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**SUMMARY NOTES**  
**ORANGE COUNTY PLANNING BOARD**  
**JANUARY 2, 2019**  
**ORDINANCE REVIEW COMMITTEE**

**NOTE: A QUORUM IS NOT REQUIRED FOR ORDINANCE REVIEW COMMITTEE MEETINGS .**

**MEMBERS PRESENT:** Lydia Wegman (Chair), At-Large Chapel Hill Township Representative; Alexander Gregory (Vice-Chair), Chapel Hill Township Representative; Randy Marshall, Bingham Township Representative; Hunter Spitzer, At-Large; Kim Piracci, At-Large; Adam Beeman, Cedar Grove Township Representative; Paul Guthrie, At-Large Chapel Hill Township; David Blankfard, Hillsborough Township Representative; Carrie Fletcher, Bingham Township Representative;

**STAFF PRESENT:** Craig Benedict, Planning & Inspections Director; Michael Harvey, Current Planning Supervisor; Tina Love, Administrative Assistant III

**AGENDA ITEM 1:** Call to Order and Roll Call  
Planning Board Chair Lydia Wegman called the meeting to order.

**AGENDA ITEM 2: UNIFIED DEVELOPMENT ORDINANCE (UDO) TEXT AMENDMENTS -SIGNS-** To review and discuss proposed amendments to the UDO regarding signs

**PRESENTER:** Michael Harvey, Current Planning Supervisor

Michael Harvey reviewed the proposed amendments to the UDO and provided background information. Mr. Harvey reviewed pages 4-6 of the abstract packet and guided the board through various changes to the language of the drafted ordinance.

Kim Piracci asked about the wording of 6.12.3 (1) and asked if the wording meant five-foot setback for signs off a road.

Michael Harvey responded, no, the sign setback was five feet of the edge of the right of way.

Kim Piracci asked for clarification.

Michael Harvey explained that with roadways you have a right of way in which a roadway is located. He clarified that Ordinance in Section 6.12.3 (1) requires signs to be a minimum of five feet from the edge of that right of way. It does not matter where the road is, the setback is measured from the edge of the right of way.

Alex Gregory commented so the right of way is larger than the road.

Michael Harvey agreed.

Craig Benedict stated that the road might only be 24 foot of pavement.

Michael Harvey agreed, but stated that if you have a 100-foot right of way, your sign has to be 5 feet from the edge of that right of way. He reminded the board that with public roads that is where your property line technically starts, at the edge of that right of way.

Kim Piracci questioned the legality of signs placed within five feet of a busy corner near her home.

55 Michael Harvey responded that she was correct in her thinking that the signs are illegally placed,  
56 but informed her that he had no legal authority to enforce regulatory standards in public rights of  
57 way. He advised that DOT had to remove those signs. The only exception under state law  
58 would be political signs.

59  
60 Kim Piracci mentioned that she was still seeing those as well.

61  
62 Michael Harvey stated that the county was unable to base a decision to remove a sign based on  
63 the content. He suggested that if he were to do that even with the currently ordinance language,  
64 litigation could arise and that they would likely suffer a loss.

65  
66 Kim Piracci mentioned that they were not under the law because of the content but their  
67 location.

68  
69 Michael Harvey replied because they were located within the right of way he had no authority  
70 under the ordinance to compel their removal.

71  
72 Paul Guthrie asked what about non-public roads.

73  
74 Michael Harvey acknowledged that that was actually covered by a different provision of the  
75 ordinance. He advised that it has to be set back out of all rights of way.

76  
77 Lydia Wegman questioned the timeline given in the section regarding flags 6.12.3 (G) (1).

78  
79 Michael Harvey replied that the deadline would be May of this year.

80  
81 Lydia Wegman asked if that would be made clear.

82  
83 Michael Harvey assured that the clock would not be reset.

84  
85 Lydia Wegman responded thank you, I just wanted to be sure.

86  
87 David Blankfard questioned how many days house sales signs could be placed.

88  
89 Michael Harvey stated that had not been determined yet. He replied that it was covered in page  
90 8 of the draft text. He stated that 30 days after the house is sold, it must be removed. Mr.  
91 Harvey reminded the board this was still a work in process but he felt it important to ensure  
92 members were exposed to the proposed reorganization and changes in standards to address  
93 content neutral sign regulations.

