

**CITY OF DAYTON, KENTUCKY  
ORDINANCE NO. 2024#1**

**AN ORDINANCE AMENDING SECTION 111.01 AND 111.02  
OF THE CITY OF DAYTON CODE OF ORDINANCES  
REGULATING THE SALE OF ALCOHOLIC BEVERAGES  
IN THE CITY.**

**WHEREAS**, the City of Dayton adopted an ordinance regarding the sale of alcoholic beverages in the City; and

**WHEREAS**, the City wishes to amend this ordinance.

**NOW, THEREFORE, THE CITY OF DAYTON, CAMPBELL COUNTY, KENTUCKY, HEREBY ORDAINS AS FOLLOWS:**

Section 111.01 and 111.02 of the City of Dayton, Kentucky (“City”) Code of Ordinances, which regulates the sale of alcoholic beverages within the City, is hereby amended, with words being deleted being ~~lined through~~ and words being added underlined as follows:

**§ 111.01 DEFINITIONS.**

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

“ADMINISTRATOR.” Shall mean the office of city alcoholic beverage control administrator as required by Kentucky Revised Statute 241.160 and assigned to the ~~Chief of Police~~ Assistant City Clerk.

“PERSON.” Shall mean any natural person, corporation, partnership, joint venture, or unincorporated association of persons or any combination thereof, and the shareholders, officers, agents, servants, and employees thereof.

Many additional words and phrases used in this ordinance are also used and defined in Kentucky Revised Statute chapters 241, 242, 243, and 244. The meanings of these words and phrases as defined by Kentucky Revised Statute have the same meaning in this ordinance.

**§ 111.02 ALCOHOLIC BEVERAGE CONTROL ADMINISTRATOR.**

Pursuant to Kentucky Revised Statute 241.160, the office of city alcoholic beverage control administrator is hereby created and assigned to the office of the ~~Chief of Police~~ Assistant City Clerk. The Alcoholic Beverage Control Administrator shall have all the powers and duties as authorized under Kentucky Revised Statute Chapter 241.

CITY OF DAYTON, KENTUCKY

By: \_\_\_\_\_  
Mayor Ben Baker

ATTEST:

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Tristan Klein, City Clerk

First Reading:

Second Reading:

**CITY OF DAYTON, KENTUCKY  
ORDINANCE 2024#2**

AN ORDINANCE ADOPTING THE DAYTON, KENTUCKY,  
HISTORIC PRESERVATION GUIDELINES AND INCORPORATING  
THEM AS AN APPENDIX TO THE CITY'S ZONING CODE.

**WHEREAS**, the City of Dayton has adopted a Zoning Ordinance (“Zoning Code”), Zoning Map, Subdivision Regulations, and Appendixes (collectively, “Zoning Regulations”) within the City of Dayton, Kentucky (“City”); and

**WHEREAS**, the Dayton Planning & Zoning Commission (“P&Z Commission”) serves as the planning unit related to Zoning Regulations in the City and makes recommendations to the Dayton City Council (“City Council”) regarding these regulations; and

**WHEREAS**, the City Council requested that P&Z Commission review and act upon a request to amend the Zoning Regulations to add provisions for civil penalties to three sections of the Zoning Regulations; and

**WHEREAS**, the Dayton Planning & Zoning Commission held a public hearing, pursuant to advertised legal notice in accordance with KRS Chapters 100 and 424, on February 15, 2024, in Dayton, Kentucky, to review and recommend modifications to the Zoning Regulations; and

**WHEREAS**, at this public hearing and after due consideration of the evidence and testimony presented there, the Planning & Zoning Commission voted to recommend approval of a text amendments to the Zoning Regulations as set forth below; and

**WHEREAS**, the Dayton City Council, having reviewed the proposed text amendment to the Zoning Regulations, hereby concurs with the recommendation of the Dayton Planning & Zoning Commission to approve this text amendment;

**NOW, THEREFORE, THE CITY OF DAYTON, CAMPBELL COUNTY, KENTUCKY, HEREBY ORDAINS AS FOLLOWS:**

The Dayton, Kentucky, Historic Preservation Guidelines, which are attached hereto as Exhibit “A”, are hereby adopted and incorporated by reference herein and shall be included in the City’s Code of Ordinances as an Appendix to the City of Dayton Zoning Code.

**PASSED** by City Council of the City of Dayton, Campbell County, Kentucky assembled in regular session.

First Reading: February 20, 2023

Second Reading: \_\_\_\_\_

\_\_\_\_\_  
MAYOR BEN BAKER

ATTEST:

\_\_\_\_\_  
TRISTAN KLEIN  
CITY CLERK/TREASURER

**EXHIBIT "A"**

# DAYTON HISTORIC DISTRICT REGULATIONS



Recommended for Adoption by the Dayton Architectural Review Board

Recommended for Adoption by the Dayton Planning Commission

Adopted by Dayton City Council

Ordinance No:

Effective Date:

Published:

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## **SECTION 1: INTRODUCTION**

The Historic Dayton Design Guidelines (Design Guidelines) are intended to meet several needs. For property owners, residents, and contractors, it provides guidance and rules to follow when they are planning projects for their buildings and properties within the Historic Preservation Overlay (HPOs). These guidelines encourage projects that are sympathetic to the architecture and character of historic buildings and neighborhoods. For the Board of Architectural Review (BAR) members and staff, it offers a basis for evaluating proposed changes. Overall, the purpose of these guidelines is to promote the educational, cultural, economic, and general welfare of the community by:

- Identifying and preserving the distinctive historic and architectural characteristics of Dayton;
- Fostering civic pride in the beauty and noble accomplishments of the past as represented in Dayton's landmarks and Historic Areas;
- Conserving and improving the value of property designated as landmarks or within Historic Areas;
- Protecting and enhancing the attractiveness of Dayton to homebuyers, businesses, tourists, visitors, investors, and shoppers; and
- Encouraging the preservation and restoration of neighborhoods.

These guidelines are intended to:

- Give detailed guidance to property owners contemplating alterations to structures and sites within the Historic Areas.
- Provide standards for the Board of Architectural Review (BAR) to guide decision making.
- Assist the local building industry, including architects, contractors, and suppliers, in understanding the character of the Historic Areas and how to reinforce that character.

Reinforce and maintain the distinctive character of the Historic Preservation Overlay by:

- Designing improvements that are appropriate to the period and style of the architecture.
- Maintaining the overall relationship of any one building's height, mass, and scale to those of other buildings on the block.
- Maintaining the pattern created by the setback of buildings from the street.
- Maintaining existing streetscape components.
- Protecting the integrity of existing buildings and structures.
- Encouraging the use of materials and techniques compatible with those existing in the district.

These guidelines are not intended to:

- Return the Historic Areas to any style of architecture prevalent in the past.
- Dictate that new construction be designed to resemble any “old-fashioned” style.
- Govern land-use questions.
- Require that any structure be altered against the owner’s wishes.

These guidelines are concerned with the relationship of buildings and space to one another, and with encouraging the preservation and enhancement of the distinctive architectural features in the Historic Preservation Overlay (HPO). The guidelines view changes to existing buildings not only as they affect a given building, but as they influence surrounding structures.

### **Guiding Principles**

Because a variety of building types are found in Dayton, each project must be considered on an individual basis. Using the Secretary of the Interior’s Standards for Rehabilitation as a foundation, the following represent some basic guiding principles that apply to all rehabilitation work.

- Avoid removing or altering historic material or distinctive architectural features: if it is original and in good or repairable shape, maintain it.
- Repair rather than replace. If replacing, replicate the original—do not invent something new that might have been.
- Be sensitive to distinct stylistic features and examples of skilled craftsmanship.
- Uncover original design features that may be buried under layers of alterations. It takes detective work, but there may be evidence of where original elements were located. Research may turn up pictures of what a building originally or historically looked like.
- New additions should be compatible with the context but should be representative of its own time. Do not try to make a building look older than it really is.
- Do not assume that a later addition or alteration to an old building is worthless just because it is not part of the original building. Later additions may have gained significance on their own.
- Do not sandblast or use abrasive cleaning methods. Surface cleaning should be done by the least damaging means practical. Cleaning often is not necessary.

Changes to buildings need to be evaluated on an individual basis due to sometimes unique architecture or circumstances. When used in this document, the following words shall be interpreted as indicated:

*Should* = a preferred action    *May* = a permissible action

## **SECTION 2: DAYTON HISTORIC DISTRICT OVERLAY**

Dayton's historic buildings, monuments, neighborhoods, public squares, and landscapes help define our community. They remind us of what previous generations of Dayton residents have built and accomplished while inspiring us to continue the work of creating good places in our city for ourselves and future generations.

Development that enhances this character of Dayton's historic resources is encouraged. Through the development regulations and the use of Dayton Historic District Overlay, the City recognizes several areas in the city with historic integrity that should be maintained. The Historic District Overlay is defined as an area intended to preserve structures, buildings, appurtenances, and places that are of basic and vital importance for the development of a high quality of life and quality of place -- because of their association with history; because of their unique architectural style and scale, including color, form, and architectural details; or because of they are part of or related to a square, park, or area of cultural, historical, or architectural importance to the city.

The Dayton Historic Overlay Guidelines establish a design review process for changes to the exterior of designated properties. The guidelines are adopted by ordinance by City Council and include legal enforcement mechanisms for compliance with these Historic Dayton Design Guidelines.

### **SECTION 3: BOARD OF ARCHITECTURAL REVIEW**

The Board of Architectural Review (BAR) and the procedures that it implements are intended to promote educational, residential, cultural, travel, industrial, and other economic resources, and the general welfare of the City by guiding changes to historic and architecturally worthy structures, sites, monuments, streetscape, and neighborhoods. The BAR is established for the purpose of stabilizing and improving property values in the City and encouraging new buildings and developments that will be harmonious with the existing historic buildings and districts while still conveying the era of their construction.

The BAR is established by and given the authority and responsibilities outlined in Chapter 156 of the Dayton Code of Ordinances. Generally, the BAR consists of five members appointed by the City Council for overlapping four-year terms. Board members are usually residents and property and business owners in Dayton who have demonstrated knowledge and/or interest in the preservation of historic and architectural landmarks. The makeup of the board must meet the qualifications established in Chapter 156 of the Dayton Code of Ordinances.

## **SECTION 4: THE DESIGN PROCESS/COA**

The design review process is not meant to prevent changes, but rather to guide changes and ensure that the special qualities of designated areas are not lost. Section 156.07 of the Dayton Code of Ordinances outlines the process for obtaining a Certificate of Appropriateness. This process does not require property owners to make any changes to a property as it stands today, and it does not apply to interior alterations or routine maintenance. Any exterior alterations, new construction, or demolition to a landmark, a landmark site, or a property in a historic district (“historic properties”) **must be reviewed before work begins.**

### **Step 1:**

*Review Guidelines and Seek City Assistance.* An applicant should view applicable Guidelines and contact city staff when considering exterior changes to historic properties in the City of Dayton. An applicant should consult with city staff early in the process to ensure that their work is consistent with the Guidelines and that the proper procedures for approval are met. Staff can provide guidance on preliminary or conceptual plans and on the sections of the Historic Dayton Design Guidelines that may be applicable to a given project. Staff may be reached at [info@Daytonky.gov](mailto:info@Daytonky.gov) or 859-491-1600 (subject to change).

### **Step 2:**

*Submit Complete Application.* A complete Certificate of Appropriateness (COA) application and/or complete Design Waiver application that meet the requirements of the Dayton Code of Ordinances must be filed with the City. Generally, this includes a completed application form signed by the property owner (and the tenant, if appropriate), and drawings, such as site plans, elevations, or perspectives that show existing structures and any proposed changes to the property, including proposed materials, textures, and colors. Applications may be submitted electronically to [info@daytonky.gov](mailto:info@daytonky.gov) or by mail or drop-off service at Dayton City Hall, 514 6<sup>th</sup> Ave, Dayton KY 41074. Failure to submit a complete application before starting work on a project subject to the Guidelines is grounds for imposition of civil penalties by the City.

### **Step 3:**

*Consultation.* During the Review Process (BAR or Staff Level), questions for clarification may arise during the review process by either a city staff member or the Board of Architectural Review (BAR). Therefore, it is critical for a property owner or any authorized representative to be readily available during the review process. Where a BAR review is required at a public hearing or meeting, the property owner and applicant should attend and they will have the opportunity to present their application and evidence in support of it.

### **Step 4:**

*Certificate of Appropriateness (COA) or Decision Letter* Following completion of a review and approval by City staff or the BAR, the City will issue a COA or decision letter to the property

owner and/or authorized representative. This may be emailed or mailed or be made available for pickup from Dayton City Hall.

### **The Certificate of Appropriateness (COA)**

All exterior changes to properties located within the Historic Preservation Overlay (HPO) require a Certificate of Appropriateness (COA) issued by the City before work begins. Building and/or zoning permits will not be approved for properties within the Historic Preservation Overlays until a COA has been issued by the City's designated staff member.

The Dayton Code of Ordinances outlines specific types of work that do not require a COA. Most minor work that does require a COA may be reviewed quickly and approved by City staff. New construction, demolition, and work that would not meet the Historic Dayton Design Guidelines or that cannot be approved by City staff must be reviewed by the Board of Architectural Review (BAR).

A COA that is completed and submitted by the applicant and approved by the City is required before any exterior work may begin on property in the City's Historic District Overlay. This application has no cost associated with it; however, if work starts prior to an application being submitted or a COA being issued by the City, a reapplication fee of \$200 will be charged to the applicant. In addition, failure to obtain a COA before starting work on a project subject to the Guidelines is grounds for imposition of civil penalties by the City, as set forth below

### **Compliance and Enforcement**

Any entity who violates the provisions and regulations of the Dayton's Historic Design Guidelines or the conditions of their COA is subject to an enforcement action by the Dayton Code Enforcement Agency and the imposition of civil penalties, as outlined in Chapter 38 of the Dayton Code of Ordinances ("Code"). In addition, failure to comply with the COA process or the Dayton Historic Design Guidelines may result in legal action, including injunctive relief, being taken against the property owner and/or civil fines being imposed against the property owner under Section 38.15 of the Code and liens and other fees and charges being filed against the property pursuant to Section 38.12 of the Code, with each day of violation constituting a separate offense.

### **Appeals**

A citation issued for violation of the City's Historic Guidelines may be appealed to the City's Code Enforcement Board pursuant to Section 38.09 of the Code and a decision of the Code Enforcement Board may be appealed to Campbell District Court pursuant to 38.11 of the Code.

## **SECTION 5:**

# **THE SECRETARY OF THE INTERIOR’S STANDARDS FOR REHABILITATION**

The Secretary of the Interior’s Standards offer four distinct approaches to the treatment of historic properties – (1) preservation, (2) rehabilitation, (3) restoration, and (4) reconstruction – with accompanying guidelines for each.

The Standards for Rehabilitation that follow were originally published in 1977 and revised in 1990 by the United States Department of the Interior. They pertain to historic buildings of all construction types, sizes, and uses. The Standards encompass the exterior and the interior of historic buildings, related landscape features, and attached, adjacent, or related new construction (link subject to change): <https://www.nps.gov/tps/standards.htm>.

Preservation briefs published by the National Park Service are provided at the following link (subject to change): <https://www.nps.gov/tps/how-to-preserve/briefs.htm>.

The Standards for Rehabilitation are used as a foundation for the Dayton Historic Design Guidelines. They shall be used as the basis for review when more specific guidance is not provided within the remainder of the Dayton Historic Design Guidelines.

1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
3. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.
6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
8. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.

9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
10. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

An alternative material is a material that differs from that used to create the original. Terms used to describe alternative materials also include “non-traditional,” “imitation,” “synthetic,” “substitute,” and “replacement.” Building and construction technologies tell an important story in our collective history. The Dayton City Council adopted the Historic Dayton Design Guidelines with the primary objective of protecting historic resources in Dayton. To that end, these guidelines are concerned with the way new or non-traditional materials and technologies interact with historic materials:

- Do the affected historic materials truly require replacement, or can they be repaired?
- Are the affected historic materials highly visible? Are they one-of-a-kind?
- Will the alternative materials or their construction methods damage or obscure historic materials?
- Can the alternative materials convincingly match the exterior qualities of historic materials?
- Will the alternative materials enhance and celebrate remaining historic materials?
- Is the application of the alternative materials reversible?
- What is the longevity of the alternative materials? Is there information on how it will wear over time?
- Are the alternative materials repairable? Do they require complete replacement if damaged?
- Do the alternative materials have different thermal expansion properties (“coefficient of thermal expansion”) than the historic materials they would replace or would be installed against?
- Are the alternative materials too new or untested to address the above and other similar concerns?

