

**OFFICIAL MINUTES
NORTHPORT PLANNING AND ZONING COMMISSION
REGULAR MEETING
TUESDAY, JULY 18, 2023**

The Planning and Zoning Commission met in a regular session at 6:00 p.m. on Tuesday, July 18, 2023, in the Council Chambers at Northport City Hall.

The meeting was called to order by Chairman Kevin Turner. Upon roll call the following members were found to be present: Mrs. Jennifer Hayes, Mr. David Kemp, Mrs. Tracey Kelly, Mr. Roland Lewis, Mr. Kevin Turner, Mr. Jason Ward, and Mr. Karl Wiggins. Absent and failed to vote were Mr. Ernest O'Rourke and Mr. Clay Randolph. Staff present were Mrs. Julie Ramm, Planning Director, Shaun Patten, Zoning Administrator, Meredith Mullins, Planner, Morgan Williams, Administrative Assistant, and Brad Matthews, Assistant City Engineer.

Chairman Kevin Turner introduced the board members and staff members to the public.

Approval of Agenda – Motion by Mr. Turner to approve the July 18, 2023, agenda. **Second by Mr. Kemp.** Roll call vote was as follows: Mr. Turner - Yes; Mr. Kemp – Yes; Mrs. Hayes – Yes; Mrs. Kelly – Yes; Mr. Lewis – Yes; Mr. Ward – Yes; and Mr. Wiggins – Yes. **Motion Carried.**

Approval of the Minutes – Motion by Mr. Wiggins to approve the June 13, 2023. **Second by Mr. Lewis.** Roll call vote was as follows: Mr. Wiggins – Yes; Mr. Lewis – Yes; Mrs. Hayes – Yes; Mr. Kemp – Yes; Mrs. Kelly – Yes; Mr. Turner – Yes; and Mr. Ward - Yes. **Motion Carried.**

Verification of No Conflict of Interest & Disclosure of Ex Parte Communication - None

Verification of Proper Notification – Mrs. Ramm confirmed proper notification was given. She stated that state law requires that notification to be sent out 5 days in advance and the notifications to the adjoining property owners were sent out 13 days in advance on July 6, 2023.

Information on Back of Agenda – Chairman Kevin Turner explained the meeting procedures on the back of the agenda.

OLD BUSINESS

- a. **S-10-23 The Townes at North Lake** – Courtstone, LLC requests Preliminary Plat approval of approximately 183 acres located east of Highway 69 and north of Hamnertown Road.

Mrs. Julie Ramm stated Courtstone, LLC requests preliminary plat approval for the Townes at North Lake located east of Highway 69 and north of Hamnertown Road. The plat consists of 30 lots. The total acreage of the property owned by Courtstone, LLC is approximately 183 acres, and they are requesting the following waivers: Master Plan, Minimum Front Setbacks, Cul-de-sac Length, Half- Street improvements and stub street. She stated the subdivision regulations requires a master plan for any developer presenting a preliminary plat who owns, leases, or has options to purchase 20 or more acres of additional contiguous property. Mrs. Ramm stated that the developer owns approximately 183 acres but is currently submitting a preliminary plat for 13 acres. Mrs. Ramm stated a master plan was submitted in May and July of 2022. However, the applicant withdrew both plans prior to the Commission meeting. She states a proposed master plan should show the

tentative layout for future development of the entire property and is intended to guide the Commission and the City in coordinating the phased development of large pieces of property. She stated if this waiver is to be granted, it would make it very difficult for the city to plan for a potential development of this size.

Mr. Turner stated that the commission should hear the Master Plan waiver before moving forward on the vote for preliminary plat approval. He stated this development would be done in phases with unknown future development, with an unknown number of lots and unknown infrastructure.

Mr. Ramm stated this was correct, this does not give staff the proper guide of the unknown plan for utilities, post office box cluster units, open space, all things that you would see in a Master Plan.

