

AN ORDINANCE AMENDING ARTICLE 17-7(q) OF THE ZONING ORDINANCE RELATING TO SIGNAGE FOR CHURCHES IN THE EXPANSION AREA ZONES. (CROSSROADS COMMUNITY CHURCH, INC).

WHEREAS, the Lexington-Fayette Urban County Planning Commission has considered a text amendment to Article 17-7(q) of the Zoning Ordinance relating to signage for churches in the expansion area zones. Planning Commission did recommend APPROVAL of the staff alternative text by a vote of 7-0; and

WHEREAS, this Council agrees with the recommendation of the Planning Commission; and

WHEREAS, the recommendation form of the Planning Commission is attached hereto and incorporated by reference herein.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT:

Section 1 – That Article 17-7(q) of the Zoning Ordinance of the Lexington-Fayette Urban County Government is hereby amended as follows:

17-7(q) EXPANSION AREA ZONES

(1) CONSERVATION DISTRICT (CD), and EXPANSION AREA RESIDENTIAL (EAR-1, EAR-2 and EAR-3) ZONES – Signage shall be permitted and restricted as in the R-3 zone, except as stated below.

(a) Buildings Used for Religious or Educational Activities:

- (i) One free-standing sign per frontage (with maximum of two (2) signs), not exceeding thirty-two (32) square feet each in area and ten (10) feet in height.
- (ii) One bulletin board, not exceeding twelve (12) square feet in area and eight (8) feet in height.
- (iii) One wall sign per building not exceeding thirty-two (32) square feet in area.
- (iv) Incidental signs which shall not exceed two (2) square feet in area and do not require sign permits.

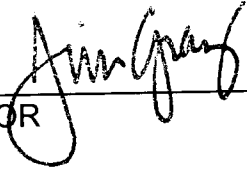
(2) COMMUNITY CENTER (CC) ZONES – Signage shall be permitted and restricted as in the B6-P zone.


(3) ECONOMIC DEVELOPMENT (ED) ZONES – 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.

Section 2 - That this Ordinance shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL: March 8, 2018


MAYOR

ATTEST:

Clerk of Urban County Council

Published: March 15, 2018-1t

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Recd by _____

Date: _____


RECOMMENDATION OF THE
URBAN COUNTY PLANNING COMMISSION
OF LEXINGTON AND FAYETTE COUNTY, KENTUCKY

IN RE: ZOTA 2017-9: AMENDMENT TO ARTICLE 17-7(q) TO INCREASE SIGNAGE FOR PLACES OF RELIGIOUS ASSEMBLY IN THE EXPANSION AREA ZONES – petition for a Zoning Ordinance text amendment to Article 17-7(q)(1) of the Zoning Ordinance related to signage for churches in the Expansion Area zones.

Having considered the above matter on **January 25, 2018**, at a Public Hearing and having voted **7-0** that this Recommendation be submitted to the Lexington-Fayette Urban County Council, the Urban County Planning Commission does hereby recommend **APPROVAL** of the text Staff Alternative text for this matter for the following reasons:

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.

ATTEST: This 7th day of February, 2018.



Secretary, Jim Duncan

WILLIAM WILSON
CHAIR

At the Public Hearing before the Urban County Planning Commission, this petition was represented by **Nick Nicholson, attorney.**

OBJECTORS

- None

OBJECTIONS

- None

VOTES WERE AS FOLLOWS:

AYES: (7) Cravens, Forester, Mundy, Owens, Plumlee, Richardson and Wilson

NAYS: (0)

ABSENT: (4) Bell, Berkley, Brewer and Penn

ABSTAINED: (0)

DISQUALIFIED: (0)

Motion for **Approval** of **ZOTA 2017-9** carried.

Enclosures: Recommended Text
Application
Staff Reports
Applicable excerpts of minutes of above meeting.

