PLANNING COMMISSION

MARCH 6, 2012
7 PM

Present:	Madelyn Dixon, Cole McGregor, Goldie Helsley, Dan Talbot Jason Blose, Margretta Isom	
Excused:	Cathy Morrison	
Staff:	Charlotte Shifflett	Attorney/ Lauri Sigler Kevin Fauber/Town Manager
Guests:	Mike Lucci/Ciro's	Wayne Showalter/Letter Perfect

The regular meeting of the Elkton Planning Commission began at 7:00 pm. Dan Talbot/Chairperson led the group by reciting the Pledge of Allegiance.

Cole McGregor made a motion, seconded by Margretta Isom to accept the minutes from January 10th and January 30th meetings
Voice Vote = 6-0
Jason Blose, Madelyn Dixon, Goldie Helsley, Margretta Isom, Cole McGregor, Dan Talbot.

Mike Lucci and Wayne Showalter were on hand to confirm the maximum square footage for a new sign to be placed at the new restaurant located on Spotswood Trail (Rt 33) in the Downey Knolls Shopping Center. Wayne Showalter will be presenting the design and requesting a sign permit in the near future.

DISCUSSION:

9. Political Signs:
    a. Are removed by the sign owner within 5 calendar days after the event that is referenced.
10. Yard Sale Signs:
    b. Are posted 1 week or less.
11. Portable Signs:
    - The Jr. Order had a portable sign which was non-conforming with an earlier revision and were requested to remove it or place it inside after an event was complete. Ref. Pg 2 # 18.
    - Messages attached to portable signs are permanent or changeable letters.
    - Recommend removing fee.

E. The following signs require a permit:

1. Daily Special:
    - A new sign category has been added. Reference E., 1. "Daily Special", a. thru e.
    - Recommend creating 86-11. Recommend a $100.00/fee.
2. Promotional Signs:
    - A new sign category has been added. Reference E., 2. "Promotional Sign", a. thru e.
    - Recommend creating 86-12. Recommend a $100.00/fee.
3. Temporary Signs:
    - Recommend changing 86-10 B to –This fee is waived for any charitable institution, or association located within town or providing services to town residents.
6. Business and Industrial Signs providing the following::
    c.
        a. Lettering stating the business name that is attached to the building shall be 10 feet above the sidewalk. Lettering area shall not exceed 80 square feet.

G. Special Exception permits for signs:
    1. Revised
        a. there are no exceptions for the use of message boards.

Draft Version 3 revised March 5, 2012

110-706 Signs

A. Purpose: The purpose of the sign ordinance is to promote and protect public health, welfare, and safety. It is intended to protect property values for all residents, create a more attractive community, enhance and protect the scenic and natural beauty of the Town of Elkton, minimize driving distractions, and maximize open space. This is to be accomplished while providing an attractive and economic business climate.

B. Sign(s) regulated: This ordinance covers all signs temporary or permanent that are located outside of a building. Further definitions can be found in section 110-302 of this code book.