Mr. Wiggins asked if the commission would approve the waivers together with the preliminary plat case or vote separately. Mr. Turner stated that his thought would be we start with the Master Plan waiver and move from there.

Mr. Turner asked engineering to give more detail on the impact of not having a master plan for this development. Mr. Matthews stated it was important to know the number of lots for water and sewer. He stated that the layout of the lots would affect a lot. Mr. Matthews stated it is important for knowing of the size lines that will be needed for water and sewer for this development and for the infrastructure, elevation, and traffic impact study.

Jason Walker with TTL, LLC, 3516 Greensboro Avenue Tuscaloosa, AL, stated he was unaware of the master plan not being approved before the commission prior. Mr. Walker agreed with the commission that the master plan for this development is necessary and now is aware of the sewer study that has taken place. He stated that the developer proposed to the State the Highway 69 entrance. He stated last year the city stated that the sewer study would need to be done for this development. Mr. Walker stated that the study revealed that the capacity would hold up to 42 lots and they are currently proposing 30 lots. He stated this development and future development that they are wishing to bring to the commission in phases will mimic The Townes at Northriver, located in Tuscaloosa. Mr. Walker stated they do not know how to proceed on presenting a master plan due to the sewer capacity. He stated that if there is not enough sewer capacity for the lots, they will not be developed.

Mr. Turner stated that the master plan is essential and not knowing the future development is an issue.

Mr. Wiggins stated he has heard concerns from the County Commission on there being a single access to a county road and that there is no traffic study. He stated one will need to be done to ensure that the roadway will not have to undergo additional improvements.

Mr. Walker stated he agreed on the traffic study, and they are proposing to dedicate additional right-of-way for Hamnertown Road.

Chairman Turner opened the public hearing.

Carole Byars, 925 Hamnertown Road, stated she lives on Hamnertown Road, and that traffic is already an issue especially turning on Hamnertown Road from Highway 69. She stated that she is also concerned on the overall development, traffic and roads, and drainage issues for this development.

Josh Bell, 201 Francis Bell Road, stated he is interested in seeing a master plan for this development for his concerns of the overall development, setbacks for lots, runoff, and the intersection of Hamnertown Road and

Bell Drive. He stated he was told that the Hamnertown Road and Bell Drive entrance would only be a service road previously and the new plans show that Bell Drive will connect to Hamnertown Road. Mr. Bell stated he is also concerned about the runoff that was to be directed to run through the site of development, that this might be an issue for during heavy rains and will add to issues at Two Mile Creek.

With no one else to appear to speak on this matter, Chairman Turner closed the public hearing.

Mr. Walker addressed the public's concerns. He stated the runoff would be presented to the City and would go through approval. Mr. Walker stated that the request for setbacks was to accommodate driveways and side facing garages. He stated that a traffic study cannot be done until a whole plan is completed but was unsure of how to present a whole plan due to the infrastructure issue.

Mr. Ward asked engineering what the status of the infrastructure on this development. Mr. Matthews states the downstream of this is that the city completed a study last year downstream of this location. He stated that the study results show improvements will need to be made downstream. He stated this is a three-phase project, the third portion of this project phase is something that would affect this area.

Mr. Turner stated they should pull this specific waiver out and vote on it separately due to the preliminary plat being hinged on this one waiver.

Motion by Mr. Turner to approve the waiver for Master Plan for the Townes at North Lake. **Second by Mr. Kemp.** Roll call vote was as follows: Mr. Turner – No; Mr. Kemp – No; Mrs. Hayes – No; Mrs. Kelly – No; Mr. Lewis – No; Mr. Wiggins – No; and Mr. Ward – Yes. **Motion Failed.**

Motion by Mr. Turner to approve the preliminary plat for approximately 183 acres located east of Highway 69 and north of Hamnertown Road. **Second by Mr. Kemp.** Roll call vote as follows: Mr. Turner – No; Mr. Kemp – No; Mrs. Hayes – No; Mrs. Kelly – No; Mr. Lewis – No; Mr. Wiggins – No; and Mr. Ward – Yes. **Motion Failed.**

NEW BUSINESS

- a. **SP-4-23 Geo's Automotive** – Jonathan Ray requests Conditional Use approval to allow vehicle sales and to allow an automotive service station in a C-3 (General Commercial) zone for a business located at 3811 33rd Street.