GENERAL INFORMATION - Zoning Ordinance Text Amendment Application

1. APPLICANT INFORMATION:

Name: **Crossroads Community Church, Inc**
 Address: **3500 Madison Road**
 City, State, Zip Code: **Cincinnati, OH 45209**
 Phone Number: **513-731-7400**

2. ATTORNEY (Or Other Representative) INFORMATION:

Name: **Nick Nicholson, Stoll Keenon Ogden PLLC**
 Address: **300 W. Vine St., Ste. 2100**
 City, State, Zip Code: **Lexington, KY 40507**
 Phone Number: **859-231-3000**

3. DESCRIBE YOUR REQUESTED TEXT CHANGE:
Date of Pre-Application Conference: **11/7/17**

Zoning Ordinance Article 17-7(q)(1). Specific text change proposed:
(See attached)

4. DESCRIBE THE JUSTIFICATION FOR MAKING THIS CHANGE: (Use attachment if necessary.)
(See attached letter)

5. SIGN THIS APPLICATION:
 I do hereby certify that, to the best of my knowledge and belief, all application materials are herewith submitted, and the information they contain is true and accurate.

APPLICANT: _____
 ATTORNEY (or other representative): _____
 LFUCG EMPLOYEE/OFFICER, if applicable: _____

NOTE: Attorneys may submit a formal letter instead of this form; otherwise, fill in all box information requested above.



NICK NICHOLSON
DIRECT DIAL: (859) 231-3950
DIRECT FAX: (859) 246-3649
Nick.Nicholson@skofirm.com

300 WEST VINE STREET
SUITE 2100
LEXINGTON, KY 40507-1801
MAIN: (859) 231-3000
FAX: (859) 253-1093

November 17, 2017

Lexington-Fayette Urban County Planning Commission
Lexington-Fayette Urban County Government
101 East Vine Street, Suite 700
Lexington, KY 40507

Re: Crossroads Zoning Ordinance Text Amendment Application

Dear Members of the Planning Commission:

Our firm represents Crossroads Community Church, Inc. ("Crossroads") that owns the property located at 4128 Todds Road (the "Property"), which is zoned Expansion Area Residential (EAR-1) and has substantial frontage along I-75 and Todds Road. Crossroads is requesting a text amendment to Article 17-7 governing the signage for churches in the Expansion Area Zones.

As part of its recent rebranding efforts after a merger with the Crossroads Community Church in Cincinnati, Crossroads began the process to update the signage at its location along Todds Road. After examining the signage regulations governing churches in the non-ED zoning categories of the expansion area, it was determined that signage is grouped into two categories: residential use or business/office use. Residential uses are limited to 32 square feet while business/office uses are provided significant signage as allowed for a neighborhood shopping center. Since a church is a principal use in various residential zones, it was determined that churches are limited to signage of 32 square feet. However, anyone familiar with modern day churches recognizes that these properties – especially ones the size of Crossroads – attracts its congregation more similarly to businesses and requires signage of similar size to said businesses. This requirement is accentuated based on Crossroads location along I-75 and its regional congregation. As such, Crossroads believes that the treatment of churches in than expansion area needs to be updated as 32 square feet is inadequate for routing the traveling public in an efficient manner.

The intent of Article 17, governing signage, is to promote legitimate signage needs without unduly distracting from the overall aesthetics of the community and provides for improved public safety by minimizing the undue distraction of the motoring public. It is without question that the signage for churches is of vital importance due to the volume of traffic that the sites generate at the same time periods. Any slight confusion as to the location of the use, can lead to significant backup on the public roads surrounding the church before the various church services. Despite this clear importance, the existing Zoning Ordinance does not provide any specific regulations geared towards churches in the expansion area. This use is lumped in with every other principal "residential use" that limits signage to 32 square feet of available signage. This problem is exacerbated by the fact that the Zoning Ordinance

does make special considerations (including increased signage height/square footage) for uses like Professional Office Projects, construction sites, movie theaters, drive-thru restaurants, indoor and outdoor stadiums, hotels/motels, and shopping centers. Simply put, it is the Crossroads' position that signage for churches should be regulated differently than other principal residential uses and the importance of visibility of churches is more comparable to the similar uses listed above. The need for visible signage for churches clearly fits with the public safety focus of the intent of the Sign Ordinance.

