



CITY COMMISSION MEETING
AGENDA FOR JULY 12, 2016
5:30 P.M.
CITY HALL COMMISSION CHAMBERS
300 SOUTH FIFTH STREET

ROLL CALL

INVOCATION

PLEDGE OF ALLEGIANCE

ADDITIONS/DELETIONS

PUBLIC HEARING: Cable Television Franchise Renewal with Comcast

	I. <u>MINUTES</u>
	II. <u>MOTION</u>
	A. R & F Documents
	III. <u>MUNICIPAL ORDER</u>
	A. Personnel Actions
	B. Approve Application for Community Development Block Grant for Floodwall Pump Station #2 Rehabilitation – R. MURPHY
	C. Accept Transfer of Real Properties Located at 626 Boyd, 800, 818, 820 and 832 North Seventh Street – G. CHERRY
	IV. <u>ORDINANCES – ADOPTION</u>
	A. Approve Agreement with Reidland-Farley Fire Protection District for 911 Dispatching Services – FIRE CHIEF KYLE
	B. Amend Code of Ordinances Chapter 70, Parks & Recreation, to Update Dedicated Parks List – M. THOMPSON
	V. <u>ORDINANCE - INTRODUCTION</u>
	A. Zoning Text Amendment Sec. 126-64 - S. ERVIN
	B. Zoning Text Amendment Sec. 126-76 – S. ERVIN
	C. Zoning Text Amendment Sec. 126-86 – S. ERVIN
	D. Zoning Text Amendment Sec. 126-108 -- S. ERVIN
	VI. <u>CITY MANAGER REPORT</u>
	VII. <u>MAYOR & COMMISSIONER COMMENTS</u>

	VIII.	<u>PUBLIC COMMENTS</u>
	IX.	<u>EXECUTIVE SESSION</u>

MEMORANDUM

To: Paducah Board of Commissioners

From: Brian T. Grogan

Date: July 8, 2016

Re: Public Hearing regarding Cable Television Franchise Renewal Set for July 12

The Public Hearing scheduled for your July 12 meeting has been called pursuant to the City's receipt of a request for renewal of the cable television franchise from Comcast of the South ("Comcast"). Any person may comment on the cable television franchise renewal process. Topics of interest include customer service, quality and reliability of cable signals, use of the right-of-way by Comcast to install its cable system facilities, local community programming, and related issues regarding the delivery of cable services.

Brian Grogan, Esq. of the Minneapolis law firm of Moss & Barnett has been retained to assist the City with this cable matter regarding the process to be followed and specific issues to be addressed during franchise renewal.

Section 626 of the Cable Act (47 U.S.C. § 546) identifies specific procedures to be followed to renew cable television franchises. The Cable Act contemplates both a "formal" and "informal" procedure to accomplish renewal. Typically, the process begins approximately three (3) years prior to franchise expiration, with the cable operator sending a letter to the city requesting renewal. The vast majority of cable television franchises are renewed "informally." While cable operators are wise to reserve their rights to the formal protections identified in Section 626 of the Cable Act, most cable operators and municipalities prefer the flexibility of the informal renewal process.

Upon receipt of Comcast's request for renewal, the City responded via a letter to Comcast by agreeing to proceed informally and requesting that Comcast agree in writing to place the formal renewal process "on hold" until the parties determine whether renewal can be achieved through informal negotiations. This written agreement is often referred to as a "standstill agreement." The standstill agreement clarifies that the City's obligation to "commence" a needs assessment proceeding is also on hold or is satisfied by virtue of the agreement.

The City is preparing a draft franchise renewal document in addition to an updated ordinance for Comcast's review and comment. Upon review of Comcast's response, the City will then identify the changes that are acceptable and those that will require negotiation between the parties. A list of key issues should emerge to help focus the negotiations. Upon completion of the negotiations, the City Commission will consider adoption of a final franchise renewal document and the updated ordinance.

City Commission, City of Paducah, Kentucky
July 8, 2016
Page 2

It is important to note that the City's ability to regulate the rates charged by Comcast is now prohibited by federal law. All tiers of cable service offered by Comcast are completely deregulated, and the City is prohibited from exercising any regulation on such cable services. Moreover, the City has very limited authority to dictate the type of programming Comcast chooses to carry on its cable system. The City is not permitted to require that certain channels be carried or deleted by Comcast as such mandates would likely violate Comcast's First Amendment rights.

Additional community questions or comments regarding the City of Paducah cable television franchise renewal process should be directed to the attention of Pam Spencer, Paducah Public Information Officer.

3270775v1

JULY 5, 2016

At a Regular Meeting of the Board of Commissioners, held on Tuesday, July 5, 2016, at 5:30 p.m., in the Commission Chambers of City Hall located at 300 South 5th Street, Mayor Kaler presided, and upon call of the roll by the City Clerk, the following answered to their names: Commissioners Abraham, Gault, Rhodes, Wilson and Mayor Kaler (5).

PROCLAMATION

Mayor Kaler presented a proclamation to Parks Services Director Mark Thompson proclaiming July 2016 as "Parks and Recreation" month.

MINUTES

Commissioner Abraham offered motion, seconded by Commissioner Gault, that the reading of the Minutes for the June 28, 2016, City Commission meeting be waived and that the Minutes of said meeting prepared by the Administrative Assistant III in General Government be approved as written.

Adopted upon call of the roll, yeas, Commissioners Abraham, Gault, Rhodes, Wilson and Mayor Kaler (5).

MOTIONS

R & F DOCUMENTS

Commissioner Gault offered motion, seconded by Commissioner Abraham, that the following documents be received and filed:

DOCUMENTS

1. Contracts & Agreements:
 - a. Contract with Danny Cope and Sons Excavating, LLC for the demolition of the nursing home located at 501 North 3rd Street (ORD2016-6-8376)
 - b. Subordination Agreement with Paducah Bank and Trust Company for property located at 1611 Madison Street (MO # 1910)
 - c. Contract for Services with Paducah Junior College and West Kentucky Community & Technical College for the Operation of Public and Governmental Access Channels (ORD # 2016-6-8381)
 - d. Change Order No. 1 with Midstates Construction Company for the Market Square ART Park (ORD # 2016-6-8383)
2. Paducah Water Works Financial Highlights for May 2016

Adopted upon call of the roll, yeas, Commissioners Abraham, Gault, Rhodes, Wilson and Mayor Kaler (5).

MUNICIPAL ORDERS

ADOPT COMPLIANCE POLICIES AND PROCEDURES FOR BOND ISSUES

Commissioner Rhodes offered motion, seconded by Commissioner Wilson, that a Municipal Order entitled, "A MUNICIPAL ORDER ADOPTING POST-ISSUANCE COMPLIANCE POLICIES AND PROCEDURES TO ENSURE COMPLIANCE WITH FEDERAL TAX LAW APPLICABLE TO OUTSTANDING TAX-EXEMPT DEBT OBLIGATIONS AND TO ENSURE THAT INTEREST PAID ON SUCH TAX-EXEMPT DEBT REMAINS EXEMPT FROM FEDERAL INCOME TAX AND DESIGNATING THE FINANCE DIRECTOR AS THE CITY'S COMPLIANCE OFFICER," be adopted.

JULY 5, 2016

Adopted upon call of the roll, yeas, Commissioners Abraham, Gault, Rhodes, Wilson and Mayor Kaler (5). M.O. 1916; BK 9

AUTHORIZE RENEWAL APPLICATION FOR LOCAL EXPANDED JURISDICTION

Commissioner Wilson offered motion, seconded by Commissioner Rhodes, that a Municipal Order entitled, "A MUNICIPAL ORDER AUTHORIZING THE MAYOR TO EXECUTE A RENEWAL APPLICATION TO THE COMMONWEALTH OF KENTUCKY, DEPARTMENT OF HOUSING, BUILDINGS AND CONSTRUCTION FOR LOCAL EXPANDED JURISDICTION FOR THE FIRE PREVENTION DIVISION," be adopted.

Adopted upon call of the roll, yeas, Commissioners Abraham, Gault, Rhodes, Wilson and Mayor Kaler (5). M.O. 1917; BK 9

ORDINANCES – ADOPTION

APPROVE PAYMENT FOR ANNUAL SERVICE CONTRACT FOR THE CITY'S 800 MHz RADIO EQUIPMENT

Commissioner Abraham offered motion, seconded by Commissioner Gault, that the Board of Commissioners adopt an Ordinance entitled, "AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A SERVICE AGREEMENT WITH MOTOROLA FOR FY 2016-2017." This ordinance is summarized as follows: That the Mayor is hereby authorized to execute a service agreement with Motorola for yearly maintenance of the 800 MHz radio controllers, 911 dispatch consoles, telephones, and other related radio equipment in the amount of \$32,166.48. This contract shall expire June 30, 2017.

Adopted upon call of the roll, yeas, Commissioners Abraham, Gault, Rhodes, Wilson and Mayor Kaler (5). ORD.2016-7-8384; BK 34

AUTHORIZE PAYMENT TO KLC FOR INSURANCE PREMIUMS FOR WORKERS' COMPENSATION, LIABILITY INSURANCE AND PROPERTY INSURANCE

Commissioner Gault offered motion, seconded by Commissioner Abraham, that the Board of Commissioners adopt an Ordinance entitled, "AN ORDINANCE AUTHORIZING THE FINANCE DIRECTOR TO PAY KENTUCKY LEAGUE OF CITIES FOR WORKERS' COMPENSATION, LIABILITY INSURANCE, AND PROPERTY INSURANCE COVERAGE FOR THE CITY OF PADUCAH." This ordinance is summarized as follows: That the City of Paducah hereby authorizes the Finance Director to pay Kentucky League of Cities in the total amount of \$1,092,016.26 for Workers' Compensation, Liability Insurance, and Property Insurance Coverage for the City of Paducah for Fiscal Year ending June 30, 2017.

Adopted upon call of the roll, yeas, Commissioners Abraham, Gault, Rhodes, Wilson and Mayor Kaler (5). ORD.2016-7-8385; BK 34

APPROVE AGREEMENT WITH CONCORD FIRE DEPARTMENT FOR 911 DISPATCHING SERVICES

Commissioner Rhodes offered motion, seconded by Commissioner Wilson, that the Board of Commissioners adopt an Ordinance entitled, "AN ORDINANCE OF THE CITY OF PADUCAH, KENTUCKY, APPROVING AN AGREEMENT WITH CONCORD FIRE PROTECTION DISTRICT FOR DISPATCH SERVICES, AND AUTHORIZING THE MAYOR TO EXECUTE SAID AGREEMENT." This ordinance is summarized as follows: The

JULY 5, 2016

City of Paducah hereby approves a Communications Service Agreement with Concord Fire Protection District for 911 Dispatch Services which will begin on July 1, 2016, and authorizes the Mayor to execute the Agreement. The initial term of the Agreement shall be for a period of four (4) years. Such term shall automatically renew at the end of the Initial Term and any subsequent terms thereafter for an additional four (4) years unless either the City or Concord decide to terminate or renegotiate the Agreement.