In considering alternative materials, the Board of Architectural Review (BAR) or City staff may review:

- Samples of the material.
- Product literature, including information on the expected lifespan, durability of the material, expansion and contraction rates, and long-term life cycle costs.
- Ability to accurately replicate the visual and aesthetic characteristics of the historic material in the specific application required.
- The visibility of the proposed alternative materials and their proximity to eye level from a public right-of-way.
- The cost of the alternative materials relative to the original material.



## **SECTION 6: ALTERNATIVE MATERIALS**

Guidelines:

1. Alternative materials should not replace historic materials that can be practically repaired.
2. An alternative material and/or its construction method should not damage or obscure historic materials.
3. Alternative materials should match the exterior qualities of historic materials.
4. Alternative materials should be constructed in a reversible manner.
5. Alternative materials should be repairable – damage to one piece should not require complete replacement of the entire material.
6. Alternative materials should have a similar coefficient of thermal expansion as the historic materials they would replace or be installed against.

Materials in the construction industry are constantly evolving to improve their strength, efficiency, and flexibility, and to reduce their costs, weight, maintenance requirements, and installation time. Engineers are developing new materials that these guidelines cannot anticipate. To provide intentional flexibility, the following provision applies to all sections of the Historic Dayton Design Guidelines:

**The Board of Architectural Review (BAR) or staff may approve alternative materials on a case-by-case basis if, following study and demonstration, such a material and its proposed location and construction method meets the Dayton Historic Design Guidelines.**

## SECTION 7: MASONRY

Masonry is one of the most durable building materials and can last for centuries. Masonry is not only economically and aesthetically pleasing, but safer due to its resistance to weathering, wind damage, and most importantly, fire. 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. Mortar is the material used to bond masonry elements, such as bricks. It is an important structural element and is important in the preservation of a building. Approximately 20% of a brick wall is comprised of mortar. Use of improper mortar can lower the compressive strength of a wall, damage bricks, and change the appearance of a building.

The following specific guidelines apply to all buildings, whether residential, commercial, or institutional.

Not Appropriate: Repointing mortar must match old color and texture

### **GUIDELINES:**

#### *Foundation*

Slope the ground away from the foundation to move water away from the foundation.

1. Keep landscaping several feet away from the foundation wall. Vines and bushes retain moisture against the building and their roots may cause masonry to shift or crack.
2. Maintain the natural appearance of the original foundation material. Foundations should not be painted or sealed unless they have previously been painted. Painting or sealing the foundation could prohibit the natural movement of moisture through masonry and cause foundation problems.
3. Match the scale, color, and texture of new foundation material with that of the existing foundation.
4. Whenever possible, maintain basement windows to allow light and ventilation into the space. Metal grilles or bars may be installed over basement windows for security.
5. Glass block windows may be installed on the sides and rear of a building in basement windows when they are not highly visible from the street. The glass block is to be clear and recessed a minimum of 2 inches from the window lintel. If glass block windows are on the front of the building, they should be covered with a mesh screen, metal grille or other form of screening.

#### *Masonry Wall*

1. Reuse, restore, and repair original architectural materials, such as stone, wood siding and trim, cast and wrought iron, and sheet metal.
2. Replace historic materials, if necessary, with new or recycled materials that match the original as closely as possible.

3. Preserve architectural features and decorative elements of buildings, such as columns, piers, brackets, cornices, terra cotta, and decorative brick work.
4. Additions of character-defining features and details should appropriately compliment the building and be in keeping with the architectural style of the building.
5. Replace heavily deteriorated or missing masonry detail with newly designed detail that is appropriate in scale, material, proportion, and detail. A simplified design may be used.
6. Applying stucco or Exterior Insulation Finish System (EIFS) over masonry walls will not be approved unless physical or photographic evidence demonstrates that stucco was used historically. Stucco or EIFS may not be used as a substitute for repairing and repointing masonry.

#### *Cleaning Masonry*

1. Clean masonry using the gentlest means possible. Use mild detergents, soft bristle brushes, and mild chemical cleansers.
2. Never sandblast masonry, this technique can result in significant damage, and can cause the brick to deteriorate at a much faster rate. A low-pressure wash with a 100 to 400 PSI is acceptable. To find appropriate products for cleaning, contact the Historic Preservation Officer.
3. Damaged brick and mortar joints cause accelerated deterioration.

#### *Masonry Sealants*

1. Use water repellant on brick only when water is actively infiltrating the brick. Water can reach and damage brick in many ways, including through rising ground water or poorly functioning gutters and downspouts. In these circumstances, address the source of the water before applying sealant to masonry.
2. Treat only the affected area with sealant and wait for the masonry to be completely dry before applying it. Remember that brick dries much more slowly than many other building materials.
3. Paint buildings that have been previously painted as a method of waterproofing. Do not paint brick that has not been painted before.

## SECTION 8: TUCKPOINTING MASONRY

Mortar is typically made of three parts: (1) cement, (2) hydrated lime or lime putty, and (3) sand. Repointing the joints in a masonry wall is the process of replacing missing or defective mortar with new mortar. When repointing brick walls, match the proportion of lime and sand in the mortar mix and the color with any extant historic mortar.

Historic bricks are typically softer compared to contemporary bricks. Original mortar in historic masonry buildings is softer than contemporary mortar due to a greater proportion of lime putty. If the mix of repointing mortar greatly differs from the original mortar, or if too much Portland cement is used, the new mortar will expand and contract at a different rate than the existing mortar, causing the brick to spall and mortar to deteriorate.

Mortar types and other information in this page is sourced from the National Park Service Preservation Brief #2, Repointing Mortar Joints in Historic Masonry Buildings: <https://www.nps.gov/tps/how-to-preserve/briefs/2-repoint-mortar-joints.htm> (accessed January 19, 2021). This resource contains additional information on proper techniques for long-lasting repointing work.

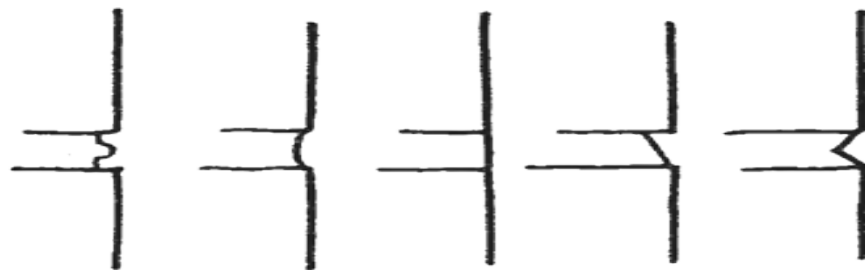
<b>Mortar Types (Measured by volume)</b>			
Designation	Cement	Hydrated Lime or Lime Putty	Sand
M	1	1/4	3 – 3 3/4
S	1	1/2	4 – 4 1/2
N	1	1	5 – 6
O	1	2	8 – 9
K	1	3	10 – 12
“L”	0	1	2 1/4 – 3

<b>Suggested Mortar Types for Different Exposures to Weather</b>			
	Exposure		
Masonry Material	Sheltered	Moderate	Severe
Very durable: granite, hard-cored brick, etc.	O	N	S
Moderately durable: limestone, durable stone, molded brick	K	O	N
Minimally durable: soft hand-made brick	“L”	K	O

### GUIDELINES:

1. Determine why the mortar is deteriorating and solve that problem before repointing. For example, a downspout may be broken, causing water infiltration to deteriorate the mortar.
2. Analyze the building's original mortar to determine its proportions of lime and sand. Use as close as the same proportion as possible.
3. Using the wrong mortar can alter the visual characteristic of the building and cause physical damage.
4. Use only small quantities of Portland cement. A large proportion of Portland cement can seriously damage a building because it expands and contracts at different rates than the original mortar, which can cause cracks in the masonry and spall the brick.
5. Repoint only areas where mortar is missing or damaged. Rarely is it necessary to repoint an entire wall.
6. Match new mortar to the existing mortar's composition, texture, color, and joint profile. New mortar must be softer than the brick and not harder than the original mortar. Generally, high lime mortars and hydraulic cements work well in repointing historic structures. These mortars should only contain lime and sand, and if Portland cement is used, it should substitute no more than 20% of the lime content.
7. Prepare brick joints carefully by using hand tools, matching the joint style of the original brick (see diagram of joint styles).
8. Remove from ½ an inch to 1 inch' of old mortar when preparing to insert new mortar. A depth of this measurement will allow the new mortar to have enough room to bond and prevent it from popping out.
9. Test a small and inconspicuous spot on the building to see how the repointing and joints will look. Contact the Historic Preservation Officer before beginning a test patch.
10. Finish new joints carefully to prevent making them wider than old joints.
11. Clean excess mortar from the masonry using a hard-bristle brush as part of the repointing process.
12. Match size, shape, color, and texture of new bricks to existing bricks when making replacements.

#### TYPICAL MORTAR JOINTS



Beaded Concave

Flush

Raked

"V" Shaped

## SECTION 9: WOOD AND SIDING



Inappropriate: Wide siding covers corner, sill, and window trim.



Appropriate: Narrow siding is properly in scale. Preserves corner, sill, and window trim.

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

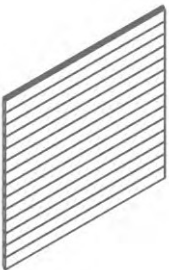
Wood clapboard siding has many benefits over vinyl or aluminum siding beyond its exterior appearance. These benefits include the following:

- Reduced air infiltration into the building, making the building warmer in the winter and cooler in the summer.
- Higher R value. An R value measures amounts of thermal resistance. The higher the R value, the better a material insulates.
- Wood siding does not bend, dent, or rust.
- Wood siding lasts longer than vinyl or aluminum siding.
- Wood siding can be repaired; vinyl or aluminum siding requires replacement when repair is needed.
- Wood retains color longer than colored artificial siding, and therefore, must not be repainted as often of vinyl or aluminum siding.
- Colored vinyl or aluminum siding can mildew.
- Vinyl siding has lower melting and flashpoints than wood, and therefore, can be hazardous.

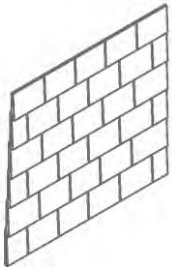
#### **GUIDELINES:**

1. Use only smooth-finish wood clapboard siding or cementitious siding in the repair or replacement of wood siding. Artificial stone, asbestos, asphalt shingles, or other resurfacing materials may only be used on buildings that already have such surfaces.
2. Wood siding may be replaced when the entire façade of a building has had extensive damage due to being previously covered with artificial siding. The reveal of replacement siding must match the reveal of the original wood siding. Replacement siding should have a smooth finish. Any product with a grained appearance is prohibited.
3. Do not cover brick walls with siding. See Sections 2.1 and 2.2 for the proper repair of masonry features.
4. Apply siding horizontally, except where another alignment of siding was originally in place.
5. Keep siding painted or stained.
6. Vinyl or aluminum siding may be allowed under the following circumstances:
  - a) The surface being covered is not highly visible from a street.
  - b) The siding should have a smooth finish and will not be patterned or have a grained appearance.
  - c) Each “board” of the siding will be a comparable width (reveal between 4” and 6”) to the boards of the original siding or other sided properties in the immediate area.

- d) Corner boards of the new siding will be the same size as the existing corner boards (typically between 4” and 5”) and will be smooth-finish wood or composite board.
- e) New window and door trim will be the same width as original trim and will be wood or composition board.
- f) Architectural features such as cornices, brackets, windowsills and lintels, and exterior façade shingles will be preserved. These features must remain uncovered and unaltered.
- g) All decorative porch posts, railings, brackets, cornices, and cornice trim must remain uncovered.
- h) Frieze and soffit boards will be covered with boards of the same width as existing boards.
- i) All detailing that is not flush with the siding or surface must bear the same proportion after coverage as before coverage.
- j) Existing shutters consistent with the style of the building should be returned to their original location after the artificial siding is applied.
- k) Artificial siding should not be installed over rotted wood. All original siding, trim, fascia, and drip should be repaired.



Lap siding



Wood shingle siding



## **SECTION 10: PAINTING**

It is not necessary to paint a building in its original colors. However, these guidelines encourage that buildings in the Historic Preservation Overlays be painted in historically accurate colors. The color schemes for structures vary depending on the style of the building and its date of construction. Four major phases of color were used in the nineteenth century, the period when most of the buildings in Dayton's Historic Preservation Overlay were built and are listed below.

- Federal and Greek Revival buildings built until ca. 1840: These simply detailed buildings generally were painted white or very light colors with green shutters to emulate the white marble of Greek and Roman buildings.
- Gothic, Italianate, and other early Victorian buildings built between 1840 and 1870: These more ornate buildings were usually painted pale earth tones, such as light browns, tans, pinks, and grays. The trim was accented with a darker shade.
- Second Empire, Queen Anne, and other High Victorian buildings built between 1870 and 1890: The highly detailed and varied buildings generally were painted deep, rich colors such as greens, rusts, reds, and browns. Several colors often were used on a building to highlight its architectural details.
- Colonial Revival and Neoclassical buildings built between 1890 and 1920: As the style of buildings again became simpler, the paint colors returned to lighter, simpler color schemes, usually with a light pastel body and white trim.

For information on the architectural style of the building, refer to the Section 6.4 or contact City Staff for help in determining the style of the building.

### **GUIDELINES:**

1. Use color to tie the architectural elements and details of a building together. For example, the cornice and porch detailing should be painted the same color scheme.
2. Paint the trim, porch framing and columns, and window framing the same color. Paint the walls a contrasting color. In the case of a Victorian style house, the sash, doors, or shutters may be painted a darker shade of the wall color.
3. Research the history of the building and discover its original colors, if possible. A historic painted home often has many layers of color beneath what is seen. Layers of paint may be scraped off to uncover original colors of historic structures. Carefully scrape a small area of paint that has been in the shade, as paint exposed to the sun may have changed over time. Slightly wet the paint to get a better idea of the original color.
4. Apply colors that were available at the time when the structure was originally built. In all circumstances, avoid bright and obtrusive colors, such as neon or day-glow hues.
5. In general, limit the number of colors painted on a building.

6. Simpler structures should have a simple color scheme. More ornate structures, such as larger Queen Anne style houses, may incorporate three or more colors.
7. Paint buildings using matte, flat, or semi-gloss paint. Avoid high gloss paint.
8. Never paint a building, brick, or wood when it is wet or damp.
9. Paint pre-existing aluminum window and door frames a dark color, such as bronze or black.
10. Blend with and compliment a building's paint colors with the overall color schemes that exist on the rest of the street.
11. Paint colors must be approved by the Board of Architectural Review before applied to a building in the Historic Preservation Overlay District.

## **SECTION 11: ROOFS, GUTTERS, AND DOWNSPOUTS**

The roof form and pitch are among the major distinguishing characteristics of a historic building. Roofs can be flat, pitched, hipped, curved, or arranged in various combinations. In Dayton, Second Empire style buildings are defined by mansard roofs.. The roofing material can also be a defining and distinguishing characteristic of a historic building.

Historic roofing material includes standing-seam metal, slate, wood or metal shingles, and clay tiles. Asphalt and asbestos shingles became popular roofing materials in the twentieth century both for new construction and for reroofing earlier buildings.

Roofs have many elements that are character defining, including chimneys, dormers, cornices, and eaves.

Chimneys are typically supported by a masonry foundation or reinforced concrete. Chimney stacks are constructed of brick or masonry with the flue located inside of the stack. The crown, or cap, is placed on top of the chimney to prevent water damage from occurring within the stack. The flue penetrates the cap allowing the smoke to leave the structure. Chimneys must be constructed with flashing along the roof base to prevent water damage to the roof.

Dormers project from the roof of a building and contain a window. The vertical sides of the dormer should match the exterior walls or the roof of the building, usually being either sided, brick, or slate. Dormers are usually topped with a gable roof and may have eaves or cornices that match the rest of the building. Dormers accent the upper floor by creating more floor space and allowing the entry of natural light and ventilation.

Cornices and eaves are located at the top of exterior walls and are historically built in a decorative fashion. Eaves are normally an extension of the roof beyond the face of the building. Cornices are ornamental and built with wood, stone, cast iron or sheet metal. Cornices and eaves usually contain box gutters to shed water from the roof, thus protecting the walls and foundation from excess precipitation. Both features also shade the upper windows of the building. Not only are the cornices and eaves functional, but they are also an essential part of the historic integrity and design of the structure.

### **GUIDELINES:**

1. Maintain and preserve the original roof shape of the building.
2. Do not add dormer windows, skylights, or other architectural features to a roof if they detract from the overall character of the building.
3. Skylights should not be visible from front property lines.
4. Roof decks are permitted on rear elevations when not highly visible from front property lines or when it does not detract from the overall architectural character of the building. Maintain and preserve the original roofing material.
5. New roofing should be appropriate to the style and period of the building and neighborhood. New roofing should match the original roofing on surrounding structures.

If the building has already had original roofing removed, alternate roofing materials may be installed.

