

Town of Boone
Planning Commission Special Meeting
6:00 PM, Apr. 17, 2023
WebEx

This meeting will be held via WebEx, a video conferencing software. Individuals who wish to watch the meeting or speak during public comment can do so through WebEx either online or by phone. Please email jane.shook@townofboone.net or call 828-268-6960 and you will be provided with an invite to the meeting. All requests for participation must be completed by 5:00 PM on the day of the meeting. Staff will moderate the WebEx session to ensure all participants have an opportunity to speak. Individuals who require user assistance registering or joining the WebEx meeting can call 828-268-6960 for support.

I. Call to Order

II. Public Comment

III. Case PL05781-061322 Signs - UDO Text Amendment

Case PL05781-061322 Revised Staff Report

Meeting Minutes - January 23, 2023

Draft Meeting Minutes - March 20, 2023

IV. Adjournment



STAFF REPORT
PUBLIC HEARING
SEPTEMBER 26, 2022
Case PL05781-061322 Signs - UDO Text Amendment

Request

The Town of Boone has proposed amendments to UDO Article 26 Signs and Article 34 Definitions to revise and modernize sign regulations. Numerous changes have been made to the regulations in order to be compliant with statutory requirements, case law and the need to modernize the language. Staff and the Town Attorney will provide additional details during the presentation of the case at the public hearing.

Please note, amendments may also be made to other Articles to conform them to changes made in this case.

3/20/2023 Revision Notes: This Staff Report has been amended since first publication to address concerns and comments made at the original public hearing in January 2023. Revisions include:

- Prior Staff notes within the document have been erased (one Staff Note added for discussion of window signs)
- Text presented in Exhibit A is final proposed text and presented without underlines or strikethroughs.
- See Exhibit A for pedestrian scale exhibit of monument type signs.

4/17/2023 Revision Notes: This Staff Report has been amended to reflect changes discussed at the 3/20/2023 public hearing with deletions and additions shown in ~~red~~ and blue respectively.

CONFORMITY TO ADOPTED PLANS

COMPREHENSIVE PLAN UPDATE

1.1 Overall Objectives for the Boone Comprehensive Plan (p. 15):

The following objectives, which have not been listed in any particular order of importance, are deliberately broad in scope and less specific than either a policy statement or an implementation action.

Economic Development: Acknowledge the area's natural beauty, university, and medical center presence as the Town's greatest assets for economic development and jobs creation. Treat them accordingly.

Community Appearance and Community Character: Blend the built environment with the natural, scenic, and historic character of a High Country small town. Especially discourage commercial strip development, cluttered signage, and "cheap" apartment buildings.

Open Space: Integrate open space and greenways into the urban fabric of the Town. Preserve the countryside by discouraging suburban sprawl. Avoid development in floodplains, on ridgetops, and on steep slopes.

Environmental Quality: Address and monitor growth factors and activities that contribute to water, air, light, and noise pollution.

Trees: Conserve existing trees and plant new trees, especially hardwoods.

Automobile Transportation: Maximize the efficiency of existing facilities, but not at the expense town and neighborhood character and livability. Build or expand transportation facilities and parking areas as needed, but with care. Work to reduce auto dependency, use, and congestion.

Bikeways: Implement the planned system of bikeways as a legitimate transportation alternative. Unify with greenways and other pedestrian facilities where possible.

Mass Transit: Enhance and support the mass transit system as an effective alternative to the congestion created by the individual automobile.

Pedestrian Movement: Encourage a system of sidewalks, paths, crosswalks and compact development patterns which make it easy to get around Boone on foot.

Infrastructure: Engage in long range planning for water and sewer systems, stormwater runoff, natural gas, and other utility systems. Place overhead utilities underground whenever feasible.

Public Safety: Maintain a high level of policing and fire protection and plan the expansion of public safety services to coincide with projected population increases and identified needs.