Mrs. Julie Ramm stated Geo's Automotive is requesting Conditional Use approval to allow vehicle sales and to allow an automotive service station in a C-3 (General Commercial) zone for a business located at 3811 33rd Street. She stated the property adjacent to the north and west are zoned C-6 (Highway Commercial) and the properties to the south and east are zoned RM-2 (Residential Multi-family). Mrs. Ramm stated that since the property to the north of this site would be operated as part of the same business, the Commission could consider adding a condition that requires safe access between the properties to be approved by the City Engineer.

Mr. Turner asked the staff if this meets conditional use requirements. Mrs. Ramm stated yes.

Mr. JC Wilhite with Duncan Coker Associates, 302 Merchants Walk # 250 Tuscaloosa, AL, stated that the conditional use the petitioner has requested is for vehicle sales and automotive sales in a C-3 zone. He stated that they agree with the staff's recommendation on safe access for this property.

Mr. Turner asked if this would be compliant. Mrs. Ramm stated yes. Mr. Turner asked is there any issues with the safe access. Mrs. Ramm stated no.

Mr. Wiggins asked if the two parking lots would be connected. Mr. Wilhite stated they would be connected by sidewalk but would remain two separate parking lots.

Mr. Turner asked if this would have to appear back before the commission if they were to connect the parking lots. Mrs. Ramm stated it would have to.

Mr. Kemp asked the zoning for down 33rd Street. Mrs. Ramm clarified that the zoning was RM-2 (Residential Multi-family).

Chairman Turner opened the public hearing.

With no one appearing to speak on this matter, Chairman Turner closed the public hearing.

Motion by Mr. Turner to make a favorable recommendation to City Council on the Conditional Use for vehicle sales and to allow an automotive service station in a C-3 (General Commercial) zone with the condition of a safe access to be approved by City Engineer for the business located at 3811 33rd Street. **Second by Mr. Kemp.** Roll call vote was as follows: Mr. Turner – Yes; Mr. Kemp – Yes; Mrs. Hayes – Yes; Mrs. Kelly – Yes; Mr. Lewis – Yes; Mr. Ward – Yes; and Mr. Wiggins - Yes. **Motion Carried.**

b. **SP- 5-23 Linda Short** – Linda Short request special use approval to allow the placement of a mobile home residence located north of Charlie Shirley Road and east of Tom Taylor Road.

Mrs. Julie Ramm stated Linda Short has requested permission to place a manufactured home as an in-fill dwelling at a parcel located north of Charlie Shirley Road and east of Tom Taylor Road. She stated the property is zoned RS-1 (Single Family Residential). Mrs. Ramm stated the zoning ordinance requires the combined value of the manufactured home and property to be valued at 90 % or greater that the average appraised value of all adjoining properties. She stated per tax records the average is \$116,166.67 and based off the appraisal report and mortgage statement submitted by Mrs. Short values the land and manufactured home at \$110,785.21 which complies with the zoning ordinance.

Mr. Turner asked if there were other manufactured homes in this area. Mrs. Ramm stated yes there are some adjacent and down Tom Taylor Road.

Mrs. Linda Short, 3602 32nd Street Tuscaloosa, AL, stated that this is family land that she is wishing to move and hopes that her property will encourage surrounding neighbors to bring their property up to scale.

Chairman Turner open the floor for public comment.

With no one to appear to speak on this matter, Chairman Turner closed the public hearing.