The text amendment proposes signage regulations only applicable to churches adjacent to interstate highways in the Expansion Area; specifically, the request proposes to amend 17-7(q)(1) to add:

- (a) One free standing identification sign 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 minimum setback of ten (10) feet; in addition, one wall mounted sign a total maximum area of fifteen percent (15%) of the wall area to which it is attached.

The proposed text closely mirrors the existing regulations for neighborhood business signs. The proposed size based on frontage helps ensure that the size is proportional to the individual parcels and will not adversely impact a true residential setting.

The text amendment is consistent with many of the goals, objectives and planning themes of the 2013 Comprehensive Plan. These goals, objectives and themes include, but are not limited to the following:

Theme A – Growing Successful Neighborhoods

Goal 3: Provide well designed neighborhoods and communities.

Objectives:

- b. Strive for positive and safe social interactions in neighborhoods, including, but not limited to, neighborhoods that are connected for pedestrians and various modes of transportation.

Theme C – Creating Jobs and Prosperity

Goal 1: Support and showcase local assets to further the creation of a variety of jobs.

Objectives:

- e. Encourage the development of appropriate attractions and supporting uses that promote and enhance tourism.;

Goal 2: Attract the world's finest jobs, encourage entrepreneurial spirit, and enhance our ability to recruit and retain a talented, creative

workforce by establishing opportunities that embrace diversity with inclusion in our community.

Objectives:

- d. Provide entertainment and other quality of life opportunities that attract young professionals and a workforce of all ages and talents to Lexington.

Theme D – Improving a Desirable Community

Goal 1: Work to achieve an effective and comprehensive transportation system.

Objectives:

- c. Improve traffic operation strategies.

Goal 2: Provide for accessible community facilities and services to meet the health, safety and quality of life needs of Lexington-Fayette County's residents and visitors.

Objectives:

- a. Encourage public safety and social sustainability by supporting Secured by Design concepts and other policies and programs for the built environments of neighborhoods to help reduce opportunities for crimes.
- b. Collaborate with educational and healthcare entities to meet the needs of Lexington-Fayette County's residents and visitors.

The 2013 Comprehensive Plan emphasizes the need to create well designed neighborhoods and help create a sense of place, all while ensuring that Lexington provides for the health and safety of our residents and visitors. This minor addition to the Sign Ordinance will have lasting public safety impact while having a minimal impact on existing conditions.

We look forward to presenting this text amendment to the Planning Commission for its favorable consideration during the January meeting.

Best Regards;

Stoll-Keenon Ogden PLLC


Nick Nicholson

17-7(p) MIXED USE 3: "MIXED-USE COMMUNITY ZONE" (MU-3) - Signage shall be permitted and restricted as in the MU-2 zone, except as follows:

- (1) Wall-mounted banner signs, pennants and streamers shall be permitted for a total maximum area of fifteen percent (15%) of the wall area to which they are attached, with all other restrictions from the MU-2 zone.
- (2) Pole-mounted banner signs shall be permitted, subject to the following:
 - (a) Banner signs shall be a maximum size of two (2) feet by four (4) feet, and there shall be no more than two (2) per pole.
 - (b) Banner signs may not advertise specific businesses or products, goods or services.
 - (c) Pole-mounted banners shall be permitted on light fixtures in parking lots and pedestrian plazas located outside the public right-of-way.
 - (d) Banner poles shall be spaced to be no closer than forty-five (45) feet from each other.
 - (e) The total number of pole-mounted banner signs shall be limited to one (1) for every 3,000 square feet of parking lot or pedestrian plaza.
 - (f) All pole-mounted banner signs shall provide a minimum of eight (8) feet of vertical clearance, and may not encroach into the right-of-way.
 - (g) Pole banners in parking lots located in another zone that are incorporated in an approved final development plan for an MU-3 project are permitted, subject to the same restrictions and requirements applicable to the pole-banner signs for the MU-3 project.
- (3) A-frame or sandwich board type shall be permitted as follows:
 - (a) Maximum size of eight (8) square feet per panel, maximum height 48", maximum width 24";
 - (b) One sign per street frontage, maximum two signs;
 - (c) Placement of sign shall allow for four (4) clear feet of sidewalk width;
 - (d) Sign shall be in place only when business is open;
 - (e) Placement of sign not to restrict egress from parked cars and not over curb line;
 - (f) Shall be maintained in good condition;
 - (g) Shall not be attached to any public utility pole, street light standard or tree;
 - (h) Shall be non-illuminated; and
 - (i) There shall be an annual renewal permit fee, as established under the Code of Ordinances.
- (4) One (1) free-standing business or identification sign per street frontage, per development, shall be permitted. A maximum of two (2) free-standing