6. TV antennas or satellite dishes should be placed on a roof so that they are not seen from a public right-of-way. They should be placed on rear elevations or nonvisible side elevations and should not be on the front of a building or roof. (See Section 2.13)
7. Maintain and preserve architectural elements that are a part of the roof, such as dormer windows, chimneys, or cupolas.
8. Preserve chimneys that are highly visible from the street, are character defining, and are on the front slope of a building.
9. Maintain cornices and eaves. They are not to be removed, covered, or wrapped.
10. Use alternative materials, such as fiberglass and molded products, only if deterioration of original materials deems it necessary.
11. Repair and maintain existing box gutters. If original box gutters must be replaced, a similarly designed box gutter should be installed on front elevations and other elevations highly visible from a public way. Modern hanging gutters may be installed on elevations that are not highly visible from a public way when the original box gutters are beyond feasible repair. New or replacement exposed gutters and downspouts on primary structures, if appropriate to the style of the building, should be half-round or ogee.
12. Rain barrels should be placed at corners and are not to be placed on the front façade of a building. Rain barrels are to be a neutral or muted color compatible with historic colors.
13. Paint exposed gutters and downspouts the same color as the trim, unless they are copper. To prevent the paint from flaking and peeling, new metal gutters or downspouts should be coated with a galvanized steel primer before applying the finish coats of paint.
14. Repair, maintain, and clean cast-iron boots, scuppers, and other ornamental roof accessories.
15. Properly insulate roofs to prevent ice dams at box gutters and overhangs.

## **SECTION 12: WINDOWS, STORM WINDOWS, AND SHUTTERS**

Wood windows are found in many of Dayton’s historic buildings. These windows usually date from the mid- to late-19th century into the 20th century. Windows may come in all different sizes and configurations and may be unique to a particular architectural style. For instance, Queen Anne-style houses may have a stained-glass sash over a single-paned clear sash while an Italianate-style house may have a tall, narrow 2-lite sash over a second 2-lite sash. Craftsman- or bungalow-style houses may have a wide multi-lite (3-6) sash over a single-paned sash. Windows are an important part of a building’s overall design scheme and help date the building’s construction. Windows are a distinctive part of any building, and their shape and configuration should not be altered.

The improper or insensitive treatment of windows and their openings can drastically change a building. Retention of historic wood windows should always be given priority. Wood windows were built so that any part of the window could be repaired or replaced. Therefore, if just a part of the window is broken or rotted, that part of the window can be replaced. The most common argument against the retention and preservation of wood windows is that by replacing them with low-e insulated glass vinyl windows, a building owner will save a significant amount of money on energy bills. The fact is, as proven through numerous studies, a properly sealed and fitted historic wood window that is weather sealed and has a properly fitted and sealed storm window has the same, if not better, R value (insulation value) than a low-e vinyl window. Furthermore, if properly maintained, a wood window will last hundreds of years longer than a vinyl window.

Storm windows are an important component of preserving historic wood windows and making windows energy efficient. They are installed on the exterior or interior of a window to help protect against damaging weather, air infiltration, or to protect a historic window. Both wood and aluminum storm windows are permitted. Wood storms are an older type of storm window and are not as common today as aluminum storms. Wood storms are a better insulator than aluminum, and if a home has wood storms, they should be retained and repaired as needed.



*Photos of historic wood window sash that experienced years of neglect, lack of maintenance, and weathering of material.*



*Photos of same window showing in-progress repair with epoxies and wood fillers.*

### *Assessment and Repair of Historic Wood Windows*

Windows are a significant part of the original fabric of historic structures. They provide important architectural qualities that define and characterize an architectural style and time period as well as the scale of a building and/or historic district. The loss of windows alters the defining qualities of the historic fabric, structure, and/or historic district.

Therefore, historic old-growth wood windows may not be replaced unless the applicant can demonstrate that the windows cannot practically be repaired.

The guidelines support this standard for the following reasons:

- Rebuilding historic wood windows and adding storm windows makes them as energy efficient as new windows and more than offsets the cost of installation. Several comprehensive window studies have found that a wood window with weatherstripping and an added storm window is as energy efficient as most new thermo-pane windows and last longer. Source: National Trust for Historic Preservation. *Saving Windows, Saving Money: Evaluating the Energy Performance of Window Retrofit and Replacement*. <https://forum.savingplaces.org/>. 2012.
- In most cases, windows account for less than 15% of a home's energy loss. Insulating the attic, walls and basement is a more economical approach to reducing energy costs than replacing historic windows. Source: Hensley, Jo Ellen and Antonio Aguilar. *Preservation Briefs: 3- Improving Energy Efficiency in Historic Buildings*. Washington, D.C.: The National Park Service, December 2011.
- The old-growth lumber use in historic windows can last, if well maintained, longer than new-growth wood, vinyl products, or aluminum products. Any energy savings from replacing wood windows with aluminum or vinyl seldom justifies the costs of installation. For most buildings, it would take decades to recover the initial cost of installation, and with a life expectancy of 10 to 15 years or less, installing new vinyl or aluminum windows does not make good economic sense. Source: de Mooy, Kees. *Sustainability and Historic Windows*. University of Maryland, 2010.
- The National Association of Remodeling Industry study of 2019 found that replacing original windows with vinyl windows had a return on investment of only 71%. An

average cost of this project was \$22,500 with a return to the homeowner of \$16,000 of recovered cost.

#### *Demonstrating Practicality between Repair or Replacement*

1. To demonstrate the practicality of repair versus replacement of a window, the following information is required:
2. Estimates from window restoration companies of the total project cost.
3. Estimates from window replacement companies of the total project cost.
4. Samples of the proposed replacement windows and their compatibility with the existing windows.
5. An analysis of the property detailing the conditions of each window subject to proposed replacement.

#### **GUIDELINES**

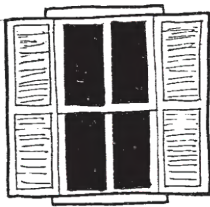
1. Repair original wood windows, rather than replace. Historic wood windows are designed with repairability in mind. Individual worn elements can be repaired. Broken glass can be replaced. If homeowners do not wish to repair the windows themselves, individuals who specialize in window repair and wood window sash fabrication can assist.
2. Respect the original material and mode of operation of the windows – i.e., steel casement windows should be replaced with steel or aluminum and wood should be replaced with wood.
3. Only replace wood windows with wood windows, aluminum-clad wood windows, or composite windows (such as fiberglass) when they are visible from front property lines and when there is sufficient evidence that the original windows are too deteriorated to be repaired.
4. Where historic windows are beyond repair, vinyl windows may be permitted on side and rear elevations when those elevations are not highly visible from a street. Vinyl windows should be a color other than white (such as almond, off-white, sand, or cocoa).
5. When vinyl, vinyl-clad wood, or metal (aluminum) windows on the front of buildings need to be replaced, they are to be replaced with wood windows, aluminum-clad wood windows, or composite windows (such as fiberglass) unless the original windows were not wood or the owner can demonstrate that prior approval was given (a Certificate of Appropriateness, or “COA”) to install these types of replacement windows.
6. Do not reduce the original window opening size. Replacement windows must always fit the existing opening. Window openings may not be enlarged or filled in on street elevations. On older buildings with large windows, this may require ordering custom-sized windows to fit the opening.
7. Replace multi-pane sash windows with windows that have true divided lites rather than snap-in grids or grids between panes of glass.
8. Grids that are permanently affixed to the exterior of the glass are permitted.
9. If original window openings are to be filled in on the sides or rear of the building, the outline of the original openings are to remain apparent by setting infill material back from the surface of the building and leaving original sills and lintels in place. Original window openings on the sides or rear may also be blocked by attaching shutters in a closed

position to maintain the appearance of a window, but only if shutters would have originally been used on the building.

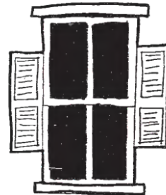
10. New windows installed where there are no existing openings are to match the existing windows as much as possible, especially on the primary elevations. New openings are to be of the same size and at the same height as existing openings.
11. Existing wood casing and brick molding around a window must be maintained and painted. It may not be wrapped in vinyl or aluminum. If the wood casing or brick molding is in bad condition, it is to be repaired and replaced with new wood. If new wood windows are installed, new brick molding/casing may be used, but it should still match the original profile as closely as possible.
12. Use storm windows that are made from wood or anodized aluminum with a dark finish. However, if the existing windows are painted white, then white storm windows are allowed. Storm windows come in triple-track, double-track, and historic one-lite configurations, all of which are permitted. Historic one-lite storms have the narrowest profile and are the least obtrusive.
13. Storm windows are to fit the original window openings.
14. Choose as narrow a sash as possible, and make sure the storm window has the same meeting rail as the window behind it.
15. Storm windows need to have proper glass. Plexiglas storm windows are not permitted as the chemicals in Plexiglas cause the lead in windows (including stained glass) to break down.
16. Make sure that storm windows are properly fitted with sash tracks deep enough not to let air through. Storm windows should be well sealed with either weather stripping or caulk around moveable joints to get the most energy efficiency from the windows.

### *Shutters*

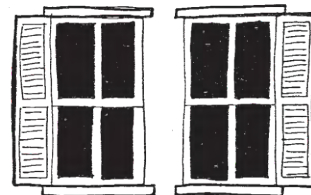
1. Retain and repair all original shutter materials. Match new shutters to original shutters in composition, size, shape, color, and texture.
2. Metal, vinyl, or plastic shutters are not permitted.
3. When shutters are desired, they are to be sized so that they will theoretically or functionally cover the entire width of the window they border.
4. Shutters are to be added to buildings only where the style would have permitted shutters.



Appropriate size shutters



Inappropriate: shutters are too small, and shutters do not cover entire window when closed



### *Glass Block Windows*



1. Glass block windows are permitted on sides and rear elevations in basement windows when the openings are not highly visible from the street. The glass block is to be clear and recessed a minimum of 2" from the window lintel. If windows are on the front of the building, they are to be covered with a mesh screen or other form of screening.

## **SECTION 13: DOORS**

Doors are also one of the most distinctive features of buildings. Doors with a variety of panel configurations as well as a combination of solid panels and glazing are found throughout the historic districts.

Decorative stained, beveled, and etched glass is sometimes found in entry sidelights and transoms or in individual fixed sashes. Many doorways in Dayton are recessed slightly from the front façade to provide a protective cover. Some house types put the main entrance on the side of the house. These doors, while on the side of the building, still usually were the nicest, most ornate doors on the exterior.

### **GUIDELINES:**

1. Retain and repair a building's original entry door and the components of the original door such as its hardware, trim, and glazing.
2. Door openings should remain their original size and location and should not be reduced enlarged or filled in, especially when seen from a public right-of-way.
3. Do not install a door with a "half-moon" window design. This design is not historically accurate.
4. Seal doors in place that are no longer needed or desired for use. If doors are not fixed in place and the opening will be filled in, make sure that the infill material is recessed from the original surface so that one can distinguish it as a modification to the structure. The original sills and lintels of the infilled door should be kept in place. Doors on the front of buildings and those easily seen from a public right-of-way should not be filled in or converted to windows.
5. Match the size, proportion, shape, number of panels, and overall style of the original door when installing new doors.
6. Match the material and hardware of original doors when installing new doors.
7. Match the size, height, proportion, and shape of original door openings when creating new door openings.
8. Install screen, storm, or security doors that match or compliment the style, size, and era of the building. Full light, metal, or wood screen or storm doors are most appropriate.
9. Make doors weather-tight wherever possible to ensure energy efficiency of your building.
10. Keep doors and other wood materials stained or painted to ensure they endure weather conditions and normal wear and tear.

Note: Guidelines for garage doors are in Section 21, Garages, Sheds, and Ancillary Features.

## **SECTION 14: PORCHES, ENTRANCES, AND DECKS**

Entrances, porches, and decks often distinguish the street façades and main entrances of historic buildings and provide highly visible opportunities for stylistic embellishments.

Front porches, balconies, side porches, mudrooms, back porches, and rear entries and decks provide the addition of outdoor “rooms” and living spaces. In Dayton, many porches on the front of buildings span the entire width of the house. These porches are built in both wood and brick and may have elaborate turned balusters, or simple brick walls. Porch ceilings are typically made with bead board. The floors may be tongue and groove wood, poured concrete, or sometimes masonry floors. Some housing types have enclosed entry ways in small side porches or wooddoor hoods to provide protection from the elements. Whether the entrance is on the front or the side of the building, porches direct attention to the front doorway and its features. They also help provide protection from the elements while waiting for the door to be opened. The prominent character-defining role of front entrances and porches for most historic buildings makes their preservation and retention of primary importance.

### **GUIDELINES:**

1. Retain and repair porches, entrances, and decks that add to the historic character of the building,  
including porches or decks added later in the building’s history.
2. Do not enclose porches on primary façades. Porches on secondary façades may be enclosed with minimal framing and glass or screening.
3. The roof, railings, texture, color, overall style, detailing, scale, and trim of a new porch or deck should match the overall style and character of the existing building. Composite materials may be used for these elements if they are paintable and do not have a high-sheen finish.
4. Do not install porches or decks made of pressure-treated lumber on a façade that can be seen from a public right-of-way. Pressure-treated lumber may be used for rear decks and porches. Lumber used and seen from front property lines should be stained or painted.
5. Do not remove structural elements which could cause instability or stress on a porch roof. Generally, decks are permissible on rear elevations when they do not detract from the architectural character of the building and are not highly visible from front property lines.
6. Vinyl columns are not permitted.

## **SECTION 15: ARCHITECTURAL METALS**

Dayton and other river cities in Dayton have a strong history in the production of architectural and decorative metal work. Architectural metals are commonly used for roofing and gutter applications, including standing-seam roofs, flashing, gutters, downspouts, finials, cornices, coping, and cresting. Other architectural metal elements common throughout Dayton include crafted and detailed metal in storm doors and windows, vents, grates, railings, storefronts, hardware, and trim work. The most common examples of detailed iron work are found in fences, gates, porches, balconies, window hoods, streetlights, signs, signposts, statuary, tree wells, and fountains. The metals that are used for these elements include copper, tin, cast iron, wrought iron, lead, and brass. Some examples feature more contemporary metals, such as stainless steel and aluminum.

### **GUIDELINES:**

1. Retain and preserve architectural metal features that contribute to the overall historic character of a building and site. These include such functional and decorative elements as roofing, flashing, storefronts, cornices, railings, hardware, casement windows, and fences.
2. Retain and preserve architectural metals, such as copper, tin, brass, cast iron, and wrought iron that contribute to the overall character of a building and neighborhood.
3. If replacement of a decorative detail or element of an architectural metal feature is necessary, replace only the deteriorated portion in kind rather than the entire feature. Match the original detail or element in design, dimension, texture, and material. Consider compatible substitute materials only if using the original material is not technically feasible.
4. If replacement of an entire architectural feature is necessary, replace it in kind, matching the original feature in design, dimension, detail, texture, and material. Consider compatible substitute materials only if using the original material is not technically feasible.
5. If an architectural metal feature is missing, replace it with a new feature based on accurate documentation of the original design or a new design compatible in scale, size, material, and color. Clean soft metals -- including lead, tin, and copper -- with chemical solutions only after pretesting them to ensure they do not damage the surface or color. It is not appropriate to clean soft metals with abrasive methods, such as grit blasting.
6. Clean hard metals such as cast iron, wrought iron, and steel using the gentlest means possible. Consider low-pressure glass bead blasting only if hand scraping and wire brushing have been ineffective.

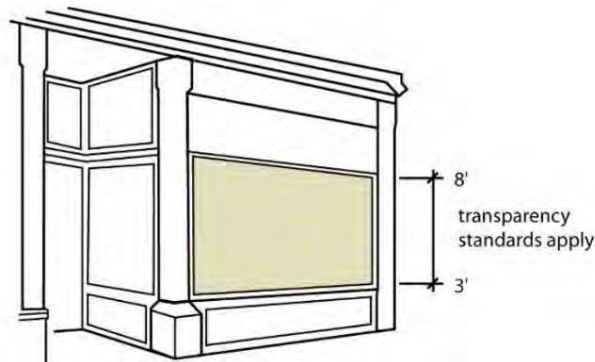
## SECTION 16: COMMERCIAL STOREFRONTS AND FACADES

For commercial buildings, the storefront is the most prominent architectural feature. Typical functional and decorative features of a storefront include display windows, doors, transoms, signs, awnings, columns, pilasters, entablatures, and bulkhead panels, as illustrated here. Storefronts also may have recessed entrances with tiled floors and decorative exterior ceilings.



Commercial and mixed-use buildings are typical in Dayton's downtown central business district, but also are found throughout the historic residential neighborhoods, usually at street intersections. The traditional storefront façade has the same basic components as illustrated, although the size, shape, style, materials, and details may vary depending on when the building was constructed. Typical commercial buildings in Dayton are 2 to 3 stories in height. Most commercial buildings are of brick or masonry construction and are built flush to the sidewalk. The storefront display windows rest on low wooden recessed or raised panels or on bulkheads constructed of masonry or faced with tile. Many storefronts used glazed and fixed transom windows to pull diffused daylight deep into the building and at the same time will have awnings, sometimes retractable, to provide much needed shade and protection from the sun in summer months.

