing buildings to the history and streetscape of the Area, demolition of any contributing structure will entail stringent review.

Historic Preservation Guidelines

1. Changes to the exterior of Contributing Historic Structures and other structures within the Overlay District that were constructed 65 years ago or longer and have not been significantly altered, shall be reviewed in accordance with the standards established for Contributing Historic Structures by the United States Secretary of the Interior. However, the Director of the Department of Planning and Design Direct or the NuLu Review Overlay Committee may relax these standards in the interest of accomplishing the intentions of these Guidelines.

2. The design of new or substantially remodeled structures that are adjacent to Contributing Historic Structures should be compatible with them and should incorporate similar design details or references where appropriate.

3. No application to demolish any Contributing Historical Structure or structure built 65 years ago or longer shall be approved by the Urban Design Administrator unless the applicant demonstrates to the satisfaction of Urban Design Administrator and the Historic Preservation Officer.

(a) That the rehabilitation of a Structure or construction of a new Structure will have a greater positive impact on the Area's economic vitality and appearance than would preservation of the Structure proposed to be demolished; and the rehabilitation of the Structure or the construction of the new Structure would not be possible or economically feasible without the demolition of the Structure proposed to be demolished; or

(b) That the applicant cannot obtain a reasonable economic return from the property or Structure unless the Contributing Historical Structure or Structure constructed 65 years ago or longer is demolished in accordance with the application.

SUSTAINABILITY

Objective

Incorporating environmentally sustainable elements into the design and construction of the built environment in the NROD is an important part of any project. Environmentally sustainable elements include: transit facilities, green buildings, heat island reduction, recycled content in infrastructure, and stormwater management.

Sustainability Guidelines

1. Transit facilities should have a covered shelter, seating, bike racks, information kiosks, and appropriate signage.

2. New commercial, industrial, and residential buildings should pursue LEED or equivalent energy efficiency standards.

3. New or replacement roofs with energy efficient “radioactive properties” should be considered.

4. New Infrastructure is encouraged to use at least 50% by mass, recycled or reclaimed materials.

5. Projects should retain, reuse, and/or infiltrate on-site, all of the stormwater that falls on their parcel(s).

6. The surface area of a landscaped or pervious condition slated for a repurposed use must maintain a level of permeability greater than or equal to its current state.