C. General Requirements:

1. Except as provided in 110-706D below, no sign or sign structure shall be erected or moved without a sign permit:
2. All signs must comply with State and federal requirements if along federal-aid primary highways, or interstate highways. The most restrictive requirements will apply
3. No sign or sign structure shall be located in such a manner as to materially impede the view of any road, sidewalk, road intersection, neighboring structure, or railroad crossing.
4. No sign shall be erected, relocated, or maintained in a manner that prevents free ingress to or egress from any door, window, or fire escape.
5. No sign shall be placed on a public street or sidewalk.
6. No sign shall purposefully distract the attention of passing motorists on any roads by loud and blatant noises, flashing or scrolling messages, or movable objects
7. No sign shall be painted or applied directly on a fence, tree, fire escape, accessory building or utility pole.
8. No sign shall contain the word "Stop" or "Danger" prominently displayed or be a copy or imitation of official traffic control signs.
9. No portion of any elevated sign structure shall be less than 10 feet above the level of an adjacent sidewalk or other pedestrian thoroughfare, or less than 16 feet above the level of an adjacent public driveway, alley or street. This excludes official road markers that otherwise comply with applicable state and local codes.
10. Non Elevated free standing signs must be an additional one foot from the property line for every foot of height in excess of 5 feet. The sign area must be a minimum of 2 feet above the grade level at the base of the sign.
11. No part of an awning including any suspended signage shall be less than 7 feet above the sidewalk
12. No sign suspended from a building shall project more than 5 feet from the building and shall not exceed the height of the building to which it is attached.
13. No sign shall exceed 20 feet in total height unless it is attached to and does not protrude vertically from a building.
14. The maximum sign area for any sign in the historic downtown area is 20 square feet. This area runs along Old Spotswood Trail from 1st Street to Harnsberger Street/Ashby Ave. To the north this area is bordered by Gibbons Ave and A Street to the South it is bordered by Elk Run creek. Otherwise, the maximum sign area for any sign is 40 square feet unless specified differently for specific purposes in another section of this chapter.
15. Signs erected adjacent to a road where the posted speed limit is greater than 50 MPH may have 25% increased sign area above the normally permitted size.
16. The support structure for the sign shall not be included in the sign area calculations as long as the support structure does not contain lettering or other details that would normally be construed as signage.
17. The light from any illuminated sign shall not cause direct glare into or upon any building or property other than the building or property to which the sign applies.
18. No sign shall advertise for a business, structure, or organization other than the primary business, structure, or organization for which the sign was originally erected.

a. Messages for non profit off site events can be posted no more than 4 weeks prior to the event and must be removed after the event is concluded

19. Electronic message boards shall not exceed 6 feet in length or 12 square feet in sign area, and are only permitted in business and industrial zonings. Any sign area of the electronic message board shall be included for the purposes of computing the overall sign area permitted.
20. No sign shall display scrolling text, flashing or intermittent lights, or other lights or changing degrees of intensity, brightness of color, except a sign indicating time or temperature, which changes alteration on not less that a five-second cycle.

D. The following signs do not require a permit:
1. Official traffic signs
2. Real estate signs advertising the sale, rental, or lease of the land or building upon which the sign is located provided that:
   a. In residential districts R1 – R7, the sign area is less than 6 square feet
   b. There shall be only one sign per street adjoining the property.
   c. Signs are not illuminated
   d. All signs are removed within 3 business days after the sale or rental of the advertised land or building.
3. Real estate signs advertising the sale of the land or buildings within a subdivision being advertised provided that:
   a. There is only one such sign per entrance
   b. Signs shall not be illuminated
   c. All signs are removed within 5 business days after the time when 80% of the lots being advertised in said subdivision are sold.
4. Professional name plates attached to a building that are not illuminated and are less than 4 square feet.
5. Informational signs of a public or quasi-public nature shall not be illuminated, shall contain no advertising unless required by law, shall be set back not less than 5 feet from the fronting roadway, and adhere to the following:
   a. Signs identifying or locating civic, educational, or cultural locations, and signs drawing attention to public parking, restrooms, parks, playgrounds and other public conveniences relating to such places shall not exceed an area of 6 square feet.
   b. Official notices or signs posted or displayed by or under the direction of any public or court officer in the performance of official or directed duties, or by trustees under deeds of trust, deeds of assignment or other similar instruments shall not exceed two square feet.
6. Signs describing an active construction project shall not exceed 8 feet in height, shall not be illuminated, and must be removed within 5 business days after the completion of the project.
7. Memorial signs or tablets, including names of building and date of erection when cut into masonry, bronze, or other materials and attached to the building.
8. Customary signs in conjunction with residential usage, including mailbox lettering, names of residents, house numbers, names of farms and estates, and other similar usages that do not exceed 6 square feet.
9. Political signs:
   a. Are removed by the sign owner within 5 calendar days after the event that is referenced.
10. Yard sale posters that:
   a. Do not exceed 3 square feet
   b. Are posted 1 weeks or less
   c. Clearly state the address or phone number of the owner of the sign
   d. Are removed by the sign owner within 5 calendar days after the event that is referenced
   e. Are not attached to utility poles
11. Portable signs providing the following:
   a. Sign can only be used to advertise events of civic organizations and churches/houses of worship.