Energy and Waste: Reduce waste generation, and the consumption of energy and water. Develop area recycling programs to the fullest. Encourage an anti-litter consciousness among residents and visitors.

University: Emphasize cooperative planning among the Town, County, and University.

Downtown: Support and enhance the cultural and historic significance of downtown Boone, and affirm its appealing, pedestrian orientation.

Recreation: Strive for additional public recreation facilities, especially sports fields, greenways and indoor recreation centers.

Neighborhoods: Ensure the livability of neighborhoods, especially through land use and traffic planning.

Public Involvement: Encourage active public involvement and volunteerism to expand the effectiveness of community planning and action.

Comprehensive Plan Policies: Staff has reviewed land use and comprehensive plan policies, and listed those policies which in staff's opinion have a bearing on the request. The Commission and Council should review these policies carefully. Each member may make his or her own interpretation as to the relevance of each and which carry the most weight thereby shaping their overall recommendation.

COMPREHENSIVE PLAN POLICIES

2.1 THE ECONOMY

2.1.1 Economic Development

- A. The Town shall protect and enhance a high quality of life, image, cultural amenities, and natural beauty as the most effective, long term component of an economic development strategy.
 - A.1 Continue to evaluate and amend development regulations to help insure aesthetic quality in the area and preserve the natural beauty of the area.
 - A.2 Adopt analytically sound, technically based hillside development regulations to preserve natural beauty.
 - A.3 Support the Arts Council, Jones House, ASU and others in attracting quality cultural events to Boone.
 - A.4 Balance the benefits of economic development projects with special concern for environmental quality issues.

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2.3 THE COMMUNITY

- A. Urban type development within the Urban Growth Area shall meet appropriate Town standards.

A.1 Establish minimum architectural design standards for commercial development throughout the Town.

2.3 THE COMMUNITY

2.3.1 Community Appearance

- A. Measures to improve the effectiveness of grading, landscaping and buffering standards for new and existing developments shall be encouraged.

A.1 Establish minimum architectural design standards for commercial development throughout the Town.

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- D. Sign policies and standards shall be periodically updated to enhance community identity and create a high quality business image.

D.1 Conduct a review of the Town's sign regulations with the goal to have a long term policy consistent with the appearance of the High Country, including greater use of ground signs and directory signs.

2.3.2 Community Character

- E. New development, redevelopment and rehabilitation of structures and sites shall occur in a manner which is consistent with the neighborhood and architectural context of the immediate area, and supportive, whenever possible, of Boone's original community character as a High Country small town.

PLANNING BOARD REPORT/RECOMMENDATIONS

Per NCGS 160D-604(b), subsequent to initial adoption of a zoning regulation, all proposed amendments to the zoning regulation or zoning map shall be submitted to the Planning Commission for review and comment. If no written report is received from the Planning Commission within 30 days of referral of the amendment to that board, the Town Council may act on the amendment without the Planning Commission report. The Town Council is not bound by the recommendations, if any, of the Planning Commission. Per NCGS 160D-604(d), when conducting a review of proposed zoning text or map, the Planning Commission shall advise and comment on whether the proposed action is consistent with any comprehensive plan that has been adopted and any other officially adopted plan that is applicable. The Planning Commission shall provide a written recommendation to the governing board that addresses plan consistency and other matters as deemed appropriate by the Planning Commission, but a comment by the Planning Commission that a proposed amendment is inconsistent with the comprehensive plan shall not preclude consideration or approval of the proposed amendment by the governing board.

Vote 1: The proposed amendment to the Town's zoning ordinance ☐is OR ☐is not consistent with the Town's comprehensive plan and any other adopted plan(s) of the Town:

Note 1

Vote 2: The Planning Commission recommends ☐approval OR ☐denial of Ordinance # PL05558-030922 within in Exhibit A and believes ☐approval OR ☐denial is reasonable and in the public interest because:

Note 2

Note 1: describe elements of controlling land use plans and how the amendment is or is not consistent. Town Council members may reference the comprehensive plan policies in the Planning Commission's recommendations, or use the other comprehensive plan policies as the Council member see relevant and pertinent to the case.