Motion by Mr. Wiggins to approve the Special Use request to allow the placement of a mobile home residence located north of Charlie Shirley Road and east of Tom Taylor Road. **Second by Mr. Kemp.** Roll call vote was as follows: Mr. Wiggins- Yes; Mr. Kemp – Yes; Mrs. Hayes – Yes; Mrs. Kelly – Yes; Mr. Lewis – Yes; Mr. Turner – Yes; and Mr. Ward - Yes. **Motion Carried.**

- c. **S-11-23 The Residences at Moore's Bridge Pointe** – Morgantown Development Company, Inc requests Preliminary Plat approval for approximately 1.13 acres located west of US Highway 43 and south of Applewood Drive. **CONTINUED UNTIL AUGUST.**

No vote needed.

- d. **A-5-23 Thompson Family Limited** – Thompson Family Limited requests annexation of approximately 30.1 acres located north of Owen Parkway and east of US Highway 43, with the original zoning designation of RS-4 (Single Family Residential).
- e. **R-9-23 Thompson Family Limited** – Thompson Family Limited requests rezoning of approximately 3.33 acres located north of Owen Parkway and east of US Highway 43 from C-3 (General Commercial) to RS-4 (Single Family Residential).

Mrs. Julie Ramm stated that Thompson Family Limited has two items on the agenda that are a part of one development. She stated the petitioner has requested annexation of approximately 30.1 acres located north of Owen Parkway and east of US Highway 43, with the original zoning designation of RS-4 (Single Family Residential). She stated this property does meet annexation requirements. Mrs. Ramm stated the petitioner has also requested rezoning of approximately 3.33 acres that is currently zoned C-3 (General Commercial) to RS-4 (Single Family Residential). She stated that the adjoining property to the south is zoned C-3 and the property to the north and east is currently the case being petitioned for annexation with the zoning designation of RS-4. Mrs. Ramm stated the commission can hear the cases together but will need to vote separately.

Mr. Ward asked if we would have a survey of this property. Mrs. Ramm stated we have a legal description of this property.

Tom Sims with Longleaf Engineering, 432 65th Street, Ste. A Tuscaloosa, AL, stated the petitioner is requesting the annexation and rezoning. He stated this request is to continue a phase that would tie into Magnolia Hill subdivision to the west. Mr. Sims stated a couple of years ago the zoning classifications were changed. He also stated they are not proposing any lot changes with the future development.

Mr. Turner asked about the rezoning bordering the RS-1 and going directly going into the high density and if a preliminary plat had been submitted. Mr. Sims stated they will be providing a preliminary plat in the future based off the request being heard tonight.

Mr. Turner asked Mrs. Ramm if the zoning that Mr. Sims is talking about in this Magnolia Hills development could it carry over into this development. Mrs. Ramm stated that this was discussed with our staff and the Longleaf staff, and they have chosen RS-4.

Chairman Turner open the floor for public comment.

Chris Poling, 5109 Oak Way, asked based off previous discussion regarding anything over a certain acreage would require a master plan. Mr. Poling stated he was under the impression that a future RS-1 development was intended for this area. He stated that going from RS-1 to RS-4 seems to be extreme. He asked about the access to the neighborhood and that they were told this would be a future development of RS-1, not RS-4. He also stated he had concerns on the traffic.

Jamie Dykes, 4015 Frontier Street, stated many residences in her district have reached out to her regarding opposition to this development. She stated concerns of the high and low density and asked that more planning be done before approving this case.

With no one to appear to speak on this matter, Chairman Turner closed the public hearing.

Mr. Sims addressed the comments from the public and stated that a study for traffic is being done and that all issues with the development will be covered in a preliminary plat.

Mr. Ward stated that to get to a point on studies we must go through an approval process on this annexation and rezoning of this development.

Mr. Turner stated there would be RS-1 adjoining RS-4 zone and how do we guarantee this is what will happen. He stated we cannot put conditions on a rezoning case.