When changes are made to a storefront, the basic elements as described above need to be represented. Also note that any ADA or access requirements such as door stoops or steps will need to be within the property boundaries.



Transparency standards apply to the area indicated

### GUIDELINES:

1. Storefronts may not expand above the ground floor without documented historic evidence of such a design.
2. Retain and repair piers, columns, or pilasters that separate a storefront into distinctive bays.
3. Retain and repair belt courses, cornices, or fascia board between a storefront and the upper floors.
4. Retain and repair historic windows and doors and the proportions and shape of their openings.
5. Retain and repair all base panels, bulkheads, and storefront ornamentation.
6. Do not cover or obscure original façade elements. Uncover the original storefront if it has been covered with inappropriate additions.
7. If a storefront or select elements must be replaced due to heavy damage or if historic elements have been removed, replacement material should be compatible with the historic character of the building in terms of design, scale, materials, proportions, and number of openings.
8. Storefronts should be located on the front or street- facing elevations of the building.
9. If an entry was historically recessed from the façade, a replacement or new entry should also be recessed.
10. Repair non-original storefronts that have historic integrity.
11. Avoid inappropriate elements and inaccurate historic replicas, such as mansard roofs, coach lanterns, storefront shutters, colonial doors, rough-textured wood, and faux brick or stone.
12. Storefronts should be comprised of roughly 70% clear glass. Mirrored or shaded glass is prohibited.
13. Repair or replace storefronts, where permitted, with wood siding, wood trim, masonry, and wood or aluminum windows. Where aluminum window frames replace those that were originally wood, the exterior should either be anodized aluminum or painted. Vinyl or aluminum siding and vinyl windows are prohibited.
14. Storefronts should not be placed on buildings that were not originally designed for commercial uses.
15. When a wall sign is used in a storefront, it should not be an appendage, but should be an integral part of the overall design. See Signage Guidelines (Section 26).
16. Walkup windows proposed as part of a new opening should be installed on secondary elevations. Walkup windows in place of storefront glass should fit the full width of the window opening, divide the opening into as few parts as practical, and utilize color to blend in with the surrounding storefront materials.

## **SECTION 17: REAR AND SECONDARY ENTRANCES**

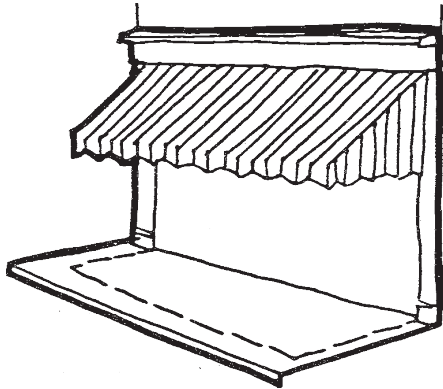
Rear entrances in alleys and rear parking lots are often used in commercial districts as secondary customer access points. Often, rear entrances also lead to a rear-seating patio or deck. When a rear entrance is used as a customer entrance or as an access point to the patio and deck, it should be treated and developed in proportion to the rest of the building.

### **GUIDELINES:**

1. Rear and secondary entrances cannot attract more attention than front entrances on commercial structures. They are to have a utilitarian character but are to be maintained and developed to support the overall character of the district.
2. For commercial structures, rear entrances may be marked with a small sign and have an awning near the entrance door. All signs must comply with the sign guidelines in Section 26. Awnings on rear entrances should be considered for both weather and heat protection. Awnings must comply with the guidelines in Section 18.

## SECTION 18: AWNINGS

Awnings are encouraged as part of an overall design concept for buildings, both in commercial and residential uses. They provide an interesting architectural element to buildings and a natural climate control in an age before air-conditioning, insulated glass, and tinted glass. By blocking out the sun's rays while admitting daylight and allowing air to circulate between interior and exterior, they were remarkably efficient and cost effective. On commercial buildings, awnings permitted window-shopping on rainy days and protection from the sun during hot summer months. Attractive, attention-getting awnings with stripes, ornate scalloped valences, and painted lettering and logos with all sorts of colors and pattern choices were used to get a customer's attention while also complimenting the building. On residential buildings, awnings can provide shelter and protection from the elements at the front doors or provide shade and shelter on rear decks. Awnings still provide these same benefits today and are encouraged as part of a historic building.



Awning should fit inside of the window opening



The awning of the left is appropriate, and the awning of the right is too large.

### GUIDELINES:

1. Installation of awnings is encouraged on commercial and residential structures.
2. Awnings are to respect the original character of the building and the surrounding buildings.
3. Awnings are not to obscure significant architectural features or require their removal. New awnings are to be of a size, shape, color, and texture that are compatible with the building's architectural style.
4. Awnings are to be constructed of canvas or another pliable material and not be made of metal or other rigid materials.
5. Awnings may incorporate signs on commercial structures.
6. If an awning is needed for a wide opening, break up the awning into smaller sections of bays.



## **SECTION 19: UTILITIES AND ENERGY RETROFIT**

Energy conservation, green technology, replacement or upgrading of inadequate utility services, and introduction or upgrading of mechanical services are a common concern of property owners. To make buildings useable for today's standards while not compromising the historic integrity of a building or damaging historic material, it is important to address these concerns and make allowances for utilities and mechanical services. There are a range of energy-conserving features that can be utilized to make a historic building energy efficient. Historic buildings were constructed before the advent of central heating and air conditioning but were designed to keep the building warm and cool through natural air flow and other means. Operable windows, shutters, and awnings allow occupants to control the amount of sun and breeze that enters a building, providing strategic light, shade, warmth, and cooling. In historic commercial buildings, storefront transoms, light wells, and skylights provide light into deep, narrow spaces. Breezeways are also common features in Dayton that provide for aeration, climate control, and aesthetic design variation.

The following guidelines assist the owner and minimize the visual impact of modern equipment on the historic character of a site.

### **Guidelines:**

1. Retain and preserve inherent energy-conserving features of historic buildings and their sites, including porches, awnings, breezeways, operable windows, transoms, blinds, and shutters.
2. Use appropriate thermal efficiency techniques, such as weather-stripping and caulking within window and door openings. The spaces between clapboard siding should not be caulked.
3. Introduce energy-efficient features, such as awnings, operable shutters, and storm windows and doors. Do not place external wall or window air-conditioning units on street-facing elevations of a building where other alternatives are available.
4. Do not install utility and mechanical systems such as water, gas, and electric meters on street-facing elevations of the building. A remote meter should be considered if it is available by the utility service.
5. Whenever possible, have electric, cable and other utility lines enter the building from the rear or alley.
6. Mechanical devices and utility equipment should not be visible on street-facing elevations of the buildings. Exhaust stacks or other mechanical ventilation equipment should be placed on elevations other than the front façade and on roof slopes that do not face the street.
7. Power, telephone, or cable lines should not be draped across street-facing elevations and should be buried whenever possible.
8. Solar equipment that is visible from the street should be incorporated into the design of other highly visible elements instead of appearing added on. Camouflaging should be incorporated into the design. Otherwise, solar equipment should be located in an inconspicuous area that cannot easily be seen from the street, such as a rear slope of the

roof or on a shed. The location should maximize utility while not interfering with the building's characteristics.

#### *Satellite Dishes and Antennas*

1. According to the Federal Communications Council, design guidelines may not prohibit satellite dishes or antennas. However, guidelines may regulate their placement on a structure or freestanding position in a yard. Satellite dishes and antennas should be installed away from public view within the restrictions required by the equipment for optimal reception.
2. Television, radio, or other satellite dishes and antennas should be located on non-primary elevations or less-visible roof slopes unless there are no alternatives for receiving an acceptable quality signal.
3. No exterior woodwork or trim detail should be altered or damaged to accommodate the equipment.
4. If the equipment must be mounted in a conspicuous place for optimal reception, a qualified professional should provide documentary evidence of this, and the equipment should be installed in a reversible manner.

## **SECTION 20: ACCESSIBILITY AND SAFETY**

Most buildings in Dayton’s historic neighborhoods were built before modern requirements found in today’s building, fire, and American with Disabilities Act (“ADA”) of 1990 codes. Often, when buildings are substantially rehabilitated, current codes may apply. a need and requirement to meet these current codes. In Kentucky, Chapter 34 of the Kentucky Building Code (“Existing Structures”), provides a method and guidance for code officials to use discretion in the application of the Building Code to projects within existing buildings. All construction projects must comply with the existing codes and cannot compromise lifesafety and accessibility requirements. However, both the Building Code and the ADA provide some flexibility in compliance when a historic building is involved.

### **GUIDELINES:**

1. Meet current accessibility and life-safety building code requirements in such a way that the historic site and building character are preserved.
2. Locate wheelchair ramps, elevators, and other additions that are required to meet code requirements on non-character defining façades. If this is not possible, then the additions must be designed in a way as to not detract from the building and must follow the new construction guidelines.
3. If needed, introduce new or additional means of access that are reversible and that do not compromise the original design of a historic entrance or porch.
4. Locate required fire doors, exterior fire stairs/fire escapes, or elevator additions on side or rear elevations, whenever possible. Fire escapes should be painted black or the same color as the building and the design, scale, proportion, and finish should be compatible with the historic building.

## **SECTION 21: GARAGES, SHEDS, AND ANCILLARY FEATURES**

Outbuildings can add to the historic and architectural significance of historic areas and reflect cultural and technological changes over time. Historic outbuildings should be preserved and maintained. They should be repaired with materials and details to match the original. New ancillary and support buildings are appropriate if they are compatible with their primary structures in design and materials and are sited in traditional locations at the rear of the primary structure or are not readily visible.

### **GUIDELINES:**

1. Historic garages, carriage houses, sheds, and outbuildings that retain their historic character should be preserved and maintained.
2. Historic outbuildings should be repaired with materials to match the original. If original garage doors on contributing buildings are missing or damaged, sectional overhead roll-up doors and side-hinged doors in historic designs are appropriate. For non-contributing buildings, these designs are also recommended, and doors of metal, composite, and other alternative materials will be considered.
3. Replace damaged or deteriorated sections of historic garages and accessory structures only if they are deteriorated beyond feasible repair.
4. Replacement materials should match the original. Where possible, replace only the damaged or deteriorated portions rather than the entire feature.
5. New garages and other outbuildings should follow the historic setback for an outbuilding or garage on the property or patterns of other garages and outbuildings in the streetscape or historic area.
6. The design of new garages and other outbuildings should be secondary to that of the primary structure.
7. New garages and other outbuildings should be compatible in size, scale, proportion, spacing, texture, setbacks, height, materials, color, and detail to the primary dwelling and should relate to similar secondary buildings along the block. New garages and other outbuildings should be constructed in materials traditionally found in the surrounding context such as wood or brick. Alternative materials may be used on outbuildings that are not highly visible from front property lines. The materials and features of garages and other outbuildings should complement the architectural design of the primary structure.
8. The spacing and size of window and door openings in a new garage or outbuilding should be consistent with the historical development of the property and similar to their historic counterparts within the streetscape or historic district, as should the proportion of window to wall space.
9. Metal garage doors with a paneled design may be installed on garages that are located at the back of a lot and that are minimally visible from the street or front property lines. If the garage or garage doors would be highly visible from front property lines, then the garage door should be a wood or composite material with a paneled design.
10. Two-car garage doors may be installed on garages that are located at the back of a lot when they face an alley. Two-car garages that do not face an alley or are not located at

the back of a lot should use two single-car garage doors to maintain the scale and rhythm of openings in surrounding structures.

11. Small-scale prefabricated storage units may be appropriate in back yards if not are not highly visible from front property lines.
12. Prefabricated metal and vinyl carports are prohibited.
13. New stand-alone carports should be located at the rear of a lot and not be highly visible from front property lines.

## **SECTION 22: WALLS AND FENCES**

Fences and walls are a common site feature in Dayton's historic neighborhoods. While the front yards tend to be small, fences and walls provide a definition between the private and the public space while also providing unique expression to the site. In the rear of the house, fences and walls were constructed for privacy. These fences and walls tend to be taller while fences or walls in the front were usually 3 feet or shorter. Most fences in front yards were historically made of wrought or cast iron and in the rear, they vary between wood and masonry. These fences and walls generally followed the property line. It is the responsibility of a property owner to make sure that the fence or wall is installed on the property line and the best way to ensure this is to get a proper survey before installation.

Masonry walls were not only used to define the yard, but they were also used as retaining walls. Many houses and lots in Dayton sit above grade. Masonry walls, usually made of stone, provide a secure retaining wall. A fence or masonry wall is often located atop the retaining wall.

### **GUIDELINES:**

1. Existing wrought iron or cast-iron fences and masonry walls should be repaired and retained whenever possible.
2. When visible from a public right-of-way, fence materials should be masonry (stone or brick), wrought iron, black powder coated metal, or wood. New fences should be compatible with existing fences.
3. Wood-plank privacy fences should be stained or painted when easily seen from the public right of way.
4. Vinyl and plastic fences with a high-sheen finish are not permitted.
5. Fences in front yards should be low and transparent. Inside yards, fences may reinforce the building setback.
6. Chain-link, split rail, or stockade-type fences and concrete or concrete block walls are not permitted. Incompatible walls and fences should be removed, where possible.
7. All fences must meet zoning and building codes.
8. Chain-link fences are not desirable. If a chain-link fence is removed, it may not be replaced in the front yard space.

## **SECTION 23: DRIVEWAYS AND PARKING AREAS**

Driveways, parking areas, and parking spaces are vehicular circulating site features that contribute to the neighborhood. Many of Dayton's urban neighborhoods were built during a pre-automobile period; allowances were not made for the car in the neighborhoods' original designs. In today's world, where a car is ever-present, finding a place for a car can often be difficult.

When driveways were included at a site, they often lead to the back of a house, where a carriage house or garage was built. In many neighborhoods, public alleys still provide rear access to buildings, and these are ideal locations for a driveway or parking pad.

Historically, off-street parking areas for multiple cars were not common in the residential neighborhoods or commercial areas. Initially, on-street parking met the demand for parking. Today, with an increased demand for vehicular parking, parking lots are more desired. When driveways, parking pads, or parking lots are built, they are to be secondary to the neighboring buildings and should be designed in a way to not detract from the neighborhood.

Note: Guidelines for garages are in Section 21, Garages, Sheds, and Ancillary Features.

### **GUIDELINES:**

1. Design parking lots and driveways so that they do not detract from the visual quality of the neighborhood. This includes landscaping, paving materials, and screening materials.
2. Place individual driveways and parking pads off of alley ways, when possible. Parking pads are never to be placed in the front yard of a lot unless historically appropriate.
3. Provide sufficient screening to minimize the view of parked vehicles from other properties, the street, and other public areas. Use landscaping to reinforce the building massing and setback common in the district. Screening may employ masonry walls, landscaping, and fencing. The design of this screening should be compatible with the district.
4. Provide adequate landscaping within the parking lot to provide shade and to break up large areas of paving between bays.

## **SECTION 24: LIGHTING**

While lighting in Dayton was originally powered by gas, by the turn of the twentieth century, most lighting had been converted to electric. The styles of lighting on both the building and the site reflected the style of the building as well as the economic status of the residents. Since many buildings in the historic urban neighborhoods are close to the street, lighting on the building also helps to light the street and sidewalk.

The choice of lighting design, while often a small element, can have a dramatic effect on a building. An oversized or inappropriate style can cause an entire building to look “off.” However, this does not mean that contemporary lighting choices should not be used, as often the simplicity of contemporary light fixtures complement a historic building without detracting from the building.

### **GUIDELINES:**

1. Choose a design for exterior lighting that is complementary to the style, character, scale, and design of the original building and surrounding buildings.
2. Select lighting fixtures that are proportionate to the building and are not too large or too small. Contemporary, authentic reproductions, and restored original lighting fixtures are encouraged.
3. Avoid inauthentic historic lighting fixtures. Seek consultation from the Historic Preservation Officer as to what is an acceptable lighting design.
4. Avoid harsh or colored lighting.
5. Install lighting that provides warm illumination. Low pressure sodium bulbs are recommended. Provide lighting that gives a sense of safety for pedestrians.
6. Select lighting that highlights the architectural details of the building.
7. Lighting should not detract from the building.