Note 2: briefly explain why, factors may include (i) the size, physical conditions, and other attributes of the area proposed to be rezoned, (ii) the benefits and detriments to the landowners, the neighbors, and the surrounding community, (iii) the relationship between the current actual and permissible development on the tract and adjoining areas and the development that would be permissible under the proposed amendment; (iv) why the action taken is in the public interest; and (v) any changed conditions warranting the amendment.

TOWN COUNCIL ACTION – Adoption of Ordinance

Per NCGS 160D-605, when adopting or rejecting any zoning text or map amendment, the Town Council shall approve a brief statement describing whether its action is consistent or inconsistent with an adopted comprehensive plan. The requirement for a plan consistency statement may also be met by a clear indication in the minutes of the governing board that at the time of action on the amendment the governing board was aware of and considered the planning board's recommendations and any relevant portions of an adopted comprehensive plan.

Vote 1: The proposed amendment to the Town's zoning ordinance ☐is OR ☐is not consistent with the Town's comprehensive plan and any other adopted plan(s) of the Town:

Note 1

Vote 2: The Town Council ☐approves OR ☐denies Ordinance # PL05558-030922 and believes ☐approval OR ☐denial is reasonable and in the public interest because:

Note 2

Note 1: describe elements of controlling land use plans and how the amendment is or is not consistent. Town Council members may reference the comprehensive plan policies in the Planning Commission's recommendations, or use the other comprehensive plan policies as the Council member see relevant and pertinent to the case.

Note 2: briefly explain why, factors may include (i) the size, physical conditions, and other attributes of the area proposed to be rezoned, (ii) the benefits and detriments to the landowners, the neighbors, and the surrounding community, (iii) the relationship between the current actual and permissible development on the tract and adjoining areas and the development that would be permissible under the proposed amendment; (iv) why the action taken is in the public interest; and (v) any changed conditions warranting the amendment.

ORDINANCE # PL05781-061322

**AN ORDINANCE TO REVISE ARTICLES 23 AND 34 OF THE TOWN OF BOONE UNIFIED DEVELOPMENT
ORDINANCE RELATING TO SIGNS**

WHEREAS, the Boone Town Council desires to revise and modernize the requirements for signs;
and

WHEREAS, the Boone Town Council held a duly-noticed public hearing on March 26, 2022 with
respect to this ordinance; and

WHEREAS, the Boone Town Council has taken into full consideration any information offered at
the public hearing; and

WHEREAS, this Town Council has reviewed the written recommendations of the Town of Boone
Planning Commission; and

WHEREAS, the Boone Town Council is authorized to enact this Ordinance pursuant to its zoning
authority under G.S. Chapter 160D, Article 6;

NOW THEREFORE, BE IT ORDAINED BY THE BOONE TOWN COUNCIL THAT:

SECTION 1. Articles 26 and 34 of the Town of Boone Unified Development Ordinance (“UDO”) is
hereby revised as set forth in the attached **Exhibit A** to this Ordinance, which is
incorporated by reference:

SECTION 2. All provisions of any Town ordinance in conflict with this ordinance are hereby repealed
to the extent of such conflict.

SECTION 3. In the event any section, subsection, subdivision, paragraph, subparagraph, item,
sentence, clause, phrase or word of this ordinance is declared or adjudged to be invalid
or unconstitutional, such declaration or adjudication shall not affect the remaining
provisions of this ordinance, which shall remain in full force and effect as if the portion so
declared or adjudged invalid or unconstitutional was not originally a part of this
ordinance.

SECTION 4. This Ordinance shall be effective immediately upon its adoption by Town Council.

Adopted this the 10th day of May, 2023.

