

CITY COMMISSION MEETING
AGENDA FOR JULY 19, 2016
5:30 P.M.
CITY HALL COMMISSION CHAMBERS
300 SOUTH FIFTH STREET

ROLL CALL

INVOCATION

PLEDGE OF ALLEGIANCE – Bella Rose Brown – Concord Elementary

ADDITIONS/DELETIONS

PRESENTATION – Adventure by Bike Camp

	I. <u>MINUTES</u>
	II. <u>MOTION</u>
	A. R & F Documents
	III. <u>MUNICIPAL ORDER</u>
	A. Approve Application for EMA Special Projects Grant – FIRE CHIEF KYLE
	B. People for Bikes Grant Application – M. THOMPSON
	C. Sale of Surplus Property Located at 434 Ohio Street – S. ERVIN
	IV. <u>ORDINANCES – ADOPTION</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
	V. <u>CITY MANAGER REPORT</u>
	VI. <u>MAYOR & COMMISSIONER COMMENTS</u>
	VII. <u>PUBLIC COMMENTS</u>
	VIII. <u>EXECUTIVE SESSION</u>

JULY 12, 2016

At a Regular Meeting of the Board of Commissioners, held on Tuesday, July 12, 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 Lindsay Parish, the following answered to their names: Commissioners Abraham, Gault, Rhodes, Wilson and Mayor Kaler (5).

PRESENTATION

Public Information Officer Pam Spencer gave a presentation on the Comcast Cable Franchise Agreement. She defined a cable franchise, gave information on the agreement between Comcast and the City of Paducah and discussed what is covered under the Franchise Agreement. A copy of the PowerPoint presentation is in the minute file.

PUBLIC HEARING

CABLE TELEVISION FRANCHISE RENEWAL WITH COMCAST

Mayor Kaler offered motion, seconded by Commissioner Gault, to open the public hearing for the Cable Television Franchise Renewal with Comcast.

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

The following people made comments about the public and government programming and the importance of the programs for the community:

- Tom Butler
- Dr. Bernice Belt
- Joey Scaggs
- Pastor Anthony Walton
- Tracy Tubbs
- Matt Kelley

A letter from Dr. Ricky Burse and a letter from Anne Bidwell were read to the Commission regarding the importance of programming for the community. City Manager Jeff Pederson asked for the record to show that the Commission also received a letter regarding Comcast from Alice Frances Boggs.

Mayor Kaler offered motion, seconded by Commissioner Wilson, that the Commission close the public hearing and begin the regular scheduled meeting.

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

MINUTES

Commissioner Abraham offered motion, seconded by Commissioner Gault, that the reading of the Minutes for the July 5, 2016, City Commission meeting be waived and that the Minutes of said meeting prepared by the City Clerk be approved as written.

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

JULY 12, 2016

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. 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)
2. Service Agreement with Motorola Solutions for 800 MHz Radio Equipment (ORD # 2016-07-8384)

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

MUNICIPAL ORDERS

PERSONNEL CHANGES

Commissioner Rhodes offered motion, seconded by Commissioner Wilson, that 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.

(SEE MUNICIPAL ORDER BOOK)

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

APPROVE APPLICATION FOR COMMUNITY DEVELOPMENT BLOCK GRANT FOR FLOODWALL PUMP STATION #2 REHABILITATION

Commissioner Wilson offered motion, seconded by Commissioner Rhodes, that a Municipal Order entitled, "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 adopted.

Adopted upon call of the roll, yeas, Commissioners Abraham, Gault, Rhodes, Wilson and Mayor Kaler (5). M.O. 1918; BK 9

JULY 12, 2016

ACCEPT TRANSFER OF REAL PROPERTIES LOCATED AT 626 BOYD, 800, 818, 820 AND 832 NORTH SEVENTH STREET

Commissioner Abraham offered motion, seconded by Commissioner Gault, that a Municipal Order entitled, "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 adopted.

Adopted upon call of the roll, yeas, Commissioners Abraham, Gault, Rhodes, Wilson and Mayor Kaler (5). M.O. 1919; BK 9

ORDINANCES – ADOPTION

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 adopt an Ordinance entitled, "AN ORDINANCE OF THE CITY OF 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.

Adopted upon call of the roll, yeas, Commissioners Abraham, Gault, Rhodes, Wilson and Mayor Kaler (5). ORD.2016-7-8389; BK 34

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 adopt 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.

