

CENTERVILLE PLANNING COMMISSION

Work Session

Tuesday, April 24, 2007

Mr. Clark called the Work Session to order at 8:10 P.M.

Attendance: Mr. Paul Clark, Chairman; Mr. Jim Briggs; Mr. Jeff Gammell; Mr. Jim Durham; Mr. Jim Brunner; Mr. Mark Leonard. Absent: Mrs. Carolyn Meininger. Also present: Mr. Steve Feverston, City Planner; Mr. Ryan Lee, Planner; Mr. Scott Liberman, City Attorney.

Mr. Feverston informed the members of discussions that occurred at the APA Conference concerning various cities and the different methods they use to regulate signage.

One issue that has become a problem is that of using holiday lights throughout the year on commercial properties.

Mr. Gammell stated holiday lights are used on streetscape items such as gazebos throughout the City. He asked how potential regulations to control holiday lights would affect their use on residential properties.

Mr. Feverston stated the regulations would apply to residential properties as well.

Mr. Durham used examples of accent lighting within residential properties stating that exterior night lighting is a hot topic. It is a business to utilize these types of decorative lighting.

Mr. Leonard was concerned with the property maintenance of the strings of light stating lights burn out, become loose and drape down low, etc.

Mr. Feverston brought up the issue of whether the strings of lights should be considered signage.

Mr. Durham stated even though most lighting is done conservatively, the regulations must consider the potential scope of the issue and how inclusive the ordinance should be. He stated the standards should be coherent and clear in terms of their regulation. He stated if the issue rests with one business, is that reason enough to create standards to abolish the use of things such as strings of lights—that is not a good basis for regulation.

He stated that the ordinance change, as stated, is weak to enforce. Regulating irritants through stating that the uses/property maintenance issues cause lower property values would be valid, but this is focused on something that is viewed as unattractive. He stated creating regulations to prohibit them based on taste is not a reason to ban them. A soundly based, understandable ordinance that advances what we would like in the community would be valid.

Mr. Clark stated that we should strike the regulations of strings of lights from the proposed ordinance change.

Mr. Durham stated that if strings of lights display a clear commercial message, then that would make the lights a sign. Hanging of holiday lights is not something that displays a message that can be reasonably enforced. He stated he would like a valid reason for the regulation to be in place.

Mr. Durham stated that language should be added concerning the legitimate rationale for sign regulation from previous court rulings into the proposed ordinance.

Mr. Feverston reviewed the proposed sign ordinance changes with the Planning Commission.

The members felt the word 'justify' to 'assist' should be changed in item number five.

Mr. Gammell stated that consideration for future electronic message displays should be taken into consideration when drafting the ordinance.

Mr. Feverston suggested that perhaps the focus should be on patching the ordinance for electronic and changeable copy signs and the rest of the sign regulation should be incorporated into the changes in the Unified Development Ordinance (UDO) process.

Mr. Durham asked if there have been studies concerning the effect of the glare on the safety of motorists and is it causing an issue with health, safety, and welfare.

Mr. Feverston stated that when creating the ordinance, instead of selecting issues such as glare and other issues specifically, the characteristics that create those issues can be addressed.

Mr. Durham asked whether that was for aesthetic or safety reasons. If it is for aesthetics, he did not see any valid ways of regulating these types. Style and consistency is a way of forming characteristics for aesthetic regulation. He stated foundational statements are not in place to be able to articulate the reasons for the regulations. For example, state what these changes do for traffic safety, etc.

The members discussed some of the ways to regulate signage including movement, glare, and aesthetics. They also discussed ways to prohibit signs based on the aesthetic characteristics in addition to movement and glare provisions. One would need to elaborate on these provisions to make a factual determination of how these signs are aesthetically displeasing. The members felt signage for businesses should be based on the character of the architecture of buildings.

The members decided to prohibit the use of electronic message and changeable copy signs within the City rather than regulating their characteristics due to the difficulty of enforcing the regulations. However, they mentioned that an exemption should be made for the display of gas prices if they are permitted by federal law.

Mr. Feverston updated the members on the possible redevelopment of the Centerville Place Shopping Center. He explained the Create the Vision goals for this study area and how regulations within the Unified Development Ordinance (UDO) would create this development.

Mr. Feverston reviewed the purpose and intent for the creation of the UDO outlining what will be included in the overall document.

There being no further discussion, the Work Session was adjourned.

*Paul Clark*

