

Sign Regulation Committee – Summary of Meeting

Monday, September 8, 2008

Conference Room 101, Urban Government Center

Present:

Steven Ward, Greg Williams, Judy Francis, Paul Whitty, Bonnie Loeb, Donnie Blake, Darlene Hayden, Kelly Will, Maggie Harlow.

Staff:

Charles Cash, Christopher French, and Chris Cestaro (notes)

Notes on the agenda:

Introduction

Christopher French reminded Committee members that the **next meeting, on Monday, September 22nd, will be held in Room 115 of the Urban Government Center.**

Items for discussion were handed out by staff prior to the beginning of the meeting. They included an agenda, a summary of the last meeting (August 25, 2008); and proposed format changes of Chapter 8 Part 1 of the Land Development Code.

Mr. French introduced the subjects of today's meeting. He reviewed the Chapter 8 Part 1 proposed revisions that were e-mailed to the Committee members. Charles Cash reminded the members that they are only looking at the format of the regulations today, not the content.

Mr. French explained in detail the changes that he had suggested (sections were moved, added or deleted text, illustrations added, etc. **See handout for complete changes suggested.**)

A Committee member said he had some question about the definitions of "club identification", "community facility", and "institution identification" signs. He said it appeared that there were more restrictions on church signs than on the other two. Mr. French said he would address this and other content neutrality issues later on in the meeting.

Judy Francis asked if there had been many cases in Jefferson County regarding content neutrality. Mr. French said no. The highway department had some difficulty in the past when they tried to limit LED signs to only time and temperature. There have been cases around the country.

Paul Whitty said it comes down to the land use. He said that time, manner and place of commercial speech *can* be regulated. *Non*-commercial speech is protected differently. He then detailed the differences between the two. Mr. French stated that we will have a part of a future meeting dedicated to the 'content neutrality' issue. With staff suggestions regarding changes to definitions and other text.

Mr. French said he had added a section on "Prohibited Signs".

In response to a question from a Maggie Harlow, Mr. French said that all of this is basically the same information currently in the Land Development Code, but rearranged to be more understandable and accessible. What he has covered so far is one suggested option for this rearranged information. He said "Use" must be one criteria; "Form District" may be another.

Mr. French then reviewed proposed format changes for Chapter 8 Part 2, that discusses illuminated and/or moving signs. This is currently divided by zoning and Form District. Option 2 took out all references to zoning, and left the Form District criteria. Paul Whitty had some questions about "use". Mr. French said the criteria were broken down by residential uses vs. non-residential uses. These uses can be broken down even further (non-residential use can include industrial, commercial, etc.) He explained that these revisions would only work if zoning criteria was completely removed, leaving only Form District. LED signs are currently permitted in any Form District but are regulated by specific zoning categories.

Ms. Harlow asked about possibly doing a table for each zoning category. Mr. French said it would be an extremely large table and would be difficult to do. Ms. Harlow also said that tables make more sense to clients and help them figure out what is permitted in various areas. After general discussion, it was decided to use tables and illustrations in addition to text.

Mr. French discussed Part 3 (labeled "permanent Signs"; used to be "Business Signs"). He said all the different parts of the regulations that dealt with sign calculations had been moved from the "General Requirements" to this chapter. These regulations are then broken down into categories (attached, freestanding, signs with more than two faces, composite groups of signs, etc.) He discussed residential signs (residential occupant signs, subdivision ID signs, etc.) as well as Community Facility, Institutional, and Club ID signs. He also discussed current regulations about attached awning and canopy signage, and freestanding business signs and where they had been moved from. He mentioned the idea of regulating by Form District, which could consolidate some of these categories (community facility, club, etc.)

Mr. Whitty asked if there seemed to be a general movement in the community to move to a form-based Code, instead of a "hybrid" (form districts and zoning.) Mr.

French discussed some advantages to moving to a form-based Code. Mr. Whitty cautioned against a “rush to simplicity” out of concern that a too-simplified Code might lose some of the finer aspects and abilities of the zoning-based Code.

Kelly Will said that sometimes an applicant goes through zoning before submitting a design for signage. She said it doesn’t make sense to get a variance for every sign regulation. Mr. French discussed variances and circumstances where they might be used for signage.

A Committee member asked if, by using form districts instead of zoning, there may be a different percentage of signage allowed per facade from one form district vs. another vs. another where no attached signage is used. Mr. French reviewed form district permanent sign regulations. He also reviewed the regulations for temporary signage (portable signs, etc.)

In response to a question from one of the Committee members, Mr. French and Mr. Cash explained about certain types of temporary signs.

Bonnie Loeb asked if the finer points of zoning regulations would be lost if the Code went exclusively to basing signage on form districts alone. A Committee member said that using form districts only could actually eliminate where some signage could go, because it may be in a more restrictive area than the zoning classification would indicate. He said that some cases will have to be dealt with on an individual basis.

Ms. Harlow said she liked the idea of leaving the zoning out and using the form district criteria.

Steven Ward said it should be enough to use “Residential” and “Non-Residential” categories. There was some discussion about consolidating sub-categories of these two uses. He said the purpose of good signage is to advertise commercial interest. He feels that fewer restrictions can allow greater flexibility to produce individual regulations that make sense for each building, and also allowing greater creativity with signage without compromising community standards.

Mr. French asked the Committee members if they would like him to provide more examples. Ms. Harlow said she would bring a book about sign regulations to the next meeting.

Mr. Whitty asked April Robbins what the procedure is for complaints about non-compliant signs; specifically, do the complaints come from neighbors, or competing businesses? Ms. Robbins explained how the process worked.

Mr. French asked whether committee had a preference on format. The committee by consensus with support from the audience in attendance agreed that zoning districts should be taken out of the sign regulations and the sign

regulations should focus on land use and form districts. The committee agreed by consensus that first set of regulations to review would be the attached sign regulations. Mr. French stated that he would prepare a handout for the next meeting that would discuss the current regulations, issues when zoning is taken out, and examples of attached sign regulations from other cities.

The meeting adjourned at about 2:30 p.m.