

**NORTH RIDGEVILLE CITY COUNCIL
BUILDING AND LANDS COMMITTEE MEETING MINUTES
CITY COUNCIL CHAMBERS – 6:00 P.M.
MONDAY, June 19, 2023**

To Order and Pledge of Allegiance:

Chairman Clifford Winkel called the Building and Lands Committee meeting to order at 6:00 p.m. and led the Pledge of Allegiance.

Roll Call:

Members present: Chairman Clifford Winkel, Councilman Bruce Abens, and Councilwoman Holly Swenk.

Also present: Councilman Dennis Boose, President Jason Jacobs, Councilman Martin DeVries, Councilwoman Georgia Awig, Planning and Economic Director Kim Lieber, Mayor Kevin Corcoran, Community Services Director Tara Peet, and Assistant Clerk of Council Fijabi Gallam.

Action on Minutes:

Chairman Winkel asked if there were any corrections to the minutes dated April 5, 2022, and the Building & Lands Committee Meeting Minutes (Joint Work Session with Planning Commission) dated May 10, 2022. No discussion was offered. The minutes stand approved as submitted.

Discussion regarding T 60-2022:

T 60-2023 AN ORDINANCE PROVIDING FOR THE REPLACEMENT OF CHAPTER 1286 SIGNS OF THE NORTH RIDGEVILLE PLANNING AND ZONING CODE.
(Introduced by Mayor Corcoran; Planning Commission on 05-09-2023; First Reading on 05-15-2023; Public Hearing on 06-05-2023; Second Reading on 06-05-2023)

Chair Winkel remarked that the meeting is to discuss T 60-2023. The legislation was also discussed at the Planning Commission on May 9, 2023, which was approved by the Planning Commission with a 5-0 vote with the condition that the temporary sign duration was six months. There was also a Public Hearing on June 5, 2023, and there was no public comment. Chair Winkel asked the Planning and Economic Director, Kim Lieber, to provide a background on T 60-2023.

Planning and Economic Director Kim Lieber provided a little bit about the sign code update and shared that the sign regulation is a unique area of zoning that contains more requirements under the Constitution than other areas of zoning. Mrs. Lieber expressed that it is a little bit more complicated. Much of the current sign code dates from the 1980s, so a few amendments have been made since then. However, court cases in the last decade have fundamentally changed how signage is regulated by local governments across the country. In 2015, there's a landmark case - Reed versus Town of Gilbert - in the U.S. Supreme Court unanimously invalidated an ordinance by that City that treated signs differently based on the content the Town of Gilbert had created different standards for temporary signs that had information about a church service versus regulations for temporary signs that had political or other ideological messages. The big takeaway for planners was that sign regulations must be content-neutral. The City can't design ordinances to favor or disfavor certain types of speech.

Mrs. Lieber explained that there are some deficiencies in the City's code and began the audit and evaluation process in the year 2022. Ms. Presented an audit to the Planning Commission. The

audit discussed what the City wanted to get out of, an update on the areas that were critical to tackling, and then some other areas that maybe hadn't worked for the City as well in the past. For a few months, there were meetings internally with the Administration, the Law Department, and the Building department to review drafts and to see how they could make some improvements to the current code.

Mrs. Lieber added that the Planning Commission, in the course of their review, recommended some language changes for clarification purposes, tweaks to some of the additions to graphics, reduced the changeable copy percentage - originally proposed from 75% to 50% and added a six-month time limit for all temporary signs.

Chair Winkel asked if there were any questions from the committee.

Councilman Abens had questions pertaining to the temporary signs and limitations of what temporary signs. Mr. Abens believed that six months is too long and that 45 days is more than enough time for a temporary sign to be out. He noted that a political candidate who loses has no limitation as to when his sign has to be removed, so it stays up forever because he has no incentive to remove it. This is one of the reasons a time limit is needed.

Chair Winkel wanted to confirm that someone could put a political sign in their yard that's up to four feet tall, not more than eight square feet, and it could be there for six months.

Mrs. Lieber responded with a yes.

Chair Winkel is worried about political signs being there too long.

Mrs. Lieber explained that the number of signs or the same signs would be determined under a provision in the code that would prohibit multiple of the same signs. However, this is not going to be a valid distinction. The City would have to think about practical enforcement of the sign regulation. Mrs. Lieber added that the City shouldn't single out political signs and treat them differently from other types of religious signs or student and sports team-related signs. She understood the Council's interests and placed time limits. She explained that there are practical challenges in enforcing time limits on signs.

Councilwoman Swenk wanted to know if there is a width attached to the sign regulations.

Mrs. Lieber explained that there is no width, but there's a maximum amount of square footage that signs in residential districts shall be no more than four feet in height and non-residential districts could go up six feet in height. No individual yard signs could exceed 24 square feet when it comes to the non-commercial message.

Chair Winkel asked if there were any questions or discussions from the Mayor.

Mayor Corcoran explained the impracticality of enforcing some of the sign codes. He explained that it is hard to enforce the current 30-day rule for signs. He continued to add that the enforcement idea of putting limitations on signs is extremely difficult and finding evidence is difficult because no one truly knows when the sign first went up.

Chair Winkel asked if there were any comments from the City Council.

Chair Winkel remarked that he understood why the legislation was privately proposed without any time limits because of the enforceability and finding the evidence to the contrary of someone having the sign up too long. However, he believed something needed to be there for time limits. Mr. Winkel expressed that he thinks the way it's written is fine with him because there is something in the legislation that says you can't have it up permanently.

Councilwoman Swenk wanted to know at what point the City determines a person has a permanent sign if there are no time limits on temporary signs.

Mrs. Lieber explained that the definition of temporary signs also has to do with materials and construction standards. Generally, a temporary sign is something that could be removed easily.

Moved by Abens and seconded by Swenk to send T 60-2023 to City Council for consideration as submitted.

A voice vote was taken and the motion carried.

Yes - 3 No - 0

Adjournment:

The meeting was adjourned at 6:31 p.m.

Date Approved: October 16, 2023



Fijabi Gallam
Assistant Clerk of Council