signs per development shall be deemed as primary, not exceeding seventy-five (75) square feet per sign. All other free-standing signs shall be considered secondary, and shall not exceed forty (40) square feet per sign. Such signs may be located in or adjacent to the right-of-way (in the median or at each side of the street), subject to written authorization of the Commissioner of Public Works & Development, who shall determine that the signs would not be located in the sight triangle and would not cause a hazard to traffic. Proof of permanent maintenance and an encroachment permit shall be provided by the applicant prior to the issuance of a permit for such a sign located in the right-of-way.

- (5) One (1) project identification sign per building, per street frontage, shall be permitted, not to exceed five percent (5%) of the wall area to which it is attached. Such projecting sign shall extend no lower than eight (8) feet, with a maximum projection from the wall of the building of no more than four (4) feet.
- (6) In addition, and within a designated Entertainment Mixed-Use Project only:
 - (a) In conjunction with an indoor theater: one marquee, not to exceed twenty-four (24) square feet, shall be permitted per theater. Such marquee shall project no more than eight (8) feet from the building face to which it is attached and shall have a minimum clearance of eight (8) feet. In addition, one attraction board per theater may be attached either to one freestanding business sign or to the marquee, not to exceed twenty-four (24) square feet.

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 minimum setback of ten (10) feet; in addition, one wall mounted sign a total maximum area of fifteen percent (15%) of the wall area to which it is attached.

- (2) ECONOMIC DEVELOPMENT (ED) ZONE - Signage shall be permitted and restricted as in the P1 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.

17-8 VARIANCES

17-8(a) AUTHORITY OF THE BOARD OF ADJUSTMENT - The Board of Adjustment shall have the authority to hear and decide on applications for variances to the dimensional requirements contained therein in accordance with Article 7 of this Zoning Ordinance. The Board shall not be authorized to increase the number of permitted signs; and may not permit any sign to be erected or mounted, to incorporate any design feature, information, or copy, nor to permit a design type that is not specifically permitted in the zone in which the sign is to be located; nor to grant any variance which would increase the maximum total permitted sign area on a single lot or building.

17-8(b) FINDINGS REQUIRED FOR VARIANCES - Before granting a variance to the dimensional requirements for a sign, the Board shall find all of the following, which shall be recorded along with any imposed conditions or restrictions in the minutes and records and issued in written form to the applicant to constitute proof of the variance:

- (1) The requested variance arises from special circumstances which do not generally apply to land in the general vicinity or in the same zone.
- (2) The strict application of the provisions of the sign regulations of this Zoning Ordinance would deprive the applicant of a reasonable use of the land or would create unnecessary hardship on the applicant.
- (3) Such special circumstances are not the result of actions of the applicant taken subsequent to the adoption or amendment of the sign regulation of this Zoning Ordinance.
- (4) Reasons that the variance will not adversely affect the public health, safety and welfare, and will not alter the essential character of the general vicinity, and will not cause a hazard or a nuisance to the public.

17-9 NON-CONFORMING SIGNS - A legal non-conforming sign may continue in existence and shall be properly maintained in good condition. These sign regulations shall not be construed to prevent the

strengthening, repair, or restoring to a safe condition of any sign; but a non-conforming sign shall not be:

- (5) (a) changed to another non-conforming sign; except where
 - (b) only the faces or the messages are changed, or where the sign is reduced in height, size or area; structurally altered (except to meet safety requirements) so as to prolong the life of the sign;
 - (c) altered so as to increase the degree of non-conformity of the sign;
 - (d) expanded or enlarged;
 - (e) re-established after its discontinuance for ninety (90) days;
 - (f) moved to a new location on the building or lot.

