



PLANNING & ZONING MEETING
Minutes of December 15, 2015

The Alexandria Planning & Zoning Commission met in regular session on the above date at 7:00 p.m. Chairperson Dave Hart opened the meeting with the Pledge of Allegiance and the following members answering roll call:

Present: Dave Hart, Chair Dan Feldmann Rick Neltner
 Ron Johnson Marty Hipple James Glahn

Absent: Sonny Markus

Also: Jan Johannemann, Asst. City Clerk Mike Duncan, City Attorney
 Wm. T. Rachford, Jr., Mayor

APPROVAL OF MINUTES: December 1, 2015

MOTION: James Glahn made a motion to approve the minutes of December 1, 2015 as submitted, seconded by Rick Neltner. All in favor, the motion passed 4-0-2 with Mr. Hart and Mr. Feldmann abstaining.

VISITORS & GUESTS: None

PUBLIC HEARING - To hear and gather evidence and public comment regarding the Planning Commission's proposal to readopt the current elements of the City's Comprehensive Plan.

Chairman Hart opened the Public Hearing at 7:02 p.m.

Mr. Duncan explained under Chapter 100 of Kentucky law, a comprehensive plan is required before you can do zoning. Alexandria has done planning and zoning for a number of years. There is already a Comprehensive Plan in place, along with a set of zoning ordinances and subdivision regulations. KRS 100.197 requires a review of the Comprehensive Plan every five years to determine if the research of the plan is still valid. The Comprehensive Plan must then be re-adopted, amended, or replaced. The Commission has been studying this plan, and because we've hit the five-year mark, Mr. Duncan recommended readopting the Comprehensive Plan.

Over the last several meetings, the Commission has been studying the current elements, have determined they are still valid, and have taken the steps to re-adopt the current Comprehensive Plan. This Public Hearing was advertised, and since no one was in attendance and no written comments were received, it is assumed the public is satisfied with the work the Commission has done. The next step is for the Commission to re-adopt the Comprehensive Plan.

It is Mr. Duncan's legal opinion that Alexandria has met all the requirements of Kentucky law, the Commissioners can now discuss it, and the Public Hearing can be closed.

Mr. Hart asked for comment from the Commissioners. Hearing none, Mr. Hart then declared the public hearing closed at 7:06 p.m.

MOTION: Dan Feldmann made a motion to re-adopt the current Comprehensive Plan, seconded by Marty Hipple. All in favor, the motion passed 6-0-0.

NEW BUSINESS: None

OLD BUSINESS:

Discussion on Sign Ordinance Changes/Updates: Mr. Hart asked Mr. Duncan to explain some of the elements in bringing the sign ordinances up to date without affecting freedom of speech and expression.

Mr. Duncan said after a recent U.S. Supreme Court case that upended a zoning ordinance under review, Kentucky League of Cities and National League of Cities are working on a model sign ordinance that would correct the deficiencies that most cities and counties have. Cities are allowed to regulate signs in relation to time, place and manner, but not content. Freedom of speech, freedom of expression, and freedom of religion are afforded more leeway than business signs. The Supreme Court case struck down one city's sign ordinance because they determined it went beyond regulating time, place and manner, even though to most people this ordinance looked like many others. KLC is supposed to have material for all city attorneys to review by the end of the year, and Mr. Duncan recommends not rushing into new sign ordinances until he has input from the experts.

Regarding non-conforming signs, Mr. Duncan explained some may have been legal when they were put up, but because of zoning changes and text amendments to the sign ordinances, they are no longer lawful. However, if a sign was illegal from the start, it wouldn't carry the protection of the law. Non-conforming signs had to be lawful when they were constructed. Also, a non-conforming sign cannot be expanded beyond its scope. Maintenance and repair is allowed, but not replacement. In Mr. Duncan's opinion, this means if there are two rusty I-beams holding up a non-conforming sign making it dangerous, that sign should be taken down. But if the owner routinely paints the I-beams and they never get rusty, then the city could not force the owner to take the sign down.

The Mayor is encouraging P&Z to find a solution to non-conforming signs, and Mr. Duncan is looking into other sign ordinances to get some ideas on tightening up the City's ordinances.

INTERNAL BUSINESS: None

ADJOURNMENT:

MOTION: Dan Feldmann made a motion to adjourn, seconded by Marty Hipple. All in favor, the motion passed with a 5-0-1 vote with Mr. Hart abstaining. Meeting adjourned at 7:22 p.m.

Attested to and submitted by:



Karen M. Barto
City Clerk/Treasurer



Dave Hart, Chair
Planning and Zoning

Dated 1-6-16

Dated 1/5/2016