

**PLANNING COMMISSION MINUTES**  
**August 20, 2020**

**PUBLIC HEARING**

**CASE NO. 20-LDC-0002**

Project Name: Changing Image Sign Amendment  
Request: LDC Text Amendment  
Applicant: Louisville Metro  
Jurisdiction: All Jurisdictions  
Council Districts: All Council Districts  
**Case Manager: Chris French, AICP, Planning & Design Supervisor**

The staff report prepared for this case was incorporated into the record. The Commissioners received this report in advance of the hearing, and this report was available to any interested party prior to the public hearing. (Staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5th Street.)

**Agency Testimony:**

03:59:12 Mr. French discussed the case summary, standard of review and staff analysis from the staff report.

04:01:45 Commissioner Carlson asked why the following last sentence was added: 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). Mr. French said it was discussed in Planning Committee and staff felt it would be hard to measure distances from the building so we recommend that it be based on the property line to the sign. Commissioner Carlson said if the sentence is eliminated, an applicant could still request a waiver. Mr. French agreed.

**Deliberation**

04:04:52 Commissioner Peterson stated the proposal is reasonable and the Planning Committee did a good job.

04:05:13 Commissioner Carlson is concerned about the last sentence and wants to hear from someone who attended the Planning Committee meeting.

04:05:35 Commissioner Howard asked Commissioner Carlson what his objection is to the last sentence. Commissioner Carlson explained that someone could put a changing image sign within a few feet from someone's bedroom window if in a mixed-use building with a residence upstairs. Commissioner Howard said she considered the height and that it wouldn't affect anyone on the 2<sup>nd</sup> floor. Mr. French said it will be a very rare occasion. The provision is providing for the distance from one property line to the sign. Commissioner Carlson said if it's going to be only on rare occasions, eliminate the sentence and let the person apply for a waiver.

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04:13:13 Commissioner Howard said she doesn't have an issue with the last sentence.

04:14:11 Commissioner Daniels said she agrees with having applicants apply for the waiver.

04:14:35 Commissioner Seitz said she has no problem with the proposal 'as is'.

04:14:57 Commissioner Mims said has no objections but agrees with removing the last sentence.

04:15:25 Commissioner Lewis said she has no problem with taking the sentence out or leaving it in.

04:16:16 Chair Jarboe said he prefers to take the sentence out as well. Asking for a waiver would be fair.

**An audio/visual recording of the Planning Commission hearing related to this case is available on the Planning & Design Services website, or you may contact the Customer Service staff to view the recording or to obtain a copy.**

**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**

On a motion by Commissioner Carlson, seconded by Commissioner Mims, the following resolution was adopted.

**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

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**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 zoning 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.

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

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Vince Jarboe  
Chair

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **RECOMMEND** to the Louisville Metro Council and all other jurisdictions with zoning authority within Jefferson County that the **RESOLUTION** for an amendment of 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 – eliminating the last sentence be **APPROVED**.

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**The vote was as follows:**

**YES: Commissioners Carlson, Daniels, Howard, Lewis, Mims, Peterson, Seitz and Jarboe**

**NOT PRESENT AND NOT VOTING: Commissioner Brown**