

04/30/1987

Ordinance

72-87

ORDINANCE NO. 72-87

AN ORDINANCE AMENDING ARTICLE 17-7(f)6 OF THE ZONING ORDINANCE SO AS TO REDUCE THE MAXIMUM SIZE OF ADVERTISING SIGNS AND TO INCREASE THE DISTANCE BETWEEN SUCH SIGNS.

WHEREAS, the Lexington-Fayette Urban County Planning Commission has considered a text amendment proposed to it so as to reduce the maximum size of advertising signs and to increase the distance between such signs; and

WHEREAS, the Planning Commission did hold a public hearing on this proposed text amendment on February 19, 1987; and

WHEREAS, the Planning Commission did recommend approval of this proposed text amendment by a vote of 9-0; and

WHEREAS, this Council agrees with the recommendation of the Planning Commission; and

WHEREAS, the recommendation form of the Planning Commission is attached hereto and incorporated by reference herein.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT:

Section 1 - That Article 17-7(f)6 of the Zoning Ordinance of the Lexington-Fayette Urban County Government is hereby amended to read as follows:

In addition, advertising sign structures shall be permitted as follows:

- (a) The lot must abut a Federal or State Highway.
- (b) No advertising sign shall exceed 400 square feet in area.
- (c) No advertising sign shall be permitted within one hundred fifty (150) feet of any residential zone.
- (d) No advertising sign structures shall be located within five hundred (500) feet of another advertising sign structure.
- (e) Advertising signs shall be required to setback from any street right-of-way 20', or at the same setback as any principal building on the lot, whichever is less.

Section 2 - That this Ordinance shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL: April 30, 1987

Scotty Buesler

MAYOR

ATTEST:

Kathryn W. Johnson
Clerk of Urban County Council

PUBLISHED: May 6, 1987-1t

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RECEIVED

U.S. DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION
WASHINGTON, D.C. 20535

0000000000

Rec'd By JX ⁰⁻⁷²⁻⁸⁷
Date: 4/9/87

Urban County Planning Commission
200 East Main Street, Lexington, Ky.

Office of Director
Planning Commission Meeting

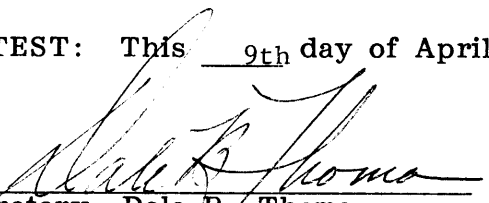
RECOMMENDATION OF THE
URBAN COUNTY PLANNING COMMISSION
OF LEXINGTON AND FAYETTE COUNTY, KENTUCKY

IN RE: ZOTA 86-15: BILLBOARD AMENDMENT - an amendment initiated by the Urban County Council to reduce the maximum size of advertising signs (billboards) and to increase the distance between such signs.

Having considered the above matter on February 19, 1987, at a Public Hearing and having voted 9-0 that this Recommendation be submitted to the Lexington-Fayette Urban County Council, the Urban County Planning Commission does hereby recommend APPROVAL of this matter for the following reasons:

1. This proposal would basically eliminate large billboards in favor of the smaller ones.
2. The proposed 500 foot distance would allow less billboards in the future.
3. Using the radial measurement would be the best way to limit billboards.

ATTEST: This 9th day of April, 1987.


Secretary, Dale B. Thoma

W. RUSH MATHEWS
CHAIRMAN

Enclosures: Staff Report with text
Applicable excerpts of minutes of above meeting

At the Public Hearing before the Urban County Planning Commission, this Petition was represented by the Planning staff.

OBJECTIONS

OBJECTORS

None

None

VOTES WERE REGISTERED AS FOLLOWS:

AYES: (9) Breeding, Cooper, Flynn, Gott, Howard, Lucas, Madden, May, Mathews

NAYS: (0)

ABSENT: (2) Walton, Wharton

ABSTAINED: (0)

DISQUALIFIED: (0)

Motion for APPROVAL of ZOTA 86-15: BILLBOARD AMENDMENT carried.