Motion by Mr. Turner to make a favorable recommendation to the City Council to annex approximately 30.1 acres located north of Owen Parkway and east of US Highway 43, with the original zoning designation of RS-4 (Single Family Residential). **Second by Mr. Ward** Roll call vote was as follows: Mr. Turner – No; Mr. Ward – Yes; Mrs. Hayes – No; Mrs. Kelly – No; Mr. Kemp – No; Mr. Lewis – No; and Mr. Wiggins – No. **Motion Failed.**

Motion by Mr. Turner to make a favorable recommendation to the City Council on the rezoning of approximately 3.33 acres located north of Owen Parkway and east of US Highway 43 from C-3 (General Commercial) to RS-4 (Single Family Residential). **Second by Mr. Kemp** Roll call vote was as follows: Mr. Turner – No; Mr. Kemp – No; Mrs. Hayes – No; Mrs. Kelly – No; Mr. Lewis – No; Mr. Ward – Yes; and Mr. Wiggins – No. **Motion Failed.**

Mrs. Ramm noted that Mr. Lewis has had to leave the board meeting and will not vote on the remaining cases.

f. **S-12-23 Clearlake Street Subdivision** – TBG Canetuck requests Preliminary Plat approval for approximately 1.35 acres located on the southside of Clearlake Street and east of Northwood Lake Drive East.

Mrs. Julie Ramm stated TBG Canetuck has requested a preliminary plat approval for Clearlake Street Subdivision located south of Clearlake Street and east of Northwood Lake Drive East. She stated the plat will combine two lots into one with a total acreage of 1.35. Mrs. Ramm stated the petitioner has requested waivers for dedication of right-of-way, half-street improvements and sidewalks. She stated the Commission can require sidewalk construction or payment into the sidewalk fund.

Mr. Wiggins asked if there were sidewalks in the area. Mrs. Ramm stated no.

Mr. Corder, 1307 25th Avenue, with TBG Canetuck stated they have requested to combine two lots into one for a residential single-family dwelling.

Chairman Turner open the floor for public comment.

Jana Morrison, 1801 Clearlake Street, stated that Clearlake Subdivision was grandfathered into the city, and this would lead to issues with infrastructure, the dam and culverts that are there now. She stated that continuing to do work in this area affects others. Mrs. Morrison stated that Mr. Corder is already working in the area and due to this work stress is already being shown. She stated that the dam is being to show stress marks and failing and the dam is located at the entrance to the proposed plat. Mrs. Morrison stated years ago a specialist spoke on the condition of the dam and structure and stated that residents living downstream would require low maintenance and no real threat. She stated we already have townhomes and residents there that are affecting the area. She also stated they had no time to prepare for this matter due to the lack of notification and asked the commission to table the case.

Daphne Pinion, stated she has done her research on the area, and this is a battle they have fault for over two years. She stated there are issues with clearing for utility lines. She also stated the dam is over 60 years old and does not need heavy machinery or concrete being carried over.

Kay Holden, 3010 Natchez Landing Court, represented the Northwood Lake HOA, requested that the Commission table the case to allow them to provide the Commission with more information on the damage this would bring to the area. She stated that the waivers being requested should not be allowed due to there are homes in the area with curb and gutter. She stated at first, the petitioner stated there were not going to be any waivers and now there are.

With no one else to appear to speak on this matter, Chairman Turner closed the public hearing.

Mr. Corder stated that they have not started any construction of a roadway on this property that there will only be a driveway to the residential home. He stated he let Mrs. Morrison know on June 11th that the case would be going to the Planning Commission for approval. Mr. Corder stated that the dam is owned by an association. He also stated that regarding the shoulders of the road they have been back filled and approved by the city for the requirements for the tie into utilities. Mr. Corder stated that this is a request for only one home.

Mrs. Hayes asked about the easement or the entrance into the family home. Mr. Corder stated that the property must have road frontage where the home is being built or an easement. He stated that building inspectors will not approve a permit without road frontage. He stated that he is fine with the easement but that would have to also be approved through this commission.