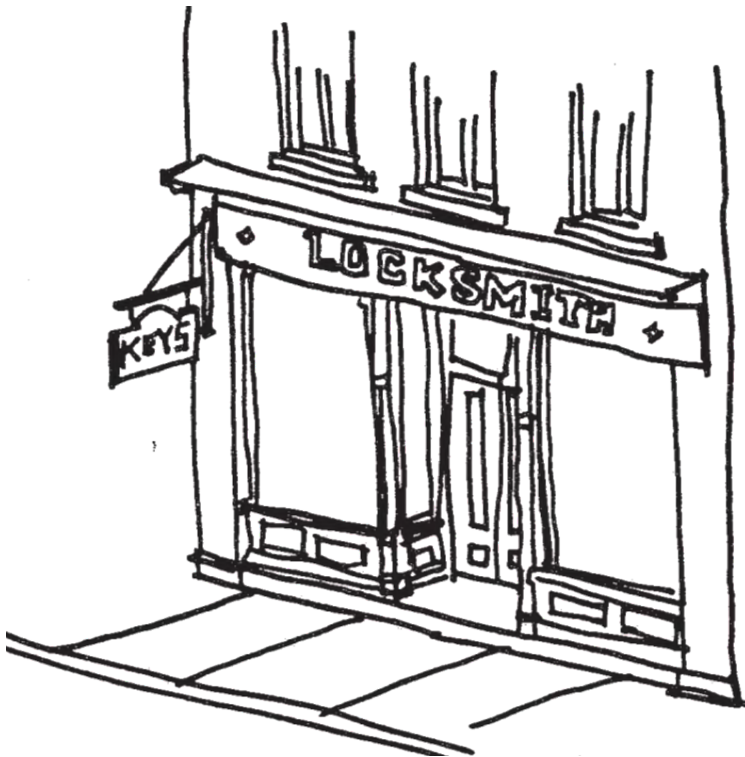


## SECTION 25: SIGNS

Historic commercial signs were straightforward and informative, especially as many signs were hand painted and did not have the aid of computers for design and fabrication. A sans serif font was common. The sign was typically written in all capitals. Graphics were used to accent a design and were used sparingly. Hanging signs were usually simple square or rectangular shapes with simple corner treatments, such as rounded or beveled corners. Transom windows were usually used for street numbers. While we now have modern design techniques and ways of fabricating signs, these ideals should still guide the sign design.

To guide the design, while providing flexibility, a point system was designed. Each sign will be scored based upon fixed criteria. All signs that receive a score of ten or lower will automatically receive a Certificate of Appropriateness. All signs which have a score greater than ten will be reviewed by the Board of Architectural Review (BAR). A business may choose to alter the design of the sign, such as decreasing the number of colors, to reduce the number of points assigned, and therefore, allow for the immediate issuance of a Certificate of Appropriateness. These guidelines apply to all permanent signs (including within commercial and residential areas).

City staff will review a sign application by the point system within 3 business days of receipt of a completed application. Signage is also subject to the City of Dayton Zoning Code ([https://codelibrary.amlegal.com/codes/dayton/latest/dayton\\_ky/0-0-0-6415](https://codelibrary.amlegal.com/codes/dayton/latest/dayton_ky/0-0-0-6415)).



### SIGN REVIEW CRITERIA:

**Color** – One point is given for each color used in excess of three colors. This element includes each individual color used in the sign. White and black are defined as colors. Color graduations or fades such as black to white will be counted as the “base” color and the “fade to” color.

**Broken Planes** – One point is given for a broken plane. A broken plane is considered any element which extends in any direction other than parallel to the face of the sign. An example of a broken plane would be a set of 3-dimensional steer horns mounted on a steak house sign. Individual projecting letters will receive a point in this category.

**Irregular Shapes** – One point is given if the outside shape of the sign is irregular. An irregular shape is any other shape than square or rectangular. Additional signs attached to or suspended from the main sign should be counted as additional signs.

**Placement** – Three points are given if the sign conflicts with or covers the architectural elements of the building.

**Materials** – One point is given for materials if the material used is inconsistent with the architectural style of the building where the sign is to be installed. An example would be a plastic-faced sign installed on a historic (older than 50 years) building.

**Proportion** – Two points are awarded for this element if the sign proposed is not in scale with the portion of the building where the sign will be installed.

**Other Signs** – One point is given for each sign a business installs in excess of the number of public entrances to the business.

**Projection** – One point is given for any sign that is installed at an angle other than parallel to the building façade. Awning signs on the valance or face of the awning are the exception. Corner-mounted signs should be counted as projected in two directions. One sign face will be counted, provided the sign is designed in such a way that only the face is visible from any one direction.

**Free Standing** – One point will be given for any sign that is not attached to the building where the business is located.

**Size** – Any sign with an area greater than 30 square feet should be assessed one point for each three-square feet above 30. Calculation for the area should be based on the outside edge of the sign. Awning signs should be calculated as the area of the awning used, unless it is internally illuminated whereby the entire awning is counted.



#### **ADDITIONAL SIGN GUIDELINES:**

1. Storefront signs should complement the architecture of the building they are on and reflect the nature of the business that they are identifying.

2. Install new signs that do not cover architectural details of the building or detract from its overall architectural design.
3. Attach signs above storefront lintels, or at the height of lintels. Signs may be also placed on storefront windows and transoms.
4. Remove obsolete non-historic signs and unused sign supports.
5. Retain and refurbish historic signs that identify the original or early use of the building.
6. Do not install new rooftop signs or signs that extend above the roof line or above the windowsill line of the second floor.
7. Blend the color, materials, and lighting of signs with the color, materials, and lighting of the overall structure.
8. Internally illuminated neon, wood, and plastic signs are not permitted, provided the location, size, design, and colors do not detract from the architecture of the building.
9. Signs should be compatible with signs on adjoining premises and should not compete for attention.
10. Corporate logos and signs that have a prototype design should adhere to the same criteria as all other signs.
11. Awnings may incorporate signs on the valance or front face of the awning. These signs adhere to the same criteria as all other signs.
12. Install signs that are in proportion to the building they identify. Signs should fit within traditional areas of signage, such as storefront lintels immediately above storefront windows or transoms, without covering or detracting from architectural features like decorative window hoods, cornices, or the rhythm of openings across the building.
13. Window signs should not exceed 25% of the total window area.
14. No more than three signs should be placed on a building or address. All three signs should not exceed the total sign area that is permitted.

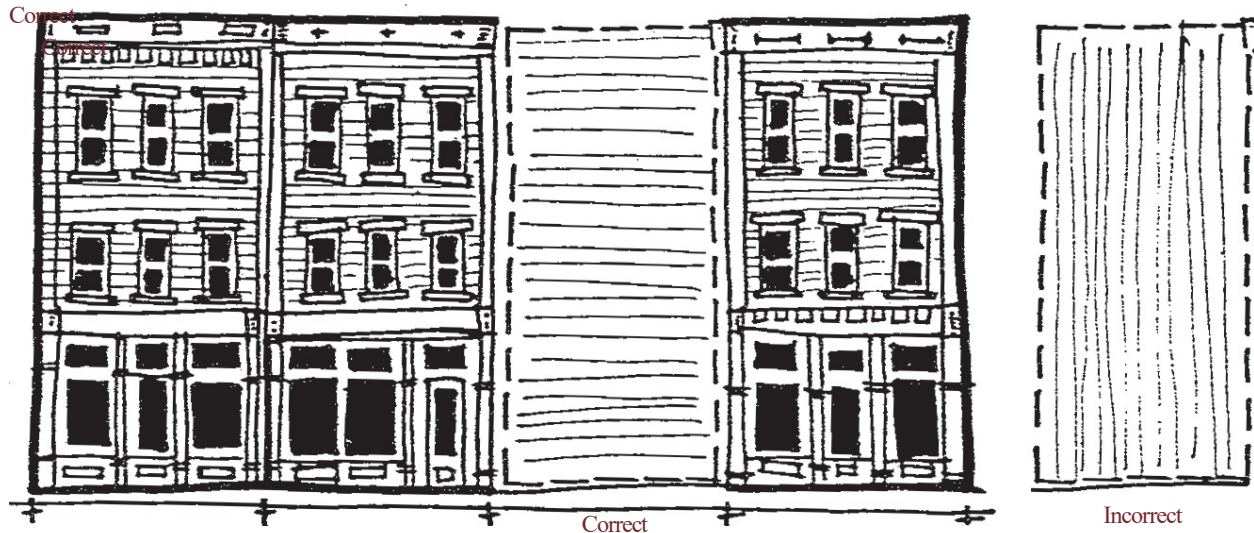
## **SECTION 26: ADDITIONS AND DECKS**

All additions and decks should be built in a way that is compatible with the historic building. Their size should not overwhelm the affected elevation but should just enhance the experience of the building. They should all be built in a way that does not damage the historic building and constructed in a way that if removed would not harm the building.

### **GUIDELINES:**

1. Design and construct new additions so that the character-defining features of the historic building are not radically changed, obscured, damaged, or destroyed in the process of rehabilitation.
2. Create new structures that are products of their own time in terms of style and features. Do not attempt to duplicate the architectural style of the existing building.
3. Allow the new building to look new. A person should be able to differentiate between old and new buildings.
4. Design new construction to complement existing buildings in the area.
5. Construct new additions in a manner that blends with the scale, massing, building materials, window spacing, and general color scheme of the original building as well as surrounding buildings.
6. Additions, decks, and exterior stairs are to be located on the rear or an inconspicuous side of a secondary façade of the building. These structures should not overwhelm the historic building.
7. When additions, decks, exterior stairs, or balcony additions are in areas where they are visible from the public right-of-way, they should be treated more formally —though not designed in such a manner that they would read as part of the original construction. These structures should be stained a dark color, painted, or finished in unpainted masonry to complement the building.

## SECTION 27: INFILL CONSTRUCTION

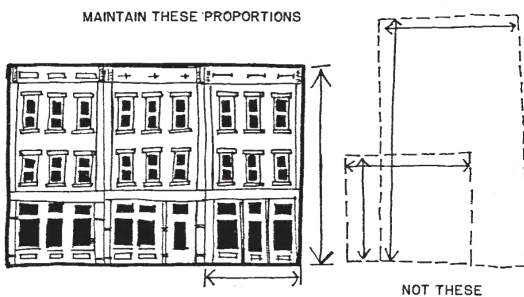


*Materials on an infill façade should be compatible with the materials on adjacent façades*

New construction and infill buildings can enhance the existing district character if the proposed designs and settings reflect an understanding of a compatibility with the distinctive character of the district setting and buildings. The introduction of a compatible, but contemporary, new construction project can add depth and contribute to the attraction and interest in a district. New construction provides an opportunity to fill in the broken street line as well as provide a diversity of space.

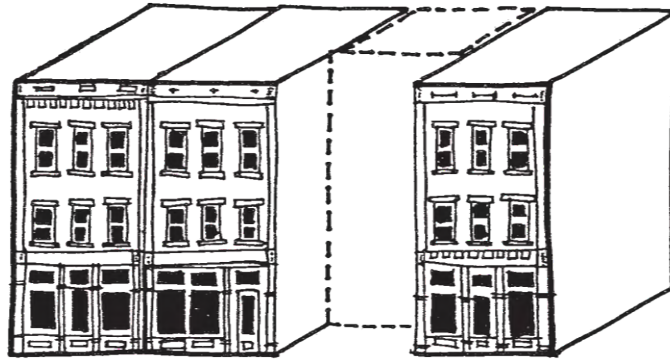
In general, it is encouraged that new buildings should not reproduce the look of historic buildings but should reflect the period in which is it built. However, in every project “context” is the most important component that a project needs to take into consideration. Context refers to the overall appearance and the general form of the surrounding structures. The heights, details, setbacks, lot widths, window shapes and positions, door placements, general rhythms, and predominate materials are to be considered when designing an infill structure.

Note: Guidelines for garages are in Section 21 Garages, Sheds, and Ancillary Features.



Maintain the established average height and scale on the street. New buildings that greatly vary in height (too tall or too short) from older buildings in the vicinity are to be avoided. Infill structures must comply with Sections 9.29, 9.30, and 9.31 of the Dayton Zoning Code

([https://codelibrary.amlegal.com/codes/dayton/latest/dayton\\_ky/0-0-0-9930](https://codelibrary.amlegal.com/codes/dayton/latest/dayton_ky/0-0-0-9930)).

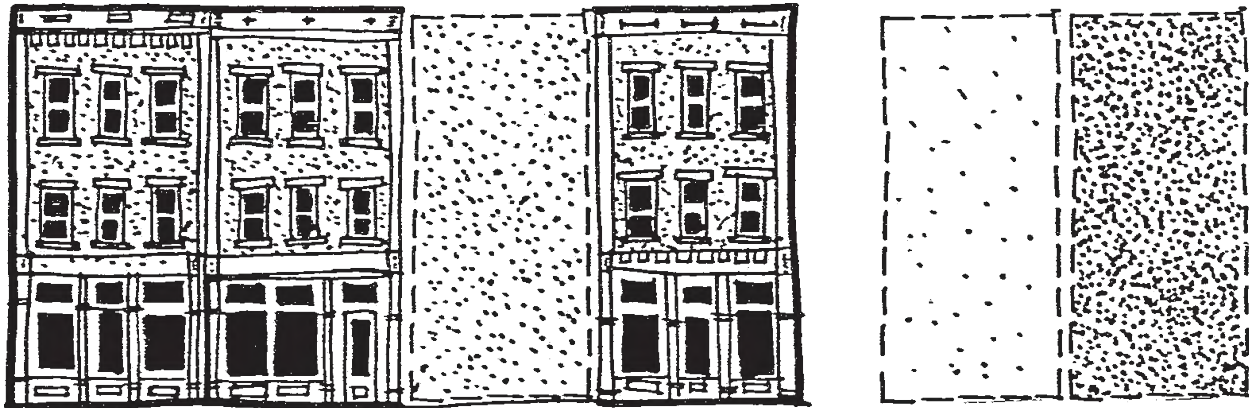
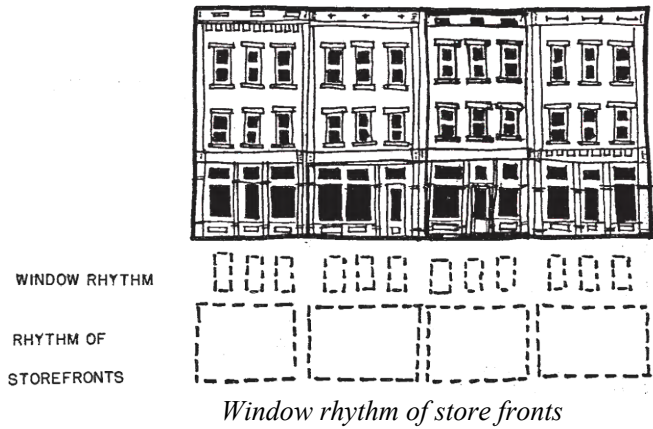


*Facades are not set back from the street*

### **GUIDELINES:**

1. Maintain the established rhythm on the street by making the width of the building similar to those on the street. Usually, the width of the site is predetermined by the original lot size. If a larger footprint is desired, the building should be broken up into bays or modular sections to replicate the rhythm.
2. Design a new building that has a similar complexity to the shape and form of nearby buildings. New buildings in areas where simpler forms are common, such as an area where there is a concentration of Federal and Greek Revival style buildings should reflect that simplicity. Varied masses are more appropriate in areas where more complex building styles, such as Queen Anne, predominate.
3. Streetscapes that are primarily vertical in nature (containing many tall, narrow buildings) are required to be infilled with similarly shaped buildings. Streetscapes that are primarily horizontal in nature (containing many low, wide buildings) are required to be infilled with similarly shaped buildings.
4. Avoid strong horizontal or vertical façade expressions unless it is compatible with the character of structures in the immediate area. Maintain the historic façade lines of the streetscape. This can be accomplished by locating front walls of new buildings in the same plane as the façades of adjacent buildings. If setbacks vary, maintain the pattern of the variation.
5. Avoid placing new buildings at odd angles to the street, unless the new building is in an area where diverse setting already exists, even if proper setback is maintained.
6. Avoid introducing roof shapes, pitches, or materials not traditionally used in the area. Duplication of the existing or traditional roof shapes, pitches, and materials on new construction is one way of making new structures more visually compatible.
7. Maintain the fenestration pattern and the width-to-height ratio of bays in the façade that is common in the surrounding buildings. The placement of openings with respect to the façade's overall composition, symmetry, or balanced asymmetry is to be carefully studied. Avoid incompatible façade patterns that upset the rhythm of openings established in surrounding structures. Avoid glass walls and window and door shapes and locations that are inappropriate to the surrounding buildings.

8. Maintain the continuity of color in areas, where a strong continuity of color is a factor. Avoid buildings that vary significantly in their use of color from surrounding buildings, except when a continuity of color is not a clear factor or dominant trend. Consult the painting section in Section 10 of this manual for more guidelines on paint color.
9. Select materials and textures that are used in the surrounding area and on adjacent buildings. In areas where certain materials and textures, such as brick or fish scale shingles are consistently used, the continued use of those materials or similar, compatible materials on new construction is encouraged.



