

**TOWN OF DUCK
PLANNING BOARD
REGULAR MEETING
April 9, 2008**

The Planning Board for the Town of Duck convened at the Duck Municipal Offices at 6:30 p.m. on Wednesday, April 9, 2008.

Present were Chairman Ron Forlano, Vice Chair Jon Britt, Joe Blakaitis, John Fricker and Claiborne Yarbrough.

Absent: None.

Also present were Director of Community Development Andy Garman, Council Liaison Dave Wessel and Permit Coordinator Sandy Cady.

Others Present: Olin Finch.

Chairman Forlano called to order the Regular Meeting of the Planning Board for April 9, 2008 at 6:31 p.m.

PUBLIC COMMENTS

None.

OLD BUSINESS

A. Discussion/Review of Proposed Sign Ordinance Amendments

Director Andy Garman was recognized to speak. Director Garman stated that the staff memorandum included a summary of the consensus of the Board from the March 12, 2008 meeting with regard to the definition of “porch sign” and the standard that would apply to it. He added that this definition was included in the draft ordinance that the Board had in their packets. He stated that the Board had come up with a standard for the height of porch signs. He stated that the Board had discussed amortization and agreed that the existing porch signs would be allowed to remain in place and not be subject to the amortization schedule until the sign was altered. He stated that the Board agreed to change the ordinance so that re-facing a sign would trigger compliance with the ordinance. He stated that the draft ordinance also had the suggested changes by Member Fricker from the last meeting. He stated that the Board would begin discussions on deck rail signs as there wasn’t a standard for them. He recommended that it reflect the standard similar to wall signage. He went on to show the Board and audience photos of signs that would and would not meet the standards in the draft ordinance.

Chairman Forlano stated he did not understand how railing sections were measured. He asked if a section of rail from a piling was used or if the whole rail was used. He noted that the ordinance had “linear feet of rail” and did not mention sections. Director Garman stated that staff was not worried about how wide each section of rail was, but was concerned about the linear footage of

the railing in relation to where the sign was. He added that he knew it was not clear but the intent was that it would not be cumulative. He stated that the idea was to limit the amount of signage people would see within each section of rail. Vice Chair Britt thought the language needed to be changed to be more clear.

Vice Chair Britt recommended that the maximum size and proportionality of signs be related to the architectural features (height and width of the railings to which they are attached). Member Fricker agreed with Vice Chair Britt's recommendation, but had a problem with the porch sign approach, where the allowable dimensions of signs were related to the form of the porch roof. He added that he saw the benefit and flexibility of Director Garman's recommendation but wondered whether the signs should be treated as more than just the name of a business. Director Garman thought the basic premise would be to treat these signs the same as wall signs (where they are limited to a percentage of the wall area to which they are attached). He stated that there has not been a real limitation on the size of these signs beyond the business signage limitation.

Member Yarbrough clarified that the signs would not have to be mounted in the center of a twelve (12) foot section. Director Garman stated it could be mounted anywhere within the twelve (12) foot section. Member Yarbrough clarified that two (2) or more signs could be together. Director Garman stated they could. He stated that the ordinance was not dictating how many signs could be together, but cumulatively there could not be more than ten (10) square feet of signage in any 12 foot section of railing. Member Yarbrough stated that she would like the area between the signs to be more robust and not clustered together. Vice Chair Britt pointed out that some signs were more directional in nature. He thought those types of signs should be clustered together. Member Yarbrough wondered if the Town was interested in having signs clustered together. Director Garman stated that as long as they were not more than ten (10) square feet, there could be 5 two (2) square feet signs clustered together if the Board wished. Member Yarbrough wondered if that was the look the Board wanted to achieve.

Member Fricker thought the Board should consider not having a sign be more than a certain percentage of the section. Vice Chair Britt agreed. Director Garman suggested not allowing more than a certain percentage within each section, but have at least a minimum sized sign within each section for corner situations. Member Fricker suggested that any sign erected within a given section be symmetric. Vice Chair Britt stated that he never had a problem with any of the signs in Town. Member Blakaitis agreed. Member Yarbrough stated that she liked the idea of a percentage as she felt it would be helpful.