94  
95 Lydia Wegman asked Mr. Harvey to clarify that subsection 4 was for garage sales.

96  
97 Michael Harvey confirmed that the section addressed garage sales, yard sales, and anytime the  
98 home is open to the public.

99  
100 Lydia Wegman sought clarification on David's questions. She questioned whether temporary  
101 signs were defined somewhere.

102  
103 Michael Harvey asserted that they will be.

104  
105 Lydia Wegman responded but not yet.

106  
107 David Blankfard asked if a permit was required to place a temporary sign.

108

109 Michael Harvey replied, no, he stated that he was not interested in permitting these as they are  
110 already authorized by the ordinance.

111  
112 Lydia Wegman asked whether there would be a definition of what temporary consisted of.

113  
114 Michael Harvey responded, yes.

115  
116 Randy Marshall asked how to get the jurisdiction to tell someone that they can only put a sale  
117 sign for the house if they get a real estate agent.

118  
119 Michael Harvey responded with I don't and referred board members to review language in  
120 subsection (B).

121  
122 Randy Marshall replied but he still has to do the same timeline.

123  
124 Michael Harvey stated that the property has to be listed for sale and then 30 days after the sale  
125 has been contracted, the sign has to be removed. It is laid out that way to provide some  
126 distinction about who has the authority to say a property is or is not for sale instead of just  
127 saying real estate signs.

128  
129 Lydia Wegman questioned (D) (5) on page 8 regarding temporary signs during holiday periods.  
130 Her question was whether that related to holiday lights.

131  
132 Michael Harvey answered that it could be displays of Happy Holidays, Merry Christmas, or when  
133 lights are associated.

134  
135 Lydia Wegman replied but only five signs.

136  
137 Michael Harvey confirmed yes, and stated that that may change.

138  
139 Randy Marshall questioned if there had been any comment concerning the impact of this on  
140 houses of worship.

141  
142 Michael Harvey responded, no, because they are all going to be held to standards contained in  
143 this ordinance.

144  
145 Michael Harvey continued his presentation and resumed on prohibited signs, page 9.

146  
147 David Blankfard questioned whether Mr. Harvey was defining a sign as a placard that has words  
148 on it.

149  
150 Michael Harvey remarked that they have a current definitions that may have to be modified in  
151 order to ensure a content neutral sign ordinance.

152  
153 David Blankfard stated that they could use emojis now.

154  
155 Michael Harvey agreed and replied that any graphic display could convey a message, but they  
156 are unable to regulate what the message is. He stated that we are able to prohibit lude,  
157 lascivious, or offensive language, but where that particular fine line was drawn will be a topic  
158 hotly debated.

159  
160 Randy Marshall asked where do "no hunting" and "fishing signs" play in this.

161  
162 Michael Harvey replied temporary signs.

163

164 Randy Marshall commented that some put their signs up for years because they don't want their  
165 land --

166  
167 Michael Harvey remarked that they could do that because there was not time limit for some of  
168 the temporary signs.

169  
170 Randy Marshall asked so if somebody circled their property with "no hunting" signs every 25  
171 feet, that is allowable.

172  
173 Michael Harvey stated that there are actually state regulatory standards to establish how you  
174 are supposed to identify no trespassing on your property and that there's a provision in the  
175 proposed revised sign ordinance that says you can erect signage consistent with state law.

176  
177 Carrie Fletcher asked about signage on vehicles and trailers. She questioned if there were any  
178 compliance issues with it and if there was jurisdiction.

179  
180 Michael Harvey questioned whether she meant a big motorized sign in the right of way being  
181 driven.

182  
183 Carrie Fletcher replied with, yes. She mentioned seeing cars pulling trailers with big signs.

184  
185 Michael Harvey said, no and then commented that he did not think that they had any authority  
186 over those because of their mobility.

187  
188 Carrie Fletcher asked and if it's parked at a property.

189  
190 Michael Harvey stated that technically we would have to make an argument that it is by default a  
191 sign, but the next question is when a restaurant has catering van with a advertising material, is it  
192 a sign or a vehicle.

193  
194 Carrie Fletcher responded, exactly.

