

## **Sign Regulation Committee – Summary of Meeting**

**Monday, June 1, 2009**

**Conference Room 1, Urban Government Center**

### **Present:**

Paul Ackermann, Bob Rueff, Paul Whitty, Maggie Harlow, and April Robbins.

### **Staff:**

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

### **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 include legal issues with sign regulations.

He reviewed the handout and the summaries of the two meetings that were conducted in May.

The first discussion item was the difference between on-premise and off-premise sign regulation. Currently, these two items are not dealt with in the Land Development Code. He asked the Committee if there should be exemptions for bench signs and billboard signs on bus shelters. He said courts have struck down billboard regulations that have exempted bench signs or bush shelter signs because they should consider those outdoor advertising signs like any other, and not give them separate treatment.

He also reviewed "content based definition". He said he had reviewed current Land Development Code definitions with Theresa Senninger (legal counsel) to determine content neutrality issues; he then reviewed the proposed changes to the Code (see handout.)

Mr. French said that outdoor advertising signs, by their very nature, become "principal uses" on a site. Mr. French suggested that "outdoor advertising signs" be removed entirely from Chapter 8 and moved to Chapter 4 Part 3 (billboard regulations.) Staff should then go back into Chapter 2 of the Code, and change the wording for all zoning districts in which outdoor advertising is permitted to read "outdoor advertising signs as included in Chapter 4 Part 3. Remaining in Chapter 8 would be sign regulations for on-premises signs.

Paul Whitty asked what the effect might be of making a billboard a "principal use"? Mr. French said that, right now, it is a principal use. Multiple principal

uses can be located on one lot. Theresa Senninger gave an example of two commercial properties in Louisville that had a billboard straddling the two property lines. The billboard does not advertise for either of the businesses located on the properties.

Maggie Harlow asked about a business across the street from a vacant building, which hung an advertising banner on the vacant building. Ms. Senninger said that could count as a billboard.

Mr. French said that, since the Committee had expressed approval for moving away from zoning and toward form districts to determine permissible types of signage, he had gone through the current regulations and revised the relevant regulations to reflect that.

As he reviewed the handout, Mr. French mentioned that he had spoken with Richard Jett (Louisville Metro Historic Preservation Officer) about historic signs. He said it was suggested that, for historical marker signs, the height should be five feet maximum, not four. Ms. Senninger said those signs are paid for and installed by the property owner, but they must be approved by the State. A Committee member said he thought some of those historical markers were higher than five feet. Mr. French said he would look into that issue.

There was some discussion about part of the “Master Plan Project Identification Sign” definition. Mr. French said this could be for a project that has a certain number of acres or a certain number of lots. This would be a permanent sign.

Regarding Outdoor Advertising Signs, Ms. Senninger said that, instead of one of the sentences reading, “outdoor advertising signs shall be considered as another principal use on the lot”, it should read, “outdoor advertising signs shall be considered as a principal use on the lot.”

Ms. Senninger said she was not entirely comfortable with the revised description of the Rent/Sale Sign description and felt that it needed more discussion. Mr. French said this would be examined further.

Regarding the “Shared Business Signs”, Theresa Senninger said she thought part of the regulation was supposed to include, “An on-premises sign associated with two or more businesses on separate premises, which have common off-street parking and/or shared access.” Mr. Whitty said that, if it’s shared and they’re not on the same lot, then one of the businesses is going to be off-premises. Mr. French and Ms. Senninger said they would both work on this definition.

Regarding “Sign Exemptions”, Mr. French briefly reviewed the changes. Many regulations were deleted because they were duplicative. Under #4 (signs within

a ballpark, field or diamond...) shall be clarified to read, "...playing field..." (or "sports field".)

"Animating features" were discussed. Ms. Senninger said that "animating features" are required for residential and non-residential construction, but they are different depending on the form district in which the construction occurs. Mr. French described what some of these features could be. A question to ask could be, is it an attached sign, or is it an artistic addition? Mr. French said that these types of issues could fall to a Sign Review Board, since each individual case could be different.

In response to a question from Mr. Whitty, Ms. Senninger briefly discussed severability.

Mr. French said that some of these definition changes should be moved to Chapter 1 also, specifically "definition of sign".

April Robbins had a question regarding graphics on gasoline pumps. She said that many binding elements state that you can't have that; this regulation says that you may. Charles Cash suggested that the graphic that is integrated into or on coin-operated machines, vending machines, gasoline pumps, and/or telephone booths mostly describe what the machine is and how to operate it. In some cases, graphics can inform users what product is in the machine. Ms. Senninger suggested "Any un-illuminated graphic..."etc. as one solution, although she also pointed out that most vending machines are illuminated.

It was agreed that this regulation would be reviewed further.

**The meeting adjourned at approximately 2:00 p.m.**