Mrs. Ramm stated that the code states an access easement can be approved by this commission where normal requirements cannot be met. Mrs. Ramm stated that by the combining the lots he would meet the normal requirements.

Mr. Corder stated that the city did not want additional right – of – way and there is no curb and gutter near nor are their sidewalks. He stated he would be happy to pay into the sidewalk fund.

Mr. Matthews stated that the dam is privately maintained, and it was counterproductive to require additional right – of – way. Mr. Matthews stated that the curb and gutter would cause significant changes and that it would be better to let the water run naturally. He stated that to the north of this property is the lake and to the south

there is a culvert for drainage. Mr. Matthews stated that sidewalks would limit the right – of -way but how it's handled is completely up to the commission.

Mr. Wiggins asked if the sidewalks in question would be along the dam. Mr. Matthews stated that it would be along the street that the petitioner is in possession of. Mr. Wiggins asked if there any plans on the side dam that it could support a sidewalk anyways. Mr. Matthews stated there is not enough room.

Mr. Kemp asked were the two lots where and about an easement on the property. Mr. Lewis showed the location to Mr. Kemp. Mr. Corder stated that if they needed to do an easement they will. Mr. Turner asked how this process would work. Mrs. Ramm stated it would come before the commission.

Mr. Turner stated that the public notification was sent out on July 6, 2023, which is 13 days prior to the meeting and the petition cannot be tabled by the Commission. The petitioner could ask for the item to be tabled.

Motion by Mr. Turner to make a motion to approve the Preliminary Plat requests of approximately 1.35 acres located on the southside of Clearlake Street and east of Northwood Lake Drive East with the waivers and to pay into the sidewalk trust fund. **Second by Mr. Ward.** Roll call vote was as follows: Mr. Turner – Yes; Mr. Ward – Yes; Mrs. Hayes – No; Mr. Kemp – Yes; Mrs. Kelly – Yes; and Mr. Wiggins – No. **Motion Failed.**

Mrs. Ramm stated per state law the Commission must provided the petitioner with the reasons why the motion failed.

Mrs. Hayes stated her concerns with intended use, with the tie in with the property and historical process, with this being adjacent to the townhome development.

Mr. Wiggins stated his concerns with the construction south of the dam and the stability.

g. **S-13-23 Southern Brew** – Charles Richard Yawn requests preliminary plat approval for approximately 0.67 acres located at 1211 20th Avenue.

Mrs. Ramm stated Charles Richard Yawn requests preliminary plat approval for Southern Brew Northport located at 1211 20th Avenue. She stated this will combine seven lots into one with the total acreage at 0.67 acres. Mrs. Ramm stated that they are requesting waivers for sidewalks, half-street improvements, right-of-way dedication and landscaping. She stated we have received a letter for ALDOT on the sidewalk waiver. Mrs. Ramm stated that the waiver is for sidewalks along 20th Avenue.

Eric Hamner with TTL, LLC 3516 Greensboro Avenue Tuscaloosa, AL, represented Mr. Charles Richard Yawn on the case.

Mr. Turner asked if they are only requesting to remove the interior lot lines and make this one lot.

Mr. Ward asked if there would be landscaping requirements. Mrs. Ramm stated that there would be in the construction plan phase of the project.

Mr. Wiggins asked if there were sidewalks on 20th Avenue currently. Mrs. Ramm stated there were not.

Motion by Mr. Turner to make a motion to approve the Preliminary Plat requests of approximately 0.67 acres located at 1211 20th Avenue with the approvals of waivers and to pay into the sidewalk trust funds. **Second by**

Mr. Wiggins. Roll call vote was as follows: Mr. Turner – Yes; Mr. Wiggins – Yes; Mrs. Hayes – Yes; Mr. Kemp – Yes; Mrs. Kelly – Yes; and Mr. Ward – Yes. **Motion Carried.**

h. AMD-02-23 City of Northport – The City of Northport proposes changes to the Zoning Ordinance Table 4-1 Allowable Uses and 4-3 Table of Dimensional Standards – Non-Residential Uses.