b. Sign messages are not displayed for longer than thirty calendar days prior to or seven business days after the event advertised.
c. Signs do not impede visibility or otherwise create a hazard
d. Sign area does not exceed 32 square feet

Update definition : Sign , Portable – A sign constructed in a manner that it is not permanently affixed to real estate and can be moved from site to site without being disassembled. Messages are attached to this sign with changeable letters.

Recommend updating 86-9 (remove fee)

E. The following signs require a permit
1. "Daily Special" signs providing that:
a. A yearly permit is obtained for said sign
b. The business does not already have a sign that is for displaying messages
c. Sign area does not exceed 8 square feet one side or 16 square feet if a sandwich board
d. Signs are taken inside each night at the close of business
e. Signs do not impede the flow of traffic on streets or sidewalks or otherwise create a hazard

Recommend creating 86-11 (recommend $100 fee)

Add definition Sign, Daily Special - Portable sign that is designed to advertise a business daily specials these signs shall be self supporting and designed for portability so they can be taken inside each night

2. Promotional signs providing that:
a. A yearly permit is obtained for said sign(s)
b. No more than one sign of this type for each 1000 sq feet of lot size
c. Signs are supplied by the vendor and well maintained and secured
d. Sign area does not exceed 12 square feet
e. Signs do not impede visibility or otherwise create a hazard

Recommend creating 86-12 (recommend $100 fee)

Add definition Sign, Promotional - Sign designed by a businesses vendor to promote their products that is posted outside of the businesses building. These include spring signs, posters, flags, banners, or any other means of product promotion provided by the product manufacturer or vendor.

3. Temporary signs providing the following:
a. Signs are not displayed for longer than 30 calendar days
b. Are removed by the sign owner within 5 calendar days after the event that is referenced

Recommend changing 86-10 B. To- This fee is waived for any charitable institution, or association located within the town or providing services to town residents.

4. Primary subdivision signs providing the following:
a. One sign per entrance
b. Is indirectly illuminated
c. Shall not exceed 32 square feet of sign area
d. Makes no reference to the sale or lease of the lots or houses located within said identified subdivision.
5. Multifamily dwelling signs providing the following:
a. Complex must contain a minimum of 6 dwelling units
b. One sign per complex
c. Shall not exceed 20 square feet of sign area
d. Is indirectly illuminated
e. Makes no reference to the lease of units within said premises
6. Business and industrial signs providing the following:

a. Must be a minimum of 2 feet from any right of way line or lot line or 25 feet from any adjacent residential area.
b. Elevated free standing signs may be erected on lots that provide drive in service or parking for more than 10 cars.
    a) Must not exceed 8 feet in width
    b) Signs greater than 25 Square feet shall not be Square in shape
c. There shall be only one freestanding sign and two attached signs per business.
    a) Lettering stating the business name that is attached to the building shall be 10 feet above the sidewalk. Lettering area cannot exceed 80 square feet
    b) Up to four additional symbols or emblems that represent the business may be attached to the structure as long as they are architecturally integrated with the structure.
    c) Buildings that contain multiple businesses may have additional attached signage, but no more than one additional attached sign per business residing within the building.
    d) Multiple adjoining businesses, that are not located within the area designated as the Historic downtown, may combine their free standing signs into one single sign provided that:
        a. The overall sign area does not exceed the combined allowable area for the individual business or a maximum of 80 square feet.
        b. The sign does not materially impede the ability to clearly see the signs of adjoining business
        c. There are no other free standing signs for the business displayed on the combined sign
d. Sign area may be increased up to 60 square feet to the extent that the sign area does not exceed 0.2 square foot for each foot of lot frontage for the lot on which it is situated. The frontage on all adjacent streets to the lot may be considered in this calculation.

