

STAFF REPORT ON PETITION FOR ZONING ORDINANCE TEXT AMENDMENT

ZOTA 2017-9: AMENDMENT TO ARTICLE 17-7(q) TO INCREASE SIGNAGE FOR PLACES OF RELIGIOUS ASSEMBLY IN THE EXPANSION AREA ZONES

REQUESTED BY: Crossroads Community Church, Inc.

PROPOSED TEXT: Underlined text indicates an addition to the current Zoning Ordinance.

ARTICLE 17: SIGN REGULATIONS

17-7(q) EXPANSION AREA ZONES

- (1) **CONSERVATION DISTRICT (CD), EXPANSION AREA RESIDENTIAL (EAR-1, EAR-2 and EAR-3) and COMMUNITY CENTER (CC) ZONES** - Signage shall be permitted and restricted under Article 17-7(m), as for a PUD zone. Construction screening signs shall be permitted within a CC zone as regulated in the B-1 zone.
- (a) One free standing identification sign per street frontage, with a maximum of two (2) signs, for a permitted church that is adjacent to a designated interstate highway, the total surface area shall not exceed one and one-half (1½) square feet per linear foot of street frontage, with a maximum of one hundred and fifty (150) square feet in area, with a maximum height of fifteen (15) feet, with a maximum setback of ten (10) feet; in addition, one wall mounted sign a total maximum area of fifteen percent (15%) of the wall to which it is attached.
- (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 for Professional Office Projects, as specifically regulated under Section 17-7(e)(10). 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.

STAFF REVIEW:

Crossroads Community Church, Inc. has requested a text amendment to modify the sign ordinance provisions for places of religious assembly in the Expansion Area zones. The petitioner is requesting that places of religious assembly within the Expansion Area Residential (EAR-1, EAR-2, EAR-3) and Community Center (CC) zones be permitted a freestanding sign, with a maximum of 150 square feet in size, and a wall-mounted sign up to 15% of the wall to which the sign is attached, with no set minimum or maximum square footage.

Article 17 of the Zoning Ordinance, generally referred to as the “sign ordinance,” provides definitions of all types of signs, identifies permit requirements and enforcement powers, and defines the types of signs that are permitted based on the zoning category or group of categories within the Zoning Ordinance. The Ordinance permits a greater number and size of signage as the intensity of land use increases. Therefore, land uses located within agricultural and residential zones are permitted less signage than office, business, industrial and/or mixed use zones. This hierarchical or tiered regulatory approach allows for the scale of signage to match the context and surrounding environment, and reduces signage clutter and intrusions in the less intense zoning categories.

Article 17-7(q) of the Zoning Ordinance currently refers to the Planned Unit Development (PUD) zone sign regulations, which in turn refers the sign regulations for the Planned Shopping Center (B-6P) zone for office and business uses, and to “the zone in which the use is first permitted” for all other land uses. The Division of Building Inspection has determined that places of religious assembly are first permitted in the agricultural zones, thus their signage is regulated under the provisions of Article 17-7(a) of the sign ordinance for the Expansion Area zones. The Division of Planning also researched this interpretation of the Ordinance and agrees with the determination. These regulations limit places of religious assembly and schools for academic instruction to one identification sign, either freestanding or wall-mounted, a maximum of 32 square feet (such as 8’ by 4’) in size, and a maximum of 8 feet in height. The sign may also include an additional 12 square foot bulletin board, which allows for announcement of non-commercial events on the site. These same sign regulations carry into all of the residential zones. A text amendment several years ago permitted a second identification sign in the A-U and residential zones for such land uses when located on a five-acre parcel with street frontage on more than one street.