Mrs. Ramm stated the City of Northport is requesting an amendment to Table 4-1 Table of Allowable Uses to add “Hotel/motel” to the allowable uses in the Recreation zoning district. She stated that an amendment to Table 4-3 Table of Dimensional Standards for non-residential uses is also requested. Mrs. Ramm stated that this would establish maximum height and setbacks for the zoning district.

Chairman Turner open the floor for public comment.

With no one else to appear to speak on this matter, Chairman Turner closed the public hearing.

Motion by Mr. Wiggins to make a favorable motion to City Council to amend of the zoning ordinance on the changes to the zoning ordinance Table 4-1 Allowable Uses and 4-3 Table of Dimensional Standards – Non-Residential Uses. **Second by Mr. Kemp.** Roll call vote was as follows: Mr. Wiggins – Yes; Mr. Kemp – Yes; Mrs. Hayes – Yes; Mrs. Kelly – Yes; Mr. Turner – Yes; and Mr. Ward - Yes. **Motion Carried.**

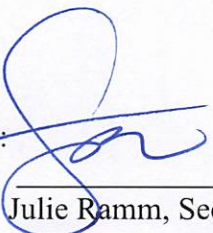
CITIZEN COMMUNICATIONS

DISCUSSION

Mrs. Ramm stated that the staff is currently reviewing the draft plans with the consultant. We have a meeting scheduled tomorrow, July 19, 2023, with Jason and we will know if the open house will need to be rescheduled.

XII. ADJOURNMENT – By voice vote the meeting was adjourned.

ATTEST:


Julie Ramm, Secretary


Kevin Turner, Chairman

**OFFICIAL MINUTES
NORTHPORT PLANNING AND ZONING COMMISSION
SPECIAL CALLED
TUESDAY, SEPTEMBER 21, 2023**

The Planning and Zoning Commission met in a special called session at 12:00 p.m. on Thursday, September 21, 2023, in the Council Chambers at Northport City Hall.

The meeting was called to order by Chairman Kevin Turner. Upon roll call the following members were found to be present: Mrs. Jennifer Hayes, Mr. David Kemp, Mr. Roland Lewis, Mr. Kevin Turner, Mr. Jason Ward and Mr. Karl Wiggins. Absent and failed to vote were Mrs. Tracy Kelly, Mr. Ernest O'Rourke and Mr. Clay Randolph. Staff present were Mrs. Julie Ramm, Planning Director, Mr. Chris Cunningham, Assistant City Attorney, Mr. Shaun Patten, Zoning Administrator, Ms. Meredith Mullins, Planner, Mrs. Morgan Williams, Administrative Assistant, and Mr. Brad Matthews, Assistant City Engineer.

Chairman Kevin Turner introduced the board members and staff members to the public.

Approval of Agenda – Motion by Mr. Turner to approve the September 21, 2023. **Second by Mr. Lewis.** Voiced roll call was given. **Motion Carried.**

Approval of the Minutes – none

Verification of No Conflict of Interest & Disclosure of Ex Parte Communication – none

Verification of Proper Notification – Mrs. Ramm confirmed proper notification was given.

Information on Back of Agenda – Chairman Kevin Turner explained the meeting procedures on the back of the agenda.

OLD BUSINESS

- a. **AMD – 03-23 City of Northport** – City of Northport request amendments to Article VIII of the Zoning Ordinance.