Adopted upon call of the roll, yeas, Commissioners Abraham, Gault, Rhodes, Wilson and Mayor Kaler (5). ORD.2016-7-8386; BK 34

APPROVE AGREEMENT WITH WEST McCRACKEN FIRE PROTECTION DISTRICT FOR 911 DISPATCHING SERVICES

Commissioner Wilson offered motion, seconded by Commissioner Rhodes, that the Board of Commissioners adopt an Ordinance entitled, "AN ORDINANCE OF THE CITY OF PADUCAH, KENTUCKY, APPROVING AN AGREEMENT WITH WEST McCRACKEN FIRE PROTECTION DISTRICT FOR DISPATCH SERVICES, AND AUTHORIZING THE MAYOR TO EXECUTE SAID AGREEMENT." This ordinance is summarized as follows: The City of Paducah hereby approves a Communications Service Agreement with West McCracken Fire Protection District for 911 Dispatch Services which will begin on July 1, 2016, and authorizes the Mayor to execute the Agreement. The initial term of the Agreement shall be for a period of four (4) years. Such term shall automatically renew at the end of the Initial Term and any subsequent terms thereafter for an additional four (4) years unless either the City or West McCracken Fire Protection District decide to terminate or renegotiate the Agreement.

Adopted upon call of the roll, yeas, Commissioners Abraham, Gault, Rhodes, Wilson and Mayor Kaler (5). ORD.2016-7-8387; BK 34

APPROVE EXTENSION OF INTERLOCAL AGREEMENT WITH McCRACKEN COUNTY FISCAL COURT FOR 911 DISPATCH SERVICES

Commissioner Abraham offered motion, seconded by Commissioner Gault, that the Board of Commissioners adopt an Ordinance entitled, "AN ORDINANCE OF THE CITY OF PADUCAH, KENTUCKY, APPROVING AN AGREEMENT WITH McCRACKEN COUNTY FISCAL COURT TO EXTEND THE CURRENT INTER-LOCAL COOPERATION AGREEMENT FOR 911 COMMUNICATIONS SERVICES, AND AUTHORIZING THE MAYOR TO EXECUTE SAID AGREEMENT." This ordinance is summarized as follows: The City of Paducah hereby approves a Temporary 911 Communications Service Agreement with McCracken County Fiscal Court to extend the current 911 Interlocal Agreement for 911 Dispatch Services up to and including July 31, 2016. Further, the Mayor of the City is hereby authorized to execute the Agreement.

Adopted upon call of the roll, yeas, Commissioners Abraham, Gault, Rhodes, Wilson and Mayor Kaler (5). ORD.2016-7-8388; BK 34

ORDINANCES – INTRODUCTION

APPROVE AGREEMENT WITH REIDLAND-FARLEY FIRE PROTECTION DISTRICT FOR 911 DISPATCHING SERVICES

Commissioner Gault offered motion, seconded by Commissioner Abraham, that the Board of Commissioners introduce an Ordinance entitled, "AN ORDINANCE OF THE CITY OF

JULY 5, 2016

PADUCAH, KENTUCKY, APPROVING AN AGREEMENT WITH REIDLAND-FARLEY FIRE PROTECTION DISTRICT FOR DISPATCH SERVICES, AND AUTHORIZING THE MAYOR TO EXECUTE SAID AGREEMENT.” This ordinance is summarized as follows: The City of Paducah hereby approves a Communications Service Agreement with Reidland-Farley Fire Protection District for 911 Dispatch Services which will begin on July 1, 2016, and authorizes the Mayor to execute the Agreement. The initial term of the Agreement shall be for a period of four (4) years. Such term shall automatically renew at the end of the Initial Term and any subsequent terms thereafter for an additional four (4) years unless either the City or Reidland-Farley decide to terminate or renegotiate the Agreement.

AMEND CODE OF ORDINANCES CHAPTER 70, PARKS & RECREATION, TO UPDATE DEDICATED PARKS LIST

Commissioner Rhodes offered motion, seconded by Commissioner Wilson, that the Board of Commissioners introduce an Ordinance entitled, “AN ORDINANCE AMENDING CHAPTER 70, PARKS AND RECREATION, OF THE CODE OF ORDINANCES OF THE CITY OF PADUCAH, KENTUCKY.” This ordinance is summarized as follows: That Section 70-32, Public Parks, Playgrounds, and Recreational Areas Available to the Public is amended to include the Ohio Boat Launch and Market Square ART Park. This ordinance renames 14th Street Park to Health Park. This ordinance also deletes Martin Luther King, Jr. Memorial and the Parks Services Buildings and Grounds from the listing of dedicated park properties.

CITY MANAGER REPORT

City Manager Jeff Pederson stated that the contractor is on site for demolition of the nursing home property located at 501 North Third Street.

EXECUTIVE SESSION

Commissioner Gault offered motion, seconded by Commissioner Abraham, that the Board go into closed session for discussion of matters pertaining to the following topics(s):

- Issues which might lead to the appointment, dismissal or disciplining of an employee, as permitted by KRS 61.819(1)(f).

Adopted on call of the roll, yeas, Commissioners Abraham, Gault, Rhodes, Wilson, and Mayor Kaler (5).

Upon motion the meeting adjourned.

ADOPTED: July 19, 2016

City Clerk

Mayor

July 12, 2016

I move that the following documents be received and filed:

DOCUMENTS

I. Contracts & Agreements:

- a. Security Agreement with McCracken County and Genova Products, Inc. for 5400 Commerce Drive (ORD # 2015-11-8328)
- b. Professional Services Agreement with Bacon Farmer Workman Engineering & Testing, Inc. for construction of a restroom facility for the tennis courts in Noble Park (Executed by CM)
- c. Contract for Services with Paducah Wall to Wall Mural Board (Executed by CM)
- d. Communications Service Agreement with West McCracken Fire Protection District for 911 Services (ORD # 2016-07-8387)
- e. Communications Service Agreement with Concord Fire Protection District for 911 Services (ORD # 2016-07-8386)
- f. Change Order #1 with A&K Construction for the Paducah Dome Relocation Project (ORD # 2016-05-8375)
- g. Temporary 911 Communications Service Agreement with McCracken County Fiscal Court (ORD # 2016-07-8388)
- h. Service Agreement with Motorola Solutions for 800 MHz Radio Equipment (ORD # 2016-07-8384)

CITY OF PADUCAH
July 12, 2016

Upon the recommendation of the City Manager, the Board of Commissioners of the City of Paducah order that the personnel changes on the attached list be approved.



City Manager's Signature

7-8-2016

Date

CITY OF PADUCAH
PERSONNEL ACTIONS
July 12, 2016

TERMINATIONS - FULL-TIME (F/T)

<u>E-911</u>	<u>POSITION</u>	<u>REASON</u>	<u>EFFECTIVE DATE</u>
Ziems Brock	Telecommunicator	Resignation	June 27, 2016

PAYROLL ADJUSTMENTS/TRANSFERS/PROMOTIONS/TEMPORARY ASSIGNMENTS

<u>EPW - SOLID WASTE</u>	<u>PREVIOUS POSITION AND BASE RATE OF PAY</u>	<u>CURRENT POSITION AND BASE RATE OF PAY</u>	<u>NCS/CS</u>	<u>FLSA</u>	<u>EFFECTIVE DATE</u>
Titsworth Justin T	Laborer \$16.51/Hr	Truck Driver \$17.87/Hr	NCS	Non-Ex	July 21, 2016

**Agenda Action Form
Paducah City Commission**

Meeting Date: 12 July 2016

Short Title: FLOODWALL PUMP STATION #2 REHABILITATION – CDBG GRANT

Ordinance Emergency Municipal Order Resolution Motion

Staff Work By: Rick Murphy, Sheryl Chino

Presentation By: Rick Murphy

Background Information: The Department for Local Government (DLG) has received for the 2016 Funding Cycle \$22,519,635 from the U.S. Housing and Urban Development's (HUD) Community Development Block Grant (CDBG) program. Funds are designated for various program areas including Community Projects, Community Emergency Relief Fund, Economic Development, Housing and Public Facilities.

The CDBG program provides assistance to communities for use in revitalizing neighborhoods, expanding affordable housing and economic opportunities, providing infrastructure and/or improving community facilities and services. With the participation of their citizens, communities can devote these funds to a wide range of activities that best serve their own particular development priorities. All project activities must meet at least one of three national objectives:

- benefit to low and moderate income persons;
- prevention or elimination of slums or blight; and,
- meeting particularly urgent community development needs.

The Engineering Department is proposing to submit a CDBG application through the public facilities program area to rehabilitate Pump Station #2 at the floodwall. Improvements include: replacement of pump plant discharge pipes; rehabilitation of various mechanical components of all seven pumps and motors; replacement of the sluice gate; installation of a manual transfer switch; installation of a fused disconnect switch; replacement of motor gate actuators and controls; and, various appurtenances.

The total preliminary project cost is estimated to be \$5,105,000, which includes construction, engineering, and advertising costs. The city is applying for the maximum grant amount of \$1,000,000. The balance will be provided from the City's FY2017 budget.

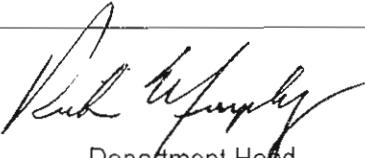
Goal: Strong Economy Quality Services Vital Neighborhoods Restored Downtowns

Funds Available: Account Name:
Account Number:
Project Number:
CFDA:

Finance

Staff Recommendation: Authorize and direct the mayor to execute all grant related documents.

Attachments: None

 Department Head	City Clerk	 City Manager
--	------------	--

MUNICIPAL ORDER NO. _____

A MUNICIPAL ORDER AUTHORIZING THE APPLICATION FOR A 2016 COMMUNITY DEVELOPMENT BLOCK GRANT IN THE AMOUNT OF \$1,000,000 FROM THE OFFICE OF THE GOVERNOR'S DEPARTMENT FOR LOCAL GOVERNMENT FOR THE FLOODWALL PUMP STATION #2 REHABILITATION PROJECT

BE IT ORDERED BY THE CITY OF PADUCAH, KENTUCKY:

SECTION 1. The Mayor is hereby authorized to execute an application and all documents relating to same, requesting a Community Development Block Grant from the Office of the Governor Department for Local Development in the amount of \$1,000,000 on for the Floodwall Pump Station #2 Rehabilitation Project. The total preliminary project cost is estimated to be \$5,105,000 which includes construction, engineering and advertising costs. The remaining funds for the project will be provided from the City's FY2017 budget.

SECTION 2. This order shall be in full force and effect from and after the date of its adoption.