17-10 DISCONTINUANCE OF ILLEGAL SIGNS - Mobile signs prohibited under 17-5(a) are illegal signs and are subject to immediate enforcement action.

17-11 DISCONTINUANCE OF TEMPORARY SIGNS - Any temporary sign erected or displayed more than 90 days prior to the date of passage of this Article shall be removed forthwith.

17-12 SIGNS AS CONDITIONAL USES - The Board of Adjustment shall have the authority to approve conditional uses for signs which are specifically listed in the zone in question. Such signs shall be subject to all provisions and procedures as set forth in Article 7 for a conditional use permit.

17-13 MAINTENANCE STANDARDS - Every sign, including those signs for which a permit is not required, shall be maintained in good condition at all times.

- (a) Any painted wall sign shall be repainted at least once every three (3) years.
- (b) All signs which contain painted parts shall be kept neatly painted, including metal parts which are not galvanized or of rust resistant materials.
- (c) The Division of Building Inspection shall have the authority to order the repair, repainting, alteration or removal of any sign which constitutes a hazard to the health, safety or public welfare or which is an eyesore to the community by reason of inadequate maintenance, dilapidation or obsolescence.

17-14 PENALTIES FOR VIOLATION - Violation of the provisions of these sign regulations shall constitute a misdemeanor; or, in the alternative, may be punishable by the issuance of a civil citation, which shall be subject to the fines and penalties as set forth in Article 5 for violation of this Zoning Ordinance.

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.)

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, **except as stated below**. Construction screening signs shall be permitted within a CC zone as regulated in the B-1 zone.

(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.~~

(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.

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.

TLW/JHD/dw
1/4/18

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REVISED RECOMMENDATION 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

STAFF REVIEW:

The Zoning Committee reviewed the requested text amendment in early January, and noted their support for a consistent approach to regulating signage within the community, and the desire to avoid site specific text amendments. During the meeting, the Committee asked that the staff and the applicant to discuss potential solutions that would be agreeable to all, and that would not deviate significantly from the hierarchy of the current sign ordinance.

The staff and the applicant met in mid-January, and are now proposing a mutually agreed upon change to the staff alternative text. The modification will clarify that signage for the Expansion Area Residential (EAR-1, EAR-2, and EAR-3) and Conservation District (CD) zones would all be regulated in the same manner as the Planned Neighborhood Residential (R-3) zone; whereas the signage within a Community Center (CC) zone would be regulated in the same manner as the B-6P zone. This change simplifies the regulations by removing the multiple-step redirection within the Ordinance. In addition, the applicant and staff agreed to a change to sub-section (a) to allow one free-standing 32 square foot sign per street frontage, with a maximum of two signs, and to allow the free-standing signs to be ten (10) feet in height. While this amount of signage is greater than what is currently proposed for residential zones by the Sign Ordinance Workgroup, it does not deviate significantly from the current Ordinance or the draft text amendment.

REVISED STAFF ALTERNATIVE TEXT:

17-7(q) EXPANSION AREA ZONES

- (1) **CONSERVATION DISTRICT (CD), and EXPANSION AREA RESIDENTIAL (EAR-1, EAR-2 and EAR-3) and COMMUNITY CENTER (CC) ZONES** - Signage shall be permitted and restricted as in the R-3 zone under Article 17-7(m), as for a PUD zone, except as stated below. ~~Construction screening signs shall be permitted within a CC zone as regulated in the B-1 zone.~~
 - (a) **Buildings Used for Religious or Educational Activities:**
 - (i) One free-standing sign per frontage (with a maximum of two (2) signs), not exceeding 32 square feet each in area and ten (10) 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.
- (2) **COMMUNITY CENTER (CC) ZONES** - Signage shall be permitted and restricted as in the B-6P zone.
- (3) **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.

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

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.

