

Planning Commission

Staff Report

August 20, 2020



Case No:	20-LDC-0002
Project Name:	Changing Image Sign Amendment
Applicant:	Louisville Metro
Jurisdiction:	All Jurisdictions
Council District:	All Council Districts
Case Manager:	Chris French, AICP, Planning and Design Supervisor

REQUEST

Amend Section 8.2.1 (Sign Illumination and Movement) paragraph D.6 of the Land Development Code (LDC) regarding proximity of changing image signs to residential development.

SUMMARY/BACKGROUND

Metro Council approved Resolution 023, Series 2020 (Attachment 1), which requested that the Planning Commission review the Land Development Code with regard to changing image signs and the protection of residentially used property. Planning and Design Services staff review LDC Section 8.2.1, paragraph D.6, which requires that changing image signs be 300 feet from residentially zoned property. Staff developed an amendment to this section (see attachment 2) which would require that the 300 feet apply to residentially used as well as residentially zoned property.

PLANNING COMMITTEE MEETING

This LDC Text amendment went to the Planning Committee on March 5, 2020. Two comments came up during the Planning Committee meeting. The first is what about Mixed Use buildings/properties. No real solutions were thrown out for that except maybe they should be excluded. The second comment requested that the 300-foot measurement be to residential structures, not the property lines. Staff reviewed these comments and added an exclusion for properties with mixed use structures that have non-residential use within the first floor of the structure. Staff also concluded that using structures for the distance separation would be more problematic, especially when measuring from zoning districts which typically coincide with property lines.

STAFF ANALYSIS

This amendment would add a provision that requires that changing image signs be 300 feet from residentially used property as well as residentially zoned property. In addition, an exclusion to this provision was provided for properties with mixed use structures, which is defined as nonresidential use on the first floor of the structure.

APPLICABLE PLANS AND POLICIES

This amendment to the LDC text is consistent with the following policies of Plan 2040:

Community Form Goal 1, Policy 6
Community Form Goal 1, Policy 14

NOTIFICATION

Notification of the Planning Commission public hearing was conducted in accordance with KRS 100 requirements. In addition, staff provided notice to those registered neighborhood groups and individuals on the list for electronic notification for development proposals.

STAFF CONCLUSIONS

The proposed amendment, as set forth in a Resolution (Attachment 2); staff recommends that the Planning Commission approve this resolution and forward it to the Louisville Metro Council and all other jurisdictions with zoning authority within Jefferson County.

ATTACHMENTS

1. Metro Council Resolution – Resolution 023, Series 2020
2. Planning Commission Resolution 20-LDC-0002

RESOLUTION NO. 023, SERIES 2020

A RESOLUTION REQUESTING THE PLANNING COMMISSION REVIEW THE LAND DEVELOPMENT CODE REGULATIONS WITH REGARD TO CHANGING IMAGE SIGNS AND THE PROTECTION OF RESIDENTIALLY USED PROPERTY (AS AMENDED).

SPONSORED BY: COUNCIL MEMBER JAMES PEDEN

WHEREAS, The Land Development Code as currently written does not protect property that is residentially used but instead property that is residentially zoned with respect to changing image signs; and

WHEREAS, The concerns justifying the restriction of changing image signs are more relevant to residential uses than residential zoning;

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATIVE COUNCIL OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT AS FOLLOWS:

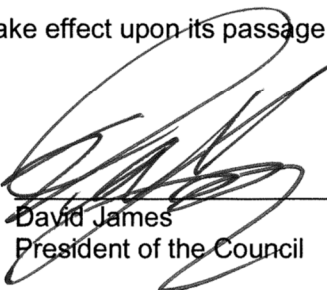
SECTION I: The Planning Commission shall undertake a review of the current Land Development Code and adopt amendments thereto to provide protection for residentially used property.

SECTION II: Per KRS 100.211 (3), the Planning Commission shall hold at least one (1) public hearing and make a recommendation to Metro Council within sixty (60) days of its receipt of this Ordinance. If the Planning Commission fails to issue a recommendation within that period, Metro Council reserves the right to move forward without such recommendation.

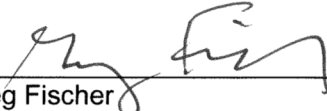
SECTION III: This Resolution shall take effect upon its passage and approval.



Sonya Harward
Metro Council Clerk



David James
President of the Council



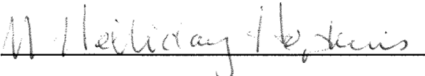
Greg Fischer
Mayor

3/3/2020
Approval Date

APPROVED AS TO FORM AND LEGALITY:

Michael J. O'Connell
Jefferson County Attorney

**LOUISVILLE METRO COUNCIL
ADOPTED**
February 20, 2020

BY: 

R-169-19 Resolution to Review LDC Regarding Changing Image Signs and Residential Uses (As Amended) (TF)

PLANNING COMMISSION RESOLUTION NO. 20-LDC-0002

A RESOLUTION BY THE PLANNING COMMISSION RECOMMENDING APPROVAL OF LAND DEVELOPMENT CODE TEXT AMENDMENTS TO SECTION 8.2.1 TO THE LOUISVILLE METRO COUNCIL AND OTHER JURISDICTIONS WITH ZONING AUTHORITY.

WHEREAS, the Planning Commission received a resolution from the Louisville Metro Council requesting that the Commission review the Land Development Code (LDC) for an amendment regarding changing image signs and residential development; and

WHEREAS, Planning and Design Services staff developed an amendment to LDC Section 8.2.1, paragraph D.6, as provided for in detail in Section I of this resolution; and

WHEREAS, the proposed amendment would require changing image signs to be 300 feet from residentially used or residentially zoned property; and

WHEREAS, this amendment would further protect residential development from potential nuisances associated with changing image signs; and

WHEREAS, this amendment conforms to Plan 2040 Community Form Goal 1, Policy 6, which discourages nonresidential expansion into residential areas because this amendment further addresses the use of changing image signs in close proximity to residential development; and

WHEREAS, this amendment conforms to Plan 2040 Community Form Goal 1, Policy 14, to ensure that signs are compatible to form district patterns and contribute to the visual quality of the community; this amendment would increase the compatibility of signs to residential areas;

NOW, THEREFORE, BE IT RESOLVED BY THE LOUISVILLE METRO PLANNING COMMISSION AS FOLLOWS:

Additions

~~Deletions~~

SECTION I: Chapter 8 of the LDC, Section 8.2.1 – Sign Illumination and Movement, is amended as follows:

...

D. Changing image signs (includes electronic changeable copy signs and time and temperature signs) shall conform to the following standards:

...

6. Freestanding or attached signs that include changing image signs shall not be closer than 300 feet to a residentially used property or a property in a residential zoned district excluding properties exclusively unless the residentially zoned property is used for a non-residential purposes (e.g. church or school) or the changing image sign is not visible to the residentially zoned residential property. For the purposes of this regulation, a residentially used property

does not include mixed use properties where the building(s) has a nonresidential use on the ground floor and the dwelling(s) in the upper floor(s).

SECTION II: This resolution shall take effect upon its passage and approval.

Vince Jarboe
Chair