The Honorable Tim Futrelle, Mayor

Attest:

Nicole Harmon, Town Clerk

Communication: Case PL05781-061322 Revised Staff Report (Case PL05781-061322 Signs - UDO Text Amendment)

EXHIBIT A**Article 7 Nonconformities**

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7.05 Nonconforming Situation**7.05.01 Alteration of a Nonconforming Situation:**

- A. Subject to Subsection 7.05.06, a nonconforming structure may be altered so long as no new nonconformity is created nor existing nonconformity increased.

7.05.02 Development requiring compliance with UDO:

- A. Cost of development as referenced herein shall be measured by adding together the costs that will be incurred in all development activity as proposed, together with the development activity other than normal maintenance and repair that has been permitted within the prior thirty-six (36) months.
- B. All new structures or portions of structures must comply with all Ordinance requirements. However, when a nonconforming structure is destroyed or damaged by fire, flood, wind, other act of God, the structure may be repaired or restored to its original dimensions and conditions as long as the structure is not located in a Floodway or Special Flood Hazard Area, a building permit for the repair or restoration is issued within one (1) year and the structure is occupied within two (2) years of the date the building permit is issued.
 - 1. A nonconforming structure damaged by other cause to such extent that repair, reconstruction or restoration is expected to cost more than fifty percent (50%) of the total value of the structure, must be removed.
- C. Compliance of existing development with the requirements of the Ordinance shall be triggered by the costs of proposed new development (excluding any costs associated with improvements made due to compliance with this Section) in accordance with the following tiers. The Administrator may require certification of the new development by a competent professional. The following tiers are cumulative in effect:
 - 1. **Tier 1:** Reconstruction, modification and alteration of a structure or development in which the cost is certified to exceed ten percent (10%) of the value of the development shall comply with the following, to the extent practicable:
 - a. Bicycle parking in accordance with Section 24.09.
 - b. Landscape improvements pursuant to Section 31.09 Screening Along Streets with a priority given to large deciduous trees.

2. **Tier 2:** Reconstruction, modification and alteration of a structure or development in which the cost is certified to exceed twenty-five percent (25%) of the value of the development shall comply with the following, to the extent practicable:
 - a. Solid waste and recycling containers pursuant to Section 22.13.
 - b. Signs pursuant to Article 26.
 - c. Color requirements in accordance with Subsection 25.02.05.
 - d. Lighting in accordance with Section 25.05.
 - e. Landscape improvements pursuant to Section 31.06 Buffer and Screen Requirements with a priority given to large deciduous trees.
3. **Tier 3:** Reconstruction, modification and alteration of a structure or development in which the cost is certified to exceed fifty percent (50%) of the value of the development shall require compliance with the following, to the extent practicable:
 - a. Drainage and stormwater requirements pursuant to Article 21.
 - b. Pedestrian circulation and sidewalk requirements pursuant to Section 23.08.
 - c. Parking requirements pursuant to Article 24.
 - d. All other requirements of Article 25 Community Appearance Standards.
 - e. All other requirements of Article 31 Landscape Standards.
 - f. Corridor District requirements pursuant to Article 14.
4. **Tier 4:** Reconstruction, modification and alteration of a structure or development in which the cost is certified to exceed seventy-five (75%) of the value of the development shall require compliance with all requirements of the UDO unless compliance is impossible, provided this section shall not require replacement of or substantial change to a façade that is in good condition.

(Ord. PL04727-050721, 07-01-2021)

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Article 26 Signs

26.01 Applicability

- 26.01.01** All signs constructed, installed, modified, moved, painted or replaced shall comply with the standards of this Article, whether such signs do or do not require a sign permit.
- 26.01.02** Signs shall only be placed on private property with the permission of the owner, whether such signs do or do not require a sign permit.

26.01.03 Any sign permitted by these regulations may display or publish a noncommercial message, whether such signs do or do not require a sign permit.

