

Sign Regulation Committee – Summary of Meeting

Monday, June 29, 2009

Conference Room 1, Urban Government Center

Present:

Paul Whitty, Bob Rueff, Debbie Brent, Donnie Blake, Maggie Harlow, Lisa Chapman, Jo Bishop, Paul Ackermann, and April Robbins.

Staff:

Christopher French, Debra Richards, Charles Cash, and Theresa Senninger.

Summary of the Meeting:

Items for discussion were handed out by staff prior to the beginning of the meeting.

Christopher French introduced the subjects of today's meeting, which included the draft of all of the proposed Chapter 8 revisions and amendments; and what the next steps will include in the approval process. He said there will be at least two meetings in August (August 3rd and August 17th) to review any public comments on the draft revisions (these have been posted on the Metro website, specifically for public comments.) He mentioned that there had been some discussion at the last meeting about revising the language regarding the balloons for auto dealers (18 inches or less diameter is ok.)

Mr. French said that Paul Whitty had raised concerns about the language contained in the "significant signage" provision (under the "non-conforming signage" section.) His concerns were about the overall square footage of a "significant sign" being exempted from the attached sign maximum square footage requirement. He was concerned about having **all** of the area of the significant sign being excluded from the overall square footage.

Paul Whitty said that "significant signs" standards could be subject to waivers and variances, but maybe should not be exempted from the maximum square footage requirement.

There was some discussion about what "significant signage" is and how it is determined. Mr. French said a Sign Review Board would be a sub-committee and would make recommendations to the higher Board (in this case, BOZA).

Maggie Harlow asked if a new sign could be designated as "significant". Theresa Senninger said that could be possible, based on the design of the sign, and particularly if the sign related to some historical aspects of the building on which it is placed. There was some discussion about this; some Committee members

said that the goal is to retain significant signage. Mr. French said the Committee could more narrowly define “significant signage” (put an age limit on the signs, for example); or eliminate the provision altogether and send applicants to the Sign Review Board for a waiver or variance.

An unidentified person asked what would happen if a business owner in an older/historical area wanted to build a new sign that was compatible with other signs in the area, but may not comply with the ordinance (may exceed size limits, etc.) Mr. French said the review would consider the context of the area and the design of the sign.

Charles Cash suggested that Mr. French make the provision more of a definition, which can then be used as part of the criteria for making a judgment on a sign. There was some discussion about whether “significant signage” should be limited to historical signs or should also include new signs. Ms. Harlow said creativity should be encouraged, not limited, while recognizing that the community wants to preserve historic signs.

Mr. French asked if the Committee should have is a definition, and then allow applicants to apply for a waiver or variance? Charles Cash suggested that this should be stated as a definition and again under “Non-Conforming Signs”. Various scenarios were discussed. Mr. French reviewed the basic current guidelines already in the LDC (compatibility, site design, etc. See LDC appendix.)

Overlay District signage was discussed. Mr. French said the guidelines of the Sign Review Board would be supplemented with the guidelines of the Overlay District and/or Landmark District.

Ms. Harlow asked if the Sign Review Board could overrule the guidelines of an Overlay District. Mr. French said possibly. Ms. Senninger said the Board and the Overlay District regulate the same thing (design) but in two different ways. Mr. French said the Sign Review Board would try to coordinate regulatory efforts.

Mr. Whitty made some suggestions for minor changes to the language. Donnie Blake said the whole intent was to keep the character of these historic signs. Mr. Whitty said he was concerned about the proliferation of signs.

Mr. French said the only reason to have a “Significant Signage” section under non-conforming language is to point out that, if there is a non-conforming attached sign, or a non-conforming free-standing sign, you cannot have any more attached or free-standing signs even if they might usually be permitted under the Code. He suggested that a sign that is considered “significant” by the Sign Review Board should not count against a property owner in terms of excluding them from having any other signage because there is one existing non-conforming sign.

Mr. French suggested removing section “C” altogether (page 3); have “significant signage” refer only to exemption from paragraph “A”; create the definition of “significant signage” in the definition section of the Sign Regulations; and adding to the design guidelines in the appendix the discussion of “Significant Signage”.

Mr. Whitty also questioned Section B on page 11 (8.1.6B) regarding findings of a traffic hazard. He suggested adding “...in consultation with the Metro Public Works Department.”

Regarding the balloon issue, Ms. Harlow suggested also restricting the height of the balloons. It was decided that any message on a balloon this small could not be counted as signage or advertising. Mr. French said he thought it should be around ten feet maximum. Ms. Senninger said this would be put up on the Metro website for public comment; also, it has to go before Metro Council for final changes and/or approval.

April Robbins asked about signs that some car dealers place underneath the raised hoods of cars displayed on the lot - is that considered signage? Ms. Harlow said that if it's in a vehicle or on a vehicle that it couldn't be considered signage. Ms. Robbins said that if a car is parked, with no intention of moving it, then it is considered a sign.

An unidentified speaker asked about the “triangle” of visibility (20 feet from an entrance.) Charles Cash said he has not yet heard anything definite yet from Public Works on this issue but that it is being discussed. It was agreed that this regulation should be standardized throughout all of the Code. Mr. French pointed out that Public Works has always had the ability to order a sign to be moved if they feel it is a safety hazard. Setbacks according to form district were discussed.

Paul Whitty asked if the Sign Review Board would as a “designee” of the Planning Commission (Section D5, referring to “Planning Commission or designee”.) Mr. French said yes. Mr. Whitty also suggested that, under D6, the wording should read “...zoned property is used for a non-residential *purpose*...” instead of “...a non-residential *use*”. The Committee agreed.

Mr. Whitty also asked if “video display methods” needs a definition. Mr. French said this should be covered under the “Changing Image Sign” provision. Mr. Whitty said it might be helpful for a user of the Code to have a separate “video display methods” definition.

The brightness of LED signs was discussed. Mr. French said there are restrictions on light trespass and glare in the lighting ordinance, but there is nothing in the sign ordinance requiring them to be turned down after a certain time of day. Mr. French said a cross-reference could be placed in the sign regulations referring to the lighting ordinance. Mr. Rueff pointed out that most of

his customers do not leave their sign lights burning all night unless they are a 24-hour business.

Mr. Whitty asked about the temporary banner sign – would this come under the purview of the Sign Review Board? Mr. French said permits would be issued by IPL/building official. He also asked about “Code enforcement officer or peace officer”. Mr. French said “peace officer” referred to a police officer; both have the authority to remove signs if they present a safety hazard.

Window signs, and compliance with design standards and guidelines, were discussed.

Mr. Whitty and Ms. Senninger briefly discussed the “exceptional sign review process” and whether this could come under a CUP review.

On page 46, Mr. Whitty asked about how long a “temporary business sign” would be allowed to remain up. These signs are supposed to come down after business hours.

Mr. Whitty asked what criteria the Planning Director would use for “animating features”. Ms. Senninger said that is covered in Chapter 5.

An unidentified speaker asked about signs that were still up from closed/vacant businesses. Mr. French explained about the “abandonment” listing in the Code – Code Enforcement can request that the sign be removed after one year.

Mr. French said this draft will be posted on the Louisville Metro website for public comment (as well as any other thoughts from Committee members). The next (and possibly final) meeting of the Sign Regulation Committee is scheduled for **August 3, 2009**.

The meeting then adjourned.