Mayor

ATTEST:

Tammara S. Sanderson, City Clerk

Adopted by the Board of Commissioners July 12, 2016
Recorded by Tammara S. Sanderson, City Clerk, July 12, 2016
\\mo\grants\cdbg-floodwall pump station 2 rehab

Agenda Action Form Paducah City Commission

Meeting Date: July 12, 2016

Short Title: Transfer of Property 626 Boyd, 800, 818, 820, and 832 North 7th Street

Ordinance Emergency Municipal Order Resolution Motion

Staff Work By: Greg Cherry
Presentation By: Greg Cherry

Background Information: Douglas Wallace -- deceased, Brad Wallace - son - wants to donate these vacant lots to the City of Paducah. The City has been maintaining these lots for several years. This will benefit the City to receive these properties versus foreclosure expenses. The properties will be turned over to Planning for future re-development.

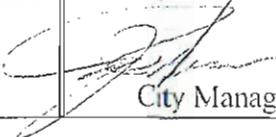
Goal: Strong Economy Quality Services Vital Neighborhoods Restored
Downtowns

Funds Available: Account Name: N/A
Account Number: N/A

N/A Finance

Staff Recommendation: Authorize Mayor Kaler to sign a deed transferring 626 Boyd Street, 800, 818, 820, and 832 North 7th Street to the City of Paducah.

Attachments:

Department Head	City Clerk	 City Manager
-----------------	------------	--

MUNICIPAL ORDER NO. _____

A MUNICIPAL ORDER OF THE CITY OF PADUCAH, KENTUCKY,
AUTHORIZING THE MAYOR TO EXECUTE THE DEED CONSIDERATION
CERTIFICATE FOR THE CITY'S ACCEPTANCE OF THE TRANSFER OF REAL
PROPERTIES LOCATED AT 626 BOYD STREET, 800, 818, 820 AND 832 NORTH
SEVENTH STREET, PADUCAH, KENTUCKY

BE IT ORDERED BY THE BOARD OF COMMISSIONERS OF THE
CITY OF PADUCAH, KENTUCKY:

SECTION 1. Recitals and Authorizations. The Board of Commissioners hereby authorizes the Mayor to certify and execute the consideration certificate contained in the deed of conveyance from Brad Allan Wallace and his wife Anne Wallce to the City of Paducah, Kentucky, for property located at 626 Boyd Street, 800, 818, 820 and 832 North Seventh Street, Paducah, Kentucky. It is determined that it is necessary and desirable and in the best interest of the City to execute the consideration certificate contained in said deed of conveyance, which deed of conveyance and consideration certificate is hereby authorized and approved.

SECTION 2. Effective Date. This Order shall be in full force and effect on and after the date as approved by the Board of Commissioners of the City of Paducah, Kentucky.

Mayor

ATTEST:

Tammara S. Sanderson, City Clerk

Adopted by the Board of Commissioners, July 12, 2016
Recorded by Tammara S. Sanderson, City Clerk, July 12, 2016
mo transfer prop-626 Boyd, 800, 818, 820 & 832 N 7th

DEED OF CONVEYANCE

THIS DEED made and entered into this the 22 day of June, 2016, by and between BRAD ALLAN WALLACE and his wife ANNE WALLACE, of 8040 Mayfield-Metropolis Road, West Paducah, KY 42086, hereinafter called Grantor, and THE CITY OF PADUCAH, KENTUCKY, of 300 South 5th Street, Paducah, KY 42003, hereinafter called Grantee;

WITNESSETH:

THAT FOR AND IN CONSIDERATION of the sum of \$1.00 and other good and valuable consideration, the receipt of which is hereby acknowledged, Grantor sold and does by these presents grant, bargain, sell, alien and convey unto the Grantee, its successors and assigns forever, together with all the improvements, appurtenances and rights thereunto belonging, the following described property, lying and being in McCracken County, Kentucky, and more particularly described as follows:

Commonly known as 626 Boyd Street:

The east 96.75 feet of Lots 267, 268 and 269, Block "P" (previously erroneously described as Block "F"), in Addition "F", in the City of Paducah, Kentucky, fronting 96.75 feet on the south side of Boyd Street by a depth of 120 feet.

Being the same property conveyed to Douglas Wallace by deed dated August 29, 1996, of record in Deed Book 860, page 78, McCracken County Court Clerk's Office. Douglas Wallace a/k/a Douglas Eugene Wallace died intestate on February 11, 2009, and title to the above described property vested in Brad Allan Wallace. See Affidavit of Descent of record in Deed Book 1308, page 824, aforesaid Court Clerk's Office.

Commonly known as 800 North 7th Street:

Beginning at a point, the northerly corner of Block "P" Harris, Flournoy, Trimble and Norton's Addition to the City of Paducah, Kentucky; thence with the line of Seventh Street and towards Boyd Street 40 feet; thence at right angles and toward the Ohio River 197 feet 6 inches to the line of an alley; thence at right angles and toward Harris Street 40 feet to Harris Street; thence with the westerly line of Harris Street 197 feet 6 inches to the point of beginning and being Lot No. 260, in Block "P", Addition "F" (previously erroneously described as Addition "P"), of Harris, Flournoy, Trimble and

Norton's Addition to the City of Paducah, Kentucky, a plat of which is of record in Deed Book "O", Page 230, McCracken County Court Clerk's Office.

Being the same property conveyed to Doug Wallace by deed dated April 11, 2001, of record in Deed Book 954, page 465. McCracken County Court Clerk's Office. Doug Wallace a/k/a Douglas Eugene Wallace died intestate on February 11, 2009, and title to the above described property vested in Brad Allan Wallace. See Affidavit of Descent of record in Deed Book 1308, page 824, aforesaid Court Clerk's Office.

Commonly known as 818-820 North 7th Street:

PARCEL NO. I: Being a part of Lot 264 in Block "P", Addition "F", Harris, Trimble, Flournoy, and Norton's Addition to the City of Paducah, Kentucky; said lot fronting 30 feet 6 inches on the Northeasterly side of North Seventh (between Harris and Boyd Streets) and extending back in a Northeasterly direction of uniform width, 197 feet 6 inches to an alley. A plat of Harris, Trimble, Flournoy, and Norton's Addition to the City of Paducah, Kentucky, is of record in Deed Book "O", page 230, McCracken County Court Clerk's Office.

PARCEL NO. II: Lot 265 and 10 feet 5 inches off Lot 264 in Block "P" (previously erroneously described as Block "F"), Addition "F", fronting 50 feet 5 inches on 7th Street, being property at 820 North 7th Street and as shown on page 16 of Block Map No. 3 in the office of the City Engineer. See Deed Book 453, page 276.

Being the same property conveyed to Douglas Eugene Wallace by deed dated October 12, 1999, of record in Deed Book 925, page 99, McCracken County Court Clerk's Office. See also deed dated August 25, 1995, of record in Deed Book 836, page 276, aforesaid Court Clerk's Office. Douglas Wallace a/k/a Douglas Eugene Wallace died intestate on February 11, 2009, and title to the above described property vested in Brad Allan Wallace. See Affidavit of Descent of record in Deed Book 1308, page 824, aforesaid Court Clerk's Office.

Commonly known as 832 North 7th Street:

TRACT I – Being Lot No. 266 in Block "P", in Addition "F", of Harris, Flournoy, Trimble and Norton's Addition to the City of Paducah, Kentucky, said lot fronting on the Northerly side of Seventh Street 40 feet and running back with uniform width 197-1/2 feet to an alley, which lot begins at a point on the Northerly side of Seventh Street, 120 feet from the intersection of Seventh Street and Boyd Street; thence with the line of Seventh Street towards Harris Street 40 feet; thence towards the river 197-1/2 feet to the line of said alley; thence towards Boyd Street with the line of said alley 40 feet; thence towards Seventh Street 197-1/2 feet to the beginning.

TRACT II – Beginning at a point on the Northerly side of Seventh Street 74 feet 6 inches from the corner of the intersection of Seventh Street and Boyd Street; thence with the line of Seventh Street towards Harris Street 45 feet 6 inches, more or less, to the line of the above described lot; thence with the line of the above described and

toward the river 100 feet 9 inches, more or less, to the line of property known as Annhauser-Busch Brewing Company lot; thence with the line of said lot and towards Boyd Street 45 feet 6 inches, more or less; thence to Seventh Street 100 feet 9 inches, more or less, to the point of beginning.

Being the same property conveyed to Douglas E. Wallace by Commissioner's Deed dated July 30, 1996, of record in Deed Book 885, page 723, McCracken County Court Clerk's Office. Douglas E. Wallace a/k/a Douglas Eugene Wallace died intestate on February 11, 2009, and title to the above described property vested in Brad Allan Wallace. See Affidavit of Descent of record in Deed Book 1308, page 824, aforesaid Court Clerk's Office.

TO HAVE AND TO HOLD the same, together with all improvements thereon and all rights and appurtenances thereunto pertaining unto Grantee, its successors and assigns forever, with Covenant of General Warranty, except easements, covenants and restrictions of record.

Grantor and Grantee hereby swear and affirm, under penalty of perjury, that the transfer is by gift or with nominal or no consideration. The Grantee joins this deed for the sole purpose of certifying the consideration.

Please forward current year tax bill in care of the City of Paducah, Kentucky, 300 South 5th Street, Paducah, KY 42003.

CONSIDERATION CERTIFICATE

The grantor and grantee, being duly sworn, do certify that the transfer effected by the foregoing deed is a gift or with nominal or no consideration and the estimated fair cash value of the property described in the foregoing deed is \$2,950.00.

IN WITNESS WHEREOF, the Grantor and Grantee have hereunto set their hands.



Brad Allan Wallace

Gayle Kaler, Mayor



Anne Wallace

STATE OF KENTUCKY)
COUNTY OF MCCRACKEN)

The foregoing instrument was sworn and acknowledged before me this 22nd day of June, 2016, by BRAD ALLAN WALLACE, Grantor.

My commission expires 01/07/2017.

Debra B. Hall
Notary Public, State at Large #4180996

STATE OF KENTUCKY)
COUNTY OF MCCRACKEN)

The foregoing instrument was sworn and acknowledged before me this 22nd day of June, 2016, by ANNE WALLACE, Grantor.

My commission expires 01/07/2017.

Debra B. Hall
Notary Public, State at Large #4180996

STATE OF KENTUCKY)
COUNTY OF MCCRACKEN)

The foregoing instrument was sworn and acknowledged before me this _____ day of _____, 2016, by GAYLE KALER, Mayor of the City of Paducah, Kentucky, Grantee.

My commission expires _____.

Notary Public, State at Large

This instrument prepared by:
[Signature]
HOUSMAN & ASSOCIATES, PLLC
P.O. Box 1196
Paducah, KY 42002-1196

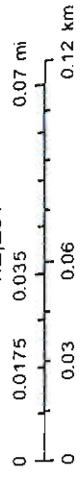
Enter Title



June 24, 2016

- Paducah Address Points
- County Address Points
- City
- County
- Police Stations

1:2,257



MAP-GIS
©MAP-GIS 2013

Agenda Action Form
Paducah City Commission

Meeting Date: 5 July 2016

Short Title: Approve dispatch agreement with Reidland-Farley Fire Protection District

Ordinance Emergency Municipal Order Resolution Motion

Staff Work By: Jeff Pederson, Brandon Barnhill, Steve Kyle
Presentation By: Steve Kyle

Background Information:

With the establishment of a new department called the Department of 911 Communication Services effective July 1, 2016 and the expiration of the interlocal agreement between the City of Paducah and McCracken County for 911 operations, contracts for service are being established with user agencies to continue uninterrupted emergency services to our citizens and visitors.

