

05/07/2009

Ordinance

60-2009

AN ORDINANCE AMENDING ARTICLES 17, 8, 23A, 27, AND 28 OF THE ZONING ORDINANCE TO EXPAND THE ALLOWABLE SIGNAGE IN AND NEAR DOWNTOWN, IN SOME MIXED USE ZONES, AND TO RELOCATE ALL SIGN REGULATIONS TO ARTICLE 17.

WHEREAS, the Lexington-Fayette Urban County Planning Commission has considered a text amendment to the Zoning Ordinance to expand the allowable signage in and near downtown, in some mixed use zones, and to relocate all sign regulations to Article 17; and

WHEREAS, the Planning Commission did hold a public hearing on this proposed text amendment on March 26, 2009; and

WHEREAS, the Planning Commission did recommend APPROVAL of this proposed text amendment by a vote of 8-0; 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 17-2(d) of the Zoning Ordinance of the Lexington-Fayette Urban County Government is hereby amended to read as follows:

SCOPE – Works of fine art not containing a commercial message and, which in no way depict a trademark logo or phrase meant to represent, identify, or advertise a specific product or business.

Section 2 — That Article 17-3(b) of the Zoning Ordinance of the Lexington-Fayette Urban County Government is hereby amended to read as follows:

BASIC SIGN TYPES BY FUNCTION - The following categories of signs are hereby defined based upon the nature of the information they are intended to provide:

(1) ADVERTISING SIGN - A sign 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.

(2) ATTRACTION BOARD - A sign which contains no permanent copy, either letters or emblems, on which copy is changed manually

with changeable letters and which announces special activities on the property.

(3) BULLETIN BOARD - A sign which allows the manual changing of the copy material and is used to notify the public of non-commercial events or occurrences such as church services, political rallies, civic meetings or similar events.

(4) BUSINESS SIGN - A sign which directs attention to a business, profession, product, activity, or entertainment, sold or offered upon the premises where such sign is located, and may include information as for an identification sign.

(5) CONSTRUCTION SIGN - A temporary sign identifying the project name, the architect, engineer, contractor, financing company, material supplier, or others engaged in work on the construction site on which the sign is located. Leasing information, renderings and similar copy shall also be permitted.

(6) DIRECTIONAL SIGN - A non-commercial sign of an instructional nature, such as "parking," "exit" or "entrance," displayed solely for the convenience of the public, no more than twenty-five percent (25%) of such sign being devoted to the name or logo of the property, business or profession on the site and containing no business advertising, or product trade name identification or listing of any product sold or offered on the premises.

(7) DISTRICT IDENTIFICATION SIGN - Any type of sign or other graphic, located on public or private property, which establishes the identity of an unique and distinct community district by way of its size, configuration, height, location, or message and which has no direct advertising value for any specific business, product or service.

(8) GOVERNMENT SIGN - A temporary or permanent sign erected by any government body for traffic direction, or for designation or direction to any school, hospital, park, historic site or other service, property or facility, provided that such signs not contain business advertising of any kind.

(9) HISTORIC MARKER - A sign or emblem which commemorates or identifies an event, past ownership of property, or age of a building.

(10) INCIDENTAL SIGN - A small sign, not exceeding two (2) square feet each, limited to information and directions related to the permitted use on the lot or building on which the sign is located, and containing no direct illumination as defined in this Article. Examples of incidental signs would include "no smoking," "restroom," "no solicitors," "no trespassing," "self service," "vacancy," credit card acceptance signs, signs indicating hours of business, and similar information.

(11) IDENTIFICATION SIGN - A sign which establishes the identity of a building or building complex by name or symbol or combines name, street address, and/or management and has no direct advertising value.

(12) INFORMATIONAL SIGN - A sign whose copy gives only the

time, temperature and/or date through an electronic message display system or by mechanical means (including clocks and thermometers), and provides no advertising of any product or business activity.

(13) LANDMARK SIGN – Any type of sign or other graphic that helps to create an unique location by way of its size, configuration, height, location, message and exhibits distinctive stylistic features.

(14) MENU BOARD - A free standing or wall mounted sign primarily designed for the display of menu items and prices for the purpose of placing orders for such items in conjunction with a restaurant utilizing drive-through service.

(15) MENU BOX – A wall mounted sign primarily designed for the display of menu items and prices in conjunction with a restaurant.

(16) NAMEPLATE - A wall sign which gives only the name, address, and/or occupation of the occupant(s) of the building on which it is located.

(17) POLITICAL SIGN - A temporary sign supporting the candidacy for office or urging action on any other matter on the ballot of a state, local or national election or referendum.

(18) REAL ESTATE SIGN - A temporary sign indicating only sale or rental of property or buildings on which the sign is erected.

(19) TRACT SIGN - A temporary sign advertising the original sale of property in a subdivision.

(20) TEMPORARY SIGN - Any sign or advertising display constructed of cloth, canvas, light fabric, cardboard, wallboard, plywood, or other light materials, with or without frames, and/or intended to be displayed for a limited period of time only.

(21) A-FRAME or SANDWICH BOARD - A free standing, movable sign, not secured or attached to the ground or any building or structure, composed of a sign panel and supporting structure or one or more panels which form both the structure and sign face, and which is intended to be placed in a sidewalk or pedestrian way. A-frame signs shall not include trailer signs with or without wheels affixed.

Section 3 — That Article 17-3(c) of the Zoning Ordinance of the Lexington-Fayette Urban County Government is hereby amended to read as follows:

SIGN TYPES BY MEANS OF MOUNTING OR ERECTING - The following categories of signs are hereby defined primarily by the means of mounting or erecting and locational placement upon a building or premises:

(1) AWNING SIGN - A sign painted on or printed on, or attached flat against, the surface of an awning.

As used in this Article, awning shall be defined as a shelter supported entirely from an exterior wall of a building consisting of cloth or other similar non-rigid material supported by a frame.

(2) UNDER AWNING OR UNDER CANOPY SIGNS - A small sign,

limited to four (4) square feet, attached to and suspended from the underside of a canopy or awning and having a clearance of not less than eight (8) feet.

(3) CANOPY SIGN - A sign painted, printed or attached flat against a surface of a canopy. As used in this Article, canopy shall be defined as a permanently roofed shelter covering a sidewalk, driveway or other similar area, which shelter may be wholly supported by a building or may be wholly or partially supported by columns, poles or braces extended from the ground.

(4) ABOVE CANOPY SIGN - A sign mounted to the top edge of the roof of a canopy constructed of metal or similar rigid and solid materials, that projects vertically from the canopy to form the free standing letters or graphics of the sign.

(5) FREE STANDING SIGN - A sign, not attached to any building, and attached to the ground by poles, braces, or other means.

(6) MARQUEE - A sign used in conjunction with a theater which is attached to, and supported by, the building and generally projects from the building; and, which in addition to permanent copy, may allow for changeable letters.

(7) MOBILE SIGN - A mobile sign is a sign that is affixed to a frame having wheels or is capable of being carried, or otherwise portable; does not have a permanent foundation; cannot withstand the stress and wind loads of the Building Code; and is designed to stand free from a building or other structure. Signs designed to be affixed to the surface of real estate shall be deemed free standing signs and not mobile signs, but the mere removal of wheels or temporary securing of a sign to the surface of real estate shall not prevent its being a mobile sign within this definition.

(8) MONUMENT SIGN - A free standing sign where the length of the base of the sign is a minimum of 75 percent (75%) of the length of the longest part of the sign.

(9) PROJECTING SIGN - A sign which is attached directly to a canopy, marquee, or wall of a building and which extends horizontally outward from such canopy, marquee or wall more than twenty-four (24) inches.

(10) ROOF SIGN - A sign which projects above the cornice of a flat roof, or above the top edge of any roof, including the ridge line of a gabled or hipped roof. Such top edge shall not include any cupolas, pylons, chimneys or other minor projections above the roof line.

(11) WALL MOUNTED SIGN - A sign attached parallel to and extending not more than twenty-four (24) inches from the wall of the building; and includes painted, individual letter and cabinet signs, signs on a mansard, or on a parapet not exceeding three (3) feet in height and provided the parapet extends on at least three sides of a building and signs erected on or against the side of a roof but not projecting above the roof line. No copy shall be permitted to be displayed on the sides of the sign which are perpendicular to the wall face.

(12) PAINTED SIGN - Any sign which is applied with paint or

similar substance directly to a wall or other surface. Any painted sign shall be subject to the regulations of the zone in which it is located.

(13) WINDOW SIGN - A sign which is painted on, applied or attached to, the interior of a window or located within three (3) feet of the interior of a window and which can be seen through the window from the exterior of the structure. Merchandise which is included in a window display shall not be included as a part of a window sign.

Section 4 — That Article 17-3(e) of the Zoning Ordinance of the Lexington-Fayette Urban County Government is hereby amended to read as follows:

OTHER SIGN TYPES AND DEFINITIONS - The following phrases are hereby defined for the purposes of this Article:

(1) ABANDONED SIGN - A sign and/or supporting structure which no longer identifies a business conducted or product sold on the premises; any advertising sign which no longer directs attention to a bona fide business conducted, product sold, or activity or campaign being conducted or for which no legal owner can be found. A sign shall be deemed as abandoned when the conditions described above have been in evidence for a period exceeding one hundred eighty (180) days. For the purposes of this definition, an advertising sign shall not be deemed abandoned solely because the sign has contained no copy for a period exceeding one hundred eighty (180) days.

(2) AREA OF A SIGN - Shall be defined and computed as follows:

(a) FREE STANDING OR PROJECTING SIGNS:

(1) Any double-faced sign shall have only one face, the largest, counted in calculating the area.

(2) Any sign with three or more sign faces shall have the area calculated by summing the area of the sign faces and dividing by two.

(3) Any sign that is considered three-dimensional in shape shall have the area calculated by projecting the sign onto a vertical plane and summing the area of the sign face for all sides of the sign designed to attract attention or to communicate information that can be seen at any one (1) time by a person from one (1) vantage point.

(4) If the sign is composed of one or two individual cabinets, the area around and enclosing the perimeter of each cabinet or module shall be summed and totaled to determine the area. The perimeter of the measurable area shall not include embellishments such as pole covers, framing, decorative roofing, etc., provided there is no written copy on such embellishments and such embellishments are clearly incidental to the sign itself.