Appropriate

Not Appropriate

10. Infill façade colors and materials should be compatible with existing façade colors.
11. Include architectural details and articulation that are used in the surrounding buildings. Such details may include lintels, cornices, arches, chimneys, and ironwork.
12. Avoid overly simplified, unarticulated, or bland new buildings, particularly in areas where rich architectural detail and ornamentation are common characteristics. Poor quality imitation architectural detail reproductions are not permitted.

*Horizontal Articulation in Commercial Buildings*

13. Any commercial building three stories or more in height should incorporate horizontal articulation on all street-facing walls to promote compatibility with adjacent smaller scale

buildings, reduce perceived building mass, and support an active pedestrian environment at the street level.

14. Horizontal articulation should be provided using one or more of the following elements in a band along at least 70% of the horizontal width of any building wall facing a front property line:
  - a. Horizontal molding: a molding, ornamental trim, or sill that projects a minimum of 3" from the primary wall surface.
  - b. Step back: a minimum 3' horizontal recess in the vertical wall plane from the floor below.
  - c. Spandrel beam: a horizontal fascia that delineates a ceiling or floor height.
  - d. Change in material: a clear shift in texture, color, or finish.



*Example of horizontal articulation*



## **SECTION 28: DEMOLITION**

Demolition and relocation are permanent because these changes cannot be removed or reversed. Both options should only be considered as a last resort. Every option should be explored before a decision is made to proceed with demolition or relocation. The Historic Preservation Overlay is an area where the City has decided that important historic architecture and history needs to be preserved through its built environment. Special care in these districts to be dedicated stewards of these historic resources is important. Preventative maintenance should be a goal of building owners and neighborhoods to prevent demolition or relocation.

In addition to these guidelines, the Dayton Code of Ordinances sets forth the process and criteria required when demolition or relocation is proposed in a Historic Preservation Overlay district that incorporates design guidelines.

([https://codelibrary.amlegal.com/codes/dayton/latest/dayton\\_ky/0-0-0-7902](https://codelibrary.amlegal.com/codes/dayton/latest/dayton_ky/0-0-0-7902))

Because demolition is permanent and irreversible, demolition of contributing buildings within Dayton's Historic Preservation Overlay is discouraged. All alternatives should be explored before demolition is permitted.

When a demolition is permitted, the owner will be expected to salvage all architectural elements that are able to be saved. Deconstruction is performed and architectural salvage is performed by numerous re-use centers around the region. City staff can aid the owner in contacting these companies.

### **GUIDELINES:**

Basic Review Criteria: The following provisions apply to demolition applications for a Certificate of Appropriateness, subject to review by the Board of Architectural Review (BAR).

For all demolition applications, which are subject to review by the Board of Architectural Review (BAR), the Board shall make a finding determining if an application involves a resource that is contributing or non-contributing to the character of its context based on one or more of the following criteria:

1. Its value as a reminder of the cultural or archeological heritage of the city, state, or nation.
2. Its location as a site of a significant local, state, or national event.
3. Its identification with a person or persons who significantly contributed to the development of the city, state, or nation.
4. Its identification as the work of a master builder, designer, or architect whose individual work has influenced the development of the city, state, or nation.
5. Its value as a building that is recognized for the quality of its architecture and that retains sufficient elements showing architectural significance.
6. Its value as a strong representation of an architectural style.
7. Its identification as a contributing resource within a Historic Designation Report or within a National Register of Historic Places district.

## **Economic Hardship**

Where an applicant proposes demolition based on an economic hardship, the Board of Architectural Review (“BAR” or “Board”) shall make a finding determining if at least one of the following criteria (a. or b.) is met:

The applicant has presented, and the Board finds compelling, documentation from experts and practitioners in historic preservation and restoration trades which state:

1. The resource cannot be adapted to modern use; and
  2. The rationale for this determination;
- OR
3. The applicant has presented, and the Board finds compelling, financial information from experts and practitioners in historic preservation, restoration trades, and appraisals that states the costs of repairing a resource to a safely occupiable state along with a statement that the costs of repairing a resource (excluding acquisition costs) to a safely occupiable state exceed:
    - a. 75% of the current market value of the resource as identified in a professionally certified appraisal; or
    - b. 50% of the projected market value appraisal of the resource post repair work.

## **Approval**

To approve a demolition application, BAR shall make a finding determining at least one of the following criteria is met:

1. The application does not involve a contributing resource; or
2. The demolition has been ordered by a responsible public official for reasons of public health and safety; or
3. The demolition meets a criterion of an economic hardship; or
4. The demolition is consistent with plans or policies adopted by the Mayor and the City Council.

## **Disapproval**

To disapprove a demolition application, the Board shall make a finding that the application does not meet the specific criteria for approval of a demolition application.

## **Conditions**

Where BAR approves a Certificate of Appropriateness for demolition per this subsection, the Board may require the applicant to perform mitigating actions, including:

1. Prepare archival documentation of the resource.
2. Salvage or re-use historic elements.

## **Alternative to Demolition**

As an alternative to demolition, the Board may approve the relocation of an existing resource where:

1. The historical and/or architectural character of the resource would be harmonious with the proposed new context; and
2. The relocation would help preserve and extend the life of a resource of historical and/or architectural interest.

## **SECTION 29: RELOCATION**

In certain cases where clearing of a site is required, relocation of a building may be desired. When a building is being moved to save it from demolition or to fulfill the objective of a revitalization plan, its new placement should be on a comparable lot within a comparable neighborhood that has similar scale, architecture, and character. However, moving a historic structure always negates its integrity of location and setting, and therefore, could result in the loss of the ability to use the historic tax credit.

### **GUIDELINES:**

1. Avoid the relocation or moving an historic building.
2. Do not move a building that retains its architectural and historical integrity and contributes to the district.
3. Moving a building that does not contribute to the historical and architectural integrity of the district or has lost architectural integrity due to deterioration and neglect is appropriate if its removal or the proposed replacement will result in a more positive visual effect on the district.
4. A building may be moved into the neighborhood if it maintains a sense of architectural unity in terms of style, height, scale, massing, materials, texture, and setback with existing buildings along the street.
5. A building may be moved from one site to another in the neighborhood if the integrity of location and setting of the building in its original location is seriously threatened; if the new location will be similar in setting and siting; if the building will be compatible with the buildings adjacent to the new location in style, height, scale, materials, and setback; and if the relocation will not result in a negative visual impact on the site and surrounding buildings from which it will be removed.

## **SECTION 30: ARCHITECTURAL TERMS**

**ADDITION** – New construction attached to an existing structure.

**ALTERATION** – Any act or process that changes one or more of the exterior architectural features of a structure, including, but not limited to construction, reconstruction, or removal of any structure.

**APPURTENANCES** – The visible, functional objects accessory to and part of buildings.

**ARCH** – A curved or pointed opening in a wall, usually masonry, supported on either end by piers or pillars and spanning a passageway or open area, such as a door or window.

**ARCHITECTURAL FEATURE** – A prominent or significant part or element of a building, structure, or site.

**ARCHITECTURAL STYLE** – The characteristic form and detail of buildings of a particular historic period.

**BALUSTER** – A spindle or post supporting the railing of a balustrade.

**BALUSTRADE** – An entire railing system with top rail and balusters.

**BARGEBOARD** – A decoratively carved board attached to the projecting edges of the rafters under a gable roof. Also called a vergeboard.

**BAY** – The regular division of the façade of a building, usually defined by windows or other vertical elements.

**BAY WINDOW** – A window in a wall that projects at an angle from another wall.

**BOND** – The pattern in which bricks are laid to increase the strength or enhance the design.

**BRACKET** – A small carved or sawn wooden projecting element which supports a horizontal member such as a cornice or window or door hood.

**BULKHEAD PANEL** – The horizontal member that supports a display window on a storefront. Historic panels are usually made of wood and feature simple decorative molding.

**CAPITAL** – The upper portion of a column or pilaster.

**CLAPBOARD** – Siding consisting of overlapping, narrow horizontal boards, usually thicker along one edge.

**CLASSICAL** – Pertaining to the architecture of Greece and Rome, or to the styles inspired by this architecture.

COLUMN – A vertical support, usually supporting a member above.

COMPATIBILITY – Harmony in the appearance of two or more external design features in the same vicinity.

CONSERVATION – The protection and care that prevent destruction or deterioration of historical or otherwise significant structures, buildings, or natural resources.

CONSTRUCTION – The act of adding an addition to an existing structure or the erection of a new principal or accessory structure on a lot or property.

COPING – A cap or covering to a wall, either flat or sloping, to shed water.

CORNERBOARD – A vertical strip of wood placed at the corners of a frame building.

CORNICE – A projecting molding at the top of a wall surface, which may be found below the eaves of a roof.

CRESTING – A decorative ridge for a roof, usually constructed of ornamental metal.

DEMOLITION – Any destruction in part or in whole of a building or a structure within a historic area.

DENTIL – Small square blocks closely spaced to decorate a cornice.

DESIGN GUIDELINE – A standard of appropriate activity that will preserve the historic and architectural character of a structure or area.

DORMER – A small window with its own roof that projects from a sloping roof.

DOUBLE-HUNG WINDOW – A window with two sashes, one sliding vertically over the other.

DOWNSPOUT – A pipe for directing rainwater from the roof to the ground.

EAVE – The edge of a roof that projects beyond the face of a wall.

ELEVATION – The external face of a building or a drawing thereof.

EXTERIOR ARCHITECTURAL APPEARANCE – The architectural character and general composition of the exterior of a structure, including but not limited to the kind, color, and texture of the building material and the type, design and character of all windows, doors, light fixtures, signs, and appurtenant elements.

FAÇADE – The principal face or front of a building.

FENESTRATION – The arrangement of windows in a building.

FINIAL – An architectural ornamentation that terminates the point of a spire, pinnacle, etc.

FISH-SCALE SHINGLES – Overlapping rows of shaped shingles that resemble fish scales often located on gables.

FLASHING – A thin, impervious material used to prevent water penetration and/or provide water drainage.

GABLE – The triangular section of a wall to carry a pitched roof.

GABLE ROOF – A roof with a central ridgepole and one slope at each side.

GINGERBREAD – Pierced curvilinear ornament made with a jig or scroll saw.

GRAPHIC ELEMENT – A letter, illustration, symbol, figure, insignia, or other device employed to express and illustrate a message or part thereof.

HIGHLY VISIBLE – Any exterior element or elevation that faces a non-alley public right-of-way or extends above such an element or elevation. A building on a corner lot will have at least two highly visible elevations. Side and rear elevations (other than those facing a non-alley public right-of-way) will not be considered highly visible, except for those elements that extend past the edge of a street-facing elevation (e.g., a bay window).

HISTORIC AREA – An area designated as a “historic preservation overlay” by ordinance of the City Council, which may contain within definable demographic boundaries one or more landmarks and other properties and structures that, while not of such historic and/or architectural significance to be designated as landmarks, nevertheless contribute to the overall visual characteristics of the historic area.

HISTORIC BUILDING – A structure designated as a “historic building” by ordinance of the City Council due to its individual historic or architectural significance.

LANDSCAPE – Plant material, topography, and other natural physical elements combined in relation to one another and to man-made structures.

LATTICE – An openwork grill of interlacing wood strips, used as screening.

LIGHT – A section of a window, the pane, or glass.

LINTEL – A horizontal beam over an opening that carries the weight of the wall.

MAINTENANCE – To keep a building or structure in a historic area in a state of repair.

MANSARD ROOF – A roof with two slopes on all four sides, the lower slope being longer and at a steeper pitch than the upper.

**MECHANICAL EQUIPMENT** – Equipment, devices, and accessories, the use of which relates to water supply, drainage, heating, ventilating, air conditioning, and similar purposes.

**MOULDING** – The contour given to projecting members to introduce varieties of outline in edges or surfaces.

**MULLION** – A vertical post dividing a window into two or more lights.

**MUNTIN** – The strip of wood separating the lights in a window.

**PARAPET** – A low wall that rises above a roof line, terrace, or porch and may be decorated.

**PEDIMENT** – The triangular space forming the end of a roof in classical architecture, or the triangular cap over a window or door.

**PIER** – An upright structure of masonry that serves as a principal support.

**PILASTER** – A square pillar attached, but projecting from a wall, resembling a classical column.

**PITCH** – The degree of slope of a roof.

**PROPORTION** – The relationship of parts of a building, landscape, or structure to each other and to the whole.

**PUBLIC RIGHT-OF-WAY** – A thoroughfare for public use by pedestrian, bicycle, automobile, or related circulation.

**REHABILITATION** – To restore a building or structure to a good condition or for a new purpose.

**REMOVAL** – Any relocation of a structure on its site or to another site.

**RENOVATION** – To repair a building or structure, synonymous with rehabilitation.

**REPAIR** – Any change that is not construction, removal, or alteration.

**RESTORATION** – To return a building, structure, or site to its original condition.

**RHYTHM** – Relationship of solid masses to open spaces in a streetscape of a building façade.

**RIDGE** – The line at the top of a sloped roof.

**RISER** – The vertical face of a stair step.

**SASH** – The movable framework holding the glass in a window or door.



SCALE – Proportional relationship of the size of parts to one another and to the human figure.

SCREENING – Structure of planting that conceals from view from public ways the area behind such structure or planting.

SIDING – The exterior wall covering of a structure.

SIDELIGHT – A framed area of glass that does not open, usually found on either side of an entry door.

SILL – The horizontal water-shedding member at the bottom of a door or window frame.

STREETSCAPE – The scene as may be observed along a public street or way composed of natural and man-made components, including buildings, paving, planting, street hardware, and miscellaneous structures.

STRUCTURE – Anything constructed or erected, the use of which requires permanent or temporary location on or in the ground, including, but not limited to buildings, fences, gazebos, advertising signs, billboards, backstops for tennis courts, radio and television antennae, including supporting towers, and swimming pools.

SPANDREL – The triangular space between the shoulder of an arch and the square enclosing it.

TERRA-COTTA – Cast and fired clay units, used ornamentally.

TRANSOM – An opening over a door or window containing a glazed or solid sash.

TREAD – The horizontal surface of a step.

TRELLIS – Lattice work as an outdoor screen, often a support for vines.

TURNED WORK – Woodwork cut on a lathe.

TURRET – A small, slender tower.

**CITY OF DAYTON, KENTUCKY  
ORDINANCE 2024#3**

AN ORDINANCE AMENDING THREE SECTIONS OF CITY OF DAYTON, KENTUCKY, ZONING CODE -- SECTION 18.10 OF CHAPTER 154, ZONING; CHAPTER 155, SUBDIVISION REGULATIONS; AND CHAPTER 156, HISTORIC PRESERVATION -- TO IMPOSE CIVIL PENALTIES FOR VIOLATIONS OF THOSE SECTIONS TO BE CONSISTENT WITH THE CIVIL PENALTIES FOUND IN SECTION 38.15 OF THE OF THE DAYTON CODE OF ORDINANCES.

**WHEREAS**, the City of Dayton has adopted a Zoning Ordinance (“Zoning Code”), Zoning Map, Subdivision Regulations, and Appendixes (collectively, “Zoning Regulations”) within the City of Dayton, Kentucky (“City”); and

**WHEREAS**, the Dayton Planning & Zoning Commission (“P&Z Commission”) serves as the planning unit related to Zoning Regulations in the City and makes recommendations to the Dayton City Council (“City Council”) regarding these regulations; and

**WHEREAS**, the City Council requested that P&Z Commission review and act upon a request to amend the Zoning Regulations to add provisions for civil penalties to three sections of the Zoning Regulations; and

**WHEREAS**, the Dayton Planning & Zoning Commission held a public hearing, pursuant to advertised legal notice in accordance with KRS Chapters 100 and 424, on February 15, 2024, in Dayton, Kentucky, to review and recommend modifications to the Zoning Regulations; and

**WHEREAS**, at this public hearing and after due consideration of the evidence and testimony presented there, the Planning & Zoning Commission voted to recommend approval of a text amendments to the Zoning Regulations as set forth below; and

**WHEREAS**, the Dayton City Council, having reviewed the proposed text amendment to the Zoning Regulations, hereby concurs with the recommendation of the Dayton Planning & Zoning Commission to approve this text amendment;

**NOW, THEREFORE**, BE IT HEREBY ORDAINED BY THE DAYTON CITY COUNCIL AS FOLLOWS:

That the City of Dayton Zoning Code is hereby amended as follows, with words being deleted being ~~lined through~~ and words being added underlined.

**Chapter 154, Zoning, Section 18.10, is hereby amended as follows:**

**SECTION 18.10 CIVIL PENALTIES**

~~Any person or entity who violates any of the provisions of this appendix for which no other penalty has been specifically provided shall upon conviction be fined not less than ten~~

~~dollars (\$10.00) but no more than five hundred dollars (\$500.00) for each conviction. Each day of violation shall constitute a separate offense.~~

(A) Violations of this Chapter of the City of Dayton, Ky., Code of Ordinances (“Code”) are civil offenses, which shall be enforced through the Code Enforcement Board pursuant to the provisions of Chapter 38 of the Code.