Mr. Chris Cunningham presented the case on updating the zoning ordinance regarding sign regulations. He stated that the overall objective in the update of the sign regulations is to remove content-based regulations which create constitutional issues, especially First Amendment issues related to free speech. Mr. Cunningham gave the commission examples comparing the current ordinance with the updated ordinance. Some of the

examples Mr. Cunningham presented were the restriction of flags to only “official” flags and the prohibition of signs “lettered in a crude or amateurish fashion.” Both of these content-based regulations were removed in the update. He stated that the updated amendment was completed with input from a sign ordinance expert. He stated that we removed exemptions for government signage, community events, and political signs. Political signs will be regulated as temporary signs. Billboards will be regulated as freestanding signs. He stated all freestanding signs are based on size. He stated we have ensured that all of our sign regulation criteria are based on objective standards. He stated that the “Purpose and Scope” section of the regulations was updated to include citation to an objective study relating to signs and traffic safety, which supports some of the specific regulations in the ordinance.

Mrs. Ramm stated that we did the time limit on issuing or denying a sign permit. Mr. Cunningham stated that the update clarifies that 30 days is the time limit for staff response. Mr. Wiggins asked if there is not a response within 30 days, does that mean the permit is approved. Mr. Cunningham stated yes, however, staff typically responds within the week. Mr. Patten stated that if the application is complete the typical turnaround is 3-4 business days. Mr. Cunningham stated that the 30 days is from when the application is complete.

Mr. Turner asked if this is a repeal and replace. Mr. Cunningham stated yes that this will completely replace Article 8 of the Zoning Ordinance. Mr. Turner asked if there were signs out there now that are currently compliant but will now be nonconforming. Mr. Cunningham stated yes and they will be grandfathered in. Mr. Turner asked whether someone who wanted to make changes to a nonconforming sign would need to bring the sign into conformity before the permit could be issued. Mr. Cunningham stated yes, that is correct. He stated someone could change the content of the sign, but if they change the structure then they will need to conform. Mr. Wiggins asked if there were examples of signs that are conforming under the current ordinance, but would not be conforming under the updated regulations. Mr. Cunningham stated that some wall signs and temporary signage would be good examples. He stated that if a temporary sign has been there for over a year it will need to conform with the sign ordinance under the updated regulations. Mrs. Ramm stated banners were a good example, since under the previous ordinance a premise was allowed four banners per year and the new ordinance will allow one banner for thirty days for the full one year. Mr. Turner asked if compliance falls on the property owner or the owner of the sign. Mr. Cunningham stated that it would be looked at as if they had permission from the property owner. Mr. Wiggins asked about City’s Community Events and PARA. Mr. Cunningham stated we would need to look at it and see if it would fall within the temporary sign category.

Mr. Turner asked whether, by not regulating content on signs, they can have profanity. Mr. Cunningham stated yes. Mr. Turner asked if the city is not regulating. Mr. Cunningham stated that we cannot decide what speech we like or not. Mr. Kemp stated on a temporary basis that by the time we get to it, it's normally handled but we are safe by this ordinance.

Mr. Lewis asked who would be enforcing this. Mr. Cunningham stated that would be code enforcement. Mr. Lewis asked if we are talking about a large number or a fraction of the signs that are not conforming. Mr. Cunningham stated he believes it to be a fraction. Mrs. Ramm agreed.

Mrs. Hayes asked if the experts have seen any positive outcomes or challenges that they gave any insight on. Mr. Cunningham stated we talked with them on a full ordinance update and the improvements. Mr. Cunningham stated they were able to give us examples of things that other municipalities have done, and they have had positive outcomes with.

Motion by Mr. Turner to make a favorable recommendation to the City Council on the amendment of Article VIII of the Zoning Ordinance. **Seconded by Mr. Kemp.** Roll call as follows: Mr. Turner – Yes; Mr. Kemp – Yes; Mrs. Hayes – Yes; Mr. Lewis – Yes; Mr. Ward – Yes; and Mr. Wiggins – Yes. **Motion Carried.**

CITIZEN COMMUNICATIONS

DISCUSSION

ADJOURNMENT – Motion by Mr. Turner to adjourn the meeting at 12:30 pm. **Seconded by Mr. Lewis.** Roll Called by voice vote the meeting was adjourned.

ATTEST:


Julie Ramm, Secretary



Kevin Turner, Chairman