(5) If the sign is composed of more than two sign cabinets, or modules, the area enclosing the entire perimeter of all cabinets and/or modules within a single contiguous geometric figure shall be the area of the sign. The measurable area shall not include embellishments such as pole covers, framing, decorative roofing, etc., provided there is not written copy on such embellishments and such embellishments are clearly incidental to the sign itself.

(b) WALL SIGNS - The area shall be within a single-continuous perimeter composed of any straight line geometric figure which encloses the extreme limits of the copy including vertical and horizontal spacing between individual letters, logos, etc.

(3) BANNER SIGN, PENNANT OR STREAMER - An identification sign, a temporary sign or a business sign made of durable fabric only, and not made of wood, metal or soft or hard plastic, having no enclosing framework. Such banner sign, pennant or streamer may be non-illuminated or indirectly illuminated only.

(4) CLEARANCE OF A SIGN - The least vertical distance between the lowest point of any sign, including the framework, and the established grade at the sign.

(5) HEIGHT OF A SIGN - The vertical distance measured from the highest point of the sign including the frame and any embellishments and the established grade at the adjacent street.

(6) FACE OF A SIGN - The vertical area of the sign on which the copy is placed.

(7) COPY - Any word, letter, number, or emblem affixed to the sign surface either permanently or in removable form.

(8) DOUBLE-FACED SIGN - A sign with two faces either set parallel or up to a forty-five degree (45°) angle. Any two sign faces set at an angle greater than forty-five degrees (45°) shall be considered two separate signs.

(9) ILLEGAL SIGN - A sign which does not meet the requirements of this Zoning Ordinance and which is not non-conforming.

(10) NON-CONFORMING SIGN - A sign which was legally erected but which does not comply with the adopted sign regulations of this Zoning Ordinance for the zone in which it is located.

(11) SETBACK OF A SIGN - The horizontal distance between any street right-of-way and a free standing sign and/or its supporting structure. The measurement shall be taken at the closest point proximity between the right-of-way and any part of the sign or structure.

(12) BUILDING FRONTAGE - The horizontal, linear dimension of that side of a building which abuts a street, parking area, or other unenclosed circulation area open to the general public. Where more than one use occupies a building, the building frontage shall be the front width of the portion of the building occupied by that use.

(13) STREET FRONTAGE - The linear distance between the lot lines measured along the abutting public or private street.

Section 5 — That Article 17-4(i) of the Zoning Ordinance of the Lexington-Fayette Urban County Government is hereby amended to read as follows:

NEON SIGNS – Neon lighting and tubing and other exposed light sources not exceeding one hundred (100) watts per bulb may be used on signs where signs are permitted to be directly illuminated as defined in this Article.

Section 6 — That Article 17-4(p) of the Zoning Ordinance of the Lexington-Fayette Urban County Government is hereby amended to read as follows:

SIGNAGE FOR MULTIPLE USES – Where more than one use occupies a building, the permitted sign area shall be based on the building frontage or wall area, as applicable, of that use.

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

- (i) Landmark and district identification signs may be permitted with the approval of the Commissioner of Public Works and Development (or designee) and a four member sign review committee established by the Mayor. In addition to the Commissioner of Public Works and Development, the committee shall consist of at least one (1) architect licensed in the Commonwealth of Kentucky, and at least one (1) building inspector from the Division of Building Inspection. Any such signs shall meet all applicable Kentucky Building Code and Kentucky Fire Safety Code requirements.

A landmark or district identification sign shall be evaluated by the sign review committee based upon the following criteria:

- (1) The sign exhibits distinctive stylistic features and an unusual use of material in the design.
- (2) The sign is an example of artistic design and skilled craftsmanship.
- (3) The sign is a significant part of the architectural or cultural history of the community.

Section 8 — That Article 17-7(c) of the Zoning Ordinance of the Lexington-Fayette Urban County Government is hereby amended to add subsection (4) to read as follows:

- (4) Pole-banner signs shall be permitted only if displayed in a parking area approved as a conditional use to be accessory to a mixed-use project, and subject to the following restrictions:
 - (a) Banner signs shall be a maximum size of two (2) feet by four (4) feet, and there shall be no more than two (2) per pole.

- (b) Banner signs may not advertise specific business or products, goods, or services.
- (c) Pole-mounted banners shall be permitted on light fixtures in parking areas located outside of the public right-of-way.
- (d) Banner poles shall be spaced to be no closer than forty-five (45) feet from each other.
- (e) The total number of pole-mounted banner signs shall be limited to one (1) for every 3,000 square feet of parking area.
- (f) All pole-mounted banner signs shall provide a minimum of eight (8) feet of vertical clearance, and may not encroach into the right-of-way.

Section 9 — That the title of Article 17-7(e) of the Zoning Ordinance of the Lexington-Fayette Urban County Government is hereby amended to read as follows:

PROFESSIONAL OFFICE ZONE (P-1) AND "MIXED-USE 1: NEIGHBORHOOD NODE ZONE" (MU-1)

Section 10 — That Article 17-7(e)(3) of the Zoning Ordinance of the Lexington-Fayette Urban County Government is hereby amended to read as follows:

Informational signs, not exceeding twenty (20) square feet. Such signs shall be included in the computation for maximum square footage specified under 17-7(e)(1) above, and shall be free standing only when included as a part of a permitted free standing identification sign.

Section 11 — That Article 17-7(f) of the Zoning Ordinance of the Lexington-Fayette Urban County Government is hereby amended to read as follows:

NEIGHBORHOOD BUSINESS ZONE (B-1) - Permitted signs may be free standing or wall mounted as specified; signs shall be non-illuminated, indirectly illuminated, or internally illuminated unless specified otherwise. No free standing sign shall exceed twenty (20) feet in height.

(1) Business signs shall be permitted as follows:

- (a) The total surface area of business signs shall not exceed one and one-half (1½) square feet per linear foot of street or building frontage, whichever is greater; or thirty-two (32) square feet, whichever is greater.
- (b) One free standing business sign shall be permitted per street frontage, with a maximum of two (2) free standing signs; not exceeding fifty (50) square feet per sign; minimum setback one-half the setback required for a principal building, but not less than ten (10) feet in any case.
- (c) One projecting business sign not exceeding fifty (50) square feet in area, not exceeding twelve (12) feet in height, and only directly or indirectly illuminated, shall be permitted in lieu of all free standing business signage, as permitted herein, under the following circumstances:

- (1) the parcel on which the sign is placed is

located within the defined Infill and Redevelopment Area; and

(2) the existing principal structure on the parcel is located ten (10) feet or less from the front property line.

(d) The surface area of wall mounted business signs shall not exceed fifteen percent (15%) of the wall area to which it is attached or thirty-two (32) square feet, whichever is greater, each wall to be considered separately. Only one business sign shall be permitted per wall. In the case of a building containing two or more separate business uses, these requirements shall be applied separately to the wall area of the building space leased, rented or owned by the individual business tenant.

(e) Window signs shall be permitted, limited to no more than twenty-five percent (25%) of the total window area, and direct illumination shall be permitted.

(f) Canopy or awning signs (including above canopy signs) shall be permitted and included in the computation of the maximum permitted sign area and limited to the percentage allowable for wall signs. Under canopy or under awning signs shall be permitted and limited to identification signs.

(2) In conjunction with an indoor theater, one marquee, not to exceed twenty-four (24) square feet per theater; such marquee shall project no more than eight (8) feet from the building face to which it is attached and shall have a minimum clearance of eight (8) feet. In addition, one attraction board attached to one free standing business sign, not to exceed twenty-four (24) square feet per theater. The area of the marquee and attraction board shall be included in the computation of the maximum permitted sign area.

(Note: Where an attraction board attached to a free standing business sign is not utilized, a second marquee, mounted on a different building face, shall be permitted as regulated above.)

(3) One attraction board, wall mounted or attached to a permitted free standing business sign, the area of the attraction board to be included in the maximum permitted sign area.

(4) Directional signs not exceeding three (3) square feet in area, not exceeding three (3) feet in height; if free standing not to exceed two (2) signs per entrance.

(5) One nameplate per tenant or lessee, not exceeding two (2) square feet in area; non-illuminated or indirectly illuminated.

(6) Informational signs, not exceeding twenty (20) square feet. Such signs shall be included in the computation for maximum square footage specified under 17-7(f)(1) above, and shall be free standing only when included as a part of a permitted free standing identification sign.

(7) One menu board per restaurant use or one menu board per drive-through lane. All copy (including any logos, restaurant name,

etc.) shall have a maximum letter height and width of six (6) inches, containing no direct illumination; not exceeding forty-five (45) square feet in area; maximum height of eight (8) feet if free standing; and not located so as to have the copy visible to vehicular traffic on any adjacent street.

(8) One menu box per restaurant use, not exceeding four (4) square feet.

Section 12 — That Article 17-7(g)(5) of the Zoning Ordinance of the Lexington-Fayette Urban County Government is hereby amended to read as follows:

(5) Menu boards and menu boxes as permitted and regulated in the B-1 zone.

Section 13 — That Article 17-7(g) of the Zoning Ordinance of the Lexington-Fayette Urban County Government is hereby amended to add subsection (8) to read as follows:

(8) Pole-banner signs shall be permitted only if displayed in a parking area accessory to a mixed-use project, and subject to the following restrictions:

- (a) Banner signs shall be a maximum size of two (2) feet by four (4) feet, and there shall be no more than two (2) per pole.
- (b) Banner signs may not advertise specific business or products, goods, or services.
- (c) Pole-mounted banners shall be permitted on light fixtures in parking areas located outside of the public right-of-way.
- (d) Banner poles shall be spaced to be no closer than forty-five (45) feet from each other.
- (e) The total number of pole-mounted banner signs shall be limited to one (1) for every 3,000 square feet of parking area.
- (f) All pole-mounted banner signs shall provide a minimum of eight (8) feet of vertical clearance, and may not encroach into the right-of-way.