26.01.04 No sign or sign structure shall be subject to any limitation based upon the viewpoint of the message contained on such sign or displayed on such sign structure. The regulations of this Article are not intended to favor commercial speech over constitutionally-protected political or noncommercial speech. A sign containing a noncommercial message may be substituted for any sign containing a commercial message that is allowed by the regulations of this article.

26.01.05 Transitional Provisions

A. Subject to Subsection 7.05.02(C)(2), all permanent signs legally erected prior to (insert effective date) may remain in place and in use, subject to the requirements set forth in Subsection 7.05.02(C)(2).

1. An existing sign containing electronic/digital copy is required to come into compliance with the requirements set forth in Subsection 26.06.07 by January 1, 2024 unless compliance is not possible based on the technical limitations of the sign.

~~1.2.~~ All window signage is required to come into compliance with the requirements set forth in Subsection 26.06.08(F) by January 1, 2024.

B. All violations of this Article in effect prior to (insert effective date) shall remain violations of the Ordinances of the Town and all penalties and enforcement remedies set forth hereunder shall be available to the Town as though the violation were a violation of this Article. However, if the effect of this Article is to make a sign that was formerly nonconforming become conforming, then enforcement action shall cease.

26.02 Permit and Inspections Required

26.02.01 Unless otherwise specified, the construction, installation, modification, movement, or replacement of any sign requires a sign permit.

26.02.02 All signs shall be constructed and installed in accordance with the applicable provisions of the North Carolina State Building and Electrical Codes.

26.02.03 Except for temporary signs, upon notification of completion by the applicant, the Planning and Inspections Department shall make a final inspection of the sign to verify compliance with the permit and all applicable codes.

26.03 Maintenance

26.03.01 All permanent signs shall be maintained in good structural condition, firmly affixed to the ground, a building, or other support structure by direct attachment, and in compliance with all building and electrical codes.

26.03.02 The following maintenance activities do not require a sign permit:

- A.** Normal maintenance and repair of a sign, including such activity as painting, cleaning, and similar activities.
 - 1. Exception: The following activities are not considered normal maintenance or repair: structural changes, changes in the electrical components of the sign, an increase in any sign dimension, or changes in the location of a sign.
- B.** Changing or replacing the sign face within an existing sign structure so long as no electrical or structural changes are made to the sign structure and the size of the sign face is not increased.
- C.** Changing the copy of a changeable message component of a sign.

26.04 Enforcement; Removal of Certain Signs

26.04.01 Enforcement of this Article is addressed in Article 12 Enforcement.

26.04.02 Any temporary sign deemed to create a traffic hazard or otherwise pose a threat to public safety shall be removed at the direction of the Administrator.

26.04.03 Any temporary sign placed in the public right-of-way in violation of this Article shall be deemed a public nuisance and may be seized by the enforcement official or other representative of the Town, and the person owning or placing the sign may be charged both with a violation of this chapter and with the cost of removing and disposing of the sign.

26.04.04 Removal of signs not in use or abandoned

- A.** Property owners shall be responsible for removing any abandoned sign or sign structure or signage not in current use within the time frames noted below. Removal shall include all sign support components and shall include repair to conceal any and all damage to any property resulting from the removal of the discontinued sign.
 - 1. Within ninety (90) days, sign copy shall be removed from a sign or sign part as to which the advertised business, goods, service, or use has permanently or indefinitely ceased;
 - 2. A sign structure that has been permanently or indefinitely abandoned shall be removed within 12 months of the commencement of such abandonment.
 - 3. Signs that are associated with seasonal establishments such as ski shops, Horn in the West, etc. shall not be considered not in use or abandoned provided there is clear intent to continue in the coming season.

