

SUPPLEMENTAL STAFF REPORT ON AMENDED PETITION FOR ZONING ORDINANCE TEXT AMENDMENT

ZOTA 2015-6: AMENDMENT TO ARTICLE 17: CONSTRUCTION SCREENING SIGNAGE AND IDENTIFICATION SIGNS IN BUSINESS AND INDUSTRIAL ZONES

REQUESTED BY: MIA Brookhaven, LLC

PROPOSED TEXT: (Text underlined indicates an addition to the existing Zoning Ordinance.)

ARTICLE 17: SIGN REGULATIONS

17-7(b) BASIC SIGN TYPES BY FUNCTION

(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.

(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.

17-3(c) SIGN BY MEANS OF MOUNTING OR ERECTING

(14) CONSTRUCTION SCREENING SIGN - A temporary sign of fabric or mesh material attached to fencing surrounding a construction site to serve as a windbreak or privacy screen. Such signs may incorporate the information permitted for construction signs as defined in Sec. 17-3(a)(5). Construction screening signs may also include designs, artwork, logos, pictures, words and other graphic representations **related to the project under construction.** ~~that do not advertise off premise products or services.~~ Such signs shall be in place only during construction and shall be removed simultaneously with the construction fence, **or when a permit for permanent signage is issued by the Division of Building Inspection pursuant to the provisions of Section 17-4(a), whichever comes first.**

17-7(d) HIGH-RISE APARTMENT ZONE (R-5)

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

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

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

17-7(h) DOWNTOWN BUSINESS ZONES (B-2, B-2A)

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

17-7(j) INTERCHANGE SERVICE BUSINESS ZONE (B-5P)

17-7(k) PLANNED SHOPPING CENTER ZONE (B-6P)

17-7(n) OFFICE, INDUSTRY AND RESEARCH PARK ZONE (P-2)

17-7(o) MIXED USE 2: "NEIGHBORHOOD CORRIDOR ZONE" (MU-2)

and

17-7(p) MIXED USE 3: "MIXED-USE COMMUNITY ZONE" (MU-3)

(x) Construction screening signs. The sign face may contain or depict information, renderings, pictures, words, and other graphic representations related to the development or project, but shall be limited to twenty percent (20%) of the total square footage of the construction screen on all street frontages.

x = a different number depending on the section listed above.

STAFF REVIEW:

Since the Zoning Committee met three weeks ago, the petitioner, MIA Brookhaven, LLC, has amended their request for a text amendment to Article 17 in an attempt to address the staff's concerns. The staff considers the text amendment two separate and distinct requests, the first related to construction screening signage, and the second related to project identification signage. The petitioner has informed the staff that they now wish to postpone the latter request in order to develop language that may be more amenable to the staff. However, at this time, the petitioner has expressed some urgency in having a public hearing about their proposal for construction screening signage, as they hope to begin construction on a particular project within the Urban County, hoping to erect such signage in the near future.

The petitioner is requesting that temporary signage be permitted on the face of any construction fencing that is installed on or around a construction site. Their proposal would permit the mesh or fabric material attached to a construction fence to be utilized (up to 20% of the face of the fence along all street frontages) to provide information above and beyond that permitted by a typical construction sign.

The definition of "construction screening sign" proposes that such signs can also include "designs, artwork, logos, pictures, words and other graphic representations related to the project under construction." The staff has no issue with the petitioner's proposed content related to construction, future tenants or the like. The proposed definition does state that the signage shall be removed simultaneously with the construction fence, which one would assume would mean that it would be removed once construction is approaching completion on a site. Although removal of the fence would seem to be an appropriate time to remove the screening, the staff is concerned that a permanent sign for a parcel may be erected prior to the fence and construction signage being removed. The staff believes that this temporary sign needs to be removed prior to a permit for permanent signage being issued by the Division of Building Inspection; otherwise, a zoning enforcement issue may arise in the field. "At the time of permit issuance" is often a requirement or trigger for some other action to take place in our planning review process. In addition, such a restriction will prevent a temporary sign from lingering on a construction site and possibly becoming an aesthetic blight on the community. For this reason, the staff suggests a staff alternative text for this provision.

The staff was also concerned about the location/zones proposed by the petitioner (only the B-1, B-3, B-4, I-1 and I-2 zones), which would eliminate a large portion of the community and the Expansion Area in whole; and about the potential square footage that could be granted with this type of sign. The petitioner's amendment now proposes that construction screening signs be listed as permitted in the following zones: R-5, P-1, MU-1, B-1, B2, B-2A, B-2B, B-3, B-4, I-1, I-2, B-5P, B-6P, MU-2 and MU-3. The staff is agreeable to the expanded list of allowable zones for this signage, but also proposes that the CC and ED zones in the Expansion Area be included. The staff alternative text addresses all of the above zones and eliminates duplicate language where not necessary, because the sign ordinance builds upon several lesser zones. For example, the sign regulations would not need to be listed in the MU-3 zone because all signs permitted in MU-2 carry forward to MU-3.

In terms of the size of the signage, the staff is only agreeable to the twenty percent allowance (20%) if that signage is calculated based only upon street frontage (not fencing around all other sides of a construction site), and that the construction signage only be displayed along such street frontage, with no shifting of signage from one frontage to another. The staff believes this addresses the overall concern about an excessive amount of signage, and would direct the impact of such signage to the public or private right-of-way, rather than toward adjoining properties; thus, reducing any potential for a negative impact.

The Staff Recommends: Approval of the Staff Alternative Text related to construction screening signs, for the following reasons:

1. The petitioner's proposal to permit a new way to display construction sign information on a mesh or fabric material attached to the construction site fence will enhance the overall appearance of active construction sites while permitting announcements about future development.
2. The staff alternative text will eliminate duplication in Article 17, will be more consistent with Article 17 formatting, and also will allow this type of signage in the CC and ED zones in the Expansion Area.