

**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