26.04.05 Materials

- A. Unless otherwise specified, permanent signs shall be constructed of brick, wood or simulated wood, stone, concrete, metal, plastic, or high-density urethane (HDU) foam board or similar durable foam construction.
- B. Unless otherwise specified awning signs may also be constructed of durable weather resistant material such as canvas, nylon, or vinyl-coated fabric held taut between sign framework.
- C. Unless otherwise specified, temporary signs shall be made of canvas, nylon, vinyl-coated fabric or similar weatherproof materials

26.05 Prohibited

26.05.01 Signs that are not expressly allowed under these regulations are prohibited. Without limiting the foregoing, the following sign and sign structures are specifically prohibited:

- A. Abandoned signs
- B. Balloons, pennants, streamers
- C. Signs with animation, streaming video, flashing, scrolling, fading, and other illusions of motion
- D. Portable signs
- E. Roof signs
- F. Rotating signs
- G. Snipe signs
- H. Feather ~~B~~banners except those allowed per Section 26.06.
- I. Inflatable signs except those allowed per Section 26.06.
- J. Signs imitating or resembling official traffic or government signs or signals
- K. Signs placed on vehicles or trailers which are parked or located for the primary purpose of displaying said sign(s). Vehicles or trailers that display signs must be operated for bona fide business purposes at least every forty-eight (48) hours during weekdays to be exempted from this provision.
- L. Temporary signs except those allowed per Section 26.06.
- M. Trademarks, emblems, pictures, etc. displayed in a three (3) dimensional nature
- N. Pavement marking of any kind, except for traffic control
- O. Offensive Signs as defined by N.C. Gen. Stat. § 19-1.1
- P. Billboards or any other off-premise advertising
- Q. Signs placed in the public right-of-way (whether Town- or state-maintained)
- R. Signs that threaten public safety (for example, by blocking egress to the public way)

- S. Lighting that has the primary intent or effect of drawing attention to goods or services offered on the premises, e.g., branding, rather than lighting intended to provide functional lighting or lighting traditionally used to accentuate landscaping or architectural features of a building.
- T. Any other sign(s) ~~that does not comply~~ not expressly authorized by another section ~~with regulations~~ of this Ordinance.

26.06 Temporary or Other Exempt Signs

26.06.01 General regulations. Except as provided at subsection 26.06.05 below (regarding temporary signs that require neither registration nor a permit), temporary signs require proper registration with the Administrator but do not require a permit.

- A. Temporary signs shall either attach securely to a structure or shall be securely ground-mounted.
- B. Temporary signs shall not be illuminated.
- C. Temporary signs are not permitted in public-maintained rights of way unless expressly allowed herein.
- D. Temporary signs are not permitted within 11 feet of the edge of pavement of any roadway or alley; provided, that with respect to parcels currently used for low-density residential purposes, noncommercial temporary signs may be closer than 11 feet to the edge of pavement if on property clearly maintained by the property owner/tenant rather than the town or NCDOT.
- E. Temporary signs may not be or mounted upon trees, utility poles, traffic control signs, lights, or devices, or in any place or manner prohibited by the provisions herein, or upon a portable sign structure.
- F. Unless specifically provided otherwise herein, temporary signs may not exceed 4 square feet in size.
- G. Temporary signs otherwise allowed under the provisions of this section 26.06 placed on the parcel located on the northwestern side of Highway 105 and bounded by Blowing Rock Road, Highway 105, and Faculty Streets are exempt from the provisions of subsections C, D, and F of this subsection 26.06.01, subject to the following:
 1. The temporary sign shall not disturb any landscaping and shall be within thirty-five feet (35') of the pedestrian signals located at that corner.
 2. The temporary sign in this area shall not interfere with any pedestrian signal or pedestrian traffic along the public sidewalk.
 3. A sign that does not comply with the requirements of this subsection G may be summarily removed by the Administrator.

~~1.4.~~ This provision is not intended and shall not be deemed to abrogate in any way the rights of the property owner and/or tenant. Said owner and/or tenant retain all of their legal rights to consent or withhold consent to placement of any or all signs upon their property.

