

**Planning Board Meeting
June 12, 2023
6:00 pm in the Civic Center
Minutes & General Account**

Planning Board Members Present: Ed Stafford, Vice Chair; Dennis Sholl, Jane Walker Payne, Russ Walker, Jr., Donald Dale, Jr. (ETJ), Peggy Levi (ETJ), William McLean, Jr. (ETJ), & Sherrie Richmond (ETJ), Robert Coon (ETJ)

Planning Board Members Absent: Sarah Glanville, Sherrie Richmond

Council Member Representative – Rebecca Mann Rayborn

Staff Members Present: Matthew Johnson, Anna Hawryluk, Katie M. Weiner, Ty Cheek, & Tom Terrell, Land Use Attorney

Visitors Present:

Call to Order - Vice Chair Stafford called the meeting to order and asked Planning Director Hawryluk to call the roll.

Roll Call - Planning Director Hawryluk took roll call as follows:

- Sarah Glanville - absent
- Dennis Sholl - present
- Ed Stafford - present
- Jane Walker Payne - present
- Russ Walker - present
- Donald Dale, Jr. (ETJ) -present
- Peggy Levi (ETJ) - present
- William McLean, JR. (ETJ)
- Sherri Richmond (ETJ) – absent
- Kerry Miller – present
- Robert Coon - present

Council Member Rayborn – present

Planning Director Hawryluk stated that a quorum was present.

Approval of Minutes January 9, 2022, regular meeting

Motion – Member Dale made a motion to approve the minutes from the January 9, 2022, regular Planning Board meeting. Member Levi made a second to the motion. The motion passed by unanimous vote.

Public Hearings

LDO Amendments

Planning Director Hawryluk stated:
The hearing is for several updates to LDO

Section 11.5 Landscape Land procedures

The need for a change in this section is that it was missed when we did the updates from North General Statute 160D that allows that performance guarantee bonds may not exceed 125% of the estimated cost. Our ordinance states 150%, which is no longer allowed. This update changes that to 125%.

Article 17 – Sign regulations

Staff made changes to reorganize or reword language to make it clearer. There was a concern raised about yard signs not being allowed in residential yards.

Section 17.5 prohibits signs and sign characteristics. We recently added a change to include the word ‘yard’, as the ordinance said ‘snipe’ signs which a lot of people did not know what that was.

17.6 Exempt signs – an example is an election sign which is a temporary sign and this section allows for temporary signs.

The language on election signs has been changed for clarification. Every time I read it I think it could be interpreted differently, so the updates are to clarify the different limits placed on how many signs you are allowed to put in your yard or the right of way. This update takes out that limit. It is impossible to enforce. The sign area stays the same of six square feet so there will be no giant signs going up. The limit on posting election signs stayed the same. This section has been moved to 17.6.1 Real Estate Construction Campaign yard signs where it makes more sense.

Development projects under active building permits

The ordinance currently allows signs in a six square foot area, which does not seem reasonable. The update changes it to allow one sign per street frontage up to 36 square feet which is the same as a commercial project. This signage is only allowed while there is a building permit, so once the building is completed that large sign would have to come down

Discussion

Board members asked the length of time after building ended that the sign could remain and how many signs of that type there could be for one building site.

Director Hawryluk responded that the sign would need to come down once the building permit expired and the ordinance has limits built in already for how many signs there could be. If building is done in phases, then when was phase is completed, that sign would have to come down.