Section 14 — That Article 17-7(h) of the Zoning Ordinance of the Lexington-Fayette Urban County Government is hereby amended to read as follows:

DOWNTOWN BUSINESS ZONES (B-2, B-2A) - Permitted signs may be free standing or wall mounted, as specified; such signs may be non-illuminated, indirectly illuminated, internally illuminated or directly illuminated, unless specified otherwise.

(1) Business signs shall be permitted as follows:

- (a) Signs with general product advertising or lists of specific goods or services shall be prohibited.
- (b) One free standing sign shall be permitted for each

street frontage, not to exceed two free standing signs. The free standing signs shall have a maximum area of forty (40) square feet, a maximum height of twenty (20) feet, and a maximum projection into the right-of-way of twelve (12) inches.

(c) One wall mounted sign per building face shall be permitted, placed at a height of fifty (50) feet or higher. Such sign shall have a maximum area of three percent (3%) of the wall area to which it is attached, with a maximum projection into the right-of-way of twelve (12) inches.

(d) In addition to the wall sign permitted under (c) above, one additional wall mounted sign shall be permitted per building face. Such signs shall have a maximum lettering height or vertical cabinet dimension of two and one-half (2½) feet, and shall be located at a height of less than fifty (50) feet on the building, with a maximum projection into the right-of-way of twelve (12) inches.

(e) In addition to the wall mounted signs permitted under (c) and (d) above, each establishment within the building, having a separate and direct entrance to the outside, shall be permitted one wall sign per street building face. Such sign shall be located no lower than ten (10) feet nor higher than thirty (30) feet on the building, and mounted on the building where the establishment is located. Such sign shall have a maximum area of one and one-half (1½) square feet per linear foot of frontage, not to exceed eighty (80) square feet, with a maximum projection into the right-of-way of twelve (12) inches.

(f) One projecting business sign not exceeding fifty (50) square feet in area shall be permitted for each establishment within the building, having a separate and direct entrance to the outside. Such sign shall have minimum a vertical clearance of ten (10) feet and a height limit of thirty (30) feet as attached to the building. Such sign shall be mounted on the building so that it does not conflict with wall mounted signs permitted under (e) above or with any windows, doors or other architectural features of the building, and with a maximum projection from the face of the building and into the adjacent right-of-way of eight (8) feet. In no case shall a projecting sign be closer than two (2) feet to the back of curb of any adjacent roadway.

(g) Window signs shall be permitted, limited to no more than twenty-five percent (25%) of the total window area.

(2) Wall mounted identification signs, not exceeding five (5) square feet, with a maximum letter height of six (6) inches; located no higher than ten (10) feet on the face of the building; one sign per establishment having a separate and direct entrance to the outside; maximum projection into the right-of-way of twelve (12) inches.

(3) Nameplates, direction signs, menu boards, menu boxes and informational signs shall be permitted as regulation in the B-1 zone.

(4) Canopy or awning signs shall be permitted in lieu of

allowable wall signs, not exceeding twenty percent (20%) of the face of the canopy or awning. Under canopy or under awning signs shall be permitted and limited to identification signs. Above canopy signs shall be permitted and limited to the percentage allowable for wall signs.

(5) Banner signs, pennants and streamers, with no general products advertising or list of specific goods or services, shall be permitted; limited to one such banner, pennant or streamer per ten (10) feet of linear frontage, a total maximum area of fifteen percent (15%) of the wall area to which it is attached, a minimum of eight (8) feet of vertical clearance and a maximum projection into the right-of-way of three (3) feet.

(6) A-frame or sandwich board type signs shall be permitted as follows:

(a) Maximum size of eight (8) square feet per panel, maximum height 48", maximum width 24";

(b) One sign per street front, maximum two signs;

(c) Placement of sign shall allow for four (4) clear feet of sidewalk width;

(d) Sign shall be in place only when business is open;

(e) Placement of sign not to restrict egress from parked cars, and not over curb line;

(f) Shall be maintained in good condition;

(g) Shall not be attached to any public utility pole, street light standard or tree;

(h) Non-illuminated;

(i) There shall be an annual renewal permit fee, as established under the Code of Ordinances.

(7) In addition to the otherwise permitted signs, wall mounted electronic message display center boards shall be permitted for civic centers which contain exhibition halls and an arena for athletic and cultural events; for hotels and motels containing conference centers and restaurants; for television and radio system signal distribution centers and studios; and for banks, securities and commodities brokers, credit institutions, savings and loans, and investment companies. The total surface area shall not exceed eighty (80) square feet per sign. One electronic message display center shall be permitted per street front, with a maximum of two signs.

Section 15 — That Article 17-7(i) of the Zoning Ordinance of the Lexington-Fayette Urban County Government is hereby amended to read as follows:

LEXINGTON CENTER BUSINESS ZONE (B-2B) - Permitted signs may be free standing or wall mounted, as specified; such signs may be non-illuminated, indirectly illuminated, internally illuminated or directly illuminated; painted

wall signs shall be prohibited. No free standing sign permitted under this section shall exceed twenty (20) feet in height, nor project into the right-of-way more than twelve (12) inches.

(1) Business signs, wall mounted identification signs, canopy or awning signs, under canopy or under awning signs, above canopy signs, and banner signs shall be permitted as regulated in the B-2 and B-2A zones.

(2) In addition to the other signs permitted in this zone, four (4) wall mounted electronic message display system signs shall be permitted for civic centers which contain exhibition halls, and an arena for athletic and cultural events. Two (2) such signs, not exceeding two hundred (200) square feet shall be permitted and shall be used primarily only to notify the public of special events in the civic center or to provide public service information. Two (2) additional signs may also be erected, not exceeding fifty (50) square feet each and shall be used exclusively for directional and/or informational purposes. Electronic message display system signs may be mounted on the wall of the civic center or any structure having a common wall with the civic center.

(3) Nameplates, directional signs, menu boards, and informational signs shall be permitted as regulated in the B-1 zone.

(4) A-frame or sandwich board type signs shall be permitted and regulated as in the B-2 and B-2A zones.

Section 16 — That Article 17-7(j)(2) of the Zoning Ordinance of the Lexington-Fayette Urban County Government is hereby amended to read as follows:

(2) One attraction board, wall mounted or attached to the free standing business sign permitted under 17-7(j)(1)(b) above; the area of the attraction board to be included in the maximum permitted sign area.

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

OFFICE, INDUSTRY AND RESEARCH PARK ZONE (P-2) – Signs within the P-2 zone shall be permitted and regulated as for P-1 [Section 17-7(e)], except as follows:

- (1) Wall mounted identification signs shall be limited to one per wall, with a maximum of four (4); wall mounted signs not be exceed five percent (5%) of the wall area to which it is attached.
- (2) Signs within the designated retail area shall be permitted and regulated as in the B-6P [Section 17-7(k)] zone.
- (3) Project entrance identification signs shall be permitted and regulated under Section 17-7(e)(6)(c).

Section 18 — That Article 17-7 of the Zoning Ordinance of the Lexington-Fayette Urban County Government is hereby amended to add subsections (o), (p) and (q) to read as follows:

17-7(o) MIXED-USE 2: "NEIGHBORHOOD CORRIDOR ZONE" (MU-2) -
Signage shall be as permitted and restricted as follows:

- (1) Signs shall be non-illuminated, indirectly illuminated or internally illuminated, unless otherwise specified.
- (2) No free standing sign shall exceed ten (10) feet in height.
- (3) Identification or business signs shall be permitted as follows:
 - a. One free standing identification sign shall be permitted per street frontage, per development, with a maximum of two (2) free standing signs; not exceeding seventy-five (75) square feet per sign.
 - b. The surface area of wall mounted business signs shall not exceed fifteen percent (15%) of the wall area to which they are attached, or thirty-two (32) square feet, whichever is greater; each wall to be considered separately. Only one business sign shall be permitted per wall. In the case of a building containing two or more separate business uses, these requirements shall be applied separately to the wall area of the building space leased, rented or owned by the individual business tenant.
 - c. Window signs shall be permitted, limited to no more than twenty-five percent (25%) of the total window area; and direct illumination shall be permitted.
 - d. Canopy or awning signs shall be permitted and limited to the percentage allowable for wall signs. Under canopy or under awning signs shall be permitted and limited to identification signs.
- (4) Projecting business signs shall be permitted in addition to wall-mounted business signs where the purpose of such projecting signs is to create a unified and distinct mixed use area. No more than one (1) sign for each establishment within the building, having a separate and direct entrance to the outside, per street building face. Such sign shall extend no lower than eight (8) feet over the public right-of-way and must be mounted on the building where the establishment is located. Such sign shall have a maximum area of twelve (12) square feet, with a maximum projection from the wall of the building of no more than four (4) feet.
- (5) An attraction board may be attached to a free standing sign, provided it does not exceed the area of the identification sign and provided that no permanent copy identifying any specific business or product sold within the center is included on the attraction board. The area of the attraction board shall be included in the computation of the area of the free standing sign. The copy on such an attraction board shall be limited to sales or other events on the premises and civic meetings, rallies or other non-commercial events on or off the premises.
- (6) Directional signs not exceeding three (3) square feet in area, not exceeding three (3) feet in height; if free standing, not to exceed two (2) signs per entrance.

(7) One nameplate per tenant or lessee, not exceeding two (2) square feet in area; non-illuminated or indirectly illuminated.

(8) One menu board per restaurant use. All copy (including any logos, restaurant name, etc.) shall have a maximum letter height and width of six (6) inches, containing no direct illumination; not exceeding thirty (30) square feet in area; maximum height of eight (8) feet if free standing; and not located so as to have the copy visible to vehicular traffic on any adjacent street.

(9) Wall-mounted banner signs, pennants and streamers shall be permitted, with no general product advertising or list of specific goods or services; limited to one (1) such banner, pennant or streamer per ten (10) feet of linear frontage; a total maximum area of ten percent (10%) of the wall area to which it is attached; a minimum of eight (8) feet of vertical clearance; and a maximum projection into the right-of-way of three (3) feet.

17-7(p) MIXED-USE 3: "MIXED-USE COMMUNITY ZONE" (MU-3) – Signage shall be permitted and restricted as in the MU-2 zone, except as follows:

(1) Wall-mounted banner signs, pennants and streamers shall be permitted for a total maximum area of fifteen percent (15%) of the wall area to which they are attached, with all other restrictions from the MU-2 zone.