As a result, an agreement has been finalized for approval to provide dispatch services to Reidland-Farley Fire Protection District.

Goal: Strong Economy Quality Services Vital Neighborhoods Restored Downtowns

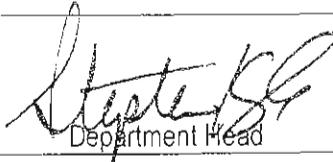
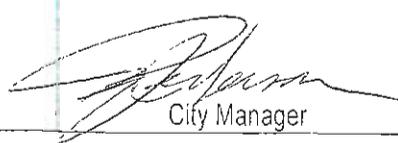
Funds Available:

Finance

Account Name:
Account Number:

Staff Recommendation: Approve agreement with Reidland-Farley Fire Protection District for dispatching services.

Attachments: contract and attachment

 Department Head	City Clerk	 City Manager
--	------------	--

Agenda Action Form Paducah City Commission

Meeting Date: July 5, 2016

Short Title: **Additions and Correction to the Dedicated Park Properties Parks List**

Ordinance Emergency Municipal Order Resolution Motion

Staff Work By: Mark Thompson
Presentation By: Mark Thompson

Background Information:

In 2007 while reviewing the Section 70 (Parks and Recreation) of the City's Code of Ordinances, it was determined that some housekeeping was required. No list of dedicated parks had been included in the City Code. This ordinance is to establish and identify all parks under the general supervision of the City of Paducah Parks Services.

Continuing this precedence the City will recognize by ordinance the addition of the Boat Launch and the Market Square ART Park to Sec. 70-32.

In an adjustment, the name change from 14th Street Park to Health Park will be made.

The following will be deleted from the City's list of dedicated parks. Martin Luther King, Jr. Memorial was incorrectly listed as a City park when it is actually owned by the NAACP. Additionally, with the exchange of properties with the Paducah Housing Authority, there is no longer park property associated with the Parks Services Buildings and Grounds. This action will remove both of these listings from Sec. 70-32.

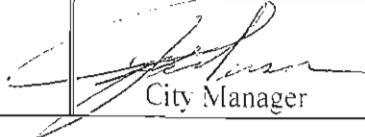
Goal: Strong Economy Quality Services Vital Neighborhoods Restored Downtowns

Funds Available: Account Name: N/A
Account Number: N/A

Finance

Staff Recommendation: Approval

Attachments: Maps of proposed dedicated park properties are attached.

<i>MHT</i> Department Head	 City Clerk	 City Manager
-------------------------------	----------------	--

Agenda Action Form

Paducah City Commission

Meeting Date: July 12, 2016

Short Title: Zoning Text Amendment Section 126-64 Lots

Ordinance Emergency Municipal Order Resolution

Staff Work By: Stephen Ervin, Joshua P. Sommer

Presentation By: Stephen Ervin

Background Information:

On June 6, 2016; the Paducah Planning Commission held a public hearing and made a positive recommendation to the Paducah City Commission on text changes to Section 126-64 Lots. The purpose of this text amendment is to remove the requirement that accessory structures have to be placed on the same lot as a principal structure. Staff has found that this decreases density in the City.

Keeping viable lots available for potential new homes is in compliance with the City of Paducah Comprehensive Plan as follows:

- Page 2-6 of the City of Paducah Comprehensive Plan states: "Without attention and deliberate action to address the declining population in the City, it is reasonable to assume that this trend will likely continue".
- Page 7-2 of the City of Paducah Comprehensive Plan states that a goal regarding population is "Increase the rate of population growth above those of projections and trends analysis".

Following are the substantial text changes:

Sec. 126-64. Lots.

- (a) *Reduction of lot size.* No lot, even though it may consist of one or more adjacent lots in the same ownership at the time of passage of this chapter, shall be reduced in size so that lot width or size of yards or lot area per family or any other requirement of this chapter is not maintained. This section shall not apply when a portion of a lot is acquired for public purpose.
- (b) *Multiple principal structures on a lot.* Only one principal structure and its customary accessory structures may hereafter be erected on any one lot. Accessory structures may potentially be located on adjacent lots of the same ownership as stipulated in Section

~~126-86. except where~~ When more than one principal structure of different use types to be constructed on the same lot is proposed, multiple principal structures may be allowed as provided for in sSection 126-176 with a development plan.

- (c) *Public street frontage.* Unless otherwise provided in this chapter, no building shall be erected on a lot which does not abut for at least 25 feet on a public street.
- (d) *Existing lots.* At the time of the enactment of this chapter, if an owner of a plot of land consisting of one or more adjacent lots does not own sufficient continuous land to enable him to conform to the minimum lot size requirements provided herein, such plot of land may nevertheless be used as a building site. The dimensional requirements of the district in which the piece of land is located may be reduced by the smallest amount that will permit a structure of acceptable size to be built upon the lot.
- (e) *Variances to setback lines.* Front yard setback lines may be varied where the average depth of principal buildings on adjoining properties is less than the depth prescribed elsewhere in this chapter. In such case, the front yard in question shall not be less than the average depth of existing front yards on the two lots immediately adjoining.

Staff Recommendation:

Approval of text changes.

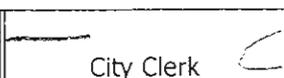
Funds Available: Account Name: N/A
 Account Number: N/A

Finance

Motion:

Attachments:

Planning Commission Resolution

 Department Head	 City Clerk	 City Manager
--	---	--

ORDINANCE NO. 2016-7-_____

AN ORDINANCE AMENDING SECTION 126-64, LOTS, OF CHAPTER 126, ZONING, OF THE CODE OF ORDINANCES OF THE CITY OF PADUCAH, KENTUCKY
BE IT ORDAINED BY THE CITY OF PADUCAH, KENTUCKY:

SECTION 1. That Section 126-64, Lots, of Chapter 126, Zoning, of the Code of Ordinances of the City of Paducah, Kentucky, is hereby amended to read as follows:

“Sec. 126-64. Lots

- (a) *Reduction of lot size.* No lot, even though it may consist of one or more adjacent lots in the same ownership at the time of passage of this chapter, shall be reduced in size so that lot width or size of yards or lot area per family or any other requirement of this chapter is not maintained. This section shall not apply when a portion of a lot is acquired for public purpose.
- (b) *Multiple principal structures on a lot.* ~~Only one~~ One principal structure and ~~its customary accessory structures~~ may hereafter be erected on any one lot. Accessory structures may potentially be located on adjacent lots of the same ownership as stipulated in Section 126-86. except where ~~When more than one principal structure of different use types to be constructed on the same lot is proposed. multiple principal structures may be allowed as provided for in s~~Section 126-176 with a development plan.
- (c) *Public street frontage.* Unless otherwise provided in this chapter, no building shall be erected on a lot which does not abut for at least 25 feet on a public street.
- (d) *Existing lots.* At the time of the enactment of this chapter, if an owner of a plot of land consisting of one or more adjacent lots does not own sufficient continuous land to enable him to conform to the minimum lot size requirements provided herein, such plot of land may nevertheless be used as a building site. The dimensional requirements of the district in

which the piece of land is located may be reduced by the smallest amount that will permit a structure of acceptable size to be built upon the lot.

- (e) *Variances to setback lines.* Front yard setback lines may be varied where the average depth of principal buildings on adjoining properties is less than the depth prescribed elsewhere in this chapter. In such case, the front yard in question shall not be less than the average depth of existing front yards on the two lots immediately adjoining.”

SECTION 2. That if any section, paragraph or provision of this Ordinance shall be found to be inoperative, ineffective or invalid for any cause, the deficiency or invalidity of such section, paragraph or provision shall not affect any other section, paragraph or provision hereof, it being the purpose and intent of this Ordinance to make each and every section, paragraph and provision hereof separable from all other sections, paragraphs and provisions.

SECTION 3. This ordinance shall be read on two separate days and will become effective upon summary publication pursuant to KRS Chapter 424.

Mayor

ATTEST:

Tammara S. Sanderson, City Clerk

Introduced by the Board of Commissioners, July 12, 2016

Adopted by the Board of Commissioners, July _____, 2016

Recorded by Tammara S. Sanderson, City Clerk, July _____, 2016

Published by The Paducah Sun. _____

\ord\plan\zone\126-64, Lots 7-2016

Agenda Action Form

Paducah City Commission

Meeting Date: July 12, 2016

Short Title: Zoning Text Amendment Section 126-76 Sign Regulations

Ordinance Emergency Municipal Order Resolution

Staff Work By: Stephen Ervin, Joshua P. Sommer

Presentation By: Stephen Ervin

Background Information:

On June 6, 2016; the Paducah Planning Commission held a public hearing and made a positive recommendation to the Paducah City Commission on text changes to Section 126-76 Signs. Staff has received inquiries from elected officials as to the restoration of ghost signs. The current zoning ordinance does not provide guidance for how ghost signs can be restored or repaired. Also, projecting signs on buildings within one foot of the property line on buildings in the B-1 (Convenience and Service Zone); B-2 (Downtown Business Zone) and B-3 (General Business Zone) had no size requirements. Staff recommended six feet to be consistent with the B-2-T (Downtown Business Townlift Zone) and H-1 (Historic Commercial Zone). Following are the substantial text changes:

Sec. 126-76. Sign regulations.

(a) **Purpose.**

(b) **Definitions.**

- (1) **Advertising sign:** A sign which directs attention to a business product, service or activity or entertainment, sold or offered elsewhere than on the premises where such sign is located. Such sign includes billboards and off premises signs.
- (2) **Air inflated sign:** A sign which maintains shape by air pressurization.
- (3) **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.
- (4) **Campus sign:** A sign which is located within a campus style environment which shall consist of at least three acres of real property, which would include a school, college, religious institution, performance hall, convention center or other like environment as approved by the Planning Commission. Such signs may include electronic message signs.
- (5) **Canopy sign:** A sign that is part of, or customarily attached to, a gasoline canopy.

