

**Planning & Zoning  
Public Hearing & Meeting Minutes  
April 16, 2012**

**ATTENDANCE:** Michael Fortner, Michael Dawson, Pete Reich, George Jack, Ray Ryan, Priscilla Turgon, Town Planner Mary Ann Skilling, and Planning & Zoning Coordinator Dianna Battaglia.

**Public hearing called to order at 6:30 p.m.**

**Introduction:** Zoning Ordinance Article XV Signs proposed changes

Ms. Skilling briefly read through the proposed changes (attached separately). A summary of proposed changes include:

- Reorganization for better flow of requirements.
- General regulations adds permit requirement as applicable in all districts; also, reference to additional requirements in the Highway Corridor Overlay District.
- TC and RM District add reference to Section 214 Development Standards for that district.
- C-2 District adds a section for developments that may be on a corner with additional road frontage that the number of signs may also be permitted as determined by the Planning Commission.
- Signs Containing Light add regulations for Electronic Message Signs consistent with State Highway Administration and Federal regulations.
- Require signs that overhang above public use be covered by a Public Liability Insurance Policy.
- Miscellaneous restrictions add a section to address no signs are placed on or about public property or within any public right-of-way.
- Multiple definitions added for further explanation and reference.

Discussion continued regarding new section 264, 7, F, and the designated square footage of three (3) square as large for in a window. This provision was added to allow business owners the ability to install small signs without having to come to the Planning Commission for approval and to prevent constant scrutiny by Code Enforcement. Traffic type signs are limited to four (4) square feet so that was used as a guide that three (3) was less intrusive. There were some concerns of what will happen along the highway if business owners are allowed to put up signs in their windows and you have every business do it. Even though it's a small size, it's still distracting.

Ms. Skilling commented I would rather have it as Code Enforcement, to follow the rest of the regulations.

Discussion continued regarding different types of indoor signs that could be installed. Flashing signs are prohibited now and any signs in violation would be addressed by Code Enforcement, if blinking it would need to be changed to a static display. The intent is not to have all these types of signs out there but to be able to allow a nice electronic sign, to achieve what the businesses want, to be able to demonstrate what they're selling or whatever through the electronic sign.

Mr. Dawson explained that our objective is to make sure businesses can have these types of signs in their window and not to have to come before this board for approval. Indoor signs such as "beer" or a symbol "beer bottle" is not considered an electronic message sign. There are many electronic signs available with many different size variations.

Discussion continued regarding flashing is not permitted under general regulations and indoor signs should not flash either. Mr. Ryan indicated there has been a lot of concern regarding flashing signs getting too much attention and becoming a safety hazard, and that's why we wanted the messages to remain static for ten (10) seconds before it changes to something else.

Motion made by Mr. Reich and seconded by Mr. Dawson to amend proposed 7. F. to read: All indoor electronic signs visible from a public right-of-way larger than two (2) square feet are subject to all conditions and standards of this ordinance. (After discussion there was no vote in favor and this motion failed.)

Discussion continued regarding indoor electronic signs. Any signs that run on electricity are considered electronic such as a neon sign that says "open". There are concerns that if it is less than two (2) square feet, it doesn't have to follow the conditions and standards of this ordinance. If it's less than that, it can be whatever it wants to be, however it still can't be flashing because no flashing is addressed under general regulations. There are signs available that would meet the square footage requirement but actually measure six inches by four feet, or three inches by eight feet, that would be visible from the highway, and these could be distracting. There are many examples of scrolling signs that are six inches high that go across to maybe twelve feet, they continually scroll and they are certainly visible from the road or highway, but those types are usually part of a monument sign. Ms. Turgon expressed concern about having any indoor signs that are flashing. Mr. Ryan commented I want all the signs to have to meet the same criteria, whether inside or outside, and I think the intent was if it's less than a certain size they didn't have to come here for approval. The inside signs should have to meet the same criteria as the outside signs; whether it flashes, how it lights, and the size. There is a safety concern that if there are signs in the window that are too large a passing police officer can't see what's happening inside and you should be able to observe what's happening inside a building.

Mr. Dawson indicated the new section 264. 7, F. materialized out of us trying to allow flashing, open signs where the people would not be fined if they had an open flashing sign. It's important to allow a business owner to have a flashing open sign or a flashing bud light sign or whatever the sign is, but is everyone saying they don't want indoor flashing signs of any type, of any size?

The majority of members agreed that is what they want, no flashing of any kind.

**Motion** made by Mr. Reich and seconded by Ms. Turgon to change the wording for 7. F. to read: All indoor electronic signs visible from a public right-of-way shall not be larger than **two (2) square feet and** are subject to all conditions and standards of this ordinance. Five (5) voted for; One (1) opposed (Dawson). **Motion Carried.**

(The ongoing discussion was ended.)

Mr. Reich stated to clarify, in 7. A. we have permitted electronic message signs as a freestanding/monument sign, but with more thought on that and in talking to Town Staff we should change to read "as part of" a freestanding/monument sign.

**Motion** made by Mr. Ryan and seconded by Mr. Reich to close the public hearing. **All in Favor. Motion Passed.**

**Meeting called to order at 7:30 p.m.**

**Motion** made by Mr. Reich and seconded by Mr. Dawson to change the wording in 7. A. to read: Permitted **as part of** a freestanding/monument sign in commercial district (C-2), or non-profit tax-exempt organization in other districts, with review by the Planning Commission to determine consistency with general provisions, scale, and character of the Town of Perryville. **All in Favor. Motion Passed.**

Discussion clarified any electronic message sign must be part of a freestanding or monument type sign only. The intent was to not have an electronic message sign up on a pole but it had to be part of a whole. All pictures that were used for examples during discussion were of monument type signs with the electronic message sign as a part.

**Motion** made by Mr. Reich and seconded by Mr. Dawson that the changes as modified tonight is forwarded to Mayor and Commissioners with recommendation for approval of the proposed changes to Zoning Ordinance Article XV Signs. **All in Favor. Motion Carried.**

#### **APPROVAL OF MINUTES:**

**MOTION** was made by Mr. Reich and seconded by Mr. Jack to approve the March 19, 2012 Planning & Zoning Meeting minutes as written. **All in Favor. Motion Passed.**

**Motion** made by Mr. Reich and seconded by Mr. Jack to adjourn the meeting at 7:45 p.m. **All in Favor. Motion Carried.**

Respectfully Submitted,

Dianna M. Battaglia  
Planning & Zoning Coordinator