7. Church or house of worship signs, signs indicating the name of an institution or civic organization/association such as: clubs, fraternities, lodges, troops, etc., or signs for public buildings that is on the premises of public or semipublic facilities as follows:
    a. Is indirectly illuminated if in a residential area
8. Signs for structures allowed by special exception permit and not otherwise specified above providing the following:
    a. Shall not exceed 32 Square feet of sign area
    b. Shall only indicate the activity engaged in, the name and or owner of the establishment, and the hours of activity.
    c. Shall be indirectly illuminated.
    d. Shall be located on the premises of the special exception
        1. Council may agree to additional unlighted signs that are less than 4 square feet of sign area, are located within one mile of the establishment, and are specifically designed to provide directions to said establishment

F. Maintenance and removal of signs:
1. All signs must be maintained in good working order by the owner. Damaged signs must be repaired within 60 calendar days of the event that resulted in the damage.
2. Signs which are abandoned shall be removed within 60 calendar days of abandonment.
3. Signs and structures which do not conform to the regulations and restrictions as set forth in this article may be continued only so long as the existing use of the sign is not discontinued for more than two years, the sign is continuously maintained as stated above, and is not altered structurally in any way.
    a. If the sign or structure is damaged by any means to the extent of more than 50% of its assessed value at the time of the damage it must be brought into conformity with this current code.

G. Special exception permits for signs:

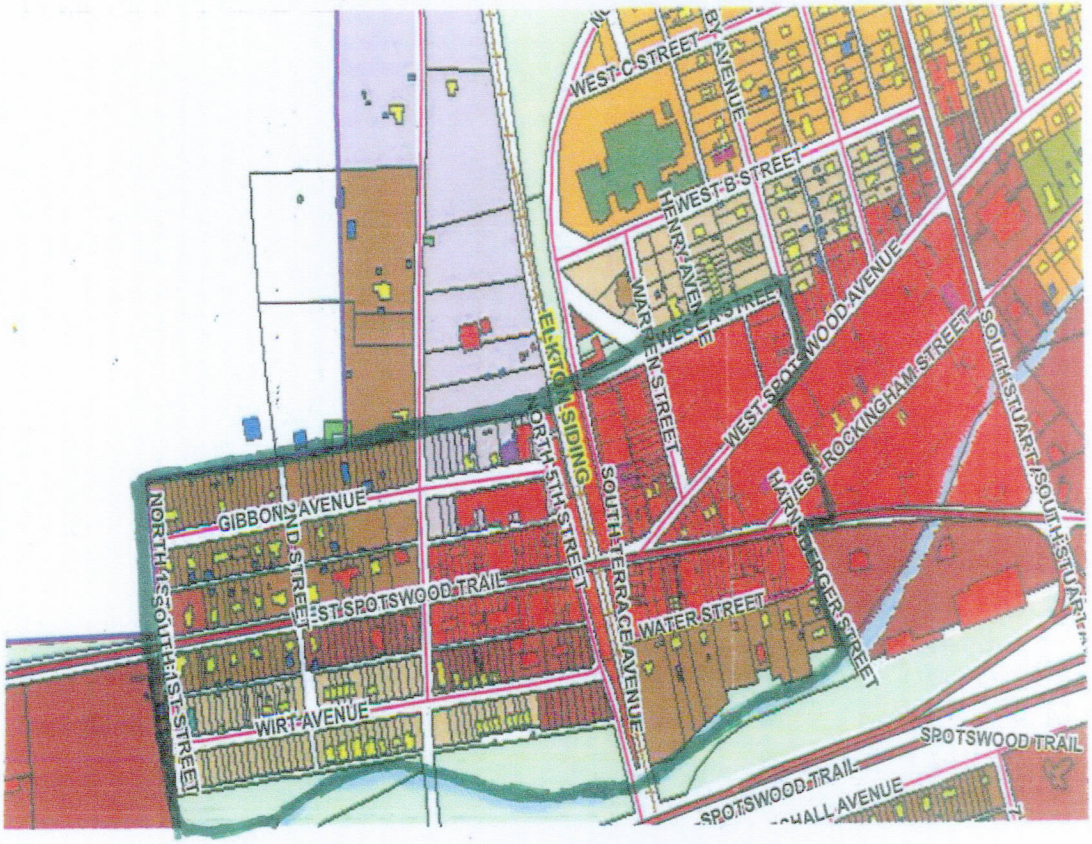
1. Upon proper application, and after following the process described in Section 110-802(C) herein, the Council may grant a special exception permit authorizing an otherwise permitted sign for a use which would normally be prohibited by this chapter. The permit may contain such conditions as the Council deems proper. Nevertheless, the Council restates it's holding that the substantive provisions of this Chapter are generally in the Town's best interests, and the Council anticipates that special use permits as authorized by this section will be appropriate only in unusual circumstances.