- (6) **Directional sign:** Any non-commercial sign of an instructional nature bearing no business advertising and displayed for the convenience of the public.
- (7) **Electronic message sign:** A sign that changes messages not more than once every 8 seconds, followed by 2 seconds of transition or animation.
- (8) **Flashing sign:** A sign having an illumination of which is not kept constant in intensity at all times when in use.
- (9) **Flag sign:** A sign having the characters, letters or illustrations applied to cloth or fabric.
- (10) **Ghost sign:** A sign painted on the exterior wall of a building or structure prior to 1966 that has been weathered and faded to the extent it has lost its original brightness of color and visibility.
- (10) (11) **Identification sign:** A sign which indicates only the name and address of the building and/or management, and has no direct advertising value.
- (11) (12) **Illuminated indirectly:** A sign which is illuminated indirectly by artificial light from any source.
- (12) (13) **Island spanner sign:** A sign that is attached to the supports of gasoline canopies for advertising purposes.
- (13) (14) **Lighted sign:** A sign which is designed to emit artificial light from any source.
- (14) (15) **Mobile sign:** A sign which is affixed to a frame having wheels and capable of being carried, or otherwise portable, and designed to stand free from a building or other structure. Signs designed to be affixed to the surface of real estate shall be deemed free-standing signs and not mobile signs, but the mere removal of wheels or temporary securing of a sign to the surface of real estate shall not prevent its being a mobile sign within this definition.
- (15) (16) **Perforated window sign:** A sign made of adhesive-backed PVC vinyl or other similar material that is perforated with a pattern of round, evenly-spaced holes. This type of sign is generally applied over windows.
- (16) (17) **Projecting sign:** A sign which is attached directly to the wall of a building or other structure and which extends in a perpendicular direction outward.
- (17) (18) **Roof sign:** A sign attached to the part of a building considered to be the roof, the roof being that of a building that protects the interior portion of said building.
- (18) (19) **Sign:** Any name, identification, description, display, illustration or device which is affixed to or represented directly or indirectly upon a building, structure or land, in view of the general public, and which directs attention to a product, place, activity, person, institution or business or otherwise provides information to the public.
- (19) (20) **Spandrel sign:** A sign attached to the spandrel that covers gasoline dispensers.
- (20) (21) **Streamer:** A sign made of a string of ribbons, tinsel, pennants or similar devices used to attract attention to the premises where it is displayed.
- (21) (22) **Surface area of sign:** The entire aggregate area of the actual sign surface. It does not include any structural elements outside the limits of such sign and not forming an integral part of display. Only one side of a double-faced sign structure shall be used in computing total surface area. (See Illustration No. 1).

~~(22)~~ **(23) Temporary sign:** Any sign or display, banner, pennant, valance or advertising display constructed of cloth, canvas, light fabric, cardboard or other light materials, with or without frames, intended or customarily expected to be displayed for a limited period of time only.

~~(23)~~ **(24) Wall sign:** Any sign including a fascia sign which is attached parallel to the face of a wall of a building or other structure.

(c) **General regulations.**

(d) **Regulations for temporary signs.**

(e) **Signs permitted in all zones and districts.** Except where such signs may violate some other section of this chapter or any other applicable provision of the Code of Ordinances of the city, the following signs shall be permitted in all zones:

(1) Signs located wholly within a building or structure: Flashing, blinking, moving, rotating or flapping signs shall not be visible from the public right-of-way except as provided for in sections 126-76(c)(15) and 126-76(c)(16).

(2) Window Signs: Such signs shall not obstruct more than 30% of any window opening.

(3) Signs affixed to a properly licensed motor vehicle operating upon public thoroughfares: provided such vehicles are not used or intended for use as a portable sign.

(4) Dangerous dog signs as required under section 14-40 of the Code of Ordinances, provided such signs shall not exceed 18 × 24 inches.

(5) Any sign erected by any governmental body or agency.

(6) One sign not over one square feet in area identifying home occupations which are permitted as a conditional use on the premises. The sign location shall be subject to control by the Board of Adjustment. Lighted signs are prohibited.

(7) Temporary signs.

(8) Ghost signs:

(a) A ghost sign may be, but is not required to be, stabilized, rehabilitated or preserved to it's original condition, design and size.

(b) A ghost sign may not be altered in any way that changes it's original design, wording or size.

(c) Ghost signs do not count toward maximum square footage of sign areas, however: no new signs can be painted onto the same façade as a ghost sign.

(d) Windows and doors may be cut into ghost signs.

(e) Due to their historical nature, ghost signs shall not be considered advertising signs.

(f) Ghost signs should not be "over restored" to the point that all evidence of their age is lost.

(g) Ghost signs shall be considered existing non-conforming signs.

(h) Ghost signs in the City's historic districts are not required to obtain HARC approval, because changes beyond original condition, design and size are not permitted.

(f) **Signs prohibited in all zones and districts.**

(g) **Signs authorized for R-1, R-2, R-3, NSZ and R-4 Zones.**

(h) **Signs authorized for B-2-T zone.**

(i) **Signs authorized for H-1 zone.**

- (j) **Signs authorized for H-2 zone.**
- (k) **Signs authorized for B-1, B-2, B-3, M-1, M-2, M-3 and HBD zones.** No signs shall be permitted in the B-1, B-2, B-3, M-1, M-2, M-3 and HBD zones in the city except as provided in subsections (e) and (g) and as provided as follows:
- (1) Flag signs attached to a permanent pole shall be permitted. Such signs shall not exceed 12 square feet in area per sign face. One flag sign is permitted per permanent pole. The maximum height of a flag sign shall not exceed a height of 40 feet from the adjacent grade.
 - (2) Private directional signs indicating entrance, exit, or location of parking shall be permitted provided such signs do not exceed six square feet in surface area for each sign face and the height shall not exceed 60 inches from the street level. These signs shall not be placed within the public right-of-way.
 - (3) Only one free standing business sign shall be permitted on any lot, provided, however, one additional sign shall be permitted for each additional 300 feet of frontage. One additional free standing business sign shall be permitted if the business is located at the intersection of two streets. The size of the sign shall not exceed 1.5 square foot per lineal foot of street frontage subject to a maximum size of 200 square feet in area per sign face. The outer edge of the sign shall be set back at least seven feet from the side lot line. All permitted freestanding signs shall not exceed a height of 40 feet from adjacent grade, except as may be otherwise authorized in the following subsection. Lighted signs are permitted.
 - (4) Property zoned B-1, B-3, HBD, M-1, M-2 or M-3 and within 2,000 feet of the centerline of I-24 shall have the right to construct one free standing sign permitted under subsection (3) above to a height not to exceed 100 feet in sign height and 300 square feet in area per sign face. For the purpose of calculating the 2,000 feet from the centerline set forth above (see illustration #2). Lighted signs are permitted.

Illustration 2

- (5) Exterior electronic message signs that change messages not more than once every 8 seconds of static image, followed by 2 seconds of transition or animation shall be permitted in the B-1, B-3, HBD, M-1, M-2 and M-3 zones.
 - a. Electronic message signs must have controls in place to prevent flashing when a malfunction or power loss occurs.
 - b. Electronic message signs must contain brightness controls that adjust to the ambient light where the sign is easily readable during daytime hours, but not overbearing at night.
 - c. In addition to (a) and (b) above, electronic message signs may be allowed in the B-2 Zone with additional requirements as follows:
 - i. Such sign shall not exceed 25 square feet in area per sign face.
 - ii. Such sign shall not exceed six feet from grade.
 - iii. Such sign shall be located at least 200 feet away from any residential structure in the H-2 Zone. The 200 foot measurement includes residential structures on the opposite sides of public ways. Said measurements shall be taken from the nearest outside wall of the

structure. Further, such signs shall not be closer than five feet to any property line unless attached to a building.

- iv. Such sign shall be located on the same lot as the principal building.
- v. One electronic message sign (either free-standing or attached to a building) shall be permitted per lot.

(6) Wall signs shall be permitted for each tenant or lessee, except as provided in (k) (6) (a) below. The area of wall signs shall not exceed 20 percent of the square footage of the face of the building, structure or the face of tenant or lessee space. Lighted signs are permitted. Wall signs shall not be located on any portion of the roof that encloses any building. Awning signs shall be considered to be wall signs and shall be subject to 20 percent of the square footage of the face of the building, structure or the face of the tenant or lessee space.

- a. Covered Mall Buildings. Wall signs shall be permitted on each facade of a covered mall building as defined as follows: A single building enclosing a number of tenants and occupants such as retail stores, drinking and dining establishments, entertainment and amusement facilities, passenger transportation terminals, offices and other similar uses wherein two or more tenants have a main entrance into one or more malls.
- b. The area of wall signs on any façade of a covered mall building shall not exceed 20 percent of the square footage of each individual façade of the structure. Wall signs may not advertise any business that is not located within the structure the sign is affixed to. Lighted signs are permitted. Wall signs shall not be located on any portion of the roof that encloses any covered mall building.

(7) No flat wall signs shall project above the roof or parapet line.

(8) Gasoline canopy signs: Canopy signs shall not exceed 20% of the face of the canopy on which they are a part of, or are attached to. Island spanner signs shall not exceed 20% of the face of the canopy above. Spandrel signs shall not exceed 20% of the spandrel's structural area. Island spanner signs and spandrel signs shall not be permitted together. These types of signs shall not extend beyond the edges of the canopy.

(9) Perforated Signs.

- i. Perforated signs shall either be 50/50 or 60/40 perforation.
- ii. Perforated signs may be applied to the entire window; however, a perforated sign may not exceed more than 30% of the total façade of a structure.
- iii. Perforated signs may not be applied over any ingress/egress door.
- iv. Perforated signs for a single business are intended to have a single, unifying theme. Perforated signs shall not be directly illuminated from inside the business.
- v. The total cumulative sign square footage of both wall signs and window signage (whether it is attached, painted, perforated or otherwise recognized as a window sign) shall not exceed a total of 30% of the entire façade.

(10) Projecting signs permitted pursuant to subsection (c) (8) of this Chapter in the B-1, B-2 and B-3 Zones shall be no larger than six square feet.

- (l) **Signs authorized for POP Zone.**
- (m) **Signs authorized for MU and A-1 Zones.**

- (n) **Signs authorized for HM Zone.**
- (op) **Signs authorized for NCCZ.**
- (pq) **Application Fees and Penalties**
- (q) **Permitted nonconforming signs.**
- (r) **Replacement advertising signs.**
- (s) **Signs constituting a nuisance--Abatement.**

Staff Recommendation:

Approval of text changes.

Funds Available: Account Name: N/A
 Account Number: N/A

Finance

Motion:

Attachments:

Planning Commission Resolution

 Department Head	City Clerk	 City Manager
--	------------	--

AN ORDINANCE AMENDING SECTION 126-76, SIGN REGULATIONS. OF CHAPTER 126, ZONING, OF THE CODE OF ORDINANCES OF THE CITY OF PADUCAH, KENTUCKY

BE IT ORDAINED BY THE CITY OF PADUCAH, KENTUCKY:

SECTION 1. That Sections (b), (e), and (k) of Section 126-76, Sign Regulations. of Chapter 126, Zoning, of the Code of Ordinances of the City of Paducah, Kentucky, be amended to read as follows:

“Sec. 126-76. - Sign regulations.

