

Town of Tyrone
Planning Commission Minutes
November 8, 2012

Present: Gordon Shenkle, Chairman
David Nebergall, Vice Chairman
Michael Sanak, Commissioner
Judy Jefferson, Commissioner
Chris Wigginton, Commissioner
Kyle Hood, Town Manager
Dennis Davenport, Town Attorney
Dina Rimi, Zoning and Development Coordinator

Call to Order

Chairman Shenkle called the meeting to order at 7:00 pm.

Approval of Agenda

Commissioner Wigginton made a motion to approve the agenda.
Commissioner Sanak seconded the motion; approved 4-0.

Approval of Minutes – October 25, 2012

Commissioner Jefferson made a motion to approve the minutes with minor corrections.
Commissioner Wigginton seconded the motion; approved 4-0.

Public Hearing

1. Discussion and Review of definition and requirements for Livestock

Ms. Rimi introduced this item by informing the members of the Planning Commission that she has incorporated all of the changes from previous discussions into the draft copies of Article I, Article VI and Article VII of the Tyrone Zoning Ordinance. Ms. Rimi requested that the Planning Commission review these changes prior to proceeding with a text amendment at the January 28, 2013 Planning Commission meeting.

Mr. Davenport suggested the wording in Article VI Section 6-17 should be rewritten to read "The keeping of livestock is only allowed in the Agricultural Residential Zoning District."

Mr. Davenport addressed Sec. 6-4 of the Tyrone Code of Ordinance regarding keeping fowl or livestock in the town. Mr. Davenport explained that since the keeping of livestock is governed in the zoning ordinance items (a) and (b) under this section can be omitted.

After a brief discussion the Planning Commission also decided to omit Section 6-4 in its entirety from the Tyrone Code of Ordinance and have it addressed in the Town of Tyrone Zoning Ordinance.

2. Discussion and review of the Town of Tyrone Sign Ordinance.

Ms. Rimi gave a brief history of this item that took place at the past Planning Commission meetings.

The Planning Commission discussed the problems with the enforcement of the Sign Ordinance since the Town does not have a Code Enforcement officer on staff. The Planning Commission discussed temporary signs and the abundance of them being placed around the Town. Mr. Davenport explained that a temporary sign is defined as the construction of the sign not the time that the sign is displayed.

Commissioner Wigginton asked Mr. Davenport if he has experienced the same problem in other municipalities and what did those towns do to address this issue? Mr. Davenport explained that the current sign ordinance addresses this issue, but the sign ordinance is not being enforced. Mr. Davenport went on to explain if the signs are in the right of way the Town has the right to remove these signs.

Commissioner Jefferson suggested that Mr. Hood send out a letter to the business owners that are in violation of the sign ordinance regulations. Commissioner Jefferson also suggested that the Planning Commission re-address the topic of hiring a code enforcement officer with the Town Council.

Mr. Hood expressed the fact that since there is no code enforcer on staff at the present time the job of code enforcement has been decentralized and this is problem with enforcing the current town ordinances. Mr. Hood stated that if there are problems brought to him regarding the sign ordinance he would be happy to address these regulations. Mr. Hood requested that the Planning Commission approach the Town Council in regards to hiring a code enforcement officer for the Town. Mr. Hood went on to explain that the Town has put additional duties and responsibilities on departments that are already understaffed and under resourced for example, he stated, that currently Ms. Rimi is the Planning and Zoning Coordinator; and if code enforcement is added to Ms. Rimi to be good she will need to be out in town looking for problems and due to being out of the office she could miss 3-4 contractors that may want to build and develop in the town.

Chairman Shenkle expressed his dissatisfaction with the fact that the Planning Commission has written ordinances that are not being enforced due to the fact that there is not a code enforcement officer on staff.

Mr. Hood explained that it is not the town's desire to make money off of people placing signs that are not in compliance with the zoning ordinance but to make sure that

businesses know that the Town has a sign ordinance and it is to protect our image and infrastructure

The Planning Commission requested that the changes to the sign ordinance be discussed again at the January 10, 2013 Planning Commission Workshop.

3. Discussion and Review of Planned Unit Development Conditions

Ms. Rimi explained that a request has been made by Commissioner Sanak to discuss this item. Commissioner Sanak expressed his concern in regards to a past rezoning having to do with an overlay in two meetings. Commissioner Sanak stated that the rezoning with an overlay should be able to be done in one meeting.

The Planning Commission discussed all of the locations of where the town currently has properties that are zoned with an overlay.

Mr. Davenport explained that the regulations were put in place with the plan that the Planning Commission would go back to examine these regulations in more depth at a later time. Mr. Davenport stated that Article 5 section 5-19 Planned Unit Development, of the Town of Tyrone Zoning Ordinance, explains the foundations of an applicant applying for a Planned Unit Development. Mr. Davenport goes on to explain that in order to get a Planned Unit Development an applicant would need to apply for a rezoning to a category under the Planned Unit Development. Mr. Davenport went on to explain that in order to apply for the overlay rezoning there is a process that the applicant will need to go through such as an initial meeting with staff.

Commissioner Sanak questioned if the staff and the Planning Commission already are aware that the applicant wants an overlay as an end result. Mr. Davenport explained that these two type of zonings are each a separate zoning district and that an applicant cannot request to rezone a property to an R-20 and an R-18 at the same time, this would be the same as rezoning a property to a CR-2 and a CR-2 with an overlay. Mr. Davenport explained that there are laws that govern how a rezoning is done.

Public Comments

None

Staff Comments

Ms. Rimi stated that the next meeting that is scheduled in December will be a mini retreat which will include policies and procedures for the Planning Commission and standards for re-zonings.

Commissioner Comments

None

Adjournment

Commissioner Wigginton made a motion to adjourn the meeting at 8:36 P.M.
Commissioner Sanak seconded the motion; approved 4-0.

Gordon Shenkle- Chairman

Attest:

Dina Rimi- Zoning and Development Coordinator