(2) Pole-mounted banner signs shall be permitted, subject to the following:

a. Banner signs shall be a maximum size of two (2) feet by four (4) feet, and there shall be no more than two (2) per pole.

b. Banner signs may not advertise specific businesses or products, goods or services.

c. Pole-mounted banners shall be permitted on light fixtures in parking lots and pedestrian plazas located outside of the public right-of-way.

d. Banner poles shall be spaced to be no closer than forty-five (45) feet from each other.

e. The total number of pole-mounted banner signs shall be limited to one (1) for every 3,000 square feet of parking lot or pedestrian plaza.

f. All pole-mounted banner signs shall provide a minimum of eight (8) feet of vertical clearance, and may not encroach into the right-of-way.

g. Pole banners in parking lots located in another zone that are incorporated in an approved final development plan for an MU-3 project are permitted, subject to the same restrictions and requirements applicable to the pole banner signs for the MU-3 project.

- (3) A-frame or sandwich board type shall be permitted as follows:
- a. Maximum size of eight (8) square feet per panel, maximum height 48", maximum width 24";
 - b. One sign per street frontage, maximum two signs;
 - c. Placement of sign shall allow for four (4) clear feet of sidewalk width;
 - d. Sign shall be in place only when business is open;
 - e. Placement of sign not to restrict egress from parked cars and not over curb line;
 - f. Shall be maintained in good condition;
 - g. Shall not be attached to any public utility pole, street light standard or tree;
 - h. Shall be non-illuminated; and
 - i. There shall be an annual renewal permit fee, as established under the Code of Ordinances.

(4) One (1) free standing business or identification sign per street frontage, per development, shall be permitted. A maximum of two (2) free standing signs shall be deemed as primary, not exceeding seventy-five (75) square feet per sign. All other free standing signs shall be considered secondary, and shall not exceed forty (40) square feet per sign.

(5) One (1) project identification sign per building, per street frontage, shall be permitted, not to exceed five percent (5%) of the wall area to which it is attached. Such projecting sign shall extend no lower than eight (8) feet, with a maximum projection from the wall of the building of no more than four (4) feet.

17-7(q) EXPANSION AREA ZONES

(1) CONSERVATION DISTRICT (CD) ZONE, EXPANSION AREA RESIDENTIAL (EAR-1, EAR-2, AND EAR-3) ZONES, AND COMMUNITY CENTER (CC) ZONE – Signage shall be permitted and restricted under Article 17-7(m) for a PUD zone.

(2) ECONOMIC DEVELOPMENT (ED) ZONE – Signage shall be permitted and restricted as in the P-1 zone, except as follows:

(a) Project entrance identification signs shall be as for Professional Office Parks, as specifically regulated under Section 17-7(e)(6). All free standing identification or business signs shall be monument type.

(b) Signage for extended-stay hotels may be directly, indirectly or internally illuminated; there shall be no more than one (1) wall-mounted business sign per each extended-stay hotel, not to exceed thirty-two (32) square feet in area; and no more than one (1) free standing monument type business sign, eight (8) feet in height, with a maximum size of thirty-two (32) square feet.

Section 19 — That Article 8-21(o)(4)(i) of the Zoning Ordinance of the Lexington-Fayette Urban County Government is hereby amended to read as follows:

- (i) Signage – Shall be as permitted under Article 17-7(o) for an MU-2 zone.

Section 20 — That Article 23A-4(h) of the Zoning Ordinance of the Lexington-Fayette Urban County Government is hereby deleted.

Section 21 — That Article 23A-5(j) of the Zoning Ordinance of the Lexington-Fayette Urban County Government is hereby amended to read as follows:

- 1. At least twenty-five percent (25%) of the net developable acreage of any project in the EAR-1 zone shall be open space.

Section 22 — That Article 23A-6(k) of the Zoning Ordinance of the Lexington-Fayette Urban County Government is hereby amended to delete subsection (1) and renumber the remaining sections accordingly.

Section 23 — That Article 23A-7(k) of the Zoning Ordinance of the Lexington-Fayette Urban County Government is hereby amended to delete subsection (1) and renumber the remaining sections accordingly.

Section 24 — That Article 23A-9(k) of the Zoning Ordinance of the Lexington-Fayette Urban County Government is hereby amended to delete subsection (8) and renumber the remaining sections accordingly.

Section 25 — That Article 23A-10(j) of the Zoning Ordinance of the Lexington-Fayette Urban County Government is hereby amended to delete subsection (6) and renumber the remaining sections accordingly.

Section 26 — That Article 23A-10(j) of the Zoning Ordinance of the Lexington-Fayette Urban County Government is hereby amended to provide that former subsection (12), currently subsection (11) as renumbered in accordance with Section 24 above, shall read as follows:

- 11. There shall be no more than one extended-stay hotel for a regional medical campus that contains 100 acres or less; a second extended-stay hotel is permitted for a regional medical campus that contains more than 100 acres, provided that there shall be no more than two (2) extended-stay hotels in a regional medical campus. The extended-stay hotel shall be: a) a part of a building that also contains medical facilities permitted on the campus; or b) physically connected by interior access ways to facilities containing medical services permitted on the campus. Extended-stay hotels shall be internally oriented to the site (e.g., not located on adjoining arterial

streets).

Section 27 — That Article 27-3(1)(b) of the Zoning Ordinance of the Lexington-Fayette Urban County Government is hereby amended to delete subsections (10) and (11).

Section 28 — That Article 27-6(b)(1)(d) of the Zoning Ordinance of the Lexington-Fayette Urban County Government is hereby amended to read as follows:

FILING MATERIALS – The Board, where it deems necessary in order to review a particular application, may require the submission of any or all of the following items: architectural plans, plot plans, landscaping plans, plans for off-street parking, elevations of all portions of proposed additions to structures, photographs, elevations, or perspective drawings showing the proposed structure and existing structures that are within one hundred (100) feet or are substantially related to it visually or by reason of function, traffic generation or other characteristics.

Section 29 — That Article 28-4(h)(5) of the Zoning Ordinance of the Lexington-Fayette Urban County Government is hereby amended to read as follows:

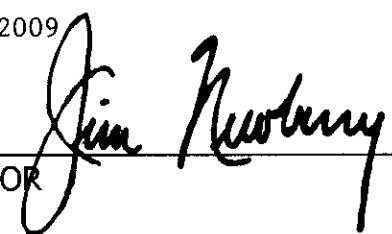
- (5) Signage within the MU-2 zone shall be as permitted and restricted under Article 17-7(o) of the Zoning Ordinance.

Section 30 — That Article 28-5(h)(5) of the Zoning Ordinance of the Lexington-Fayette Urban County Government is hereby amended to read as follows:

- (5) Signage within the MU-3 zone shall be as permitted and restricted under Article 17-7(p) of the Zoning Ordinance.

Section 31 - That this Ordinance shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL: May 7, 2009


MAYOR

ATTEST:


Clerk of Urban County Council

PUBLISHED: May 14, 2009-1t

Recd by QA
Date: 4/16/09

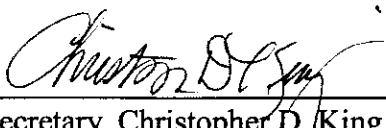
RECOMMENDATION OF THE
URBAN COUNTY PLANNING COMMISSION
OF LEXINGTON AND FAYETTE COUNTY, KENTUCKY

IN RE: **ZOTA 2009-3: AMENDMENT TO ARTICLE 17 TO ALTER ALLOWABLE SIGNAGE IN AND NEAR DOWNTOWN** – petition for a Zoning Ordinance text amendment to expand the allowable signage in the downtown business zones, in some mixed use zones, and to relocate all sign regulations to Article 17.

Having considered the above matter on **March 26, 2009**, at a Public Hearing and having voted **8-0** 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. These text changes are in complete agreement with the first two themes of the adopted 2007 Comprehensive Plan:
 - Promoting the myriad components that strengthen the viability of downtown, including professional and commercial uses, cultural and recreational activities, and new and existing housing.
 - Implementing infill and redevelopment strategies that expand residential and commercial opportunities; are appropriate in character and design; and complement and reinforce the fabric of the neighborhood.
2. These changes have been reviewed and encouraged by representatives of the Downtown Development Authority, the Downtown Lexington Corporation, and downtown developers. The adoption of these changes is justified for that reason.
3. These changes are a timely update to the sign ordinance, and will result in the first comprehensive update to the allowable downtown signage in nearly a decade, and to that permitted in commercial areas within the Infill & Redevelopment Area since its inception.

ATTEST: This 16th day of April, 2009.



Secretary, Christopher D. King

RANDALL VAUGHN
CHAIR

At the Public Hearing before the Urban County Planning Commission, this petitioner was represented by **Traci Wade**, Senior Planner.

OBJECTORS

- None

OBJECTIONS

- None

VOTES WERE AS FOLLOWS:

AYES: (8) Copeland, Cravens, Owens, Penn, Richardson, Roche-Phillips, Vaughn, Whitman

NAYS: (0)

ABSENT: (3) Brewer, Day, Holmes

ABSTAINED: (0)

DISQUALIFIED: (0)

Motion for **Approval** of **ZOTA 2009-3** carried.

tw/wls/src

Enclosures: Minutes of PC meeting initiating this request
Staff Report
Staff Alternative Text
Applicable excerpts of minutes of above public hearing

- A. **ZONING ORDINANCE TEXT AMENDMENT INITIATION** – Mr. Sallee stated that the staff is currently asking the Commission to consider initiation of the proposed changes to the sign Ordinance that were presented at the Commission’s January 22, 2009, work session. These changes would affect mostly the downtown business zones, and would revise and expand the allowable signage in and near the downtown area. If the Commission chooses to initiate this text amendment, it could be heard as early as the March 26, 2009, Planning Commission public hearing.

Action: A motion was made by Mr. Holmes, seconded by Mr. Cravens, and carried 11-0 to initiate a text amendment to Article 17 of the Zoning Ordinance.