Adopted upon call of the roll, yeas, Commissioners Abraham, Gault, Rhodes, Wilson and Mayor Kaler (5). ORD.2016-7-8390; BK 34

JULY 12, 2016

ORDINANCES – INTRODUCTION

ZONING TEXT AMENDMENT SECTION 126-64

Commissioner Wilson offered motion, seconded by Commissioner Rhodes, that the Board of Commissioners introduce an Ordinance entitled, “AN ORDINANCE AMENDING SECTION 126-64, LOTS, OF CHAPTER 126, ZONING, OF THE CODE OF ORDINANCES OF THE CITY OF PADUCAH, KENTUCKY.” This ordinance is summarized as follows: This ordinance amends the Paducah Zoning Ordinance §126-64, Lots, to remove the requirement that accessory structures have to be placed on the same lot as a principal structure.

ZONING TEXT AMENDMENT SECTION 126-76

Commissioner Abraham offered motion, seconded by Commissioner Gault, that the Board of Commissioners introduce an Ordinance entitled, “AN ORDINANCE AMENDING SECTION 126-76, SIGN REGULATIONS, OF CHAPTER 126, ZONING, OF THE CODE OF ORDINANCES OF THE CITY OF PADUCAH, KENTUCKY.” This ordinance is summarized as follows: The City is amending sections in Section 126-76, Sign Regulations of Chapter 126, Zoning of the Code of Ordinances as follows:

- 1) 126-76(b), sets the definition for ghost signs
- 2) 126-76(e), allows ghost signs to be permitted in all zones and districts and establishes the criteria to be followed
- 3) 126-76(k), establishes the rule that projecting signs shall be no larger than six square feet and will be permitted in the B-1, B-2 and B-3 Zones pursuant to 126-76(c)(8).

ZONING TEXT AMENDMENT SECTION 126-86

Commissioner Gault offered motion, seconded by Commissioner Abraham, that the Board of Commissioners introduce an Ordinance entitled, “AN ORDINANCE AMENDING SECTION 126-86, ACCESSORY STRUCTURES, OF CHAPTER 126, ZONING, OF THE CODE OF ORDINANCES OF THE CITY OF PADUCAH, KENTUCKY.” This ordinance is summarized as follows: This ordinance amends the Paducah Zoning Ordinance §126-86, Accessory Structures, to work in conjunction with Section 126-64, Lots, to remove the requirement that accessory structures have to be placed on the same lot as a principal structure.

ZONING TEXT AMENDMENT SECTION 126-108

Commissioner Rhodes offered motion, seconded by Commissioner Wilson, that the Board of Commissioners introduce an Ordinance entitled, “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.” This ordinance is summarized as follows: The City removes the parking requirement for residential dwelling units from Section 126-108, Downtown Business Townlift Zone (B-2-T), of the Paducah Code of Ordinances.

MAYOR & COMMISSIONER COMMENTS

Mayor Kaler and Commissioner Abraham commented that the prayer service held at Heartland Worship Center earlier in the day went well and was an important event for the community.

JULY 12, 2016

ADOPTED: July 19, 2016

City Clerk

Mayor

JULY 19, 2016

I move that the following documents and bids be received and filed:

DOCUMENTS

1. Communications Service Agreement with Reidland-Farley Fire Protection Division (ORD # 2016-07-8389)
2. Display Contract with Arthur Rozzi Pyrotechnics, Inc. for the July 4th fireworks display at the Paducah Riverfront (Executed by CM)

BIDS for PLANNING DEPARTMENT
Sale of 434 Ohio Street

1. Donald Pollender *

**Agenda Action Form
Paducah City Commission**

Meeting Date: July 19, 2016

Short Title: EMA Special Project Awards - E-911 Communication System

Ordinance Emergency Municipal Order Resolution Motion

Staff Work By: Chief Steve Kyle, Sheryl Chino

Presentation By: Chief Steve Kyle

Background Information: The Kentucky Division of Emergency Management is accepting EMA Special Project award applications. This funding is made available under the federal Emergency Management Performance Grant (EMPG) 2015 cycle, CFDA 97.042, through collation of county program funding that has not been encumbered during this period. Special Project types can include, but are not limited to: exercises approved training events, equipment purchases allowed on the Department of Homeland Security's Authorized Equipment List (AEL), and other expenses related to the preparedness initiatives of your emergency management program.