(B) Any person, firm, corporation, or titled owner who violates a provision in this Chapter shall be subject to a civil fine of not less than fifty dollars (\$50.00) per day per violation, but not more than one hundred dollars (\$100.00) per day per violation for the first thirty (30) days if the violation(s) remains uncorrected, and thereafter, a civil fine of not less than one hundred dollars (\$100.00) per day per violation, but not more than two hundred fifty dollars (\$250.00) per day per violation, until the violation(s) are corrected. The city may also recover any costs it incurs in abating the violation(s).

(C) Each day a violation continues after due notice has been served shall be deemed a separate offense, up to a maximum of five thousand dollars (\$5,000.00) per citation. A Code Enforcement Officer may suspend daily fines if a property owner submits documentation or provides other substantial evidence showing it has taken action to remediate the code violation(s). If so, the Code Enforcement Officer shall enter a written notation in the case file outlining the remediation efforts undertaken and the date on which the daily fines were suspended. This Officer may revoke the suspension if, in his or her opinion, remediation efforts at the property have discontinued; this revocation also shall be recorded in the case file.

(D) If the property owner timely appeals violation(s) to the Code Enforcement Board, the Board may waive the fines accrued under this section if the property owner can show an attempt to remediate the code violation(s) in a timely fashion.

(E) The City of Dayton shall possess a lien on a property for all fines, penalties, charges, attorney’s fees, and other reasonable costs associated with enforcing the provisions of this Chapter and may place a lien on this parcel of real property with the County Clerk pursuant to Kentucky law. The lien shall be superior to and have priority over all other subsequently filed liens, except state, county, school board, and city taxes. Pursuant to KRS 65.8834, the City may elect to include the amount of any unpaid lien that has been recorded pursuant to KRS 65.8835 on the City’s property tax bill for the property.

**Chapter 155, Subdivision Regulations, Section 8.4 is hereby amended as follows:**

**SECTION 8.4 CIVIL PENALTIES.**

~~Any person, owner, or agent who violates these regulations shall upon conviction be fined not less than \$100 nor more than \$500 for each lot or parcel which was the subject of sale or transfer, or a contract for sale or transfer. Any person, firm, corporation, or titled owner who violates a provision of this Chapter shall be guilty of a civil offense and be subject to enforcement actions and civil fines as set forth in Section 18.10 of Chapter 154.~~

**Chapter 156, Historic Regulations, is hereby amended by adding new sections as follows**

**SECTION 11. HISTORIC PRESERVATION GUIDELINES**

The Dayton, Kentucky, Historic Preservation Guidelines approved by the Dayton City Council, and these guidelines and any amendments thereto, are hereby adopted and incorporated by reference herein. These Guidelines are an Appendix to this Chapter.

**SECTION 12. CIVIL PENALTIES**

Any person, firm, corporation, or titled owner who violates a provision of this Chapter shall be guilty of a civil offense and be subject to enforcement actions and civil fines as set forth in Section 18.10 of Chapter 154.

**PASSED** by City Council of the City of Dayton, Campbell County, Kentucky assembled in regular session.

First Reading: \_\_\_\_\_  
Second Reading: \_\_\_\_\_

\_\_\_\_\_  
MAYOR BEN BAKER

ATTEST:

\_\_\_\_\_  
TRISTAN KLEIN  
CITY CLERK/TREASURER



**CITY OF DAYTON, KENTUCKY  
ORDER-RESOLUTION NO. 2024-3R**

AN ORDER-RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AGREEMENTS WITH PURE SUPPLY, LLC TO TERMINATE INDUSTRIAL REVENUE BONDS ISSUED IN CONJUNCTION WITH THE REAL ESTATE AND IMPROVEMENTS THEREON AT 903-911 SECOND AVENUE, DAYTON, KENTUCKY.

WHEREAS, the City of Dayton, Kentucky (“City”) accepted title to property located at 903-911 Second Avenue, Dayton, Ky. (“Property”), as part of the issuance of Industrial Revenue Bonds (“Project Bonds”) with Pure Supply, LLC or its predecessors in interest (“Pure Supply”), in an aggregate amount of \$300,000.00, for the costs of constructing certain facilities and other improvements at a manufacturing facility at the Property;

WHEREAS, the Project Bonds matured on January 1, 2024;

WHEREAS, in conjunction with the issuance and sale of the Project Bonds, the City leased certain property to Pure Supply, which was recorded with Campbell County Clerk’s Office;

WHEREAS, under the terms of the documents governing the Project Bonds, after these bonds matured, the lease was terminated on January 1, 2024, and title to the Property must be transferred from the City to the Pure Supply within sixty (60) days of such date (not later than March 1, 2024) under the terms of the bond documents; and

WHEREAS, the City and Pure Supply have mutually agreed to terminate this transaction pursuant to the terms of the bond documents.

**NOW, THEREFORE, BE IT ORDERED BY THE CITY OF DAYTON, KENTUCKY, AS FOLLOWS:**

The City Council of the City of Dayton, Kentucky, hereby authorizes the Mayor to enter into the following documents with Pure Supply LLC, copies of which are attached hereto and made by reference a part hereof as Exhibit “A”:

1. Termination Agreement;
2. Quitclaim Deed from the City to Pure Supply; and
3. Termination of Lease, which is to be recorded with the Campbell County Clerk after its execution.

It is further ordered that the Mayor is authorized to execute any other documents necessary to effectuate this termination.

SO ORDERED and approved by the City Council of the City of Dayton, Kentucky, on this 20<sup>th</sup> day of February 2024.

\_\_\_\_\_  
MAYOR BEN BAKER

ATTEST:

---

TRISTAN KLEIN  
CITY CLERK/TREASURER

**EXHIBIT "A"**



**TERMINATION AGREEMENT**

**THIS TERMINATION AGREEMENT** (“Agreement”) is made effective as of February [ ], 2024 (the “Effective Date”), by and between the **CITY OF DAYTON, KENTUCKY**, a fully existing Kentucky City of the Home Rule Class (the “City” or “Issuer”), and **PURE SUPPLY, INC.**, a Kentucky Corporation (the “Lessee”).

RECITALS:

A. Pursuant to the Constitution of the Commonwealth of Kentucky and KRS 103.200 *et. seq.*, as amended, the Issuer has accepted title to certain real property described on attached Exhibit A (the “Project Site”) and issued and sold its industrial building revenue bonds in an aggregate amount of \$300,000.00 (the “Project Bonds”) maturing on January 1, 2024, for the purpose of paying costs of constructing certain facilities and other improvements, consisting generally of a manufacturing facility (the “Project”), on the Project Site;

B. In conjunction with the issuance and sale of the Project Bonds, the Issuer, as lessor, and W&B Realty, Inc., a Kentucky corporation (“W&B”), as lessee, entered into that certain Lease dated December 1, 1993, which lease was recorded in Miscellaneous Book 205, Page 449 in the Newport, Kentucky office of the Campbell County Clerk (the “Original Lease”);

C. Pursuant to that certain Assignment and Assumption Agreement dated as of April 1, 1996, and was recorded in Miscellaneous Book 243, Page 664 in said office, W&B assigned all of its interests, rights, and obligations under the Original Lease, with the consent of the City and others, to Jennie F. Schlosser (“Schlosser”);

D. The Original Lease was subsequently amended pursuant to that certain Amendment To Lease dated March 4, 2002 between Schlosser and the City for the purpose of adding additional real property to the Project Site and was recorded in Miscellaneous Book 377, Page 318 in said office (the “Amended Lease” and, together with the Original lease the “Lease”);

E. The Lease was then assigned by Schlosser to the Lessee pursuant to that certain Assignment and Assumption Agreement among Schlosser, the Lessee, Jensons Investments, Inc., a Kentucky corporation, the City, and The Huntington National Bank, a national banking association, dated April 23, 2008, and recorded in Miscellaneous Book 524, Page 455 in said office;

F. Under the terms of the documents governing the Project Bonds, on January 1, 2024 (the “Termination Date”), the Project Bonds matured, the Lease was terminated, and title to the Project Site must be transferred from the City to the Lessee within sixty (60) days of such date (not later than March 1, 2024);

G. The City and the Lessee have mutually agreed, and hereby mutually desire, to terminate the transactions contemplated hereunder by executing this Agreement and a Termination of Lease of even date herewith in the form attached hereto as Exhibit B (the “Termination of Lease”), which will be filed of record against the Project Site and for the City to deliver to the Lessee a quitclaim deed in the form attached hereto as Exhibit C (the “Project Deed”) transferring to Lessee the fee simple interest of the City in the Project and the Project Site.

NOW, THEREFORE, in consideration of the promises and covenants set forth herein and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto, intending to be legally bound, hereby agree:

1. Recitals; Definitions. The Recitals set forth above are incorporated into and made a part of this Agreement as though fully set forth herein. Any term used herein which is not specifically defined herein shall have the meaning ascribed thereto in the Lease.

2. Termination of Documents. The Lessee and the City hereby agree the Lease is terminated and canceled as of the Termination Date, and, except for Lessee's indemnities granted under Section 6.5 of the Lease, which shall survive the termination of the Lease, all of the respective obligations, duties, liabilities, rights and powers of the parties thereto as contained therein, including, without limitation, the Lessee's obligation to pay Lease Payments or Additional Payments as Lessee under the Lease, are terminated. The Lessee and the City further agree that they will execute the Termination of Lease and the City will deliver the Project Deed to the Lessee, conveying the Project and the Project Site to the Lessee and thereupon all right, title and interest of the City in and to the Project and the Project Site, shall be extinguished and terminated effective as of the date of such transfer.

3. Indemnification. In consideration for the City's undertakings in conjunction with the Project, including the issuance and sale of the Project Bonds, the indemnities granted by Lessee in favor of the City, the Original Purchaser, and the Trustee under Section 6.5 of the Lease are hereby restated in their entirety and shall survive the termination of the Lease and the transfer of the Project and the Project Site.

4. Further Agreements of the Lessee. The Lessee hereby further agrees as follows:

- a. As provided in Section 2.3 of the Lease, Lessee acknowledges and agrees to purchase the Project and the Project Site from the City.
- b. In consideration for the City's agreements hereunder and pursuant to Section 2.2(b) of the Lease, the Lessee shall pay or caused to be paid to the City on or before the transfer date, the City's reasonable attorney's fees incurred in conjunction with the transfer of the Project and the Project Site and the termination of the Lease. The Lessee further agrees to pay all costs incurred in conjunction with the transfer of the Project and the Project Site, including the costs of recording the Project Deed and the Termination of Lease.

5. Due Authority. The undersigned represent and warrant each to the other that they are duly authorized and empowered to execute and deliver this Agreement.

6. Binding Effect. This Agreement shall be binding upon and inure to the benefit of the successors and assigns of the respective parties hereto. If any provision of this Agreement shall be void or unenforceable, the remainder hereof shall be read without such provision and shall remain in full force and effect.

7. Integration Clause. This Agreement contains all agreements, covenants, representations, and warranties, express or implied, oral or written, of the parties hereto concerning the subject matter of this Agreement. The terms of this Agreement control over any conflicting

terms in the Current Lease. In signing this Agreement, the parties have relied wholly upon their own judgment and advice of their own counsel and have not been influenced to any extent whatsoever in making this Agreement by any representations or statements made by any other party hereto.

8. Counterparts. This Agreement may be executed in any number of counterparts, each of which when so executed and delivered shall be deemed to be an original and all of which counterparts taken together shall constitute but one in the same instrument.

*[Signatures below]*

IN WITNESS WHEREOF, the parties hereto have executed this Agreement and the same shall be effective on the Effective Date first above written.

**CITY or ISSUER:**

CITY OF DAYTON KENTUCKY, a Kentucky  
City of the Home Rule Class

By: \_\_\_\_\_  
Ben Baker, Mayor

**LESSEE:**

PURE SUPPLY, INC., a Kentucky corporation

By: \_\_\_\_\_  
Danny Fennell, President

## Exhibit A

### Project Site Legal Description

#### **Parcel 1**

Group No. 813  
PIDN: 999-33-850.00

Lying in Jamestown Section 4, and being parts of Lots 7, 9, 11, 13, 15, 17, and 19 of said Section 4, and also being part of the original Right of Way of Second Street as shown on said plat of Section 4 or Jamestown as recorded in Plat Book 4, Page 66.

Beginning at a point in the east line of Boone Street with the north line of the curb lines of Second Street said point lying south 12.00 feet from the original corner of Lot 23 of Jamestown Block 3; '

Thence from said point along the north curb line of Second Street north 90 deg. 00" west a distance of 188.53 feet to the real point of beginning for, this description;

Thence continuing with the north curb line of Second Street north 90 deg. 00" west a distance of 185.17 feet to a point;

Thence leaving the north curb line of Second Street and through Lot 19 north 01 deg. 42' 36" east a distance of 116.45 feet to a point;

Thence through lots 19, 17, 15, 13, 11, 9, and 7 of Jamestown Block 4 south 89 deg. 49' 06" east a distance of 181.69 feet to a point;

Thence south 0 deg. 0" east a distance of 115.83 feet to the point of beginning.

The herein described parcel contains 0.489 Acres.

Prior Instrument Reference: Campbell County Deed Book 562, Page 695

#### **Parcels 2 and 3**

Group No. 30813/A4, A5  
PIDN 999-99-33-846.00 (Parcel #2)  
PIDN 999-99-33-847.00 (Parcel #3)

Lying in the City of Dayton, Campbell County, Kentucky and being part of lots 19, 21 and 23 of Block 4 Jamestown and also being part of the closed and vacated portions of Second Street and Main Street, as vacated by the City of Dayton, Ordinance #1988-16 and Campbell County Circuit Court Case #88-CI-1180 and more fully described as follows:

Beginning at a recovered iron pin in the north curb line of Second Street at the East curb line of Main Street, said point being 12 feet south of the original North line of Second Street and 10.5 feet west of the original East line of Main Street;

Thence with the East curb line of Main Street North a distance of 116.71 feet to a point;

Thence through the closed right of way of Main Street and through lots 23, 21 and 19 Block 4 Jamestown South 89° 49' 06" East a distance of 97.89 feet to a recovered Iron Pin in the common line with the City of Dayton parcel leased to Jennie F. Schlosser;

Thence continuing through Lot 19 and with the line of the leased land South 01° 42' 36" West a distance of 116.45 feet to a pin in the north curb line of Second Street;  
Thence with the North curb of Second Street West a distance of 94.41 feet to the point of beginning.

The herein described parcel contains 11,207 square feet.

Prior Instrument Reference: Campbell County Deed Book 647, Page 289

**Exhibit B**

Form of Termination of Lease

**TERMINATION OF LEASE**

This Termination of Lease is executed by the **CITY OF DAYTON, KENTUCKY**, a Kentucky City of the Home Rule Class (“Lessor”) and **PURE SUPPLY, INC.**, a Kentucky corporation (“Lessee”), as successor-in-interest to Jennie F. Schlosser (“Schlosser”) pursuant to that certain Assignment and Assumption of Lease Agreement dated April 23, 2008, and recorded in Miscellaneous Book 524, Page 455 in the Newport Kentucky office of the Campbell County Clerk, in order to certify and confirm and put of record that for value received: (a) the Lease entered into by and between Lessor and W&B Realty, Inc., a Kentucky corporation (“W&B”), dated December 1, 1993 and recorded in Miscellaneous Book 205, Page 449 in the Newport, Kentucky office of the Campbell County Clerk, as amended by that certain Amendment To Lease dated March 4, 2002 entered into between Lessor and Schlosser, as successor-in-interest to W&B and recorded in Miscellaneous Book 377, Page 318 in said office, is hereby terminated and released and no longer affects the real estate described on Exhibit A attached hereto.

IN WITNESS WHEREOF the parties have executed this Termination of Lease on the date set forth below, but with an intended effective date of February \_\_\_\_, 2024.

*[The remainder of this page was left blank]*

[SIGNATURE PAGE TO TERMINATION OF LEASE]

LESSOR:  
CITY OF DAYTON, KENTUCKY,  
A Kentucky City of the Home Rule Class

LESSEE:  
PURE SUPPLY, INC.,  
a Kentucky corporation

By: \_\_\_\_\_  
Ben Baker, Mayor

By: \_\_\_\_\_  
Danny Fennell, President

COMMONWEALTH OF KENTUCKY )  
COUNTY OF CAMPBELL )

The foregoing instrument was acknowledged before me this \_\_\_\_ day of February, 2024 by Ben Baker, the Mayor of the City of Dayton, Kentucky, a Kentucky City of the Home Rule Class, on behalf of the City.