- VIII. **AUDIENCE ITEMS** – Citizens may bring a planning related matter before the Commission at this time for general discussion or future action. Items that will **NOT** be heard are those requiring the Commission’s formal action, such as zoning items for early rehearing, map or text amendments; subdivision or development plans, etc. These last mentioned items must be filed in advance of this meeting in conformance with the adopted filing schedule.

IX. **MEETING DATES FOR MARCH, 2009**

Subdivision Committee, Thursday, 8:30 a.m., Planning Division Office (101 East Vine Street).....	March 5, 2009
Zoning Committee, Thursday, 1:30 p.m., Planning Division Office (101 East Vine Street).....	March 5, 2009
Subdivision Items Public Meeting , Thursday, 1:30 p.m., 2 nd Floor Council Chambers.....	March 12, 2009
Work Session, Thursday, 1:30 p.m., 2 nd Floor Council Chambers.....	March 19, 2009
Technical Committee, Wednesday, 8:30 a.m., Planning Division Office (101 East Vine Street).....	March 25, 2009
Zoning Items Public Hearing , Thursday, 1:30 p.m., 2 nd Floor Council Chambers.....	March 26, 2009

X. **ADJOURNMENT**

TLW/TM/JWE/BJR/BS/src

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

STAFF REPORT ON PETITION FOR ZONING ORDINANCE TEXT AMENDMENT

**ZOTA 2009-3: AMENDMENT TO ARTICLES 17 TO ALTER
ALLOWABLE SIGNAGE IN AND NEAR DOWNTOWN**

INITIATED BY: Urban County Planning Commission

PROPOSED TEXT: (See attachment to this report)

STAFF REVIEW:

The Planning Commission, at the request of the staff, has initiated a text amendment to modify the allowable signage in the Downtown Business, Mixed Use, and a few other related zones, in order to update and consolidate the sign regulations contained in the Zoning Ordinance.

The sign ordinance (Article 17) for Downtown Business (B-2, B-2A & B-2B) zones was last amended almost ten years ago. At that time, the Mayor appointed four task force groups to address different aspects of revitalizing downtown and to develop recommendations for achieving this goal. Those recommendations also included the creation and the application of the Courthouse Area Design Overlay zone, among other initiatives. The current sign ordinance reflects the recommendations made by those task forces.

Over the past few months, the staff has discussed existing signage limitations with representatives of the Downtown Development Authority, the Downtown Lexington Corporation, downtown developers and the Administration. As a result, there is a general consensus that there is a need to once again update the sign ordinance for downtown businesses, and neighborhood business areas near downtown in the defined Infill & Redevelopment Area.

While the current text amendment largely focuses on downtown and near-downtown commercial areas, there is one other important organizational aspect to this current text amendment proposal. All sign regulations are intended to now appear in Article 17 of the Zoning Ordinance. The sign provisions contained in Article 23 (Expansion Area) and in Article 28 (Mixed Use zones) are proposed to be relocated to the chapter with all the other sign regulations. This should aid the administration and enforcement of the sign ordinance by the LFUCG.

Besides relocating all sign regulations to Article 17, the proposed text amendment is primarily intended to:

- 1) encourage more activity for retail stores and entertainment venues in the downtown area;
- 2) increase visibility of signage for both vehicular and pedestrian traffic in downtown;
- 3) help create a more interesting and vibrant downtown;
- 4) allow businesses downtown, in the Infill & Redevelopment Area, and in mixed use projects to be more easily located and recognized by visitors and patrons;
- 5) relax sign restrictions to coincide with new developments and new uses planned for downtown; and
- 6) encourage more creativity and artistic expression in signage throughout the community.

The first significant change is to relax long-standing prohibitions downtown for projecting signs. These signs have been restricted locally since the City of Lexington and Fayette County governments merged, and date to the time of downtown Urban Renewal projects four decades ago. New projecting signs allowed under this ordinance revision will be limited to 50 square feet in size, and can be no less than 10' off the ground and no higher than 30' when mounted to the wall of a building. Projecting signs will not be allowed to conflict with wall signs, windows, doors or other architectural features of a building, unlike those that dominated Main Street a half century ago. Flashing signs and blinking arrows, common with some projecting sign types around the country, will remain prohibited.

In Neighborhood Business (B-1) zones within the defined Infill & Redevelopment Area, projecting signs will also be permitted once again after several decades, on buildings that are pedestrian oriented by nature of a very small setback from the street. Under this proposal, a neighborhood business in this 10 square-mile area closest to downtown may erect a 50 square-foot projecting sign in lieu of an otherwise allowable free standing sign if their building is 10' or less from the street right-of-way. This type of sign has almost vanished from the urban county over the past 25 years.

The use of projecting signs was recently expanded in Mixed Use-2 and Mixed Use-3 zones. That recent text amendment also created provisions for pole-mounted banner signs to be erected in other zones for parking lots associated and approved for mixed use projects. This text amendment will amend the sign ordinance for the B-3, B-4, I-1 and I-2 zones to allow those signs specifically, and relocate those new restrictions from Article 28 to Article

17. Further, the adopted changes impacting R-3 and R-4 zones will be revised with this text amendment to only permit these types of new signs as a conditional use, subject to review and approval by the Board of Adjustment following notice to neighboring property owners and area neighborhood associations. There is no such review in R-3 and R-4 areas adopted as part of the recently approved changes involving the MU zones.

This amendment will also allow painted wall signs to return to the downtown. A long-standing prohibition over the past 40 years is proposed to be removed. However, painted wall signs in downtown business zones must still meet the current size limitations contained in Article 17 for wall signs.

Several provisions in this proposed amendment, although intended primarily for downtown, are proposed to be allowed throughout the entire urban county. Permanent 3-dimensional signs (not inflatables) are to be allowed to be erected instead of free-standing or projecting signs. No size increases are proposed to accompany this revision to the sign ordinance.

This text amendment will redefine "works of art" as it relates to signage. This should allow far more creativity for downtown signs (and throughout the community as a whole), as has been realized in other regional downtowns.

In a further attempt to foster additional flexibility and creativity in local signage, "landmark signs" and "district identification signs" are to be defined and added to our local sign regulations. These are intended to create or establish a unique area or location in the community, and are to be reviewed and administered by a new sign review committee, created through this amendment. The Commissioner of Public Works & Development, along with four other committee members appointed by the Mayor, will be charged with reviewing and approving signs that are unique, and distinctive by way of their "size, configuration, height, location or message." This committee will be required to have at least one architect and one building inspector as members, in addition to the Commissioner. They will review signs in all zones that are "above and beyond" those now allowable.

In a related change, Article 27 for the Courthouse Area Design Overlay Zone is to be amended to remove the review of new or replacement signs from the purview of the Court House Area Design Review Board. Instead, the regulation of signs, including their rehabilitation and installation, will fall under the provisions of the underlying zone of the property, and not this Design Overlay Zone. Signage information would no longer be required to accompany the filing materials submitted to that body for review.

Under this proposal, there are a few other miscellaneous provisions to either clarify existing regulations or expand signage opportunities. Menu boxes, usually found just outside of the entrance to restaurants, will be permitted downtown, in the Neighborhood Business (B-1) zone, and in mixed use zones. These signs are designed solely for pedestrians, and not for the motoring public. In addition, signs affixed above canopies, rather than painted onto canopies, will be permitted and regulated under this package of text amendments. There have been sign appeals at the Board of Adjustment over the past five years that have illustrated the need and desire for this type of new sign in our community. Another specialized type of freestanding sign—monument signs that are long but low to the ground—are also proposed to be added to the sign definitions contained in Article 17, and regulated as are free standing business signs.

In conclusion, the staff believes that these proposed changes to Articles 17, 23, 27 & 28 are timely, and warranted. We hope that time will tell that these changes have enhanced our downtown area and the entire city.

The Staff Recommended: Approval, for the following reasons:

1. These text changes are in complete agreement with the first two themes of the adopted 2007 Comprehensive Plan:
 - Promoting the myriad components that strengthen the viability of downtown, including professional and commercial uses, cultural and recreational activities, and new and existing housing.
 - Implementing infill and redevelopment strategies that expand residential and commercial opportunities; are appropriate in character and design; and complement and reinforce the fabric of the neighborhood.
2. These changes have been reviewed and encouraged by representatives of the Downtown Development Authority, the Downtown Lexington Corporation, and downtown developers. The adoption of these changes is justified for that reason.
3. These changes are a timely update to the sign ordinance, and will result in the first comprehensive update to the allowable downtown signage in nearly a decade, and to that permitted in commercial areas within the Infill & Redevelopment Area since its inception.

WLS/BJR/CDK
3/5/09
Staff reports/zota2009-03.doc

ZOTA 2009-3: Amend Article 17 to Alter Allowable Signage in Downtown

(Note: Text underlined indicates an addition; text ~~dashed through~~ indicates a deletion to the current Zoning Ordinance.)

ARTICLE 17: SIGN REGULATIONS

17-1 INTENT - The intent of this Article is to provide sign standards and restrictions which allow for the legitimate needs for identification of agricultural, residential, professional office, business, and industrial activities while at the same time promoting signage which does not unduly detract from the overall aesthetics of the community; which reduces intrusions and protects property values; which provides for improved public safety by minimizing the undue distraction of the motoring public; which provides for the protection and enhancement of the tourist industry by promoting a more harmonious and pleasing community image; which is equitably provided in terms of the nature and scale of the activities to be identified and of non-conforming signs; and which generally enhances and strengthens the economic stability of Lexington-Fayette Urban County.

17-2 (d) SCOPE – Works of fine art not containing a commercial message and, which in no way depict a trademarked logo or phrase meant to represent, identify, or advertise a specific product or business.

17-3(b) (7) DISTRICT IDENTIFICATION SIGN – Any type of sign or other graphic, located on public or private property, which establishes the identity of an unique and distinct community district by way of its size, configuration, height, location, or message and which has no direct advertising value for any specific business, product or service. (re-number remaining sections.)

17-3(b) (13) LANDMARK SIGN – Any type of sign or other graphic that helps to create an unique location by way of its size, configuration, height, location, message and exhibits distinctive stylistic features. (re-number remaining sections.)

17-3(b) (15) MENU BOX – A wall mounted sign primarily designed for the display of menu items and prices in conjunction with a restaurant. (re-number remaining sections.)