(b) *Definitions.*

- (1) *Advertising sign:* A sign which directs attention to a business product, service or activity or entertainment, sold or offered elsewhere than on the premises where such sign is located. Such sign includes billboards and off premises signs.
- (2) *Air inflated sign:* A sign which maintains shape by air pressurization.
- (3) *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.
- (4) *Campus sign:* A sign which is located within a campus style environment which shall consist of at least three acres of real property, which would include a school, college, religious institution, performance hall, convention center, or other like environment as approved by the planning commission. Such signs may include electronic message signs.
- (5) *Canopy sign:* A sign that is part of, or customarily attached to, a gasoline canopy.
- (6) *Directional sign:* Any noncommercial sign of an instructional nature bearing no business advertising and displayed for the convenience of the public.
- (7) *Electronic message sign:* A sign that changes messages not more than once every eight seconds, followed by two seconds of transition or animation.
- (8) *Flashing sign:* A sign having an illumination of which is not kept constant in intensity at all times when in use.

- (9) *Flag sign*: A sign having the characters, letters, or illustrations applied to cloth or fabric.
- (10) *Ghost sign*: A sign painted on the exterior wall of a building or structure prior to 1966 that has been weathered and faded to the extent it has lost its original brightness of color and visibility.
- (10)(11) *Identification sign*: A sign which indicates only the name and address of the building and/or management, and has no direct advertising value.
- (11)(12) *Illuminated indirectly*: A sign which is illuminated indirectly by artificial light from any source.
- (12)(13) *Island spanner sign*: A sign that is attached to the supports of gasoline canopies for advertising purposes.
- (13)(14) *Lighted sign*: A sign which is designed to emit artificial light from any source.
- (14)(15) *Mobile sign*: A sign which is affixed to a frame having wheels and capable of being carried, or otherwise portable, and designed to stand free from a building or other structure. Signs designed to be affixed to the surface of real estate shall be deemed freestanding signs and not mobile signs, but the mere removal of wheels or temporary securing of a sign to the surface of real estate shall not prevent its being a mobile sign within this definition.
- (15)(16) *Perforated window sign*: A sign made of adhesive-backed PVC vinyl or other similar material that is perforated with a pattern of round, evenly spaced holes. This type of sign is generally applied over windows.
- (16)(17) *Projecting sign*: A sign which is attached directly to the wall of a building or other structure and which extends in a perpendicular direction outward.
- (17)(18) *Roof sign*: A sign attached to the part of a building considered to be the roof, the roof being that of a building that protects the interior portion of said building.
- (18)(19) *Sign*: Any name, identification, description, display, illustration, or device which is affixed to or represented directly or indirectly upon a building, structure or land, in view of the general public, and which directs attention to a product, place, activity, person, institution or business or otherwise provides information to the public.
- (19)(20) *Spandrel sign*: A sign attached to the spandrel that covers gasoline dispensers.

~~(20)~~(21) *Streamer*: A sign made of a string of ribbons, tinsel, pennants, or similar devices used to attract attention to the premises where it is displayed.

~~(21)~~(22) *Surface area of sign*: The entire aggregate area of the actual sign surface. It does not include any structural elements outside the limits of such sign and not forming an integral part of display. Only one side of a double-faced sign structure shall be used in computing total surface area. (See Illustration No. 1.)

~~(22)~~(23) *Temporary sign*: Any sign or display, banner, pennant, valance or advertising display constructed of cloth, canvas, light fabric, cardboard, or other light materials, with or without frames, intended or customarily expected to be displayed for a limited period of time only.

~~(23)~~(24) *Wall sign*: Any sign including a fascia sign which is attached parallel to the face of a wall of a building or other structure.

(e) *Signs permitted in all zones and districts*. Except where such signs may violate some other section of this chapter or any other applicable provision of the Code of Ordinances of the city, the following signs shall be permitted in all zones:

- (1) Signs located wholly within a building or structure. Flashing, blinking, moving, rotating or flapping signs shall not be visible from the public right-of-way except as provided for in sections 126-76(c)(15) and 126-76(c)(16).
- (2) Window signs. Such signs shall not obstruct more than 30 percentage of any window opening.
- (3) Signs affixed to a properly licensed motor vehicle operating upon public thoroughfares, provided such vehicles are not used or intended for use as a portable sign.
- (4) Dangerous dog signs as required under section 14-40 of the Code of Ordinances, provided such signs shall not exceed 18 × 24 inches.
- (5) Any sign erected by any governmental body or agency.
- (6) One sign not over one square feet in area identifying home occupations which are permitted as a conditional use on the premises. The sign location shall be subject to control by the Board of Adjustment. Lighted signs are prohibited.
- (7) Temporary signs.
- (8) Ghost signs:
 - (a) A ghost sign may be, but is not required to be, stabilized, rehabilitated or preserved to it's original condition, design and size.

- (b) A ghost sign may not be altered in any way that changes its original design, wording or size.
- (c) Ghost signs do not count toward maximum square footage of sign areas, however; no new signs can be painted onto the same façade as a ghost sign.
- (d) Windows and doors may be cut into ghost signs.
- (e) Due to their historical nature, ghost signs shall not be considered advertising signs.
- (f) Ghost signs should not be “over restored” to the point that all evidence of their age is lost.
- (g) Ghost signs shall be considered existing non-conforming signs.
- (h) Ghost signs in the City’s historic districts are not required to obtain HARC approval, because changes beyond original condition, design and size are not permitted.

(k) *Signs authorized for B-1, B-2, B-3, M-1, M-2, M-3 and HBD Zones.* No signs shall be permitted in the B-1, B-2, B-3, M-1, M-2, M-3, and HBD Zones in the city except as provided in subsections (e) and (g) and as provided as follows:

- (1) Flag signs attached to a permanent pole shall be permitted. Such signs shall not exceed 12 square feet in area per sign face. One flag sign is permitted per permanent pole. The maximum height of a flag sign shall not exceed a height of 40 feet from the adjacent grade.
- (2) Private directional signs indicating entrance, exit, or location of parking shall be permitted provided such signs do not exceed six square feet in surface area for each sign face and the height shall not exceed 60 inches from the street level. These signs shall not be placed within the public right-of-way.
- (3) Only one freestanding business sign shall be permitted on any lot, provided, however, one additional sign shall be permitted for each additional 300 feet of frontage. One additional freestanding business sign shall be permitted if the business is located at the intersection of two streets. The size of the sign shall not exceed 1.5 square foot per lineal foot of street frontage subject to a maximum size of 200 square feet in area per sign face. The outer edge of the sign shall be set back at least seven feet from the side lot line. All permitted freestanding signs shall not exceed a height of 40 feet from adjacent grade, except as may be otherwise authorized in the following subsection. Lighted signs are permitted.
- (4) Property zoned B-1, B-3, HBD, M-1, M-2, or M-3 and within 2,000 feet of the centerline of I-24 shall have the right to construct one freestanding sign permitted under subsection (3) above to a height not to exceed 100 feet in sign height and 300 square feet in area per sign face. For the purpose of calculating the 2,000 feet

from the centerline set forth above. (See Illustration #2). Lighted signs are permitted.

- (5) Exterior electronic message signs that change messages not more than once every 8 seconds of static image, followed by 2 seconds of transition or animation shall be permitted in the B-1, B-3, HBD, M-1, M-2, and M-3 Zones.
 - a. Electronic message signs must have controls in place to prevent flashing when a malfunction or power loss occurs.
 - b. Electronic message signs must contain brightness controls that adjust to the ambient light where the sign is easily readable during daytime hours, but not overbearing at night.
 - c. In addition to subsections (a) and (b) above, electronic message signs may be allowed in the B-2 Zone with additional requirements as follows:
 - (1) Such sign shall not exceed 25 square feet in area per sign face.
 - (2) Such sign shall not exceed six feet from grade.
 - (3) Such sign shall be located at least 200 feet away from grade from any residential structure in the H-2 Zone. The 200 foot measurement includes residential structures on the opposite sides of public ways. Said measurements shall be taken from the nearest outside wall of the structure. Further, such signs shall not be closer than five feet to any property line unless attached to a building.
 - (4) Such sign shall be located on the same lot as the principal building.
 - (5) Only one electronic message sign (either free-standing or attached to a building) shall be permitted per lot.
- (6) Wall signs shall be permitted for each tenant or lessee, except as provided in subsection (k)(6)a. below. The area of wall signs shall not exceed 20 percent of the square footage of the face of the building, structure or the face of tenant or lessee space. Lighted signs are permitted. Wall signs shall not be located on any portion of the roof that encloses any building. Awning signs shall be considered to be wall signs and shall be subject to 20 percent of the square footage of the face of the building, structure or the face of the tenant or lessee space.
 - a. Covered mall buildings. Wall signs shall be permitted on each facade of a covered mall building as defined as

follows: A single building enclosing a number of tenants and occupants such as retail stores, drinking and dining establishments, entertainment and amusement facilities, passenger transportation terminals, offices and other similar uses wherein two or more tenants have a main entrance into one or more malls.

- b. The area of wall signs on any facade of a covered mall building shall not exceed 20 percent of the square footage of each individual facade of the structure. Wall signs may not advertise any business that is not located within the structure the sign is affixed to. Lighted signs are permitted. Wall signs shall not be located on any portion of the roof that encloses any covered mall building.
- (7) No flat wall signs shall project above the roof or parapet line.