195  
196 Michael Harvey continued his presentation of the abstract by referring to page 10 and continued  
197 his explanation on prohibited signs. Mr. Harvey discussed the language regarding permit  
198 requirements and submittal requirements and the reasons for their recommendations. He  
199 explained that the subjects of expiration of permits, permit revocation, and maintenance had not  
200 been discussed as they are not believed to contain any content-based issues. Mr. Harvey then  
201 touched on signs regulations by district. He then stated that page 12 identified the cadence of  
202 how regulations would be established and listed it as; size, height, number, location,  
203 illumination.

204  
205 Lydia Wegman questioned the location of what page Mr. Harvey was referring to.

206  
207 Michael Harvey responded pages 11 and 12.

208  
209 Michael Harvey continued his presentation of the abstract and referred the board to the bottom  
210 of page 11.

211  
212 Lydia Wegman questioned the meaning of "face" in signs 16 sq. ft. in area per face.

213  
214 Michael Harvey replied sign face, specifically the area of the sign containing an advertising  
215 message.

216  
217 Lydia Wegman had a question regarding left out wording after setbacks located on page 12 (d).

218

219 Michael Harvey responded that it was because he did not have anything proposed yet.

220

221 Michael Harvey continued his presentation on the abstract and referred the board to pages 14-  
222 16.

223

224 Michael Harvey asked whether there were any concerns regarding the cadence or the manner in  
225 which the sign code would be revised.

226

227 Paul Guthrie questioned how it would be policed.

228

229 Michael Harvey replied that proceedings will be initiated as violations are found in accordance  
230 with provision 6.12 and Article 9 located in the enforcement provision of the (UDO).

231

232 Paul Guthrie commented that he asked because in some situations the owner may refuse it and  
233 then remarked that removal would probably take a warrant.

234

235 Michael Harvey stated that if there is an illegal sign on your property, you are issued a notice of  
236 violation and then have a certain time to bring it to compliance. If you refuse to do so, or appeal  
237 the decision, fines begin at about \$500 a day. If the first civil penalty is not paid in 10 days, the  
238 County Attorney's Office can take you to court and compel compliance.

239

240 Paul Guthrie commented that he believed it not to be good policy to enact something that is not  
241 enforceable.

242

243 Michael Harvey stated that his belief is that this will be more enforceable than the current code.

244

245 Michael Harvey advised the board that they will not be asked to approve this within the next  
246 month or two. He commented that the process would be long and stated that he envisioned at  
247 least one more ORC session with the board for drafts to be reviewed and commented on in  
248 preparation for a Planning Board Meeting. He stated that he envisioned at least six months  
249 before action would be taken.

250

251 Alex Gregory asked what issues Mr. Harvey thought the public might potentially have.

252

253 Michael Harvey replied that he didn't see any adverse reaction other than the number of signs.

254

255 Paul Guthrie recommending thinking about mail cart systems as they are federal property.

256

257 Michael Harvey mentioned that since that is technically in the right of way and since it is federal  
258 property that he did not believe that he had any enforcement or authority to begin with.

259

260 Adam Beeman asked about electronic billboards.

261

262 Michael Harvey mentioned that there are currently provisions on billboards and regulatory  
263 standards on how many times they can change in a given 24-hour period. He stated that they  
264 are currently existing and will still exist in this new ordinance. He remarked that time and  
265 duration could be regulated but not messages.

266

267 Kim Piracci questioned why the signs were not under Dillion's Rule and why the state was not  
268 mandating what the rules are.

269

270 Michael Harvey replied that the state has actually said that the local government is going to  
271 adopt the regulatory standards to address these issues, but they don't have to establish the  
272 parameters in which they do them.

273

274 Michael Harvey asked if there were any other questions.

275

276 David Blankfard asked if the ordinance would curtail or allow residential signage on their homes.

277

278 Michael Harvey replied that if it is offensive language then we have the authority to address it,  
279 but stated that it would be interesting to see how far the attorney's office goes in supporting what  
280 they consider to be non-content based standards. He stated that turning the side of your house  
281 into a billboard would be a wall sign and is prohibited as such.

282 Michael Harvey welcomed any further questions and then thanked the board.

283

284 ORC was adjourned through consensus