17-3(c) (4) ABOVE CANOPY SIGN – A sign mounted to the top edge of the roof of a canopy constructed of metal or similar rigid and solid materials, that projects vertically from the canopy to form the free standing letters or graphics of the sign. (re-number remaining sections.)

17-3 (c) (8) MONUMENT SIGN – A free standing sign where the length of the base of the sign is a minimum of 75 percent (75%) of the length of the longest part of the sign. (re-number remaining sections.)

17-3(e) (2) (a) (3) Any sign that is considered three-dimensional in shape shall have the area calculated by projecting the sign onto a vertical plane and summing the area of the sign face for all sides of the sign designed to attract attention or to communicate information that can be seen at any one (1) time by a person from one (1) vantage point.

17-3(e) (2) (a) ~~(3)(4)~~ – If the sign is composed of one or two individual cabinets, the area around and enclosing the perimeter of each cabinet or module shall be summed and totaled to determine the area. The perimeter of the measurable area shall not include embellishments such as pole covers, framing, decorative roofing, etc., provided there is no written copy on such embellishments and such embellishments are clearly incidental to the sign itself. ~~their total surface area (excluding pole covers provided such covers do not extend more than six (6) inches at any point from any structural member) does not exceed twenty-five percent (25%) of the otherwise permitted sign area.~~

17-3(e) (2) (a) ~~(4)(5)~~ – If the sign is composed of more than two sign cabinets, or modules, the area enclosing the entire perimeter of all cabinets and/or modules within a single contiguous geometric figure shall be the area of the sign. The measurable area shall not include embellishments such as pole covers, framing, decorative roofing, etc., provided there is no written copy on such embellishments and such embellishments are clearly incidental to the sign itself. ~~their total surface area (excluding pole covers provided such covers do not extend more than six (6) inches at any point from any structural member) does not exceed twenty-five percent (25%) of the otherwise permitted sign area.~~

17-4(i) NEON SIGNS – Neon lighting and tubing and other exposed light sources not exceeding one hundred (100) watts per bulb may be used on signs where signs are permitted to be directly illuminated as defined in this Article. ~~However, no such lighting may be used to outline buildings, structures, or ornamental features.~~

17-4(p) SIGNAGE FOR MULTIPLE USES – Where more than one use occupies a building, the permitted sign area shall be based on the building frontage or wall area, as applicable, of that use.

ZOTA 2009-3: Amend Article 17 to Alter Allowable Signage in Downtown

17-6 PERMITTED SIGNS IN ALL ZONES – The following signs shall be permitted within all zones, subject to the restrictions specified:

(i) Landmark and district identification signs may be permitted with the approval of the Commissioner of Public Works and Development (or designee) and a four member sign review committee established by the Mayor. In addition to the Commissioner of Public Works and Development, the committee shall consist of at least one (1) architect licensed in the Commonwealth of Kentucky, and at least one (1) building inspector from the Division of Building Inspection. Any such signs shall meet all applicable Kentucky Building Code and Kentucky Fire Safety Code requirements.

A landmark or district identification sign shall be evaluated by the sign review committee based upon the following criteria:

- (1) The sign exhibits distinctive stylistic features and an unusual use of material in the design.
- (2) The sign is an example of artistic design and skilled craftsmanship.
- (3) The sign is a significant part of the architectural or cultural history of the community.

17-7(c) HIGH DENSITY RESIDENTIAL ZONES (R-3 & R-4)

(4) Pole-banner signs shall be permitted only if displayed in a parking area approved as a conditional use to be accessory to a mixed-use project, and subject to the following restrictions:

- (a) Banner signs shall be a maximum size of two (2) feet by four (4) feet, and there shall be no more than two (2) per pole.
- (b) Banner signs may not advertise specific business or products, goods, or services.
- (c) Pole-mounted banners shall be permitted on light fixtures in parking areas located outside of the public right-of-way.
- (d) Banner poles shall be spaced to be no closer than forty-five (45) feet from each other.
- (e) The total number of pole-mounted banner signs shall be limited to one (1) for every 3,000 square feet of parking area.
- (f) All pole-mounted banner signs shall provide a minimum of eight (8) feet of vertical clearance, and may not encroach into the right-of-way.

17-7(e) PROFESSIONAL OFFICE ZONE (P-1) AND "MIXED-USE 1: NEIGHBORHOOD NODE ZONE" (MU-1)

(3) Informational signs, not exceeding twenty (20) square feet. Such signs shall be included in the computation for maximum square footage specified under 17-7(d)(1) above, and shall be free standing only when included as a part of a permitted free standing identification sign.

17-7(f) NEIGHBORHOOD BUSINESS ZONE (B-1)

(1) Business signs shall be permitted as follows:

(c) One projecting business sign not exceeding fifty (50) square feet in area, not exceeding twelve (12) feet in height, and only directly or indirectly illuminated, shall be permitted in lieu of all free standing business signage, as permitted herein, under the following circumstances:

- (1) the parcel on which the sign is placed is located within the defined Infill and Redevelopment Area; and
- (2) the existing principal structure on the parcel is located ten (10) feet or less from the front property line, (re-number remaining sections.)

(e)-(f) Canopy or awning signs (including above canopy signs) shall be permitted and included in the computation of the maximum permitted sign area and limited to the percentage allowable for wall signs. Under canopy or under awning signs shall be permitted and limited to identification signs.

ZOTA 2009-3: Amend Article 17 to Alter Allowable Signage in Downtown

(6) Informational signs, not exceeding twenty (20) square feet. Such signs shall be included in the computation for maximum square footage specified under 17-7(e)(1) above, and shall be free standing only when included as a part of a permitted free standing identification sign.

(8) One menu box per restaurant use, not exceeding four (4) square feet.

17-7(g) HIGHWAY SERVICE BUSINESS, WAREHOUSE / WHOLESALE, AND INDUSTRIAL ZONES (B-3, B-4, I-1, I-2)

(5) Menu boards and menu boxes as permitted and regulated in the B-1 zone.

(8) Pole-banner signs shall be permitted only if displayed in a parking area accessory to a mixed-use project, and subject to the following restrictions:

(1) Banner signs shall be a maximum size of two (2) feet by four (4) feet, and there shall be no more than two (2) per pole.

(2) Banner signs may not advertise specific business or products, goods, or services.

(3) Pole-mounted banners shall be permitted on light fixtures in parking areas located outside of the public right-of-way.

(4) Banner poles shall be spaced to be no closer than forty-five (45) feet from each other.

(5) The total number of pole-mounted banner signs shall be limited to one (1) for every 3,000 square feet of parking area.

(6) All pole-mounted banner signs shall provide a minimum of eight (8) feet of vertical clearance, and may not encroach into the right-of-way.

17-7(h) DOWNTOWN BUSINESS ZONES (B-2, B-2A) – Permitted signs may be free standing or wall mounted, as specified; such signs may be non-illuminated, indirectly illuminated, internally illuminated or directly illuminated, unless specified otherwise; ~~painted wall signs shall be prohibited.~~

17-7(h)(1) Business signs shall be permitted as follows:

~~(f)~~ One projecting business sign not exceeding fifty (50) square feet in area shall be permitted for each establishment within the building, having a separate and direct entrance to the outside. Such sign shall have minimum a vertical clearance of ten (10) feet and a height limit of thirty (30) feet as attached to the building. Such sign shall be mounted on the building so that it does not conflict with wall mounted signs permitted under (e) above or with any windows, doors or other architectural features of the building, and with a maximum projection from the face of the building and into the adjacent right-of-way eight (8) feet. In no case shall a projecting sign be closer than two (2) feet to the back of curb or any adjacent roadway.

~~(3)~~ Nameplates, direction signs, menu boards, menu boxes and informational signs and signs on or under a canopy or awning shall be permitted as regulation in the B-1 zone.

~~(4)~~ Canopy or awning signs shall be permitted in lieu of allowable wall signs, not exceeding twenty percent (20%) of the face of the canopy or awning. Under canopy or under awning signs shall be permitted and limited to identification signs. Above canopy signs shall be permitted and limited to the percentage allowable for wall signs. (re-number remaining sections.)

~~(5)(6)~~ A-frame or sandwich board type signs shall be permitted as follows:

17-7(i) LEXINGTON CENTER BUSINESS ZONE (B-2B)

~~(1)~~ Business signs, wall mounted identification signs, canopy or awning signs, under canopy or under awning signs, above canopy signs, and banner signs shall be permitted as regulated in the B-2 and B-2A zones.

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- (3) Nameplates, directional signs, menu boards, and informational signs, ~~and signs on or under a canopy or awning~~ shall be permitted as regulated in the B-1 zone.
- (4) A-frame or sandwich or sandwich board type signs shall be permitted and regulated as in the B-2 and B-2A zones, as follows:
- ~~(a) Maximum size of eight (8) square feet per panel, maximum height 48", maximum width 24";~~
 - ~~(b) One sign per street front, maximum two signs;~~
 - ~~(c) Placement of sign shall allow for four (4) clear feet of sidewalk width;~~
 - ~~(d) Sign shall be in place only when business is open;~~
 - ~~(e) Placement of sign not to restrict egress from parked cars, and not over the curb line;~~
 - ~~(f) Shall be maintained in good condition;~~
 - ~~(g) Shall not be attached to any public utility pole, street light standard or tree;~~
 - ~~(h) Non-illuminated;~~
 - ~~(i) There shall be an annual renewal permit fee, as established under the Code of Ordinances.~~
- 17-7(j)(2) One attraction board, wall mounted or attached to the free standing business sign permitted under 17-7(j)(1)(b) above; the area of the attraction board to be included in the maximum permitted sign area.
- 17-7(n) OFFICE, INDUSTRY AND RESEARCH PARK ZONE (P-2) – Signs within the P-2 zone shall be permitted and regulated as for P-1 [Section 17-7 (de)], except as follows:
- 17-7(n)(3) Project entrance identification signs shall be permitted and regulated under Section 17-7(de)(6)(c) above.
- 17-7(o) MIXED-USE 2: "NEIGHBORHOOD CORRIDOR ZONE" (MU-2) – Signage shall be as permitted and restricted as follows:
- (1) Signs shall be non-illuminated, indirectly illuminated or internally illuminated, unless otherwise specified.
 - (2) No free standing sign shall exceed ten (10) feet in height.
 - (3) Identification or business signs shall be permitted as follows:
 - a. One free standing identification sign shall be permitted per street frontage, per development, with a maximum of two (2) free standing signs; not exceeding seventy-five (75) square feet per sign.
 - b. The surface area of wall mounted business signs shall not exceed fifteen percent (15%) of the wall area to which they are attached, or thirty-two (32) square feet, whichever is greater; each wall to be considered separately. Only one business sign shall be permitted per wall. In the case of a building containing two or more separate business uses, these requirements shall be applied separately to the wall area of the building space leased, rented or owned by the individual business tenant.
 - c. Window signs shall be permitted, limited to no more than twenty-five percent (25%) of the total window area; and direct illumination shall be permitted.
 - d. Canopy or awning signs shall be permitted and limited to the percentage allowable for wall signs. Under canopy or under awning signs shall be permitted and limited to identification signs.
 - (4) Projecting business signs shall be permitted in addition to wall-mounted business signs where the purpose of such projecting signs is to create a unified and distinct mixed use area. No more than one (1) sign for each establishment within the building, having a separate and direct entrance to the outside, per street