Digital signs

Planning Director Hawryluk said this section was looked at for potential takeaway of Jamestown's small-town charm with having digital signs on Main Street and residential areas. I thank Planning Tech Cheek who did a lot of research of other jurisdiction ordinances on digital signage. The small-town charm was the number one vision when we did the Comprehensive Plan. The largest change here is that currently digital signs are permitted anywhere in town in any zoning district. These updates change that to allow digital signage only in civic, commercial and bypass zoning districts. Civic zoning example would be a church, school, or community center. The area in town zoned commercial is down by True Value and the shopping center parking. Moving closer to downtown, that zoning turns into transitional zoning where digital signs would not be permitted. Bypass zoning is over by Grandover and the bypass. This change stops digital signs being near the historical and residential sections of the town. Currently, display time is allowed for five seconds. The update changes this to allow ten seconds. We found that this is what a lot of other jurisdictions did. There are no changes to existing limits on when the signs have to be turned off and may be turned on and on no flashing or video messaging and brightness of signage. Staff found these limitations were in line with and in some cases more stringent than other municipalities. The update does add a limitation that each message may be no longer than four lines of information in length. Also added in the update is a maximum of 32 square feet per lane and maximum height of 8 feet which is consistent for other signage for digital and non-digital menu boards. We currently have no restrictions. The update states digital signs for menu boards may be allowed upon meeting size, time, and brightness standards. If this is adopted, I would like to remove time because this would be mainly for restaurants with drive-throughs that most likely will be open later than 10 pm.

Temporary signs

Currently temporary signs are allowable for commercial and mixed-use districts. The update changes that to allowable in specific zoning districts such as Civic, Industrial parks, Agricultural. An example of a temporary sign is a banner. The update makes feather flags non permissible anymore.

19.30-1 Pet Waste

The reference to 'unlawful for owner of a dog to allow the animal off-premises of the owner and not be on a leash' in the current ordinance. The town is getting a dog park and this language means the dog would have to be on a leash while in the dog park. The update is to change the language to 'off premise of owner the dog must be contained inside an enclosure, on a leash or otherwise confined. A dog may be off leash in the confines of a dog park'.

Permitted use table

Parks and Recreation did not allow fences on the permitted use table. The update makes fences allowable.

There are currently two uses on the table for duplexes: dwelling, duplex and two-family dwelling twin home or duplex. These have been combined into one use of Dwelling Duplex Dwelling.

Discussion

Member Miller asked the process of those not in compliance on digital signs.
Director Hawryluk replied if they are not in compliance the ordinance allows them to be grandfathered in until a new digital sign is purchased which then has to be complying.

Member Miller asked if there were quite a number of them in town.
Director Hawryluk said she thinks there are only three of them.

Member Levi asked what happens if they are not in compliance.
Director Hawryluk answered that code enforcement will make sure they are complying.
Fines will be applied if the noncompliance continues.

Member Coon asked if a menu sign would be appropriate to be added to the list of examples on 18 and 19 since they are a little different from digital signs.
Director Hawryluk stated we could add that if the Board wishes.

Member Walker said it is strange that the heading that is there for Pet Waste does not have anything to do with pet waste.
Director Hawryluk said this section is in section 19 which she believes in storm water where they talk about dogs and pet waste.

Opening of Public Hearing

1. Carol Hay, 607 West Main Street, stated she is speaking on the signs near her house that turn her house green sometimes. The flashing of the sign will change from one color to another. It is very annoying, especially trying to sit out on the porch. I do not think Jamestown should have flashing signs, especially when it flashes in people's windows. I do not want to see the town do away with the reason people want to come here. Even though it is supposed to turn off at 10 pm, we are in bed by then. I think that when they close the business at the end of the day, the sign should turn off. A clear sign that does not change colors is more reasonable.

Member Stafford said this is an example of a business area shining into a historic residential neighborhood. Are there any protections against that?
Director Hawryluk said there are limits on maximum brightness factors and prohibition on fading, scrolling, flashing, spinning or other animated effects, so we should not see flashing blue, green, red, green., etc. If that happens, please let her know where and when and Code Enforcement will check it out. Digital signs are to be off from 10 pm to 7 am. With this update, these signs will no longer be allowed in a transitional residential zoning district.

Member Sholl asked if we could have different hours for digital signs for new signs and not grandfathered ones.
Director Hawryluk said yes, we can if the Planning Board wants to make that recommendation.

Closing of Public Hearing

Chair Stafford closed the Public Hearing as there were no others wishing to speak.

Discussion

The Board discussed whether to change the times for when digital signs have to be turned off.