The E-911 Center proposes to request \$119,904.50 to purchase and install a new 911 communication/phone system. The estimated cost of the system is \$239,809. There is a 50% match requirement for this grant; however, the city has submitted a grant application to the KY Office of Homeland Security (KOHS) Grant program for this project, as well. The KOHS grant funding, if awarded, will complete the funding gap. In the event, KOHS funding is not awarded, the Fire Department has funding set aside in the FY2017 budget for E-911 equipment.

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
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MUNICIPAL ORDER NO. _____

A MUNICIPAL ORDER AUTHORIZING THE MAYOR TO EXECUTE AN APPLICATION AND ALL DOCUMENTS NECESSARY FOR AN EMERGENCY MANAGEMENT PERFORMANCE GRANT THROUGH THE KENTUCKY DIVISION OF EMERGENCY MANAGEMENT IN THE AMOUNT OF \$119,904.50, FOR THE PURCHASE AND INSTALLATION OF A NEW 911 COMMUNICATION/PHONE SYSTEM

BE IT ORDERED BY THE CITY OF PADUCAH, KENTUCKY:

SECTION 1. The Mayor is hereby authorized to execute a grant application and all documents necessary to obtain an Emergency Management Performance Grant through the Kentucky Division of Emergency Management in the amount of \$119,904.50 for the purchase and installation of a new 911 Communication/Phone System. The system has an estimated cost of \$239,809.00. This grant requires a local cash match of 50%. The City has submitted a grant application to the Kentucky Office of Homeland Security that, if awarded, will complete the funding gap. In the event the city does not receive KOHS grant funding, the match will be taken from the Fire Department's FY2017 budget for E-911 equipment.

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 19, 2016
Recorded by Tammara S. Sanderson, City Clerk, July 19, 2016
\\mo\grants\EMA Special Project Grant - E-911 Phone System

Agenda Action Form Paducah City Commission

Meeting Date: 19 July 2016

Short Title: PeopleFor Bikes Grant

Ordinance Emergency Municipal Order Resolution Motion

Staff Work By: Mark Thompson; Sheryl Chino

Presentation By: Mark Thompson

Background Information: PeopleForBikes is a national movement focused on making riding better for everyone. By collaborating with millions of individual riders, businesses, community leaders, and elected officials, the organization is uniting people to create a powerful, united voice for bicycling and its benefits.

The PeopleForBikes Community Grant Program supports bicycle infrastructure projects and targeted advocacy initiatives that make it easier and safer for people of all ages and abilities to ride.

The Paducah Park Services Department is proposing to install four (4) bike racks in the Fountain Ave. Health Park and two (2) bike racks in Keiler Park. The project will also include the installation of bike repair stations along the Greenway Trail, Fountain Ave. Health Park, Disc Golf Course, Keiler Park, and Robert Coleman Park. The estimated total cost is \$11,600. There is a 50% match requirement for this grant. Matching funds in the amount of \$5,800 will be provided through the Fountain Ave. Project Account (CD-0040) and the Park Services Dept. FY2017 budget.

Goal: Strong Economy Quality Services Vital Neighborhoods Restored Downtowns

Funds Available: Account Name:
 Account Number:
 Project Number:
 File Number:

Finance

Staff Recommendation: Authorize and direct the Planning Department to submit the required Letter of Intent via the PeopleForBikes website; as well as, authorize the Mayor to execute the full application due on October 7, 2016.

Attachments: None

 Department Head	City Clerk	 City Manager
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MUNICIPAL ORDER NO. _____

A MUNICIPAL ORDER AUTHORIZING THE PLANNING DEPARTMENT TO SUBMIT A LETTER OF INTENT TO THE PeopleForBikes COMMUNITY GRANT PROGRAM AND AUTHORIZE THE MAYOR TO EXECUTE A GRANT APPLICATION IN THE AMOUNT OF \$11,600 FOR THE PURCHASE AND INSTALLATION OF BIKE RACKS AT THE HEALTH PARK AND KEILER PARK AND ALSO FOR THE INSTALLATION OF BIKE REPAIR STATIONS AT SOME OF THE PADUCAH PARKS

BE IT ORDERED BY THE CITY OF PADUCAH, KENTUCKY:

SECTION 1. The City hereby authorizes the Planning Department to submit the required Letter of Intent to the PeopleForBikes Community Grant Program to apply for a grant in the amount of \$11,600 to purchase and install bike racks at the Health Park and Keiler Park and also for the installation of bike repair stations at some of the Paducah parks. Further, the Mayor is hereby authorized to execute the grant application for said project.