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building face. Such sign shall extend no lower than eight (8) feet over the public right-of-way and must be mounted on the building where the establishment is located. Such sign shall have a maximum area of twelve (12) square feet, with a maximum projection from the wall of the building of no more than four (4) feet.

- (5) An attraction board may be attached to a free standing sign, provided it does not exceed the area of the identification sign and provided that no permanent copy identifying any specific business or product sold within the center is included on the attraction board. The area of the attraction board shall be included in the computation of the area of the free standing sign. The copy on such an attraction board shall be limited to sales or other events on the premises and civic meetings, rallies or other non-commercial events on or off the premises.
- (6) Directional signs not exceeding three (3) square feet in area, not exceeding three (3) feet in height; if free standing, not to exceed two (2) signs per entrance.
- (7) One nameplate per tenant or lessee, not exceeding two (2) square feet in area; non-illuminated or indirectly illuminated.
- (8) One menu board per restaurant use. All copy (including any logos, restaurant name, etc.) shall have a maximum letter height and width of six (6) inches, containing no direct illumination; not exceeding thirty (30) square feet in area; maximum height of eight (8) feet if free standing; and not located so as to have the copy visible to vehicular traffic on any adjacent street.
- (9) Wall-mounted banner signs, pennants and streamers shall be permitted, with no general product advertising or list of specific goods or services; limited to one (1) such banner, pennant or streamer per ten (10) feet of linear frontage; a total maximum area of ten percent (10%) of the wall area to which it is attached; a minimum of eight (8) feet of vertical clearance; and a maximum projection into the right-of-way of three (3) feet.

17-7(p)

MIXED-USE 3: "MIXED-USE COMMUNITY ZONE" (MU-3) – Signage shall be permitted and restricted as in the MU-2 zone, except as follows:

- (1) Wall-mounted banner signs, pennants and streamers shall be permitted for a total maximum area of fifteen percent (15%) of the wall area to which they are attached, with all other restrictions from the MU-2 zone.
- (2) Pole-mounted banner signs shall be permitted, subject to the following:
 - a. Banner signs shall be a maximum size of two (2) feet by four (4) feet, and there shall be no more than two (2) per pole.
 - b. Banner signs may not advertise specific businesses or products, goods or services.
 - c. Pole-mounted banners shall be permitted on light fixtures in parking lots and pedestrian plazas located outside of the public right-of-way.
 - d. Banner poles shall be spaced to be no closer than forty-five (45) feet from each other.
 - e. The total number of pole-mounted banner signs shall be limited to one (1) for every 3,000 square feet of parking lot or pedestrian plaza.
 - f. All pole-mounted banner signs shall provide a minimum of eight (8) feet of vertical clearance, and may not encroach into the right-of-way.
 - g. Pole banners in parking lots located in another zone that are incorporated in an approved final development plan for an MU-3 project are permitted, subject to the same restrictions and requirements applicable to the pole banner signs for the MU-3 project.
- (3) A-frame or sandwich board type shall be permitted as follows:
 - a. Maximum size of eight (8) square feet per panel, maximum height 48", maximum width 24".

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- b. One sign per street frontage, maximum two signs;
 - c. Placement of sign shall allow for four (4) clear feet of sidewalk width;
 - d. Sign shall be in place only when business is open;
 - e. Placement of sign not to restrict egress from parked cars and not over curb line;
 - f. Shall be maintained in good condition;
 - g. Shall not be attached to any public utility pole, street light standard or tree;
 - h. Shall be non-illuminated; and
 - i. There shall be an annual renewal permit fee, as established under the Code of Ordinances.
- (4) One (1) free standing business or identification sign per street frontage, per development, shall be permitted. A maximum of two (2) free standing signs shall be deemed as primary, not exceeding seventy-five (75) square feet per sign. All other free standing signs shall be considered secondary, and shall not exceed forty (40) square feet per sign.
- (5) One (1) project identification sign per building, per street frontage, shall be permitted, not to exceed five percent (5%) of the wall area to which it is attached. Such projecting sign shall extend no lower than eight (8) feet, with a maximum projection from the wall of the building of no more than four (4) feet.

17-7(g) EXPANSION AREA ZONES

- (1) CONSERVATION DISTRICT (CD) ZONE, EXPANSION AREA RESIDENTIAL (EAR-1, EAR-2, AND EAR-3) ZONES, AND COMMUNITY CENTER (CC) ZONE – Signage shall be permitted and restricted under Article 17-7(m) for a PUD zone.
- (2) ECONOMIC DEVELOPMENT (ED) ZONE – Signage shall be permitted and restricted as in the P-1 zone, except as follows:
- (a) Project entrance identification signs shall be as for Professional Office Parks, as specifically regulated under Section 17-7(e)(6). All free standing identification or business signs shall be monument type.
 - (b) Signage for extended-stay hotels may be directly, indirectly or internally illuminated; there shall be no more than one (1) wall-mounted business sign per each extended-stay hotel, not to exceed thirty-two (32) square feet in area; and no more than one (1) free standing monument type business sign, eight (8) feet in height, with a maximum size of thirty-two (32) square feet.

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ARTICLE 8: SCHEDULE OF ZONES

8-21 WHOLESALE AND WAREHOUSE BUSINESS (B-4) ZONE

8-21(o) Special Provisions:

4. Adaptive Reuse Projects may be permitted by the Planning Commission upon the approval of a final development plan, subject to the following requirements:
 - i. Signage – Shall be as permitted under ~~Article 28-4(h)~~ Article 17-7(o) for an MU-2 zone.

ARTICLE 23, APPENDIX A: ZONING CATEGORIES AND RESTRICTIONS

23A-4 CONSERVATION DISTRICT (CD) ZONE

~~23A-4(h) SPECIAL PROVISIONS~~

- ~~1. Signage shall be as permitted and restricted under Article 17-7(l) for a PUD Zone.~~

23A-5 EXPANSION AREA RESIDENTIAL 1 (EAR-1) ZONE

23A-5(j) SPECIAL PROVISIONS

- ~~1. Signage shall be as permitted and restricted under Article 17-7(m) for a PUD Zone. (re-number remaining sections.)~~

23A-6 EXPANSION AREA RESIDENTIAL 2 (EAR-2) ZONE

23A-6(k) SPECIAL PROVISIONS

- ~~1. Signage shall be as permitted and restricted under Article 17-7(m) for a PUD Zone. (re-number remaining sections.)~~

23A-7 EXPANSION AREA RESIDENTIAL 3 (EAR-3) ZONE

23A-7(k) SPECIAL PROVISIONS

- ~~1. Signage shall be as permitted and restricted under Article 17-7(m) for a PUD Zone. (re-number remaining sections.)~~

23A-9 COMMUNITY CENTER (CC) ZONE

23A-9(k) SPECIAL PROVISIONS

- ~~8. Signage shall be restricted as set forth in Article 17-7(m) for a PUD zone. (re-number remaining sections.)~~

23A-10 ECONOMIC DEVELOPMENT (ED) ZONE

23A-10(j) SPECIAL PROVISIONS

- ~~6. Signage shall be as for P-1 zones as specifically regulated under Article 17 of the Zoning Ordinance, or as otherwise provided herein. Project entrance identification signs shall be as for Professional Office Parks, as specifically regulated under Article 17. All free-standing identification or business signs shall be monument type. (re-number remaining sections.)~~

- ~~11. 12. There shall be no more than one extended-stay hotel for a regional medical campus that contains 100 acres or less; a second extended-stay hotel is permitted for a regional medical campus that contains more than 100 acres, provided that there shall be no more than two (2) extended-stay hotels in a regional medical campus. The extended-stay hotel shall be: a) a part of a building that also contains medical facilities permitted on the campus; or b) physically connected by interior access ways to facilities containing medical services permitted on the campus. Extended-stay hotels shall be internally oriented to the site (e.g., not located on adjoining arterial streets). Signage for extended-stay hotels may be directly, indirectly or internally illuminated; there shall be no more than one (1) wall-mounted business sign per each extended-stay hotel, not to exceed thirty-two (32) square feet in area; and no more than one (1) free standing monument type business sign, eight (8) feet height, with a maximum size of thirty-two (32) square feet.~~

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ARTICLE 27: COURTHOUSE AREA DESIGN OVERLAY ZONE

27-3 DEFINITIONS - As used in this Article, the following terms shall mean:

(1) EXTERIOR CHANGE includes, but is not limited to:

(b) MAJOR REHABILITATION, RE-PLACEMENT AND INSTALLATION OF SITE ELEMENTS

~~(10) Rehabilitating or replacing existing signs when changes are made in materials, style and configuration;~~

~~(11) Installing new signs.~~

27-6 AUTHORIZATION PERMITS

27-6(b)(1)(d) FILING MATERIALS - The Board, where it deems necessary in order to review a particular application, may require the submission of any or all of the following items: architectural plans, plot plans, landscaping plans, plans for off-street parking, ~~plans for proposed signs~~, elevations of all portions of proposed additions to structures, photographs, elevations, or perspective drawings showing the proposed structure and existing structures that are within one hundred (100) feet or are substantially related to it visually or by reason of function, traffic generation or other characteristics.