Chairman Forlano suggested a combination of percentage and a limitation on the size of the sign. Member Blakaitis thought ten (10) square feet for a sign would be proportionate. Chairman Forlano felt if the larger signs were reduced to ten (10) square feet, they would look more attractive. Vice Chair Britt felt that if pickets were visible above and below a sign, it would be more attractive.

Member Yarbrough clarified that existing signs would not be enforced. Member Fricker thought they would be nonconforming. Chairman Forlano asked if an amortization should be put in place. Member Yarbrough and Member Fricker felt it shouldn't. Member Fricker thought it was an alternative approach. Director Garman asked the Board if they were moving in the same direction for wall signs as they did for porch and roof signs (not subjecting them to

amortization). Chairman Forlano stated that businesses change quite a bit and that this would generally move the Town towards compliance. Vice Chair Britt agreed and felt there should be consistency in the approach (that wall signs should not be subject to amortization). Director Garman thought free-standing signs were a different issue with regard to amortization as he felt they would proliferate or remain for an extended period of time if they weren't amortized.

Council Liaison Wessel stated that part of the concern on Council's part was the amortization. He noted that some businesses have made changes so they could go from nonconforming to conforming. He wondered if they had a right to expect other businesses that had not changed their signs to be called upon to do so. He thought that not requiring amortization would tell companies that have changed their signage that the Town was not enforcing the rules. Member Fricker agreed and noted that he was getting mixed messages. He thought that before staff went out to enforce any existing signs, they would figure out what they could do to moot the nonconforming situations. He stated that it showed him that there shouldn't be anything in the amortization schedule. He stated that he didn't know which way Council was thinking. He stated that he would like to tighten up the regulations as to when a sign needs to be replaced.

Member Yarbrough thought the Board had two (2) previous discussions regarding free standing signs and didn't feel there needed to be a third (3rd) one as she thought the Board was clear on it. Vice Chair Britt agreed that free standing signs were different than other signs. He thought wall signs would change more often than free standing ones. Director Garman noted that a lot of the free standing signs in Town have been brought into conformity.

Director Garman asked that if the free standing signs were the only signs left subject to amortization, would this be the appropriate balance between fairness and compliance. Permit Coordinator Cady thought there would be a balance as many of the existing businesses who have come into compliance have done so by addressing issues associated with their freestanding signs. She added that the Town has a grant program for the businesses to obtain help in fixing their signs. Chairman Forlano clarified that nonconforming business signs have until 2010 to conform. Director Garman stated he was correct. Chairman Forlano thought it was fair as the Town has given the owners so much on the other signs. He added that a lot of owners have taken on the expense to correct their free standing signs.

Olin Finch of 116 Sandy Ridge Road was recognized to speak. Mr. Finch asked if all free standing signs would have to be conforming by 2010. He asked if they would have to conform to standards for commercial signs or subdivision signs. Director Garman stated that there was a separate definition for subdivision signs in the ordinance. Chairman Forlano pointed out that a lot of the subdivisions have made corrections to their signs. He stated that as a matter of fairness, it would be logical to make everyone correct their signs. Director Garman stated that based on the definition in the ordinance, subdivision signs are freestanding signs and would have to be amortized along with freestanding business signs.

Vice Chair Britt asked if all of the subdivision signs have been measured. Permit Coordinator stated they have not, but noted that many were too big. Council Liaison Wessel agreed. Director Garman asked if there were any that were creating a sight distance issue. Permit Coordinator Cady thought there were only one (1) or two (2) that had potential issues. Olin Finch pointed out

that the Sandy Ridge subdivision sign was technically nonconforming because it was in the line of sight.

