

# Proposed Sign Regulation Revisions

## Executive Summary

### Issues Addressed by Sign Committee as approved by the Planning Commission

The sign regulation revisions committee was charged by the Planning Commission to review and propose revisions to the sign regulations to address the following issues:

**1. Constitutional issues within Chapter 8**

This issue relates to a complete review of Chapter 8 with regard to the constitutional requirement of “Content Neutrality”. There are portions of the sign regulation that may violate this constitutional requirement.

**2. Make Chapter 8 easier to understand, enforce and implement**

Review the current format of Chapter 8 and make changes that will increase the usability of the document. Review general provisions of Chapter 8 to eliminate confusing language that makes the ordinance hard to enforce or open to interpretation.

**3. Section 8.1.2 – Definition of “Sign”**

Review current sign definition and compare with other definitions from sign regulations from around the country. Ensure that any new sign definition complies with accepted sign regulation practice as discussed in American Planning Association literature.

**4. Section 8.1.4 and 8.1.5 – Non-conforming Signage**

Review the current and past usage of non-conforming signage with an emphasis on replacement, fairness, ease of use and enforcement. Review other potential methods of handling non-conforming signage.

**5. Section 8.1.6 M – LED or Electronic Changeable Copy Signs**

Review the current regulations regarding these types of signs. The review should focus on sign review, enforcement and a review against current established practice. The most important aspects of these types of signs revolve around safety, potential for nuisances, and aesthetics.

**6. Section 8.3.2 – Attached Signs**

Review current sign regulations regarding these types of signage, including the use of window signs. This review should look at compatibility and the need for the attached sign requirements to reflect the surrounding form districts.

**7. Section 8.5.1 – 8.5.5 – Portable and Temporary Signage**

Review the current method of regulations and the proposed changes discussed by the Portable Sign Committee in order to develop a more widely accepted method.

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### Summary of Proposed Changes

The following summary outlines changes to chapter 8 (Sign Regulations) of the Land Development Code (LDC) and related amendments to chapters 1, 2 and 4.

### Chapter 8 Proposed Amendments

Constitutional Issues – Proposed revisions to definitions and sign exemptions have been created to address the “content neutrality” issues related to sign regulations. These revisions were created to make definitions that are content neutral and to remove sign exemptions that do not meet the “content neutral” standard as discussed in American Planning Association and related legal opinions on sign regulations.

Reformat of Sign Regulations - The chapter name has been changed to “On-premises Signs” to reflect the emphasis on signs as accessory uses to principal uses on a site. This coincides with the new definitions related to on-premises and off-premises signs. To better reflect the use of signs and the importance of the form districts. Zoning districts have been removed from the sign regulations and on-premises signs are proposed to be regulated by the land use and the form districts alone. With regards to the definition changes the off-premises signs or outdoor advertising signs as they are also called are proposed to be moved to chapter 4, part 3 of the LDC. This is to reflect the change in the name of chapter 8 and to reflect the new definition for off-premises signs as a principal use and not a use related to another principal use on the site. The ordinance was also reorganized for ease of use and the use of regulation tables has been expanded.

Definition of Sign – The definition of sign was reviewed against regulations from around the country and a revision has been proposed.

Non-conforming signage – A consensus of the committee was reached to leave intact the current non-conforming language in chapter 8 and to revise chapter 1 of the code to eliminate conflicting language. Also, the committee agreed to acknowledge the existence of significant signage and provide some flexibility in design to allow for the preservation of important existing signage.

Changing Image Signs or LED signs – The committee, by consensus agreed to leave the 20 second timing restriction in place and to allow the proposed sign review board to review requests for a reduced restriction on a case by case basis. The Committee also proposed a limit of one LED sign per property, an addition of a percentage limit on the amount of a sign that can be LED based on the form district, a distance restriction to residentially zoned property and requiring signs with video display methods to be reviewed under a conditional use permit.

Attached Signage – The committee proposed revisions based on the regulation of signs by land use and form district. The regulations include provisions for institutional and office uses as well as the existing provisions for industrial and commercial uses.

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Increases in attached sign area are proposed for larger building facades in certain form districts such as Downtown and Regional Center Form Districts.

Portable Signage – The portable sign section has been renamed “Temporary Signs” and now includes existing provisions related to real estate and construction signs as well as provisions for other types of temporary signs that are currently called portable signs.

Sign Review Board – One of the major recommendations from the committee was the creation of a sign review board. This board would be a joint committee of the Planning Commission (PC) and the Board of Zoning Adjustments (BOZA). This committee would review all requests related to variances and waivers for signage and also would review requests for exceptional signage (those signs that are not authorized within the sign regulations). This committee would include representatives from BOZA and the PC as well as representatives from the sign industry, design professionals (e.g. architects, engineers, etc.) and citizens. The exact setup of this committee would need to be worked out with the Metro Council during the review of these revisions.

### **Chapter 1 Proposed Amendments**

The revisions in chapter 1 relate to the elimination of conflicting language on nonconforming signs between chapters 1 and 8. Also, definitions were added and deleted based on conflicting language, the movement of off-premises signs to chapter 4 and new definitions related to land uses as opposed to specific zoning districts.

### **Chapter 2 Proposed Amendments**

The commercial and industrial zoning districts were revised to include off-premises signs as a permitted use with special standards. No changes were proposed to the outdoor advertising regulations in this proposal, except for the change in definition based on the content neutrality review.

### **Chapter 4 Proposed Amendments**

Off-premises signs and their standards were moved to chapter 4, part 3 from chapter 8 because of the reformat of chapter 8 and the changes in definitions based on the content neutrality review conducted by the sign committee, planning staff and county attorney’s office.