

# ARTICLE 17: SIGN ORDINANCE UPDATE

Planning & Public Safety Committee

*February 2, 2021*



**LEXINGTON**



## Outline

- Signage Regulation in Lexington-Fayette County
- Content Neutrality Issue
- Sign Ordinance Workgroup
- Planning Commission, Public Process and Input
- Proposed Amendments
- Next steps



# Signage Regulation in Lexington-Fayette County

## 1930

- Signs have been regulated in Lexington since the adoption of the first complete Zoning Ordinance
- Signs were first regulated as an accessory use

## 1965


- Significant Zoning Ordinance update
- A separate chapter was created to more completely regulate signs

## 1983

- Adoption of new Zoning Ordinance
- Included a 3-year process to re-write signage regulations
- Signage regulated by zoning category, significant reduction in sign sizes, prohibition on projecting signs



# Signage Regulation in Lexington-Fayette County

- Article 17: Sign Regulations of the Zoning Ordinance is commonly referred to as the Sign Ordinance.
    - The Sign Ordinance permits a greater number and size of signage as the intensity of land use increases. 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.
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- Agricultural Zones
  - Low Density Residential Zones (R-1 and R-2)
  - Higher Density Residential Zones (R-3, R-4 and R-5)
  - Professional Office and Mixed-Use 1 Zones
  - Neighborhood Business Zone
  - Highway Business and Industrial Zones
  - Downtown Business Zones
  
  - Special signage allowances for Interchange Business (B-5P), Commercial Center (B-6P), Mixed-Use Zones (MU-2, MU-3, P-2 and PUD) and Expansion Area Zones

## Typical Sign Types

- Free-standing
- Wall
- Window
- Canopy
- Subdivision entrance
- Marquee





## Content Neutrality Issue

- February 14, 2017 Planning & Public Safety Committee Presentation
  - David Pike, Pike Legal Group, PLLC
  
- Reed v. Town of Gilbert – applies to the regulation of all signs, per KLC:
  - Temporary and permanent signs
  - Business signs
  - Residential signs
  - Commercial and non-commercial signs
  
- Result: **Requirement for *content-neutral* Code language**



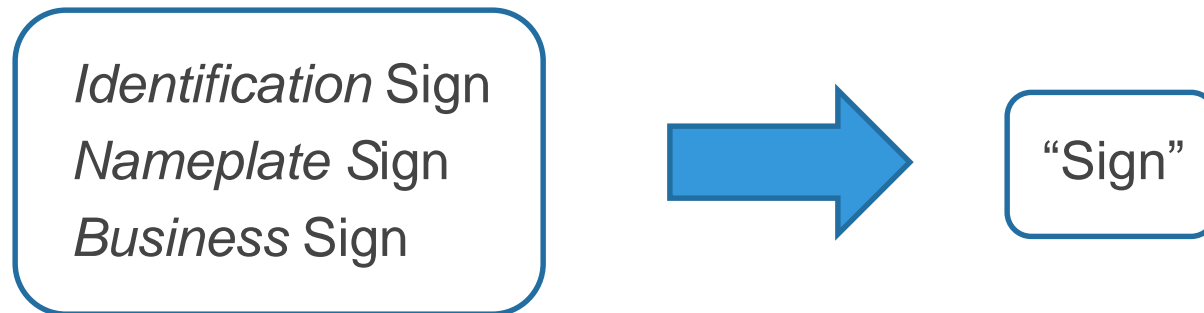
## Sign Ordinance Workgroup

- Representatives from Planning, Building Inspection, Law
- Comparison of LFUCG Ordinance language to IMLA model code language
  - Use model code language when feasible
- “Line by line” review of existing Code language to remove all references to content
- Clarified requirements throughout the ordinance
  - Emphasized consistency throughout the Ordinance language
  - Addressed frequent requests, taking into account scale of use, approval frequency, etc.
  - Combined sign types when possible to simplify language