TLW/JHD/dw

1/4/18, 1/25/18 rev

Planning Services/Staff Reports/ZOTA/2017/ZOTA 2017-9 Signs for Churches in the Expansion Area Revised Alt Text.doc

17-7(p) MIXED USE 3: "MIXED-USE COMMUNITY ZONE" (MU-3) - Signage shall be permitted and restricted as in the MU-2 zone, except as follows:

- (1) Wall-mounted banner signs, pennants and streamers shall be permitted for a total maximum area of fifteen percent (15%) of the wall area to which they are attached, with all other restrictions from the MU-2 zone.
- (2) Pole-mounted banner signs shall be permitted, subject to the following:
 - (a) Banner signs shall be a maximum size of two (2) feet by four (4) feet, and there shall be no more than two (2) per pole.
 - (b) Banner signs may not advertise specific businesses or products, goods or services.
 - (c) Pole-mounted banners shall be permitted on light fixtures in parking lots and pedestrian plazas located outside the public right-of-way.
 - (d) Banner poles shall be spaced to be no closer than forty-five (45) feet from each other.
 - (e) The total number of pole-mounted banner signs shall be limited to one (1) for every 3,000 square feet of parking lot or pedestrian plaza.
 - (f) All pole-mounted banner signs shall provide a minimum of eight (8) feet of vertical clearance, and may not encroach into the right-of-way.
 - (g) Pole banners in parking lots located in another zone that are incorporated in an approved final development plan for an MU-3 project are permitted, subject to the same restrictions and requirements applicable to the pole-banner signs for the MU-3 project.
- (3) A-frame or sandwich board type shall be permitted as follows:
 - (a) Maximum size of eight (8) square feet per panel, maximum height 48", maximum width 24";
 - (b) One sign per street frontage, maximum two signs;
 - (c) Placement of sign shall allow for four (4) clear feet of sidewalk width;
 - (d) Sign shall be in place only when business is open;
 - (e) Placement of sign not to restrict egress from parked cars and not over curb line;
 - (f) Shall be maintained in good condition;
 - (g) Shall not be attached to any public utility pole, street light standard or tree;
 - (h) Shall be non-illuminated; and
 - (i) There shall be an annual renewal permit fee, as established under the Code of Ordinances.
- (4) One (1) free-standing business or identification sign per street frontage, per development, shall be permitted. A maximum of two (2) free-standing

signs per development shall be deemed as primary, not exceeding seventy-five (75) square feet per sign. All other free-standing signs shall be considered secondary, and shall not exceed forty (40) square feet per sign. Such signs may be located in or adjacent to the right-of-way (in the median or at each side of the street), subject to written authorization of the Commissioner of Public Works & Development, who shall determine that the signs would not be located in the sight triangle and would not cause a hazard to traffic. Proof of permanent maintenance and an encroachment permit shall be provided by the applicant prior to the issuance of a permit for such a sign located in the right-of-way.

- (5) One (1) project identification sign per building, per street frontage, shall be permitted, not to exceed five percent (5%) of the wall area to which it is attached. Such projecting sign shall extend no lower than eight (8) feet, with a maximum projection from the wall of the building of no more than four (4) feet.
- (6) In addition, and within a designated Entertainment Mixed-Use Project only:
 - (a) In conjunction with an indoor theater: one marquee, not to exceed twenty-four (24) square feet, shall be permitted per theater. Such marquee shall project no more than eight (8) feet from the building face to which it is attached and shall have a minimum clearance of eight (8) feet. In addition, one attraction board per theater may be attached either to one freestanding business sign or to the marquee, not to exceed twenty-four (24) square feet.

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 minimum setback of ten (10) feet; in addition, one wall mounted sign a total maximum area of fifteen percent (15%) of the wall area to which it is attached.

- (2) ECONOMIC DEVELOPMENT (ED) ZONE - Signage shall be permitted and restricted as in the P1 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.

17-8 VARIANCES

17-8(a) AUTHORITY OF THE BOARD OF ADJUSTMENT - The Board of Adjustment shall have the authority to hear and decide on applications for variances to the dimensional requirements contained therein in accordance with Article 7 of this Zoning Ordinance. The Board shall not be authorized to increase the number of permitted signs; and may not permit any sign to be erected or mounted, to incorporate any design feature, information, or copy, nor to permit a design type that is not specifically permitted in the zone in which the sign is to be located; nor to grant any variance which would increase the maximum total permitted sign area on a single lot or building.

