

STAFF REPORT ON PETITION FOR ZONING ORDINANCE TEXT AMENDMENT

**ZOTA 2012-13: TRANSFER ENFORCEMENT OF ARTICLE 17: SIGN REGULATIONS FROM THE
DIVISION OF BUILDING INSPECTION TO THE DIVISION OF PLANNING**

INITIATED BY: Urban County Council

PROPOSED TEXT: Underlined text below indicates an addition, ~~dashed through~~ text indicates a deletion to the current Zoning Ordinance.

ARTICLE 17: SIGN REGULATIONS

17-4(b) ENFORCEMENT – Except as provided herein, the Division of ~~Building Inspection~~ Planning shall enforce the provisions of this Article and shall utilize its powers to ensure compliance with its provisions and the provisions of any approved permit. The Division shall maintain written records of any enforcement actions taken. The Division of Code Enforcement shall also have enforcement authority as to the provisions of Sections 17-4(g) and (j) below, and shall maintain written records of any enforcement actions taken.

17-4(c) SIGNS EXEMPT FROM PERMIT REQUIREMENTS – The following signs shall not require a permit. However, such signs are subject to applicable restrictions contained within this Article, and the Division of ~~Building Inspection~~ Planning shall take enforcement action against any such sign which does not conform to the specified requirements.

- (1) Political Signs;
- (2) Nameplates;
- (3) Government Signs;
- (4) Real Estate Signs;
- (5) Incidental Signs;
- (6) Window Signs; and
- (7) The changing of copy on a billboard, attraction board, marquee, informational sign, or electronic message display system.

STAFF REVIEW:

The Urban County Council recently initiated a text amendment to Article 17 of the Zoning Ordinance to transfer sign regulation enforcement from the Division of Building Inspection to the Division of Planning. Zoning Ordinance enforcement activity, in general, was officially transferred to the Division of Planning on January 1, 2012 (with the exception of single-family and two-family residential structures and fencing), but some necessary changes to Article 17 were not included in that text amendment package. Although the text was not altered, the newly constituted Zoning Enforcement Section of the Division of Planning has been responding to sign regulation complaints since January 1st, as well other zoning-related complaints. This text amendment will clarify that such responsibilities do indeed lie within the Division of Planning.

The Division of Code Enforcement also has authority to assist with sign regulation enforcement in the right-of-way. A text amendment in 2006 added language that gave Code Enforcement officers the authority to remove illegal signs in the right-of-way; or those attached to a tree, utility pole, street light, or dilapidated structure. All other sign regulation enforcement is being conducted by the Zoning Enforcement Section staff. Since January 1st, the Division of Planning has received and responded to 33 sign-related zoning enforcement complaints, and has issued 63 zoning violation notices for signage. The staff plans to develop a process for more proactive enforcement of sign-related zoning violations and may suggest some minor changes to the Zoning Ordinance to make such enforcement more effective in the future.

The Staff Recommends: Approval. for the following reason:

1. The text amendment will officially transfer the enforcement of Article 17: Sign Regulations from the Division of Building Inspection to the Division of Planning. The Division of Planning, Zoning Enforcement Section, has been responding to such zoning complaints since the beginning of 2012 and will continue to do so in compliance with the proposed text amendment.