Motion – Member Levi made a motion to change the time in the existing language that digital signs must be off at 8 pm instead of 10 pm. Member Dale made a second to the motion.

Town Clerk Weiner clarified if the motion on the floor is to recommend to Town Council approval of the updates to the LDO with the change in time for digital signs to be turned off as 8 pm instead of 10 pm.

Liaison Member Rayborn asked if there is any discussion on whether Jamestown needs digital signs.

Member Levi withdrew her motion and Member Dale withdrew his second.

Member Coon -Limiting digital signs to where they are not in a nonresidential area strikes a balance between what we want to keep and what we want to have. I think the way it has been defined strikes a balance. The way we are adjusting the sign ordinance now protects the residential area. I am not opposed to changing the time from 10 pm to 8 pm, but I think the new ordinance updates address that.

Member Sholl – Nonconforming signs concern me in how you address that.

Director Hawryluk read the language in the ordinance ‘shall be grandfathered until such sign is removed, physically altered beyond maintenance, relocated, damaged or destroyed after which it shall be brought into compliance with all requirements of this article’.

Member Levi – It is a distraction to people that have eye issues when driving and there is a sign that is changing even if the brightness is that of a candlelight. I think it would be a benefit for safety to eliminate digital signs on any roadway.

Member Stafford – It has been difficult for businesses in the past to make a living in Jamestown. We now have restaurants that are established in the business community and I do not want to do anything that will put a damper on that. I would like to protect our residential subdivision also. Member Levi’s motion to change the time will not help the situation of grandfathered signs. It is in the code that those signs have to be replaced when they break down.

Member Levi asked if there are any adjacent homes that will be impacted by the changes.

Director Hawryluk said she would have to look at the zoning map. The motion could include a change to the time of adjacent residential properties.

Motion – Member Levi made a motion to limit the time for any digital sign to be turned off at 8 pm rather than 10 pm if it illuminates onto an adjacent residential property. Member Dale made a second to the motion.

Town Clerk Weiner called the roll for the vote:

Member Koon – aye
Member McLean – aye
Member Payne – aye
Member Miller – yes
Member Stafford – yes
Member Walker – aye
Member Scholl – no
Member Levi – yes
Member Datel – yes

The motion passed with a vote of eight in favor and one against.

Chairman Stafford asked if the Board now needs to approve the whole with this change.

Town Clerk Weiner stated the Board just did that. Now we move on to the Consistency Statement.

Consistency Statement:

Motion - Member Miller made a motion that the proposed zoning amendment be approved based on the following:

1 – The proposed zoning amendment is consistent with the adopted Comprehensive Plan of the Town of Jamestown.

The Planning Board further finds that the proposed zoning amendment is consistent with the Comprehensive Plan buy-in because periodic updates to the zoning texts are necessary based upon changing conditions, regulations, and laws. Updates establish Town compliance with regulating bodies and ensure that guiding documents are accurately operational for each of the current goals of the comprehensive Land Development Plan.

2 - The proposed zoning amendment is reasonable.

The Planning Board considers the proposed zoning amendment to be reasonable because:

- a) The report of the Town staff finding the proposed ordinance amendment to be reasonable is adopted by reference; and
- b) The Planning Board further finds the proposed zoning amendment is reasonable because the request to update the ordinance stems directly from updates to the state and federal laws which the Town is required to comply with and the text edits add clarifying and zoning language to make the documents easier to interpret and apply and

3 - The proposed zoning amendment is in the public interest

The Planning Board considers the proposed zoning amendments to be in the public interest because:

- a) The report of the Town staff finding the proposed zoning amendment giving the public interest is adopted by reference, and
- b) The Planning Board further finds the proposed zoning amendment is in the public interest because it will assist the Town in maintaining the small town feel by considering signage types in the most appropriate settings.

Member Coon made a second to the motion. The motion passed unanimously.

Public Comment Period

None

Adjournment

Motion – Member Coon made a motion to adjourn. Member Levi made a second to the motion. The motion passed unanimously.