RESOLUTION NO. 443-86

A RESOLUTION, PURSUANT TO SECTION 6-2 OF THE ZONING ORDINANCE OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT INITIATING AN AMENDMENT TO THE TEXT OF SECTION 17-7(f)(6) OF THE ZONING ORDINANCE RELATING TO ADVERTISING SIGNS AND DIRECTING THE PLANNING COMMISSION TO STUDY DECREASING THE SIZE LIMITATIONS FOR ADVERTISING SIGNS TO 382 SQUARE FEET, INCREASING THE SPACING REQUIREMENT BETWEEN ADVERTISING SIGNS, USING LINEAR MEASUREMENT, TO 1000 FEET AND INCREASING THE DISTANCE FROM RESIDENTIAL ZONES, USING LINEAR MEASUREMENT, TO 300 FEET, AND DIRECTING THE PLANNING COMMISSION TO RECOMMEND AN APPROPRIATE AMENDMENT TO ARTICLE 17 TO THE COUNCIL.

WHEREAS, Article 17 of the Zoning Ordinance permits advertising signs in the B-3 (highway service business), B-4 (wholesale/warehouse), I-1 (light industrial) and I-2 (heavy industrial) zones in addition to business signs; and

WHEREAS, this Council is concerned that the current Ordinance may result in increased numbers of advertising signs in said zones resulting in visual clutter; and

WHEREAS, this Council is concerned that advertising signs permitted in zones may be too large and too close to residential zones; and

WHEREAS, the Urban County Council wishes the Planning Commission to study this matter and recommend an appropriate amendment of the Zoning Ordinance to this Council.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT:

Section 1 - That pursuant to Section 6-2 of the Zoning Ordinance of the Lexington-Fayette Urban County Government, the Council hereby initiates an amendment to the text of the Zoning Ordinance, Section 17-7(f)(6), relating to advertising signs, for the purpose of decreasing both the size and number of advertising signs permitted in the B-3 (highway service business), B-4 (wholesale/warehouse), I-1 (light industrial) and I-2 (heavy industrial) zones and directs the Planning Commission to study decreasing the size limitation of advertising signs to 382 square feet; increasing spacing requirements between advertising signs, using linear measurement, to 1000 feet and increasing the

distance from residential zones, using linear measurement, to 300 feet; and to recommend an appropriate amendment to Article 17 to the Council.

Section 2 - That the Clerk of the Council is directed to submit a copy of this Resolution to the Planning Commission for its review and recommendation.

Section 3 - That this Resolution shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL: October 30, 1986

/s/ Scotty Baesler

MAYOR

ATTEST:

/s/ Kathryn W. Johnson

Clerk of Urban County Council

PUBLISHED: November 5, 1986-lt

STAFF REPORT ON PETITION FOR ZONING ORDINANCE TEXT AMENDMENT

ZOTA 86-15: BILLBOARD AMENDMENT

The Urban County Council has initiated a text amendment regarding advertising signs (billboards). The Zoning Ordinance defines an advertising sign as one which "directs attention to a business, product, service, or activity generally conducted, sold or offered elsewhere than on the premises where such sign is located." In the resolution initiating this amendment, the Council has expressed concern about the number and size of advertising signs, and their proximity to residential zones.

The Council has addressed these concerns by proposing that the maximum size be reduced from 720 square feet to 382 square feet, the distance between advertising signs be increased from 300 feet to 1,000 feet and that the distance from the nearest residential zone be increased from 150 feet to 300 feet. Further, the text specifies that the "linear measurement" be used to determine the distance.

Currently, in order to determine the distance between signs or the distance to the nearest residential zone, a 150 foot measurement is taken in all directions. The staff is uncertain what is meant by "linear measurement" and whether this will allow more or less advertising signs to be erected.

The staff will be working with the Department of Law and the Division of Building Inspection to determine how this would be interpreted. The staff will report and make a recommendation at the public hearing.

SS/FT/rc
12/14/86
stfirt2

Amendment to Article 17-6(f)Signs Permitted in the B-3, B-4, I-1 and I-2 Zones

Text ~~dashed through~~ indicates a deletion; text underlined indicates an addition.