## Proposed Amendments

- Regulations moved to requirements for each zone to minimize “searching”
- Language referencing sign content has been removed



Example:

***One wall-mounted business sign per building, identifying any or all incidental retail uses...***





## Request for Input

- In addition to the typical advertising and public input process, request for input provided to:
  - Land use attorneys
  - Commerce Lexington
  - Fayette Alliance
  - Lexington-Bluegrass Association of Realtors (LBAR)
  - Commercial Property Association of Lexington (CPAL)
  - Building Industry Association (formerly Home Builders Association of Lexington)
  - Fayette County Neighborhood Council (FCNC)
  
- Follow up presentations to Commerce Lexington and LBAR



## Planning Commission

- Held two public hearings in June and July of 2019
- Heard testimony regarding the extent of the proposed updates; concern regarding proposed changes that were beyond the purpose of the ZOTA
- Heard requests to increase the ED zone (within the Expansion Area) commercial signage allowances
- Modified proposed ZOTA to address concerns



## Proposed Amendments

- Definition updates
  - Advertising signs are now referenced as “Billboards”
  - Several definitions removed
- Construction screening sign provisions have been removed
- Pole-banner signs have been removed from residential zones and standardized across business zones
- Free-standing signs permitted to be setback 10 feet from the right-of-way



## Proposed Amendments

- Temporary Signage:
  - Existing:
    - 100 sq. ft. (non-rigid material) or 32 sq. ft. (rigid materials, such as plywood)
    - May remain in place for 30 days for up to 150 total days during any calendar year
  - Proposed:
    - 50 sq. ft. (non-rigid material) or 32 sq. ft. (rigid materials)
    - May be displayed once every three months for up to 14 continuous days (56 days total in a calendar year)



## Proposed Amendments by Zone

- Professional Office Zone and Mixed Use 1:  
Neighborhood Node Zone (P-1 & MU-1):
  - Removed informational sign allowance (content issue)
  - Removed third wall-mounted sign allowance for buildings with two street frontages (specific to Professional Office Projects)
  
- Downtown Business Zones (B-2, B-2A):
  - Removal of annual permit fee for A-frame or sandwich board signs



## Proposed Amendments by Zone

- Highway Service Business, Warehouse/Wholesale, and Industrial Zones (B-3, B-4, I-1, & I-2):
  - Simplified setback for free-standing signs to 10 feet
  
- Lexington Center Business Zone, Interchange Service Business Zone (B-2B, B-5P):
  - Content neutrality language amendments only



## Proposed Amendments by Zone

- Commercial Center Zone (B-6P):
  - Existing: Projecting signs permitted only as a conditional use
  - Proposed: Projecting signs are permitted when used in lieu of wall signs
  - Added sign requirements for residential uses



## Proposed Amendments by Zone

- Mixed Use 2: Neighborhood Corridor Zone (MU-2):
  - Allow free-standing business signage area to be combined as applicable (e.g. two signs @ 75 sq. ft. can be combined to a single 150 sq. ft. sign)
  
- Mixed Use 3: Mixed-Use Community Zone (MU-3)
  - Proposed increase in free-standing sign area from 75 sq. ft. to 150 sq. ft. per sign, which can be combined
  
- Expansion Area Zones (CD, EAR-1, EAR-2, & EAR-3)
  - Content neutrality language amendments only





## Timeline

- Planning & Public Safety Committee Presentations
  - February 14, 2017: David Pike, Pike Legal Group, PLLC
  - February 13 and April 17, 2018: Updates with Draft Ordinance language
  - September 11, 2018: Discussion of text amendment initiation
- October 6, 2018 Council Work Session
  - Report out and Council action to refer the item to the Planning Commission to initiate a text amendment
- Planning Commission
  - March 28, 2019: Initiation of the ZOTA
  - June 27, 2019 and July 25, 2019: Public Hearings
- Urban County Council
  - DATE: Received Final Report from the Planning Commission
  - DATE: Referred to the PPS Committee
  - February

# Questions?