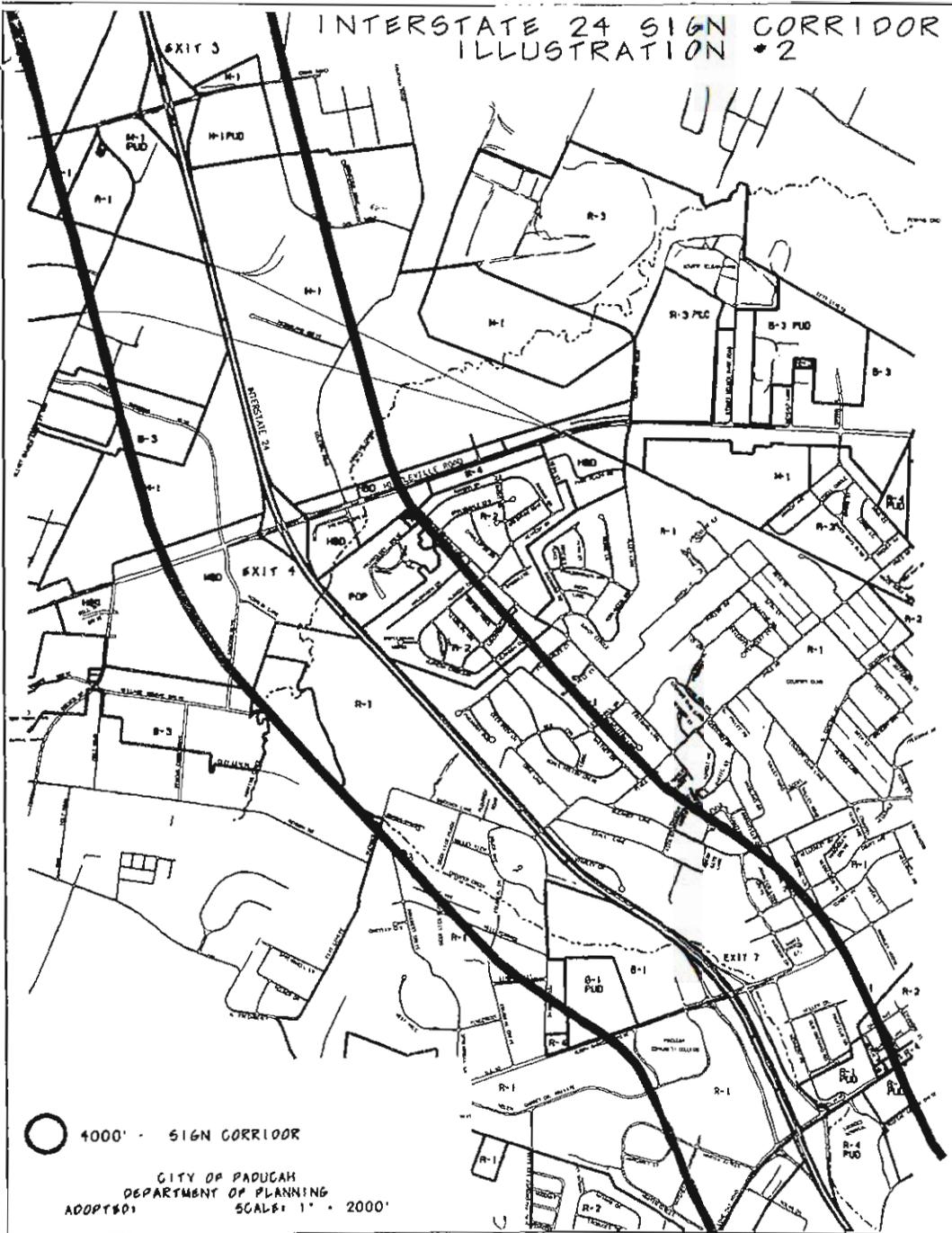
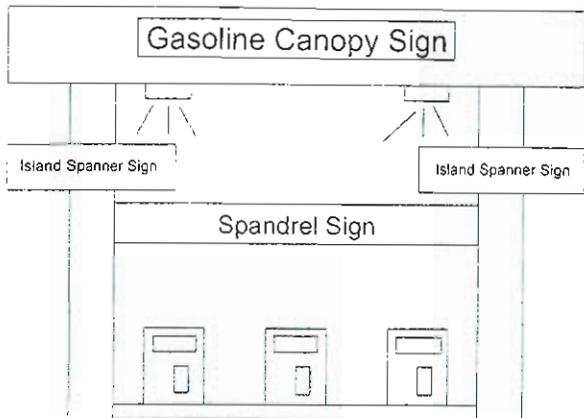


Illustration 2

- (8) Gasoline canopy signs: Canopy signs shall not exceed 20 percent of the face of the canopy on which they are a part of, or are attached to. Island spanner signs shall not exceed 20 percent of the face of the canopy above. Spandrel signs shall not exceed 20 percent of the spandrel's structural area. Island spanner signs and

spandrel signs shall not be permitted together. These types of signs shall not extend beyond the edges of the canopy.



- (9) Perforated signs.
- a. Perforated signs shall either be 50/50 or 60/40 perforation.
 - b. Perforated signs may be applied to the entire window; however, a perforated sign may not exceed more than 30 percent of the total façade of a structure.
 - c. Perforated signs may not be applied over any ingress/egress door.
 - d. Perforated signs for a single business are intended to have a single, unifying theme. Perforated signs shall not be directly illuminated from inside the business.
 - e. The total cumulative sign square footage of both wall signage and window signage (whether it is attached, painted, perforated or otherwise recognized as a window sign) shall not exceed a total of 30 percent of the entire façade.

(10) Projecting signs permitted pursuant to subsection (c) (8) of this Chapter in the B-1, B-2 and B-3 Zones shall be no larger than six square feet."

SECTION 2. That if any section, paragraph or provision of this Ordinance shall be found to be inoperative, ineffective or invalid for any cause, the deficiency or invalidity of such section, paragraph or provision shall not affect any other section, paragraph or provision hereof, it being the purpose and intent of this Ordinance to make each and every section, paragraph and provision hereof separable from all other sections, paragraphs and provisions.

SECTION 3. This ordinance shall be read on two separate days and will become effective upon summary publication pursuant to KRS Chapter 424.

Mayor

ATTEST:

Tammara S. Sanderson, City Clerk

Introduced by the Board of Commissioners, July 12, 2016

Adopted by the Board of Commissioners, July _____, 2016

Recorded by Tammara S. Sanderson, City Clerk, July _____, 2016

Published by The Paducah Sun. _____

\ord\plan\zone\126-76, Ghost Signs 7-2016

Agenda Action Form

Paducah City Commission

Meeting Date: July 12, 2016

Short Title: Zoning Text Amendment Section 126-86 Accessory Structures

Ordinance Emergency Municipal Order Resolution

Staff Work By: Stephen Ervin, Joshua P. Sommer

Presentation By: Stephen Ervin

Background Information:

On June 6, 2016; the Paducah Planning Commission held a public hearing and made a positive recommendation to the Paducah City Commission on text changes to Section 126-86 Accessory Structures. The purpose of this text amendment is to work in conjunction with Section 126-64 Lots. Staff is supportive of maintaining density, which is in compliance with the City of Paducah Comprehensive Plan.

Following are the substantial text changes:

Sec. 126-86 Accessory Structures

A. Accessory Structures.

1. The purpose of this section is to provide regulations for the placement of accessory structures in the City of Paducah. Accessory structures shall be located on the same or adjacent lots of the same ownership lot as the principal building. Accessory structures may only be placed on adjacent lots that have the same street frontage as the principal structure and the lot is of sufficient size to be used as a building site, pursuant to Section 126-64 (d).

Where part of the wall of an accessory structure is a part of the wall of the principal building in a substantial manner, such accessory structure shall be ~~counted~~ considered as part of the principal building.

- a. Accessory Structures may only be located in the rear or side yard, not in any front yard except as provided herein. In the case of accessory structures placed on adjacent lots, the front yard of the principal structure shall be extended and maintained across said adjacent lots.
- b. Setbacks; rear and side yards

1. Side yard setbacks may not be less than the principal building setback for the zoning district.
 2. Rear yard setbacks do not apply to Accessory Structures.
 2. Setbacks from principal building. Accessory structures must be a minimum distance of five (5) feet from the principal building or other accessory building.
 3. The height of the accessory structure in the R-1, R-2, R-3, R-4 and H-2 shall not exceed the height of the principal building or zoning district maximum height whichever is less. The height of the accessory structures in all other zoning districts shall not exceed the zoning district maximum height.
 4. The total building foot print area of all accessory buildings in residential zones shall not exceed the gross floor area of the principal building.
- B. Accessory Structures may include, but not be limited to, the following:
1. Garage
 2. Carport
 3. Greenhouse
 4. Playhouse
 5. Pump house
 6. Pergola
 7. Storage shed
 8. Tool shed
 9. Swimming pool
 10. Work Shop
 11. Dog Pen
 12. Satellite Dish
 13. Personal communication Tower
 14. Structures for hobbies, recreational activities or artistic activities. Only the occupant of the principal building may carry on such use. Such use shall not fall within the definition of a home occupation or business.
- C. Special requirements for certain accessory structures
1. Swimming pools. Pools permanently or semi-permanently constructed below or above grade shall be protected by a five (5) foot or higher fence containing a latching gate to keep children and animals from having unsupervised access. Above ground pools that exceed the height of four (4) feet shall be exempt from fence requirements except that the steps shall be secured with a five (5) foot fence to protect the entrance.
- D. Projections into required yard setbacks
1. The following structures are permitted within required setbacks provided that compliance is maintained with the traffic visibility standards of the City of Paducah.
 2. Landscaping features including, but not limited to, ornamental pools, planting boxes, sculptures, arbors, trellises, fences and birdbaths. Fences shall comply with Section 126-83(E), § 4.
 3. Sculptures. Sculpture size shall not exceed 20% of the street side facade area. (See Illustrative Figure 1)

- a. Sculptures shall not be required to receive a Certificate of Appropriateness from the Historical & Architectural Review Commission.
- 1. At-grade patios, play equipment, outdoor furniture, ornamental entry columns and gates, flagpoles, lampposts, mailboxes, HVAC equipment, address posts, outdoor fireplaces, refuse collection containers, public utility lines, poles and retaining walls.
- 2. Handicap ramps that do not exceed 4' in height may project no more than 8' into the front yard setback.
- 3. Steps that do not exceed 4' in height
- E. The following attached structures will be permitted to project into the specified yard setback for the following distances:
 - 1. Cornices, overhanging eaves and gutters, windowsills, bay windows, or similar architectural features, chimneys and fireplaces, fire escapes, fire balconies and satellite dishes may project no more than two and one-half (2 1/2) feet into any required yard setback, but in no case closer than three (3) feet to any property line or encroach on any existing utility easement and in compliance with the Kentucky Building Code.
 - 2. Open unenclosed porches (excluding screened or glassed) may project no more than five (5) feet into a front or rear yard provided such porch does not exceed fifty (50) square feet in surface area. Open unenclosed decks may project into the rear yard provided that it does not come closer than ten (10) from the rear property line or encroach on any existing utility easements.
 - 3. Open unenclosed carports which are attached to and part of the principal structure and which are unenclosed on all exterior sides except for necessary supports may project into side or rear yard setback but shall be no closer than fifteen (15) feet to a side or rear yard adjoining a street right-of-way and no closer than five (5) feet to a side property line or encroach on any existing utility easements.
 - 4. Gas pump islands and associated canopy can project into any yard setback; however, no gas pump island shall be located closer than 24 feet to a street right-of-way line nor will any portion of a canopy be allowed to encroach into the public right-of-way.
- F. If an adjacent lot is proposed to be utilized for an accessory structure, the lot must be of sufficient size as required in Section 126-64 (d). If the adjacent lot is not of sufficient size to be used as a building site, then a waiver of subdivision will be required to abolish the interior property line(s).

Staff Recommendation:

Approval of text changes.