- 17-7(f)(6) In addition, advertising sign structures shall be permitted as follows:
- (a) The lot must abut a Federal or State Highway.
 - ~~(b) No advertising sign structure shall contain more than two (2) signs per facing. Where only one sign per face is utilized, the maximum sign area shall be 720 feet. Where two (2) signs per face are utilized, no individual sign may exceed 300 square feet in area.~~
 - (b) No advertising sign shall exceed 382 square feet in area.
 - (c) No advertising sign shall be permitted within one hundred fifty (150) feet of any residential zone.
 - (d) No advertising sign structures shall be located within ~~three hundred (300)~~ five hundred (500) feet of another advertising sign structure.
 - (e) Advertising signs shall be required to setback from any street right-of-way 20', or at the same setback as any principal building on the lot, whichever is less.

V. ZONING ITEMS - The Zoning Committee met on Thursday, February 5, 1987, at 1:30 p.m. at the Division of Planning Office. Commission Members Flynn, Madden and May were present. Staff members in attendance were Thompson, Skillman, King and Carver, as well as Wayne Wells, Division of Engineering, and Rena Wiseman, Department of Law.

A. PUBLIC HEARING ON ZONING ORDINANCE TEXT AMENDMENTS - The Chairman announced that a public hearing on the following Zoning Ordinance text amendment would be held at this time.

- 1. ZOTA 86-15: BILLBOARD AMENDMENT - A text amendment initiated by the Urban County Council to reduce the maximum size of advertising signs (billboards) from 720 square feet to 382 square feet, to increase the distance between such signs from 300 feet to 1,000 feet, to increase the distance from the nearest residential zone from 150 feet to 300 feet, and to measure the distances using linear measurement. A complete copy of the text is available in the Division of Planning offices.

The Staff and Zoning Committee Recommended: Referral to the full Commission for the following reason:

- a. The staff is uncertain what is meant by "linear measurement" and whether this will allow more or less advertising signs to be erected.

Since the writing of the agenda, the staff continued working with the Department of Law and the Division of Building Inspection to determine how this would be interpreted, and reported further on this matter at the public hearing.

Revised Staff Report and Recommendation

Ms. Skillman reviewed the purpose of this amendment which would basically eliminate large billboards in favor of the smaller ones (from 720 square feet to 382 square feet), and would allow only one sign, instead of two, grouped together. In addition, the proposed text would increase the distance between advertising signs from 300 feet to 1,000 feet, and increase the distance between billboards and residential zones from 150 feet to 300 feet.

The problem with the proposal as submitted involves the "linear measurement" specified in the text; i.e, measurement to be taken by measuring along the street to which the sign is oriented. The staff found this aspect of the proposal very difficult to define, particularly where a sign might be oriented to two streets. She also stated that it would be difficult to administer when looking at a distance from a residential zone, as in most cases, the residential zone would not share the same street frontage with the advertising sign (billboard).

After working further on this matter with the Department of Law and Building Inspection Division, as well as representatives of the sign industry, the staff has attempted to determine a better way of achieving this, and has developed an alternative text proposal.

Ms. Skillman further reported that Richard Murphy, who is the attorney for Lamar Outdoor Advertising, has proposed an alternative language which would increase the distance between signs from 300 feet (present requirement) to 500 feet, using the current radial method of measurement. She explained that the radial measurement would be measuring from the sign in all directions to determine the distance. In addition, they have proposed that it would go back to 150 feet from a residential zone. The proposed text (listed below) is the compromise that has been worked out, and Ms.

* - Denotes date by which Commission must either approve or disapprove plan.

** - Denotes at least a portion of the property contains an environmentally sensitive area.

Skillman pointed out that the proposed 500 foot distance would allow less billboards in the future.

She reiterated that the staff is very concerned with using the linear measurement method in that it would, perhaps, allow a loophole. The staff believes the 500' distance using the radial measurement would be the best way to limit billboards.

The proposed text is as follows: (Text ~~dashed through~~ indicates a deletion; left underlined indicates an addition.)