ARTICLE 28: MIXED USE ZONING CATEGORIES

28-4 MIXED-USE 2: "NEIGHBORHOOD CORRIDOR ZONE" (MU-2) -

~~(h)~~ (5) Signage within the MU-2 zone shall be as permitted and restricted under Article 17-7(o) of the Zoning Ordinance.
~~as follows: (delete remainder of this section.)~~

28-5 MIXED-USE 3: "MIXED-USE COMMUNITY ZONE" (MU-3) -

(5) Signage within the MU-3 zone shall be as permitted and restricted as under Article 28-4(h) for an MU-2 zone; and
under Article 17-7(p) of the Zoning Ordinance. ~~except as more specifically regulated; as follows:~~
~~(delete remainder of this section.)~~

Note: Mr. Brewer and Mr. Holmes left the meeting at this time.

C. PUBLIC HEARING ON ZONING ORDINANCE TEXT AMENDMENT REQUEST

1. **ZOTA 2009-3: AMENDMENT TO ARTICLE 17 TO ALTER ALLOWABLE SIGNAGE IN AND NEAR DOWNTOWN** - petition for a Zoning Ordinance text amendment to expand the allowable signage in the downtown business zones, in some mixed use zones, and to relocate all sign regulations to Article 17.

INITIATED BY: Urban County Planning Commission

PROPOSED TEXT: (Copies of the latest draft for this text are available upon request)

The Zoning Committee Recommended: **Approval**, for the reasons provided by staff.

The Staff Recommended: **Approval**, for the following reasons:

1. These text changes are in complete agreement with the first two themes of the adopted 2007 Comprehensive Plan:
 - Promoting the myriad components that strengthen the viability of downtown, including professional and commercial uses, cultural and recreational activities, and new and existing housing.
 - Implementing infill and redevelopment strategies that expand residential and commercial opportunities; are appropriate in character and design; and complement and reinforce the fabric of the neighborhood.
2. These changes have been reviewed and encouraged by representatives of the Downtown Development Authority, the Downtown Lexington Corporation, and downtown developers. The adoption of these changes is justified for that reason.
3. These changes are a timely update to the sign ordinance, and will result in the first comprehensive update to the allowable downtown signage in nearly a decade, and to that permitted in commercial areas within the Infill & Redevelopment Area since its inception.

Staff Presentation: Ms. Wade presented the staff report, noting that Article 17 was last amended approximately 10 years ago. At that time, the changes to the Ordinance were reflective of a mayoral task force that made some recommendations for downtown revitalization. Over the past few months, the staff has been working with the Downtown Development Authority, the Downtown Lexington Corporation, several downtown developers, and Mayor Newberry's administration to draft some general changes to the sign ordinance for downtown. The proposed changes are designed to encourage retail and entertainment activity downtown; increase vehicular and pedestrian visibility for signage; help create a more interesting and vibrant downtown; allow businesses to be more easily recognized by patrons; encourage creativity and artistic expression; and relax the signage restrictions. A secondary purpose of the proposed changes is to move all of the signage regulations into Article 17, as several changes have occurred in other sections of the Zoning Ordinance within the past decade or so. Consolidating all of the signage regulations into Article 17 will make it easier for the Division of Building Inspection to oversee the administration of the Ordinance.

Ms. Wade stated that one of the major purposes of the proposed changes to Article 17 is to allow projecting signs in the downtown area. Projecting signs were removed from the downtown area approximately 40 years ago, mostly as a result of urban renewal projects. The result was a "cleaner" downtown, but also a loss of visibility for some businesses, as well as a loss of the vibrancy that is typical of most downtown areas. The proposed changes to Article 17 would allow projecting signs of up to 50 square feet in size, mounted to the building at a height between 10 and 30 feet. Projecting signs may not block or interfere with windows, doors, wall signs, or other architectural features, and flashing or blinking signs will still be prohibited.

Another proposed change to Article 17 would be to allow menu boxes in the downtown area, which the Planning Commission discussed at their work session in relation to the World Equestrian Games. Menu boxes are designed to allow restaurants to display their menus to pedestrians. The Zoning Ordinance would currently allow a menu box through an interpretation by the Division of Building Inspection, but the proposed change would allow that specific sign type, with four square feet in which to display a menu.

Ms. Wade stated that the proposed changes would also allow above-canopy signs. She displayed several photographs of examples of above-canopy signs. There have been several Board of Adjustment cases over the past five years that requested that type of sign, as it is becoming more popular. The staff believed that that sign type is now appropriate for the downtown area, as well as other locations in the community.

Also proposed for change in the downtown business zones is the size of canopy signs. These will be allowed to cover up to 20% of the canopy face. Canopy signs are currently limited in size to a maximum of 15% of the canopy face.

Ms. Wade said that the last change proposed is to allow painted wall signs, which have been prohibited downtown for approximately 40 years. Wall signs would be allowed to be painted on the building, although the common practice is to paint the sign onto some other surface and attach it to the building. Those signs will be required by Article 17 to be repainted or resurfaced on a regular basis.

With regard to signage outside of the downtown zones, Ms. Wade stated that a change is proposed to allow projecting signs in the B-1 zone, up to 50 square feet in size, in lieu of a freestanding sign. The staff added some criteria so that projecting signs will only be allowed in appropriate B-1 areas, such as: where buildings are located within 10 feet of the property line, and within the Infill &

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Redevelopment area. In some such instances, there may not be enough room in front of the building to allow for a freestanding sign, so a projecting sign could be more effective. The staff has also proposed to allow menu boxes and above-canopy signs in the B-1 zone. Above-canopy signs would be required to be counted as a portion of the size of any wall sign on the property.

Ms. Wade stated that other changes proposed with this text amendment are to allow pole-mounted banners in some of the zones that may be located next to a mixed-use zone, such as the R-3 or R-4 zone, as a conditional use when accessory to a mixed-use project. Pole-mounted banners would also be allowed in the B-3, B-4, I-1, and I-2 zones, when displayed in parking lots accessory to a mixed-use project.

The staff is also proposing a change to the Ordinance in order to calculate the area of a three-dimensional sign, such as the one located at the bowling alley on Southland Drive. This calculation will allow for much easier regulation of the signs, and will apply to freestanding and / or projecting signs. Ms. Wade stated that the staff has also proposed to add definitions to the Ordinance for landmark sign; district identification sign; menu box; above-canopy sign; and monument sign, which are low-lying free-standing signs and are often seen in the P-1 zone, where sign height is limited to 10 feet.

Ms. Wade said that one of the other changes that came out of the staff's work with the various downtown groups was a change to the definition of how works of fine art can limit signage. The staff determined that art on a sign should be allowed, and should not count against an applicant in terms of sign size limitations.

One of the major proposed changes to the sign ordinance involves the definition of a landmark or district identification sign. These signs would be permitted in all zones, and would allow signage above and beyond what is typically permitted by the Ordinance. Landmark and district identification signs would be reviewed by a sign committee, which would be a group of five individuals appointed by the mayor, including: the Commissioner of Public Works and Development, an architect, and a building inspector. Ms. Wade said that the proposed Ordinance includes the following criteria for landmark and district identification signs: the sign must exhibit distinctive stylistic features and unusual materials; be an example of artistic design and skilled craftsmanship; and be a significant part of the architectural or cultural history of the community. Ms. Wade said that an excellent example of an area that would be appropriate for such a landmark sign would be the proposed Distillery District area.

Another proposed change will correct a reference to Article 28 that is currently in Article 8-21 for adaptive reuse projects. The staff wanted to ensure that that reference points to Article 17.

Ms. Wade stated that there has been concern recently about the Courthouse Area Design Review Board, and their duties in reviewing signs. There has been some confusion between the CADR and the Division of Building Inspection, so the Board and their staff member agreed unanimously to give up the ability to review signs. A change has therefore been proposed to the Ordinance to allow an applicant to go straight to Building Inspection for sign approval within the Courthouse Area Overlay zone.

Ms. Wade noted that there was a small error in the staff's draft of the text, and it should be clear that the entire sub-section 17-7(h)(4) for canopy and awning signs is new and should appear as follows in the text changes proposed:

(4) Canopy or awning signs shall be permitted in lieu of allowable wall signs, not exceeding twenty percent (20%) of the face of the canopy or awning. Under canopy or under awning signs shall be permitted and limited to identification signs. Above canopy signs shall be permitted and limited to the percentage allowable for wall signs. (re-number remaining sections)

Ms. Wade stated that she had contacted three sign professionals, and sent them a draft of the proposed text. She received one response, from a company whose main type of signs is inflatable and balloon advertising. The owner of the company would like to have text added to the Ordinance to specifically allow inflatable signs. The Ordinance does not explicitly state that inflatable signs are not allowed, but it has some restrictions that Building Inspection interprets as not allowing them. The owner of that company did not have an opinion about the proposed text, but did draft a letter to Councilmember James requesting that inflatable signs be permitted. The other two sign professionals that Ms. Wade contacted did not provide written comments on the text, but one did inquire about electronic message boards, particularly for restaurants, in place of the typical reader boards.

Ms. Wade stated that the staff and the Zoning Committee recommended approval of the proposed changes to the Zoning Ordinance, for the reasons as listed in the staff report and on the agenda.

Commission Questions: Ms. Copeland asked if it would be possible to place menu signs on bollards. Ms. Wade answered that it could be permitted as a temporary sign, or a menu could be placed on an A-frame or sandwich board sign.

Mr. Vaughn asked if a business located in an H-1 overlay zone would need the approval of the Board of Architectural Review, or the new proposed sign committee, or both. Ms. Wade answered that she believed that the applicant would need to go to both bodies, but the committee would not be able to overrule the BOAR.

Action: A motion was made by Ms. Copeland, seconded by Ms. Whitman, and carried 8-0 (Brewer, Day, and Holmes absent) to approve ZOTA 2009-3, for the reasons provided by the staff, and adding the change as Ms. Wade explained earlier.

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