SECTION 2. Matching funds in the amount of \$5,800 will be provided through the Fountain Avenue Project Account and the Parks Services Department FY2017 budget.

SECTION 3. 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 19, 2016
Recorded by Tammara S. Sanderson, City Clerk, July 19, 2016

\\mo\grants\bike racks & repair stations

Agenda Action Form Paducah City Commission

Meeting Date: July 19, 2016

Short Title: Declaration & Sale of Surplus Property at ⁴³⁴~~424~~ Ohio St.

Ordinance Emergency Municipal Order Resolution Motion

Staff Work By: Steve Ervin/Nancy Upchurch
Presentation By: Steve Ervin

Background Information:

An ad requesting sealed proposals for surplus property ran in the Paducah Sun on Sunday, June 19, 2016. The deadline to submit proposals was Sunday, June 29, 2016 at 3PM. Only one bid was received. Donald Pollender submitted a proposal to purchase the lot at 434 Ohio Street.

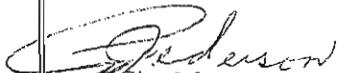
This action would declare 434 Ohio Street surplus property owned by the City of Paducah and authorize the transfer of the lot to Donald Pollender. He submitted an offer to purchase the property for \$23. Additionally, they propose an investment of approximately \$30,000 for improvements including a two room addition to his existing home at 426 Ohio Street and the construction of a workshop.

Goal: Strong Economy Quality Services Vital Neighborhoods Restored
Downtowns

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

Finance

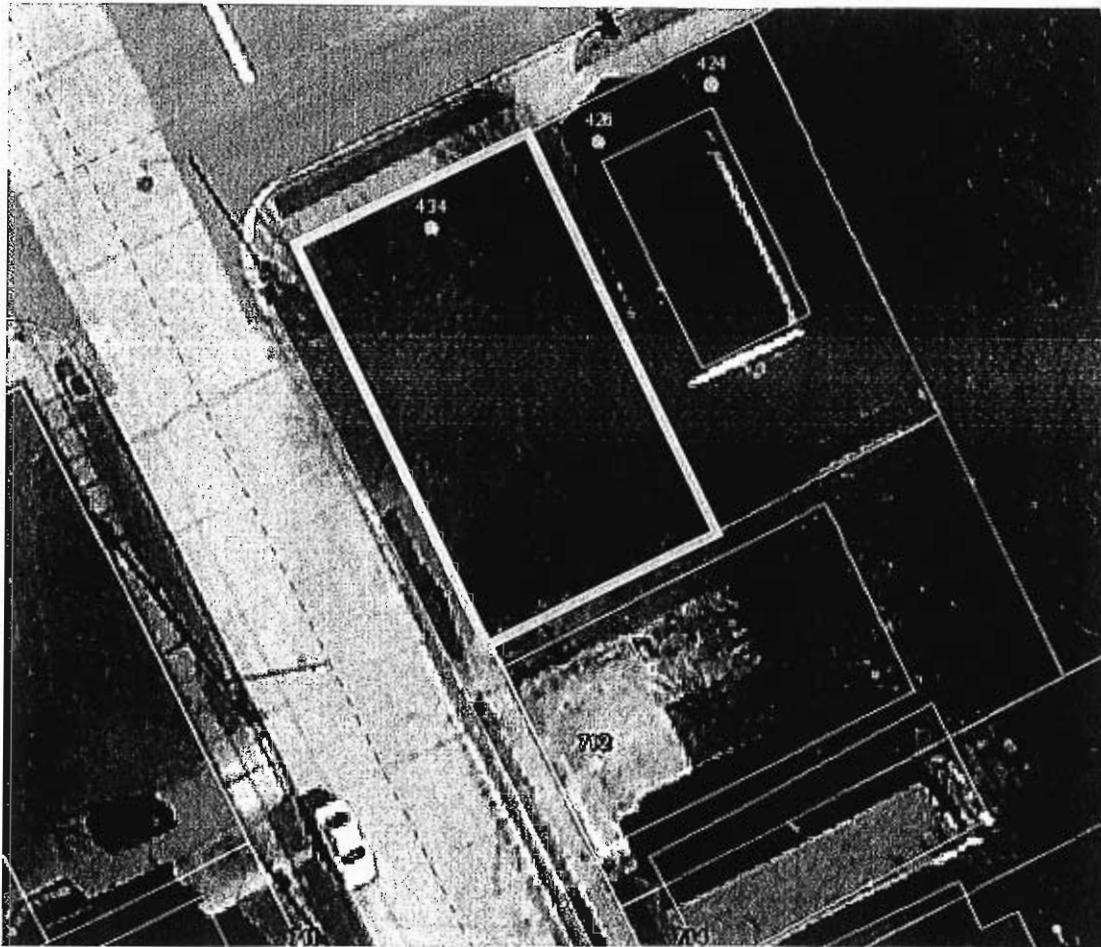
Attachments: Additional supporting documentation to meet requirements
Sec. 2-668 of the Paducah Code of Ordinances.

