

STAFF REPORT ON PETITION FOR ZONING ORDINANCE TEXT AMENDMENT

**ZOTA 2015-3: AMENDMENT TO ARTICLE 17-7(k) TO ALLOW MULTI-TENANT LISTINGS ON
FREE-STANDING SIGNS IN THE PLANNED SHOPPING CENTER (B-6P) ZONE**

REQUESTED BY: Ruggles Sign

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

ARTICLE 17: SIGNAGE REGULATIONS

17-3(b) (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.

17-3(b) (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.

17-3(c) (5) FREE-STANDING SIGN - A sign, not attached to any building, and attached to the ground by poles, braces, or other means.

17-7(k) PLANNED SHOPPING CENTER ZONE (B-6P) - Signs within the B-6P zone shall be permitted and regulated as for B-1 [Section 17-7(f)], except as follows:

- (1) In place of the free-standing signs permitted under Section 17-7(f)(1)(b), the only permitted free-standing signs shall be shopping center identification signs. One sign shall be permitted per street frontage, with a maximum of two (2) signs. The maximum square footage of each sign shall be 150 square feet, with a maximum height of twenty-five (25) feet for a regional shopping center; and seventy-five (75) square feet, with a maximum height of twenty (20) feet in a community or neighborhood shopping center. An attraction board may be attached to the 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 noncommercial events on or off the premises.

In lieu of an attraction board, multi-tenant panels may be used. A maximum of eight (8) tenants may be listed. The area of the tenant panels shall be included in the computation of the area of the free-standing sign.

- (2) The wall-mounted signs shall show only the name and/or logo of the business or profession, and shall contain no product trade name identifications. A listing of any products sold or offered on the premises may be an integral part of, and incorporated into, each permitted wall sign, provided the listing occupies no more than fifty percent (50%) of the area of the sign.
- (3) Window signs shall be permitted, limited to no more than twenty-five percent (25%) of the total window area.
- (4) Non-illuminated or indirectly illuminated projecting signs may be permitted only as a conditional use as described under Section 17-12, where the purpose of such projecting signs is to create a unified and distinct shopping area design and where such signs will be utilized in place of wall signs.

STAFF REVIEW:

The petitioner, Ruggles Sign, has submitted an application for a Zoning Ordinance text amendment to Article 17-7(k) to allow up to eight multi-tenant panels on free-standing business signs in the Planned Shopping Center (B-6P) zone. As proposed, the multi-tenant panels would only be permitted in lieu of an attraction board, which is currently an option in several zones for the purpose of identifying specials, sales, events, or the like for a business or shopping center.

Shopping centers and their respective signage have been regulated through the Zoning Ordinance by the City of Lexington, and by Lexington-Fayette County, since the early 1960s. Over that time, this signage has been regulated in a consistent manner – only the name of the center and its address are permitted on the face of the shopping center's business identification sign. Individual businesses' names, services, and logos were restricted in order to establish the shopping center as a place, a destination, in and of itself. In establishing a new shopping center, the center's name and identity were to be of more importance than any individual tenant, as tenants can and often do change over time. Other signage, such as wall signs and windows signs, have historically been used to supplement a shopping center's free-standing sign(s) and are meant to draw attention to individual tenants, especially a center's anchor tenant(s).

From a land use perspective, the B-6P zone has two primary advantages over other business zones – the shared identification sign and the ability for shared parking across property lines to serve all tenants. While free-standing signage is limited to a shopping center identification sign (two such signs are permitted if there are multiple street frontages), the other signage regulations mirror what is permitted in the Neighborhood Business (B-1) zone, and have not been a source of concern to date. The purpose of the limiting the free-standing signage in a B-6P zone is two-fold: (1) it reduces sign clutter along what are often the community's most congested thoroughfares; and (2) it encourages the creation of an identity for the shopping center. However, not all shopping centers are located in B-6P zones, as some are zoned either B-1 or B-3.

This method of regulation has worked effectively for over 55 years. One change was made when the Zoning Ordinance was wholly updated in 1983 to permit attraction boards as a method to make announcements about special events, sales or civic meetings. Other than that, there has been no change to the B-6P sign regulations.

The Ruggles Sign Company has been working in the Lexington market for a number of years with numerous clients that own property within shopping centers. The company has approached the Divisions of Building Inspection and Planning several times over the past few years inquiring about the sign regulations and what they consider to be the limiting nature of the text. Their opinion is that increased signage would allow better business identification and, therefore, would help promote business growth in the Lexington area. Ruggles Sign representatives have stated that the "attraction board" option has more recently fallen out of favor. For instance, the more recent iteration of Fayette Mall's sign has eliminated this feature. They opine that adding up to eight tenant panels in lieu of the attraction board would increase the visibility of the businesses; allow drivers to plan their travel and not make sudden, dangerous maneuvers; and possibly increase the likelihood of a company or franchise locating within that center if such signage were to become available.

In the past decade, a number of (usually smaller) shopping centers in either B-1 or B-3 zones have installed the type of signage now requested via the petitioner's amendment. This trend has, rather unintentionally, created a disconnect with the free-standing signage now allowable in B-6P zones. The key issue with the review of this proposal is whether to remain true to the original intent of the B-6P shopping center identification sign regulations, or to permit the recent trend for this type of sign to expand to more than a dozen B-6P existing shopping centers in the Urban County.

The staff has thoroughly reviewed the petitioner's suggested change to the signage regulations, but remains concerned about several aspects of the proposal. Ruggles Sign Company provided several examples of re-faced shopping center free-standing signs in the community. All of these examples demonstrate six tenant panels being added to the sign without changing the overall size of the structure. The staff is generally concerned that adding any tenant panels to the shopping center sign violates the original intent of the regulation – it can create sign clutter where none has existed for over 50 years and does not necessarily encourage the creation of a place with a single center. The staff is also concerned that the tenant information panels would be too small to effectively be seen from the adjacent roadway, at least at a realistic distance where they would be helpful to the traveling public. Additionally, most shopping centers have more than eight tenants. Allowing only eight tenants (or any number), creates a situation where some tenants cannot have their logo or name placed on the free-standing sign. Ultimately, this creates tension

among the tenants, fighting for signage, where that situation does not exist today. Since this type of signage is not defined in the current sign regulations, it would also be helpful to add a definition for "multi-tenant panel" or something similar to Section 17-3 of the Zoning Ordinance, if approved by the Planning Commission. Lastly, the Planning Commission must consider the community aesthetic and the possible negative impact that adding tenant panels could have for the main thoroughfares in Lexington.

The Staff Recommends: **Postponement**, for the following reasons:

1. While the proposed text amendment may be addressing a recent trend involving shopping center signage, more edits are needed to take this proposal into a final form that the staff can support.
2. As a whole, the staff is concerned with the applicant's proposal to significantly relax the current signage restrictions in the B-6P zone. However, the applicant has indicated a willingness to address the concerns of the staff to respond to these concerns before the required public hearing before the Planning Commission.

TLW/BJR/WLS

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