17-8(b) FINDINGS REQUIRED FOR VARIANCES - Before granting a variance to the dimensional requirements for a sign, the Board shall find all of the following, which shall be recorded along with any imposed conditions or restrictions in the minutes and records and issued in written form to the applicant to constitute proof of the variance:

- (1) The requested variance arises from special circumstances which do not generally apply to land in the general vicinity or in the same zone.
- (2) The strict application of the provisions of the sign regulations of this Zoning Ordinance would deprive the applicant of a reasonable use of the land or would create unnecessary hardship on the applicant.
- (3) Such special circumstances are not the result of actions of the applicant taken subsequent to the adoption or amendment of the sign regulation of this Zoning Ordinance.
- (4) Reasons that the variance will not adversely affect the public health, safety and welfare, and will not alter the essential character of the general vicinity, and will not cause a hazard or a nuisance to the public.

17-9 NON-CONFORMING SIGNS - A legal non-conforming sign may continue in existence and shall be properly maintained in good condition. These sign regulations shall not be construed to prevent the

strengthening, repair, or restoring to a safe condition of any sign; but a non-conforming sign shall not be:

- (5) (a) changed to another non-conforming sign; except where
 - (b) only the faces or the messages are changed, or where the sign is reduced in height, size or area; structurally altered (except to meet safety requirements) so as to prolong the life of the sign;
 - (c) altered so as to increase the degree of non-conformity of the sign;
 - (d) expanded or enlarged;
 - (e) re-established after its discontinuance for ninety (90) days;
 - (f) moved to a new location on the building or lot.

17-10 DISCONTINUANCE OF ILLEGAL SIGNS - Mobile signs prohibited under 17-5(a) are illegal signs and are subject to immediate enforcement action.

17-11 DISCONTINUANCE OF TEMPORARY SIGNS - Any temporary sign erected or displayed more than 90 days prior to the date of passage of this Article shall be removed forthwith.

17-12 SIGNS AS CONDITIONAL USES - The Board of Adjustment shall have the authority to approve conditional uses for signs which are specifically listed in the zone in question. Such signs shall be subject to all provisions and procedures as set forth in Article 7 for a conditional use permit.

17-13 MAINTENANCE STANDARDS - Every sign, including those signs for which a permit is not required, shall be maintained in good condition at all times.

- (a) Any painted wall sign shall be repainted at least once every three (3) years.
- (b) All signs which contain painted parts shall be kept neatly painted, including metal parts which are not galvanized or of rust resistant materials.
- (c) The Division of Building Inspection shall have the authority to order the repair, repainting, alteration or removal of any sign which constitutes a hazard to the health, safety or public welfare or which is an eyesore to the community by reason of inadequate maintenance, dilapidation or obsolescence.

17-14 PENALTIES FOR VIOLATION - Violation of the provisions of these sign regulations shall constitute a misdemeanor; or, in the alternative, may be punishable by the issuance of a civil citation, which shall be subject to the fines and penalties as set forth in Article 5 for violation of this Zoning Ordinance.

REVISED TEXT RECOMMENDED BY THE PLANNING COMMISSION

On January 25, 2018

17-7(q) EXPANSION AREA ZONES

- (1) **CONSERVATION DISTRICT (CD), and EXPANSION AREA RESIDENTIAL (EAR-1, EAR-2 and EAR-3) and COMMUNITY CENTER (CC) ZONES** - Signage shall be permitted and restricted as in the R-3 zone under Article 17-7(m), as for a PUD zone, except as stated below. ~~Construction screening signs shall be permitted within a CC zone as regulated in the B-1 zone.~~
- (a) Buildings Used for Religious or Educational Activities:
- (i) One free-standing sign per frontage (with a maximum of two (2) signs), not exceeding 32 square feet each in area and ten (10) 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.
- (2) **COMMUNITY CENTER (CC) ZONES** – Signage shall be permitted and restricted as in the B-6P zone.
- (3) **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.