 Department Head	City Clerk	 City Manager
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Sec. 2-668. Disposition of surplus or excess property.

(a) Any property which is to be sold by the city as surplus or excess property will require a written determination which will include the following.

1. Description of property: 434 Ohio Street



2. Its intended use at the time of acquisition:

This lot was acquired by the City of Paducah by Commissioner's Deed recorded in Deed Book 1263 Page 454 on Sept 25, 2013. The City did not have a specific use for the property at the time of the acquisition.

3. The reason why it is in the best interest of the City to dispose of the item:

Upon transfer, Donald Pollender proposes an investment of approximately \$30,000 on this lot. The proposed improvements include a two room addition to the existing home at 426 Ohio Street and construction of a workshop.

4. The method of disposition to be used: Sealed Bid

An ad requesting sealed proposals for surplus property ran in the Paducah Sun on Sunday, June 19, 2016. The deadline to submit proposals was Sunday, June 29, 2016 at 3PM. Only one bid was received. Donald Pollender submitted the only bid received. He offers \$23 for the lot and in addition will pay all costs associated with the transfer of the property.

Staff recommendation;

Staff recommends that the City declare this property surplus and approve the transfer of this property to Donald Pollender, 4726 Ohio Street, Paducah, KY.



Steve Ervin,
Director Planning Department



Jeff Pederson,
City Manager

MUNICIPAL ORDER NO. _____

A MUNICIPAL ORDER ACCEPTING THE BID OF DONALD POLLENDER IN THE AMOUNT OF \$23 PLUS ADDITIONAL COSTS ASSOCIATED FOR THE PURCHASE OF REAL PROPERTY LOCATED AT 434 OHIO STREET AND AUTHORIZING THE MAYOR TO EXECUTE A DEED FOR SAME

WHEREAS, pursuant to 2-668 of the Code of Ordinances of the City of Paducah, Kentucky, a written determination has been made by the City Manager that the City does not have any use at this time or in the future for property located at 434 Ohio Street, which constitutes surplus real estate; and

WHEREAS, the City advertised for bids on June 19, 2016, and opened on June 29, 2016; and

WHEREAS, the City desires to accept the bid of Mr. Pollender, who proposes an investment of \$30,000 which includes the addition of two rooms to his existing house at 426 Ohio Street and construction of a workshop.

BE IT ORDERED BY THE CITY OF PADUCAH, KENTUCKY:

SECTION 1. The City of Paducah hereby accepts the bid of Donald Pollender in the amount of \$23 plus additional costs associated for the purchase of real property located at 434 Ohio Street.

SECTION 2. The Mayor is hereby authorized to execute a deed and any necessary documents relating to same to complete the sale of the real property approved in Section 1 above.

SECTION 3. 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 19, 2016
Recorded by Tammara S. Sanderson, City Clerk, July 19, 2016
'mo\prop sale-434 Ohio

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.

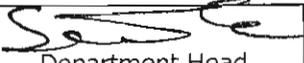
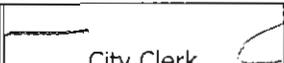
Funds Available: Account Name: N/A
 Account Number: N/A

Finance

Motion:

Attachments:

Planning Commission Resolution

 Department Head	 City Clerk	 City Manager
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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 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.

(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 facade 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 facade.

(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.**
- (pe) **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
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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.

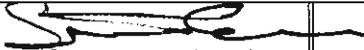
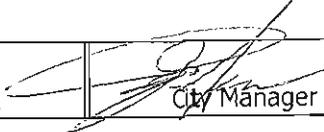
Funds Available: Account Name: N/A
Account Number: N/A

Finance

Motion:

Attachments:

Planning Commission Resolution

 Department Head	City Clerk	 City Manager
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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 ~~z~~Zone is to encourage the development, redevelopment and the preservation of the ~~e~~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.

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
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