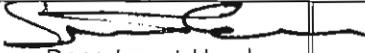
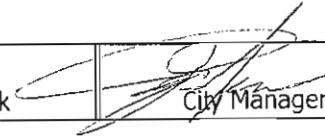
Funds Available: Account Name: N/A
Account Number: N/A

Finance

Motion:

Attachments:

Planning Commission Resolution

 Department Head	City Clerk	 City Manager
--	------------	--

ORDINANCE NO. 2016-7-_____

AN ORDINANCE AMENDING SECTION 126-86, ACCESSORY STRUCTURES, OF CHAPTER 126, ZONING, OF THE CODE OF ORDINANCES OF THE CITY OF PADUCAH, KENTUCKY

BE IT ORDAINED BY THE CITY OF PADUCAH, KENTUCKY:

SECTION 1. That Section 126-86, Accessory Structures, of Chapter 126, Zoning, of the Code of Ordinances of the City of Paducah, Kentucky, is hereby amended to read as follows:

“Sec. 126-86 Accessory Structures

A. Accessory Structures.

1. The purpose of this section is to provide regulations for the placement of accessory structures in the City of Paducah. Accessory structures shall be located on the same or adjacent lots of the same ownership let as the principal building. Accessory structures may only be placed on adjacent lots that have the same street frontage as the principal structure and the lot is of sufficient size to be used as a building site, pursuant to Section 126-64 (d). Where part of the wall of an accessory structure is a part of the wall of the principal building in a substantial manner, such accessory structure shall be counted considered as part of the principal building.
 - a. Accessory structures may only be located in the rear or side yard, not in any front yard except as provided herein. In the case of accessory structures placed on adjacent lots, the front yard of the principal structure shall be extended and maintained across said adjacent lots.
 - b. Setbacks; rear and side yards
 1. Side yard setbacks may not be less than the principal building setback for the zoning district.
 2. Rear yard setbacks do not apply to Accessory Structures.
 2. Setbacks from principal building. Accessory structures must be a minimum distance of five (5) feet from the principal building or other accessory building.
 3. The height of the accessory structure in the R-1, R-2, R-3, R-4 and H-2 shall not exceed the height of the principal building or zoning district maximum height whichever is less. The height of the accessory structures in all other zoning districts shall not exceed the zoning district maximum height.
 4. The total building foot print area of all accessory buildings in residential zones shall not exceed the gross floor area of the principal building.
- B. Accessory Structures may include, but not be limited to; the following:
1. Garage
 2. Carport
 3. Greenhouse
 4. Playhouse
 5. Pump house
 6. Pergola

7. Storage shed
 8. Tool shed
 9. Swimming pool
 10. Work Shop
 11. Dog Pen
 12. Satellite Dish
 13. Personal communication Tower
 14. Structures for hobbies, recreational activities or artistic activities. Only the occupant of the principal building may carry on such use. Such use shall not fall within the definition of a home occupation or business.
- C. Special requirements for certain accessory structures
1. Swimming pools. Pools permanently or semi-permanently constructed below or above grade shall be protected by a five (5) foot or higher fence containing a latching gate to keep children and animals from having unsupervised access. Above ground pools that exceed the height of four (4) feet shall be exempt from fence requirements except that the steps shall be secured with a five (5) foot fence to protect the entrance.
- D. Projections into required yard setbacks
1. The following structures are permitted within required setbacks provided that compliance is maintained with the traffic visibility standards of the City of Paducah.
 2. Landscaping features including, but not limited to, ornamental pools, planting boxes, sculptures, arbors, trellises, fences and birdbaths. Fences shall comply with Section 126-83(E) 5 c 4.
 3. Sculptures. Sculpture size shall not exceed 20% of the street side facade area. (See Illustrative Figure 1)
 - a. Sculptures shall not be required to receive a Certificate of Appropriateness from the Historical & Architectural Review Commission.
 1. At-grade patios, play equipment, outdoor furniture, ornamental entry columns and gates, flagpoles, lampposts, mailboxes, HVAC equipment, address posts, outdoor fireplaces, refuse collection containers, public utility lines, poles and retaining walls.
 2. Handicap ramps that do not exceed 4' in height may project no more than 8' into the front yard setback.
 3. Steps that do not exceed 4' in height
- E. The following attached structures will be permitted to project into the specified yard setback for the following distances:
1. Cornices, overhanging eaves and gutters, windowsills, bay windows, or similar architectural features, chimneys and fireplaces, fire escapes, fire balconies and satellite dishes may project no more than two and one-half (2 1/2) feet into any required yard setback, but in no case closer than three (3) feet to any property line or encroach on any existing utility easement and in compliance with the Kentucky Building Code.
 2. Open unenclosed porches (excluding screened or glassed) may project no more than five (5) feet into a front or rear yard provided such porch does not exceed fifty (50) square feet in surface area. Open unenclosed decks may project into the rear yard provided that it does not come closer than ten (10) from the rear property line or encroach on any existing utility easements.

3. Open unenclosed carports which are attached to and part of the principal structure and which are unenclosed on all exterior sides except for necessary supports may project into side or rear yard setback but shall be no closer than fifteen (15) feet to a side or rear yard adjoining a street right-of-way and no closer than five (5) feet to a side property line or encroach on any existing utility easements.
4. Gas pump islands and associated canopy can project into any yard setback; however, no gas pump island shall be located closer than 24 feet to a street right-of-way line nor will any portion of a canopy be allowed to encroach into the public right-of-way.
- F. If an adjacent lot is proposed to be utilized for an accessory structure, the lot must be of sufficient size as required in Section 126-64 (d). If the adjacent lot is not of sufficient size to be used as a building site, then a waiver of subdivision will be required to abolish the interior property line(s)."

SECTION 2. That if any section, paragraph or provision of this Ordinance shall be found to be inoperative, ineffective or invalid for any cause, the deficiency or invalidity of such section, paragraph or provision shall not affect any other section, paragraph or provision hereof, it being the purpose and intent of this Ordinance to make each and every section, paragraph and provision hereof separable from all other sections, paragraphs and provisions.

SECTION 3. This ordinance shall be read on two separate days and will become effective upon summary publication pursuant to KRS Chapter 424.

Mayor

ATTEST:

Tammara S. Sanderson, City Clerk

Introduced by the Board of Commissioners, July 12, 2016

Adopted by the Board of Commissioners, July _____, 2016

Recorded by Tammara S. Sanderson, City Clerk, July _____, 2016

Published by The Paducah Sun, _____

\ord\plan\zone\126-86 Accessory Structures · 7-2016

Agenda Action Form

Paducah City Commission

Meeting Date: July 12, 2016

Short Title: Zoning Text Amendment Section 126-108 Downtown Business Townlift Zone

Ordinance Emergency Municipal Order Resolution

Staff Work By: Stephen Ervin, Joshua P. Sommer

Presentation By: Stephen Ervin

Background Information:

On June 6, 2016; the Paducah Planning Commission held a public hearing and made a positive recommendation to the Paducah City Commission on text changes to Section 126-108 Downtown Business Townlift Zone. The purpose of this text amendment is to remove redundancy in parking requirements for residential units. Section 126-71 (d) of the Paducah Zoning Ordinance provides for upper-story apartment parking requirements in the B-2, B-2-T and H-1 Zones. One to three units have no requirement and 4 or more units are required to have one private or public space per unit shown to be available in a downtown zone. Following are the substantial text changes:

Sec. 126-108. Downtown Business Townlift Zone, B-2-T.

The purpose of the B-2-T Zone is to encourage the development, redevelopment and the preservation of the City's townlift area.

- (1) Principal permitted uses.
 - a. Trade, business and vocational schools
 - b. Places of amusement, assembly and recreation
 - c. Assembly buildings of fraternal, professional and labor organizations
 - d. Commercial parking lots and garages
 - e. Newspapers and printing establishments
 - f. Radio and TV stations
 - g. Residential dwelling units
 - h. Restaurant/bakery/pub (no drive through permitted)
 - i. Retail
 - j. Any other similar use which, in the Commission's opinion, would not impair the business character of the downtown area.
- (2) Lot area and yard requirements. None.
- (3) Building height. None.

- (4) Parking regulations. Parking requirements are waived for all uses in the B-2-T zone except for the following:
 - a. Bus terminals
 - b. Hotels and motels
 - c. ~~Residential dwelling units.~~
- (5) Minimum sight distance. The visibility requirements of section 126-65 shall not apply to the B-2-T zone.
- (6) Ground floor use. The ground floor of all structures in the B-2-T Zone shall be a permitted use as defined in sub-section (1) except that residential uses may be permitted on any floor above the ground floor or below the ground floor. Residential uses may also be located in the rear 1/3 of the ground floor.

Staff Recommendation:

Approval of text changes.

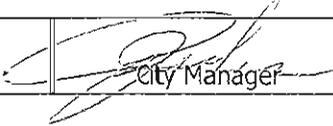
Funds Available: Account Name: N/A
 Account Number: N/A

Finance

Motion:

Attachments:

Planning Commission Resolution

 Department Head	 City Clerk	 City Manager
--	---	--

ORDINANCE NO. 2016-7-_____

AN ORDINANCE AMENDING SECTION 126-108, DOWNTOWN BUSINESS TOWNLIFT ZONE (B-2-T), OF CHAPTER 126, ZONING, OF THE CODE OF ORDINANCES OF THE CITY OF PADUCAH, KENTUCKY

BE IT ORDAINED BY THE CITY OF PADUCAH, KENTUCKY:

SECTION 1. That Section 126-76, Downtown Business Townlift Zone (B-2-T), of Chapter 126, Zoning, of the Code of Ordinances of the City of Paducah, Kentucky, is hereby amended to read as follows:

“Sec. 126-108. Downtown Business Townlift Zone, B-2-T.

The purpose of the B-2-T ~~z~~Zone is to encourage the development, redevelopment and the preservation of the City's townlift area.

- (1) Principal permitted uses.
 - a. Trade, business and vocational schools
 - b. Places of amusement, assembly and recreation
 - c. Assembly buildings of fraternal, professional and labor organizations
 - d. Commercial parking lots and garages
 - e. Newspapers and printing establishments
 - f. Radio and TV stations
 - g. Residential dwelling units
 - h. Restaurant/bakery/pub (no drive through permitted)
 - i. Retail
 - j. Any other similar use which, in the Commission's opinion, would not impair the business character of the downtown area.
- (2) Lot area and yard requirements. None.
- (3) Building height. None.
- (4) Parking regulations. Parking requirements are waived for all uses in the B-2-T zone except for the following:
 - a. Bus terminals
 - b. Hotels and motels
 - ~~e. Residential dwelling units.~~
- (5) Minimum sight distance. The visibility requirements of section 126-65 shall not apply to the B-2-T zone.
- (6) Ground floor use. The ground floor of all structures in the B-2-T Zone shall be a permitted use as defined in sub-section (1) except that residential uses may be permitted on any floor above the ground floor or below the ground floor. Residential uses may also be located in the rear 1/3 of the ground floor.”

SECTION 2. That if any section, paragraph or provision of this Ordinance shall be found to be inoperative, ineffective or invalid for any cause, the deficiency or invalidity of

such section, paragraph or provision shall not affect any other section, paragraph or provision hereof, it being the purpose and intent of this Ordinance to make each and every section, paragraph and provision hereof separable from all other sections, paragraphs and provisions.

SECTION 3. This ordinance shall be read on two separate days and will become effective upon summary publication pursuant to KRS Chapter 424.

Mayor

ATTEST:

Tammara S. Sanderson, City Clerk

Introduced by the Board of Commissioners, July 12, 2016

Adopted by the Board of Commissioners, July _____, 2016

Recorded by Tammara S. Sanderson, City Clerk, July _____, 2016

Published by The Paducah Sun, _____

\ord\plan\zone\126-108, parking requirement 7-2016