17-7(f)(6) In addition, advertising sign structures shall be permitted as follows:

- (a) The lot must abut a Federal or State Highway.
- ~~(b) No advertising sign structure shall contain more than two (2) signs per facing. Where only one sign per face is utilized, the maximum sign area shall be 720 feet. Where two (2) signs per face are utilized, no individual sign may exceed 300 square feet in area.~~
- (b) No advertising sign shall exceed 382 square feet in area.
- (c) No advertising sign shall be permitted within one hundred fifty (150) feet of any residential zone.
- (d) No advertising sign structures shall be located within ~~three hundred (300)~~ five hundred (500) feet of another advertising sign structure.
- (e) Advertising signs shall be required to setback from any street right-of-way 20', or at the same setback as any principal building on the lot, whichever is less.

Discussion - Mr. Murphy, representing Lamar Outdoor Advertising, stated that they were in general agreement with the staff's proposal. Mr. Murphy noted that this amendment was initiated by the Urban County Council, and recalled that three years ago, an ordinance was passed limiting the number of billboards permitted in Fayette County. Prior to that, the spacing between billboards was 100 feet. In 1983, it was amended to require 300 foot spacing using the radial measurement. Less than three years later, the Council is now making another reduction proposal. Mr. Murphy asserted that the sign industry is the most severely locally-regulated business in the County, and it was their hope that this proposal would be the last amendment for a while and that they would not have to come back in another 2 or 3 years.

Mr. Murphy then noted that this ordinance made very substantial limitations in the number of future billboards in 3 ways:

- 1. The number of facings - because of the square footage limitations, there can only be one facing per billboard.
- 2. It eliminates any new large billboards of 700 square foot in size.
- 3. The new spacing requirement, which is very substantial, will reduce the number of available locations.

While Mr. Murphy said they preferred the Council proposal (linear measurement), he said they were willing to accept the staff proposal (radial measurement and reduced spacing distance). He understood that the staff's reason for this was the fear of what could

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happen at intersections; but added that they did not feel that there were any intersections where this would apply because of the unique zoning at intersections. Nevertheless, because of the staff's concerns, they agreed to the radial method of measurement along with the 500 feet and 150 feet requirements.

However, Mr. Murphy asked for cooperation on one matter which was due to oversight. He referred to item "(b)" of the proposed text which states that no sign shall exceed 382 square feet in area, and asked that this be changed from 382 to 400 square feet. He explained that some billboards have embellishments on them; and under the old ordinance, there was about 36 square feet for embellishments. Therefore, he asked that the square foot area be increased to 400, which would allow them 18 extra square feet for embellishments. He pointed out that this would be much less than the 36 square feet allowed under the old ordinance, and that the staff had no objections to the increase.

In conclusion, Mr. Murphy reiterated that while they preferred the Council proposal, they were willing to live with the staff's proposal, with the change to item "(b)" as requested.

Mr. May asked if existing signs would be subject to the amortization schedule. Ms. Skillman answered that this was discussed; i.e., how these signs would be affected by amortization. It is the staff's conclusion that this is another issue that is included in the Code of Ordinances and is not being actively enforced at this time. The removal of signs is not being done at this time. She further stated that it may be necessary to amend that text at such time as amortization of signs begins, and to make some exception for the billboards that exist at the present time.

Mr. Murphy stated it was their hope that billboards legally erected since 1983 would not be subject to amortization.

Objections - There were no objections.

Action - A motion was made by Mrs. Madden, seconded by Dr. Cooper, and carried 9-0 (Walton, Wharton absent), to approve ZOTA 86-15: Billboard Amendment, as recommended by the staff, with item (b) revised as follows:

(b) No advertising sign shall exceed 400 square feet in area.

B. PUBLIC HEARING ON ZONE MAP AMENDMENT AND RELATED PLAN - The Chairman announced that a public hearing would be held on the following zone map amendment request and zoning development plan.

1. DR. JAMES WILHITE ZONE MAP AMENDMENT AND ZONING DEVELOPMENT PLAN

a. MAR 87-9: DR. JAMES WILHITE - petition for a zone map amendment from a townhouse (R-1T) zone to a neighborhood business (B-1) zone for 1.91 net (3.40 gross) acres at 3690 Arbor Drive. (Council District 12)

URBAN SERVICES REPORT

Roads - Now new roads are to be constructed.

Refuse - Provided by Urban County Government.

Utilities - Available

Police/Fire - Provided by Urban County Government.

Storm Sewers - To be constructed by the developer.

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