Chairman Forlano asked how vegetation around a sign was handled. Permit Coordinator Cady stated that the vegetation had to be maintained at a level that was below the sight distance triangle. Olin Finch asked if there was language in the ordinance that does not allow planting in the line of sight. Director Garman stated that a section of the ordinance states that nothing can be placed greater than three feet high that would obstruct sight distance at a driveway or street intersection. Mr. Finch felt there was a line of sight problem at the Tuckahoe subdivision entrance, but felt there was nothing that could be done about it. Member Yarbrough agreed. Chairman Forlano pointed out that the line of sight had nothing to do with what the Board was discussing. Mr. Finch agreed.

Chairman Forlano asked the Board how they felt about percentage and maximum size of picket (railing) signs. Vice Chair Britt stated he was in favor of it. Members Fricker and Yarbrough agreed. Chairman Forlano noted that the maximum size would be ten (10) square feet. He asked what the percentage should be. Member Fricker asked if the ten (10) foot was tied to a specific number of linear feet or tied to a railing section. He asked what a typical railing section was. Permit Coordinator Cady stated that they varied. Director Garman stated that there would not be many cases where the signs were more than ten (10) square feet. Olin Finch added that railings were usually forty-two (42) inches high. The Board discussed the issue and agreed that for each contiguous twelve (12) feet of railing, a maximum of ten (10) square feet or twenty percent (20%) of a sign area, whichever was less, would be allowed and the sign area would be twelve (12) feet times forty-two (42) inches.

Director Garman stated that the Board discussed two (2) separate terms in the ordinance that are being used synonymously. He stated that “arcade sign” is defined as a term but is not included elsewhere in the ordinance. He suggested changing the definition to replace the term arcade sign with “under canopy” sign since this is found elsewhere in the ordinance and essentially means the same thing. It was the *consensus* of the Board to make the change to the ordinance.

Director Garman stated that if a free standing sign was abandoned due to a business moving out, the property owner would have thirty (30) days to remove it. He asked if the same or similar standard should apply to wall or roof signs. Member Fricker thought it should apply to all signs. Member Yarbrough asked if thirty (30) days was too short of a timeframe. Director Garman stated that thirty (30) days was the shortest period he saw, but most places allow for ninety (90) days. Member Yarbrough asked if a longer period of time could be agreed upon. Vice Chair Britt thought it would be a lot to ask of an owner to take their sign down within thirty (30) days. Member Yarbrough suggested twelve (12) months or one (1) year. Member Fricker suggested differentiating between free standing and other signs in the ordinance. Chairman Forlano suggested twelve (12) months for freestanding signs. The Board agreed. Chairman Forlano clarified that it would be thirty (30) days for all other signs. Vice Chair Britt suggested sixty (60) days. Member Fricker suggested ninety (90) days. Member Yarbrough agreed. It was the *consensus* of the Board to require removal of all other signs within ninety (90) days of the date the business is terminated. Member Fricker suggested a change under “Abandoned Signs” to read: “...at the expense of the owner of the sign or of the property...”

Director Garman stated that open house and yard sale signs were put together in the ordinance. He suggested separating them to make these provisions easier to find. Vice Chair Britt stated he was fine with the suggestion. Director Garman and the Board went on to discuss minor changes they wanted to make to the draft ordinance.

Chairman Forlano asked Director Garman if he would come back with another draft of the ordinance at the next meeting. Director Garman stated he would.

NEW BUSINESS

None.

APPROVAL OF MINUTES

Planning Board Meeting March 12, 2008

Chairman Forlano directed the Board to review the minutes from the March 12, 2008 meeting. Member Fricker had changes to Page 3 and 9. Chairman Forlano had a change to Page 2.

Member Fricker moved to approve the minutes as amended. Member Blakaitis seconded.

Motion carried 4-0.

OTHER BUSINESS

None.

STAFF COMMENTS

None.

BOARD COMMENTS

None.

ADJOURNMENT

Chairman Forlano adjourned the meeting.

The time was 8:07 p.m.

Approved: _____
/s/ Ron Forlano, Chairman