   a) There are no exceptions for the use of electronic message boards.

2. In evaluating the proposed special exception, the Council shall address the concerns outlined in 110-802(C) paragraph 5 herein:

3. Additionally, the Council shall address the following concerns that are specific to signs:
   a) Is the sign consistent with the architectural nature and character of the surrounding neighborhood
   b) The significance of the sign for the public good vs. the good of the neighboring land owners.

H. For remedies to violations of any regulations in this section refer to Article XI in chapter 110.


WEST C STREET
WEST B STREET
HENRY AVENUE
WARREN STREET
WEST SPOTSWOOD AVENUE
WEST ROCKINGHAM STREET
SOUTH STUART
ELKTON SIDING
NORTH 5TH STREET
SOUTH TERRACE AVENUE
HARNSBERGER STREET
GIBBONS AVENUE
WEST SPOTSWOOD TRAIL
WATER STREET
NORTH 1ST / SOUTH 1ST STREET
WIRT AVENUE
SPOTSWOOD TRAIL
SPOTSWOOD TRAIL

Sign Ordinance Discussion:

2. Promotional signs:
   d. Sign area does not exceed 10 square feet.
   Change to read "Sign area does not exceed 12 square feet."

The Planning Commission feels that when issuing special exception permits that everyone must see the big picture. What effect will voting to pass a special exception permit have on the community?

The Public Hearing for the revised sign ordinance will be held on March 19, 2012 at 6:30 pm. A meeting will be held immediately following to make a recommendation

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Committee:
Lead Members:

Category	Lead member
Residential 1-4, flood hazard, Yard Sales	*Madelyn Dixon*
Residential 5-6 (includes: Townhouse & Apts.)Agriculture	*Dan Talbot*
Residential 7-8, and Conservation	*Goldie Helsley*
Business, Industrial. Telecommunications	*Cathy Morrison*
Subdivisions	*Margretta Isom*
Sigs, Parking, Definitions, Streets and Alleys	*Cole McGregor*
Zoning Map, Annexation, Home Occupations, Non-conforming Uses, Fences and Exceptions	*Jason Blose*

Please reference the above table when you receive your agenda each month. Match up your category and be prepared to lead a group discussion on your selected subject if it appears on the agenda.

2012 Zoning Permits Issued YTD

Month	*Bus*	*Res*	*Singe Family*	*(duplex) single family attached*
January	2	3	0	0
February	5	4	0	0
March				
April				
May				
June				
July				
August				
September				
October				
November				
December				

The meeting adjourned at 8:45 pm. The next meeting is scheduled for March 19, 2012 @ 6:30 pm. A joint public hearing will be held in Council Chambers located at 20593 Blue & Gold Dr., Elkton Area Community Center.

Dan Talbot/Chairman

Cathy Morrison/Secretary