\_\_\_\_\_  
Notary Public  
My commission expires: \_\_\_\_\_

STATE OF \_\_\_\_\_ )  
COUNTY OF \_\_\_\_\_ )

The foregoing instrument was acknowledged before me this \_\_\_\_ day of February, 2024 by Danny Fennell the President of PURE SUPPLY, INC., a Kentucky corporation, on behalf of the corporation.

\_\_\_\_\_  
Notary Public  
My commission expires: \_\_\_\_\_

This instrument was prepared in its unexecuted format, without benefit of title exam, by:

\_\_\_\_\_  
Donald L. Warner, III (96556)  
Frost Brown Todd LLP  
3300 Great American Tower  
301 East Fourth Street,  
Cincinnati, Ohio 45202



**EXHIBIT A TO TERMINATION OF LEASE**

**Exhibit C**

Form of Project Deed

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**QUITCLAIM DEED**

(This transfer is exempt from taxation pursuant to KRS 142.050(7)(b))

**KNOW ALL MEN BY THESE PRESENTS:**

**That City of Dayton, Kentucky**, a Kentucky City of the Home Rule Class (the “**Grantor**”), whose tax and regular mailing address is 514 Sixth Avenue, Dayton, Kentucky 41074, for and in consideration of One Dollar (\$1.00) and other good and valuable consideration to it paid by the Grantee herein, the receipt of which is acknowledged, hereby conveys, releases, remises and forever quitclaims to **Pure Supply, Inc., a Kentucky corporation** (the “**Grantee**”), whose mailing and in-care-of-address to which the property tax bill may be is **911 Second Avenue, P.O. Box 133, Dayton, Kentucky 41074**, its successors and assigns forever, all of its right, title and interest in and the following described real estate in the City of Dayton, County of Campbell, Commonwealth of Kentucky, to wit:

A complete legal description of the real property being conveyed by this instrument is attached hereto as **EXHIBIT A**.

**Together with all the PRIVILEGES AND APPURTENANCES to the same belonging. TO HAVE AND TO HOLD the same to the said Pure Supply, Inc., a Kentucky corporation, its successors and assigns forever.**

[Balance of page left intentionally blank; signatures below]

**IN WITNESS WHEREOF**, the said Grantor, by its duly authorized Mayor, has hereunto set its hand this \_\_\_\_ day of February, 2024.

**GRANTOR:**

**CITY OF DAYTON, KENTUCKY**

By \_\_\_\_\_  
Ben Baker, Mayor

COMMONWEALTH OF KENTUCKY

COUNTY OF CAMPBELL

The foregoing instrument was acknowledged before me this \_\_\_\_ day of February, 2024 by Ben Baker, Mayor of the City of Dayton, Kentucky, a Kentucky City of the Home Rule Class, on its behalf.

\_\_\_\_\_  
Notary Public (Ky Notary ID \_\_\_\_\_)  
Kentucky State at Large  
My commission expires: \_\_\_\_\_

**CERTIFICATE**

Grantor and Grantee both certify, under oath, that the consideration reflected in this Deed is the full consideration paid for the property, that the estimated fair cash value of the property is based on the actual assessed value of each of the tax parcels and is: (i) \$412,100 (Parcel #1; PIDN 999-99-33-850.00); (ii) \$10,000 (Parcel #2; PIDN 999-99-33-846.00); and (iii) \$198,900 (Parcel #3; PIDN 999-99-33-847.00), and Grantee joins this Deed for the sole purpose of making this certification.

**GRANTOR:**

**GRANTEE:**

**CITY OF DAYTON,  
KENTUCKY**

**PURE SUPPLY, INC.**

By: \_\_\_\_\_  
Ben Baker, Mayor

By: \_\_\_\_\_  
Danny Fennell, President

**Address:  
514 Sixth Avenue  
Dayton, KY 41074**

**Address:  
911 Second Avenue  
P.O. Box 133  
Dayton, KY 41074**

COMMONWEALTH OF KENTUCKY  
COUNTY OF CAMPBELL

SUBSCRIBED, SWORN TO AND ACKNOWLEDGED before me this \_\_\_\_ day of February, 2024 by Ben Baker, Mayor of the City of Dayton, Kentucky, a Kentucky City of the Home Rule Class, on its behalf, as Grantor.

\_\_\_\_\_  
Notary Public (Ky Notary ID \_\_\_\_\_)  
Kentucky State at Large  
My commission expires: \_\_\_\_\_

COMMONWEALTH OF KENTUCKY  
COUNTY OF CAMPBELL

SUBSCRIBED, SWORN TO AND ACKNOWLEDGED before me this \_\_\_\_ day of February, 2024 by Danny Fennell, President of Pure Supply, Inc., a Kentucky corporation, on its behalf, as Grantee.

\_\_\_\_\_  
Notary Public (Ky Notary ID \_\_\_\_\_)  
Kentucky State at Large  
My commission expires: \_\_\_\_\_

This Instrument Prepared by:

\_\_\_\_\_  
Donald L. Warner III (#96556)  
Frost Brown Todd LLP  
3300 Great American Tower  
301 E. Fourth Street  
Cincinnati, Ohio 45202

---

**QUITCLAIM DEED**

**(This transfer is exempt from taxation pursuant to KRS 142.050(7)(b))**

**KNOW ALL MEN BY THESE PRESENTS:**

**That City of Dayton, Kentucky**, a Kentucky City of the Home Rule Class (the “**Grantor**”), whose tax and regular mailing address is 514 Sixth Avenue, Dayton, Kentucky 41074, for and in consideration of One Dollar (\$1.00) and other good and valuable consideration to it paid by the Grantee herein, the receipt of which is acknowledged, hereby conveys, releases, remises and forever quitclaims to **Pure Supply, Inc., a Kentucky corporation** (the “**Grantee**”), whose mailing and in-care-of-address to which the property tax bill may be is **911 Second Avenue, P.O. Box 133, Dayton, Kentucky 41074**, its successors and assigns forever, all of its right, title and interest in and the following described real estate in the City of Dayton, County of Campbell, Commonwealth of Kentucky, to wit:

**A complete legal description of the real property being conveyed by this instrument is attached hereto as**  
**EXHIBIT A.**

**Together with all the PRIVILEGES AND APPURTENANCES to the same belonging. TO HAVE AND TO HOLD the same to the said Pure Supply, Inc., a Kentucky corporation, its successors and assigns forever.**

[Balance of page left intentionally blank; signatures below]

**IN WITNESS WHEREOF**, the said Grantor, by its duly authorized Mayor, has hereunto set its hand this \_\_\_\_ day of February, 2024.

**GRANTOR:**

**CITY OF DAYTON, KENTUCKY**

By \_\_\_\_\_  
Ben Baker, Mayor

COMMONWEALTH OF KENTUCKY

COUNTY OF CAMPBELL

The foregoing instrument was acknowledged before me this \_\_\_\_ day of February, 2024 by Ben Baker, Mayor of the City of Dayton, Kentucky, a Kentucky City of the Home Rule Class, on its behalf.

\_\_\_\_\_  
Notary Public (Ky Notary ID \_\_\_\_\_)  
Kentucky State at Large  
My commission expires: \_\_\_\_\_

**CERTIFICATE**

Grantor and Grantee both certify, under oath, that the consideration reflected in this Deed is the full consideration paid for the property, that the estimated fair cash value of the property is based on the actual assessed value of each of the tax parcels and is: (i) \$412,100 (Parcel #1; PIDN 999-99-33-850.00); (ii) \$10,000 (Parcel #2; PIDN 999-99-33-846.00); and (iii) \$198,900 (Parcel #3; PIDN 999-99-33-847.00), and Grantee joins this Deed for the sole purpose of making this certification.

**GRANTOR:**

**GRANTEE:**

**CITY OF DAYTON,  
KENTUCKY**

**PURE SUPPLY, INC.**

By: \_\_\_\_\_  
Ben Baker, Mayor

By: \_\_\_\_\_  
Danny Fennell, President

**Address:  
514 Sixth Avenue  
Dayton, KY 41074**

**Address:  
911 Second Avenue  
P.O. Box 133  
Dayton, KY 41074**

COMMONWEALTH OF KENTUCKY  
COUNTY OF CAMPBELL

SUBSCRIBED, SWORN TO AND ACKNOWLEDGED before me this \_\_\_\_ day of February, 2024 by Ben Baker, Mayor of the City of Dayton, Kentucky, a Kentucky City of the Home Rule Class, on its behalf, as Grantor.

\_\_\_\_\_  
Notary Public (Ky Notary ID \_\_\_\_\_)  
Kentucky State at Large  
My commission expires: \_\_\_\_\_

COMMONWEALTH OF KENTUCKY  
COUNTY OF CAMPBELL

SUBSCRIBED, SWORN TO AND ACKNOWLEDGED before me this \_\_\_\_ day of February, 2024 by Danny Fennell, President of Pure Supply, Inc., a Kentucky corporation, on its behalf, as Grantee.

\_\_\_\_\_  
Notary Public (Ky Notary ID \_\_\_\_\_)  
Kentucky State at Large  
My commission expires: \_\_\_\_\_

This Instrument Prepared by:

\_\_\_\_\_  
Donald L. Warner III (#96556)  
Frost Brown Todd LLP  
3300 Great American Tower  
301 E. Fourth Street  
Cincinnati, Ohio 45202

## Exhibit A

### Parcel 1

Group No. 813  
PIDN: 999-33-850.00

Lying in Jamestown Section 4, and being parts of Lots 7, 9, 11, 13, 15, 17, and 19 of said Section 4, and also being part of the original Right of Way of Second Street as shown on said plat of Section 4 or Jamestown as recorded in Plat Book 4, Page 66. Beginning at a point in the east line of Boone Street with the north line of the curb lines of Second Street said point lying south 12.00 feet from the original corner of Lot 23 of Jamestown Block 3; ' Thence from said point along the north curb line of Second Street north 90 deg. 00" west a distance a of 188.53 feet to the real point of beginning for, this description; Thence continuing with the north curb line of Second Street north 90 deg. 00' west a distance of 185.17 feet to a point; Thence leaving the north curb line of Second Street and through Lot 19 north 01 deg. 42' 36" east a distance of 116.45 feet to a point; Thence through lots 19, 17, 15, 13, 11, 9, and 7 of Jamestown Block 4 south 89 deg. 49' 06" east a distance of 181.69 feet to a point; Thence south 0 deg. 0" east a distance of 115.83 feet to the point of beginning. The herein described parcel contains 0.489 Acres.

Prior Instrument Reference: Campbell County Deed Book 562, Page 695

### Parcels 2 and 3

Group No. 30813/A4, A5  
PIDN 999-99-33-846.00 (Parcel #2)  
PIDN 999-99-33-847.00 (Parcel #3)

Lying in the City of Dayton, Campbell County, Kentucky and being part of lots 19, 21 and 23 of Block 4 Jamestown and also being part of the closed and vacated portions of Second Street and Main Street, as vacated by the City of Dayton, Ordinance #1988-16 and Campbell County Circuit Court Case #88-CI-1180 and more fully described as follows:

Beginning at a recovered iron pin in the north curb line of Second Street at the East curb line of Main Street, said point being 12 feet south of the original North line of Second Street and 10.5 feet west of the original East line of Main Street; Thence with the East curb line of Main Street North a distance of 116.71 feet to a point; Thence through the closed right of way of Main Street and through lots 23, 21 and 19 Block 4 Jamestown South 89° 49' 06" East a distance of 97.89 feet to a recovered Iron Pin in the common line with the City of Dayton parcel leased to Jennie F. Schlosser; Thence continuing through Lot 19 and with the line of the leased land South 01° 42' 36" West a distance of 116.45 feet to a pin in the north curb line of Second Street; Thence with the North curb of Second Street West a distance of 94.41 feet to the point of beginning. The herein described parcel contains 11,207 square feet.

Prior Instrument Reference: Campbell County Deed Book 647, Page 289



### **TERMINATION OF LEASE**

This Termination of Lease is executed by the **CITY OF DAYTON, KENTUCKY**, a Kentucky City of the Home Rule Class (“Lessor”) and **PURE SUPPLY, INC.**, a Kentucky corporation (“Lessee”), as successor-in-interest to Jennie F. Schlosser (“Schlosser”) pursuant to that certain Assignment and Assumption of Lease Agreement dated April 23, 2008, and recorded in Miscellaneous Book 524, Page 455 in the Newport Kentucky office of the Campbell County Clerk, in order to certify and confirm and put of record that for value received: (a) the Lease entered into by and between Lessor and W&B Realty, Inc., a Kentucky corporation (“W&B”), dated December 1, 1993 and recorded in Miscellaneous Book 205, Page 449 in the Newport, Kentucky office of the Campbell County Clerk, as amended by that certain Amendment To Lease dated March 4, 2002 entered into between Lessor and Schlosser, as successor-in-interest to W&B and recorded in Miscellaneous Book 377, Page 318 in said office, is hereby terminated and released and no longer affects the real estate described on Exhibit A attached hereto.

IN WITNESS WHEREOF the parties have executed this Termination of Lease on the date set forth below, but with an intended effective date of February \_\_\_\_, 2024.

*[The remainder of this page was left blank]*

[SIGNATURE PAGE TO TERMINATION OF LEASE]

LESSOR:  
CITY OF DAYTON, KENTUCKY,  
A Kentucky City of the Home Rule Class

LESSEE:  
PURE SUPPLY, INC.,  
a Kentucky corporation

By: \_\_\_\_\_  
Ben Baker, Mayor

By: \_\_\_\_\_  
Danny Fennell, President

COMMONWEALTH OF KENTUCKY )  
COUNTY OF CAMPBELL )

The foregoing instrument was acknowledged before me this \_\_\_\_ day of February, 2024 by Ben Baker, the Mayor of the City of Dayton, Kentucky, a Kentucky City of the Home Rule Class, on behalf of the City.

\_\_\_\_\_  
Notary Public  
My commission expires: \_\_\_\_\_

STATE OF \_\_\_\_\_ )  
COUNTY OF \_\_\_\_\_ )

The foregoing instrument was acknowledged before me this \_\_\_\_ day of February, 2024 by Danny Fennell the President of PURE SUPPLY, INC., a Kentucky corporation, on behalf of the corporation.

\_\_\_\_\_  
Notary Public  
My commission expires: \_\_\_\_\_

This instrument was prepared in its unexecuted format, without benefit of title exam, by:

\_\_\_\_\_  
Donald L. Warner, III (#96556)  
Frost Brown Todd LLP  
3300 Great American Tower  
301 East Fourth Street,  
Cincinnati, Ohio 45202

**EXHIBIT A TO TERMINATION OF LEASE**

**Legal Description of the Premises**

**Parcel 1**

Group No. 813  
PIDN: 999-33-850.00

Lying in Jamestown Section 4, and being parts of Lots 7, 9, 11, 13, 15, 17, and 19 of said Section 4, and also being part of the original Right of Way of Second Street as shown on said plat of Section 4 or Jamestown as recorded in Plat Book 4, Page 66.

Beginning at a point in the east line of Boone Street with the north line of the curb lines of Second Street said point lying south 12.00 feet from the original corner of Lot 23 of Jamestown Block 3; '

Thence from said point along the north curb line of Second Street north 90 deg. 00" west a distance a of 188.53 feet to the real point of beginning for, this description;

Thence continuing with the north curb line of Second Street north 90 deg. 00' west a distance of 185.17 feet to a point;

Thence leaving the north curb line of Second Street and through Lot 19 north 01 deg. 42' 36" east a distance of 116.45 feet to a point;

Thence through lots 19, 17, 15, 13, 11, 9, and 7 of Jamestown Block 4 south 89 deg. 49' 06" east a distance of 181.69 feet to a point;

Thence south 0 deg. 0" east a distance of 115.83 feet to the point of beginning.

The herein described parcel contains 0.489 Acres.

Prior Instrument Reference: Campbell County Deed Book 562, Page 695

**Parcels 2 and 3**

Group No. 30813/A4, A5  
PIDN 999-99-33-846.00 (Parcel #2)  
PIDN 999-99-33-847.00 (Parcel #3)

Lying in the City of Dayton, Campbell County, Kentucky and being part of lots 19, 21 and 23 of Block 4 Jamestown and also being part of the closed and vacated portions of Second Street and Main Street, as vacated by the City of Dayton, Ordinance #1988-16 and Campbell County Circuit Court Case #88-CI-1180 and more fully described as follows:

Beginning at a recovered iron pin in the north curb line of Second Street at the East curb line of

Main Street, said point being 12 feet south of the original North line of Second Street and 10.5 feet west of the original East line of Main Street;

Thence with the East curb line of Main Street North a distance of 116.71 feet to a point;

Thence through the closed right of way of Main Street and through lots 23, 21 and 19 Block 4 Jamestown South  $89^{\circ} 49' 06''$  East a distance of 97.89 feet to a recovered Iron Pin in the common line with the City of Dayton parcel leased to Jennie F. Schlosser;