C. PUBLIC HEARINGS ON ZONING ORDINANCE TEXT AMENDMENTS

1. **ZOTA 2017-9: AMENDMENT TO ARTICLE 17-7(q) TO INCREASE SIGNAGE FOR PLACES OF RELIGIOUS ASSEMBLY IN THE EXPANSION AREA ZONES** - petition for a Zoning Ordinance text amendment to Article 17-7(q)(1) of the Zoning Ordinance related to signage for churches in the Expansion Area zones.

REQUESTED BY: Crossroads Community Church, Inc.

PROPOSED TEXT: Copies are available from the staff.

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.

The Zoning Committee Recommended: Approval.

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.

Staff Presentation – Ms. Wade presented and summarized the revised staff report and recommendations for this text amendment, which were distributed to the Planning Commission. She said that the applicant is Crossroads Community Church and they are asking to change the sign regulation for places of religious assembly within the Expansion Area zone. She said that sign regulations for the Expansion Area zones are grouped together in the ordinance. Then based on land use, directs the ordinance to various zones for specific sign allowances.

Ms. Wade said the applicant's original proposal, that was filed in November 2017, was to allow one freestanding sign based on the frontage, up to a maximum of 150 square feet; and also to allow one wall-mounted sign based on the size of the wall, which was proposed to be 15% of the wall to which it is being attached to. She said that the applicant added a caveat, that in order to get this signage, the location needs to be adjacent to an interstate.

Ms. Wade said that Article 17 of the Sign Ordinance is organized by the hierarchy of zones, where the less intense the zone, the less intense the sign restrictions (smaller, shorter and fewer number). She said that as the zones get more intense, additional signage types and different sizes are permitted. She said that signage is typically based on use with maximum size limits established.

Ms. Wade said that the Planning and Public Safety Committee of the Urban County Council formed a workgroup in 2017 to update the Sign Ordinance following a Supreme Court decision several years ago. She said the staff consulted with the workgroup and concluded that 32 square feet was going to continue to be the standard maximum signage permitted for places of religious assembly and also educational activities.

* - Denotes date by which Commission must either approve or disapprove request, unless agreed to a longer time by the applicant.

Ms. Wade said that the staff made a recommendation to the Zoning Committee on January 4, 2018, that was consistent with the workgroup work, to date. She said that recommendation was quite different than what the applicant was requesting, and the Zoning Committee asked the staff to meet with the applicant again. The staff did so, which resulted with the revised staff alternative text, which is below:

REVISED STAFF ALTERNATIVE TEXT:

17-7(q) EXPANSION AREA ZONES

- (1) **CONSERVATION DISTRICT (CD), and EXPANSION AREA RESIDENTIAL (EAR-1, EAR-2 and EAR-3) and COMMUNITY CENTER (CC) ZONES** - Signage shall be permitted and restricted as in the R-3 zone under Article 17-7(m), as for a PUD zone, except as stated below. Construction screening signs shall be permitted within a CC zone as regulated in the B-1 zone.
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- (2) **COMMUNITY CENTER (CC) ZONES** – Signage shall be permitted and restricted as in the B-6P zone.
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Commission Questions – Mr. Owens asked for clarification that the recommended changes listed would only apply to the Expansion Area zones. Ms. Wade said that is correct. Mr. Owens also asked about the number of freestanding signs; if a church has frontage on more than two streets, they are now only permitted to have two signs. Ms. Wade said that is also correct.

Applicant Presentation – Mr. Nicholson, attorney representing the petitioner, said the applicant is in agreement with the staff's revised recommendations and is available for questions. He said that a large church's demands of the traveling public are similar to a movie theater, rather than an agricultural use. He said the applicant believes that a maximum of 32 square feet is not large enough for visibility from interstates. He also stated that this compromise can achieve their goals through the Board of Adjustment.

Citizen Comment – There were no citizens present to speak to this application.

Action – A motion was made by Mr. Owens, seconded by Mr. Forester, and carried 7-0 (Bell, Berkley, Brewer, and Penn absent) to approve ZOTA 2017-9: AMENDMENT TO ARTICLE 17-7(q) TO INCREASE SIGNAGE FOR PLACES OF RELIGIOUS ASSEMBLY IN THE EXPANSION AREA ZONES, for the revised alternative text provided by the staff.

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