

2. **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 (6/4/15)\*** – petition for a Zoning Ordinance text amendment to allow a maximum of eight multi-tenant panels 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.

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

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.

Staff Presentation: Ms. Wade presented the staff report on this requested Zoning Ordinance text amendment, explaining that the petitioner was proposing to amend Article 17-7(k) to permit up to eight multi-tenant panels on a freestanding shopping center identification sign in the B-6P zone. The current Ordinance specifically limits signage to one freestanding sign, in order to identify and create a sense of place for a shopping center, rather than allowing signs for each tenant. Since the 1950s, the Zoning Ordinance has permitted only the one freestanding sign per shopping center, with an allowance for an attached bulletin board with changeable copy to advertise sales or events. Ms. Wade said that the petitioner

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

is proposing to amend the text in order to permit tenant panels in lieu of a bulletin board, which have fallen out of fashion in recent years.

Ms. Wade displayed for the Commission several graphics provided by the petitioner as examples of multi-tenant panels. The petitioner initially provided a different set of graphics, but the staff clarified that the language of the Ordinance requires that shopping center identification be at least half of the area of the sign, with a bulletin board being less than half. In reviewing the petitioner's proposal, the staff wanted to ensure that a shopping center name and identity remain primary, with tenant panels being secondary. The revised graphics provided by the petitioner addressed that concern to a certain extent.

Ms. Wade stated that, in the staff's review of this application, there were some concerns about the proposal to allow up to eight panels per sign. Most of the petitioner's graphics depict six panels, and the staff felt that six panels provided a better balance for the signs. Based on the square footage of signage allowed in the B-6P zone, the staff calculated that, with six panels, each panel could be between five and 10 square feet each. The staff alternative text also clarifies that the shopping center identification portion of a sign should remain primary, with a recommendation of 60% of the sign, and a limitation of the tenant panels to 40%. Ms. Wade said that the staff was also concerned about the need to define "tenant panel," since it is not currently defined in the Zoning Ordinance, so the staff's alternative text contains a definition of that term. The staff also believed that it was important to require that tenant panels be legible from 200 feet away, since they do not feel that tenant panels will be effective as wayfinding aids if they are too small. The staff alternative text clarifies that any sign being updated with tenant panels must conform to the rest of the requirements of Article 17. Ms. Wade said that the staff is recommending approval of the staff alternative text, for the following reason:

1. The proposed text amendment appears to be addressing a recent national trend involving shopping center signage. While identifying tenants on an individual basis could be helpful, the community must also balance the aesthetic appearance and impression made by such signs. The alternative text addresses the desire for tenant panels in a limited fashion, yet ensures legibility and an appropriate hierarchy for a shopping center identification sign.

Commission Questions: Mr. Owens asked why the staff was recommending the 60/40 split for this type of signage. Ms. Wade answered that the existing Ordinance requires that at least 50% of a shopping center sign be used for identification of the center. Mr. Owens asked why the staff was recommending increasing the amount of signage that must be devoted to center identification. Ms. Wade answered that the staff is requesting the increase because tenant panels will be permanent, whereas text on the existing allowable bulletin board can be changed. The bulletin board also can have more plain text, as opposed to logos or graphics, so it does not have a great deal of advertising value. The staff believes that tenant panels will serve as additional advertising. Ms. Wade stated that the staff wants to ensure that identification of the shopping center remains the primary purpose of a sign, and they do not believe that a 50/50 split will allow for that. Mr. Owens opined that it might be more important for drivers to be able to identify the stores within a shopping center, rather than the name of the center itself. Ms. Wade responded that, in terms of community aesthetics, the staff feels that keeping the identification of the shopping center primary is very important.

Mr. Wilson stated that some shopping centers already have more than eight tenant panels, and asked if those centers would be grandfathered with the proposed text amendment. Ms. Wade answered that those shopping centers are not in the B-6P zone; they are in either B-1 or B-3 zones. Mr. Wilson asked if digital tenant panels would be allowed. Ms. Wade answered that LED signage is not permitted in the B-6P zone.

Mr. Drake asked what the logic is behind making the identification of the shopping center more important than the tenants. Ms. Wade responded that the purpose of the shopping center zone is to create one singular place, not a grouping of individual tenants.

Petitioner Representation: Elizabeth Pitchford, Ruggles Sign, stated that she believes that the use of multi-tenant panels will be an incentive for businesses to locate in Lexington-Fayette County, and will aid in wayfinding for drivers. She said that she is in agreement with the staff alternative text, and requested approval.

Citizen Comments: Dick Murphy, attorney, was present on behalf of Hamburg Development. He said that his client is not the applicant, but will be impacted by the proposed text amendment, and appreciates the willingness of the staff and the applicant to allow them to participate in the discussion.

Mr. Murphy stated that his client is in agreement with the original text as proposed by the petitioner, and with the staff alternative text.

Action: A motion was made by Ms. Plumlee, seconded by Ms. Richardson, and carried 11-0 to approve the staff alternative text for ZOTA 2015-3, for the reasons provided by staff.