

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

**Monday, April 20, 2009**

**Conference Room 1, Urban Government Center**

### **Present:**

Steven Ward, Donnie Blake, April Robbins, Paul Ackermann, Bob Rueff, Joe Conroy, Paul Whitty, and Lisa Chapman (attended on behalf of Jo Bishop.)

### **Staff:**

Christopher French, Debra Richards, Bob Keesaer, Dave Marchal, Theresa Senninger and Chris Cestaro (notes)

### **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 are a review of the finalization of the definition of a sign; a continuation of the discussion of a proposed Sign Review Board; and a continuation of the discussion of non-conforming signage.

He also said the last two issues the Committee needs to deal with are temporary portable signage, and the definition of content neutrality. He distributed a draft of the revised Chapter 8 amendments and briefly reviewed the new text and format (all of these had been discussed at previous meetings.)

### **Update on the proposed Sign Review Board**

The Chapter 8 revisions included the results of the Sign Review Board discussions. They include an appendix which talks about the sign design guidelines that the Sign Review Board would be using when reviewing cases. Also an appendix showing the current Metro Ordinance dealing with signage.

He reviewed Section 8.6.1, (Chapter 8 Part 6) which has been revised/added as guidelines for the Sign Review Board (particularly deals with Exceptional Signage Review.)

Under these guidelines, the Sign Review Board would be a joint subcommittee of the Planning Commission and BOZA. This would allow the Sign Review Board to address waiver and variance reviews, as well as sign authorization reviews. (see handout for verbatim presentation.)

He said he is still waiting from language from Theresa Senninger (legal counsel) regarding the appeal process. Mr. French and Paul Whitty discussed the appeal process.

Donnie Blake asked if the recommendations would go to either BOZA or the Planning Commission under the Consent Agenda. Mr. French said that was correct. He also asked if any approval/denial would take a unanimous vote. Mr. French said Ms. Senninger was working on that but that she thought that it would **not** require a unanimous vote. He said that is something that would not be in the actual regulation but would be in the “Policy” of the Planning Commission and BOZA.

After discussion with a Committee member, Mr. French said something could be put into the regulations making sure that neither of the two community representatives (citizen representatives) were in any way affiliated with the sign industry. He pointed out that citizens who were knowledgeable about the sign industry could be useful. He said he would talk to Ms. Senninger about that.

In response to a question from a Committee member, Mr. French said it would take four members to make a quorum (out of a seven-member Board) and a majority would be required to make a recommendation.

Regarding the “Exceptional Signage Review” , Mr. Whitty asked if there would be a definition for “exceptional” and “significant”. Mr. French said this language was still being worked out.

Mr. French reviewed Section A8 in detail, including variance and waiver guideline reviews. Mr. Whitty asked about the phrases “Shall not obscure another sign” and also “no mimicking”. He said this could raise a content neutrality issue. Ms. Senninger said this could also come under “design”. She said the intent is that the shape and design should be different. Mr. French said this would be worked on and clarified. He asked the Committee members to e-mail him with any other concerns about design issues before the enxt scheduled meeting (May 4, 2009.)

### **Current draft of sign regulations**

Mr. French reviewed all recent proposed changes to the sign regulations in detail, including:

- Form districts and land uses as the two main criteria
- Types of signage permitted in form districts (square footage, mounting heights, etc.)
- The proposed, revised definition of a “sign”
- Proposed format changes
- Merged the free-standing and attached sign tables (“institutional” signs have now been included under “non-residential”)

- Regional Center form districts now allow greater square footage for larger buildings
- The Parkway Signage table has been changed, since “Institutional” signs have now been included under the “non-residential” category. Two categories have been deleted (commercial and industrial.)
- Sign Review Board appendix has been added
- Chapter 8A – Chapter 155, permits for signs, maintenance of signs, billboards, etc.

He discussed the current standards of portable and temporary signs and also the work left to do on these issues.

He also introduced the issue of “street spam”, temporary ads that are located on ROW’s, utility poles, etc. He said enforcement has been an issue. Mr. French said some Metro Council members were interested in neighborhood groups making a “sweep” to remove these signs; however, there were questions about whether they had the authority to do that.

April Robbins and other Committee members discussed enforcement of these temporary signs in public right-of-way areas. Mr. French said this issue came up during public hearings on the Land Development Code. One of the Committee members suggested that these signs could be considered a littering offense and be treated accordingly. Mr. French said Chapter 155 could be used for this.

Ms. Senninger said Chapter 155 could be updated to address this issue. She said that public cleanup activities happen all the time, which is cleaning up trash from the right-of-way areas. If a temporary sign is in a right-of-way area, it might be considered trash. A Committee member suggested that, if someone is caught trying to put up a sign in these areas, they could be fined for littering.

A Committee member asked if the signs that do get permitted have a permit number on them. Ms. Robbins said she didn’t think so, although the permit is issued by Public Works and there would be a record there. Mr. French said there are instances where permanent signs can be approved for a ROW area (must be approved by the Planning Commission staff and Public Works.)

Mr. French reviewed a handout which detailed the recommendations of a Portable Sign Committee that was formed in 2005 (see report for detailed recommendations.)

He said one issue that was of concern to the Louisville Metro Council was that all signage regulations should be examined, not just certain kinds of signage.

One idea the Portable Sign Committee presented was to have the square footage of business signs be based on the form district in which the business is located.

The next Sign Review Committee meeting is scheduled for **May 4, 2009**.

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