The Planning and Public Safety Committee of the Urban County Council formed a sub-committee in early 2017 to study Article 17 of the Zoning Ordinance to address content neutrality and update sign definitions following a Supreme Court decision several years ago (*Reed v. Town of Gilbert, Ariz.*; 2015). While an amendment to the sign ordinance is still in a draft format, the proposed changes to the existing sign ordinance for places of religious assembly in agricultural zones, are as follows:

Buildings Used for Religious or Educational Activities

- (a) One freestanding sign not exceeding 32 square feet in area and eight (8) feet in height.
- (b) One bulletin board, not exceeding 12 square feet in area and eight (8) feet in height.
- * (c) One wall sign per building not exceeding 32 square feet in area.
- (d) Incidental signs which shall not exceed two (2) square feet in area and do not require sign permits.

*Note: In residential zones, the wall mounted sign is proposed to be limited to twelve (12) square feet, rather than the 32 square feet proposed in agricultural zones.

In reviewing the ordinance, the staff concluded that 32 square foot signs have historically been adequate for churches of any size, regardless of street frontage. In drafting revisions to the sign ordinance, the staff also wanted to ensure that signage for places of religious assembly and for educational activities would remain consistent with other principal and conditional uses in these zones. Schools for academic instruction and places of religious assembly should also be treated in the same manner within the Expansion Area zones.

Crossroads Community Church desires a larger freestanding sign for its campus, which is located on Todds Road, and has frontage along Interstate 75, and also wishes to have a wall-mounted sign that is visible from the interstate. The applicant contends that the Zoning Ordinance allows additional signage and much larger signage for some special uses, like: Professional Office Projects, movie theatres, drive-through restaurants, indoor and outdoor stadiums, hotels/motels, and shopping centers; and that places of religious assembly should be treated in a similar manner. They opine that the visibility of churches is more akin to the needs of the office and business uses listed above. They also contend that “the need for visible signage for churches clearly fits with the public safety focus in the intent of the sign ordinance.”

While the staff understands the church’s desire for larger signage to more easily draw the attention of potential attendees, the staff cannot find that the proposed text amendment is consistent with the current sign regulations for similar uses; that places of religious assembly warrant being permitted signage as if they were office or business uses while still being located in residential zones; or, lastly, that the proposal would further the Goals and Objectives of the Comprehensive Plan. The staff must at least consider the negative precedent that could be set if such a text amendment were approved - places of religious assembly located inside the Urban Service Area would likely desire larger signs to match those permitted in the Expansion

Area, and then other business uses would follow suit. The staff can support an alternative amendment that is similar to that which is in draft format for consideration by the Council's Planning and Public Safety Committee. It does not wholly address the applicant's desires, but would allow both a freestanding and a wall-mounted sign for each building dedicated to religious or educational uses.

STAFF ALTERNATIVE TEXT:

Note: **Bold underlined text** indicates an alteration to the text proposed by the applicant.)

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(a) Buildings Used for Religious or Educational Activities:

- (i) One freestanding sign not exceeding 32 square feet in area and eight (8) feet in height.**
- (ii) One bulletin board, not exceeding 12 square feet in area and eight (8) feet in height.**
- (iii) One wall sign per building not exceeding 32 square feet in area.**
- (iv) Incidental signs which shall not exceed two (2) square feet in area and do not require sign permits.**

~~One free standing identification sign per street frontage, with a maximum of two (2) signs, for a permitted church that is adjacent to a designated interstate highway, the total surface area shall not exceed one and one-half (1½) square feet per linear foot of street frontage, with a maximum of one hundred and fifty (150) square feet in area, with a maximum height of fifteen (15) feet, with a maximum setback of ten (10) feet; in addition, one wall mounted sign a total maximum area of fifteen percent (15%) of the wall to which it is attached.~~

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The Staff Recommends: Approval of the staff alternative text, for the following reason:

- 1. The community's signage has been regulated in a tiered approach so that the least intensive zones have the least intensive signage, and the most intensive zones permit a greater number of signs, and ones that may be taller or larger in size. The proposed staff alternative text remains consistent with the existing tiered approach of *Article 17: Sign Regulations* and ensure that modifications to the sign regulations will not result in signage that is out of scale or intrusive in a residential zone.
- 2. The staff alternative text permits a slight expansion of signage for places of religious assembly in the Expansion Area, above and beyond other group residential uses or conditional uses.