~~2.5.~~ This subsection **G** is intended to accommodate local community members' customary use of signs placed on said parcel for noncommercial expression and to provide notice of community events. Thus, this provision is intended to effectively designate a limited public forum. However, the Town retains its right to close this forum at any time should the advantages to the community of allowing this limited public forum become, in the view of the Town Council, outweighed by contrary public interests such as distraction to passing motorists, visual blight, or other public safety and welfare concerns.

26.06.02 On-premises ~~advertising~~ temporary signs

A. General-use on-premises temporary signs. Each commercial-use parcel, or each tenant in a multi-tenant commercial development, is allowed to display one on premise advertising temporary sign, subject to the following conditions:

1. Maximum size per sign is twenty-four square feet (24 sq. ft.).
2. Maximum height for any free-standing temporary sign shall not exceed eight feet (8').
- ~~2.3.~~ Any temporary sign attached to a building façade shall be placed on the façade the commercial use being advertised is located.
4. Except in the B1 Downtown Core and B1 Downtown Interface zoning districts, the use of a feather banner is allowed.
5. The sign may not be illuminated.
6. Temporary signs are limited to a display period of fourteen (14) consecutive days and there shall be at least thirty (30) days between display periods.

B. On-premises temporary signs for special events.

1. For purposes of this subsection (B), a "special event" means:
 - a. A civic, community, or business event up to one week in duration that is held no more than annually; provided, that a particular business may only have one qualifying event per year for purposes of this section; or
 - b. The opening, change in location, or substantial expansion of a business, civic organization, or civic campaign/effort.
2. The sponsor(s) of a special event is allowed to display up to two (2) signs at the event site. Each sign may not exceed twenty-four square feet (24 sq. ft.).

3. Other than the signs allowed in Subsection 26.06.05, in no event may more than two (2) on-premises advertising temporary signs be displayed at any one time under any authority granted under section 26.06, including the sign allowed per subsection 26.06.02(A).
4. The signs may not be illuminated.
5. Signs may not be displayed for more than thirty (30) days.
6. Inflatable Signs: An inflatable sign may be used as an on-premises sign allowed under this subsection, on the following conditions:
 - a. Only one (1) inflatable sign may be displayed per tax parcel for no more than one period of up to seven days per year per business or event. This limitation shall not apply, however, to events permitted by the Town of Boone pursuant to Chapter 94 of the Boone Code of Ordinances.
 - b. Any inflatable sign must be set back and away from any pedestrian or vehicular right- of-way, any utility poles, above ground utility lines and any other hazardous structure, at least the vertical distance from the ground to the top of the sign when it is displayed at its maximum height, plus ten feet (10').
 - c. An inflatable sign may not obstruct visibility for vehicular traffic.
 - d. Any inflatable sign must be secured to the ground in conformity with the manufacturer's specifications.
 - e. No inflatable sign may be displayed in such a way that the top of the sign is more than twenty-five feet (25') above the ground level.
 - f. Inflatable signs shall not be illuminated.
 - g. No inflatable sign may exceed 400 cubic feet when fully inflated.

26.06.03 Off-premises advertising temporary signs generally prohibited. Off-premises advertising temporary signs are prohibited except as provided in ~~the following~~ subsection 26.06.04.

26.06.04 Temporary signs advertising public special ~~temporary~~ events

- A. A “public special —“Temporary event” for purposes of this Subsection 26.06.04 means and includes ~~the following~~ temporary event that:
1. Is lawfully held at a facility owned by the town, Watauga County, Watauga County School Board, or State of North Carolina; or
 2. Is approved as a special event pursuant to the town's Special Event Policy per Chapter 116 of the Town of Boone Code of Ordinances.
- ~~B.~~ Off-premises temporary signs may be used to advertise public special events, subject to the following conditions:

1. The sign is limited to four square feet (4 sq. ft.) in area and no more than three feet (3') in height.
2. The sign may be posted for display no earlier than ~~36~~seventy-two (72) hours before the beginning of the advertised event, and the sign must be removed within ~~forty-eight~~ 24(48) hours following that event.
3. The owner or tenant of the parcel on which the sign is posted must specifically consent to the posting of the sign.
4. No compensation (including by barter) may be given for permission to post an off-premise sign.
5. No more than 12 signs may be posed within the town's corporate limits.
- ~~1. Any community event lasting no more than one day and held no more than weekly (e.g., farmers' markets).~~
- ~~2. Any community or business event up to one week in duration that is held no more than annually; provided, that a particular business may only have one qualifying event per year for purposes of this section.~~
- ~~3. The opening of a new business, a change in a business' location, or substantial expansion of an existing business.~~

~~B. On-premises temporary advertising signs for temporary events.~~

- ~~1. The sponsor(s) of a temporary event is allowed to display up to two signs at the event site. Each sign may not exceed twenty-four square feet (24 sq. ft.).~~
- ~~2. In no event may more than two on-premises advertising temporary signs be displayed at any one time under any authority granted under section 26.06, including the sign allowed per subsection 26.06.02.~~
- ~~3. The signs may not be illuminated.~~
- ~~4. The signs may not be displayed earlier than seven (7) days prior to the event and must be removed within forty-eight (48) hours after the event.~~
- ~~5. Notwithstanding the foregoing provision, in the case of the opening of a new business, a change in a business' location, or substantial expansion of an existing business, signs may be displayed for a period of thirty (30) days. This thirty-day period must begin on a date that is within thirty (30) days before or after the date the business opens to the public.~~
- ~~6. Inflatable Signs: An inflatable sign may be used as an on-premises sign allowed under this subsection, on the following conditions:~~
 - ~~a. Only one (1) inflatable sign may be displayed per tax parcel for no more than one period of up to seven days per year per business or event. This limitation shall~~

~~not apply, however, to events permitted by the Town of Boone pursuant to Chapter 94 of the Boone Code of Ordinances.~~

- ~~b. Any inflatable sign must be set back and away from any pedestrian or vehicular right of way, any utility poles, above ground utility lines and any other hazardous structure, at least the vertical distance from the ground to the top of the sign when it is displayed at its maximum height, plus ten feet (10').~~
- ~~c. An inflatable sign may not obstruct visibility for vehicular traffic.~~
- ~~d. Any inflatable sign must be secured to the ground in conformity with the manufacturer's specifications.~~
- ~~e. No inflatable sign may be displayed in such a way that the top of the sign is more than twenty-five feet (25') above the ground level.~~
- ~~f. Inflatable signs shall not be illuminated.~~
- ~~g. No inflatable sign may exceed 400 cubic feet when fully inflated.~~

~~C. Off-premises temporary signs advertising temporary events. Each parcel may display one off-premises temporary sign advertising a temporary event to be held on a different parcel, subject to the following conditions:~~

26.06.05 Temporary or other signs requiring neither a permit nor registration. Neither registration nor permitting is required for the following signs; provided, that any such sign shall conform to any applicable standard set forth in this article:

A. Noncommercial Message Temporary Signs:

1. Noncommercial message temporary signs are allowed in all districts, subject to the general regulations set forth at subsection 26.06.01.
2. Noncommercial messages are messages and emblems that do not function to direct attention to or promote a business, product, service, event, or activity, either on-site or off-site. Examples of noncommercial messages include, but are not limited to, signs advocating a public issue, recommending a candidate for office, and personal messages.

B. A-Frame Signs: A-frame signs provided they meet the following requirements:

1. Allowed for all uses within all zoning districts.
2. One (1) A-frame sign is permitted per building entrance regardless of the number of tenants.
3. The A-frame sign shall be placed within ten feet (10') of the building entrance.
4. In accordance with Town Code § 96.002, a minimum unobstructed sidewalk clearance of four-foot (4') in width must be left clear and unimpeded for pedestrians.

5. A-frames signs shall not interfere with pedestrians (including egress paths to public way) or vehicular surface areas.
 6. The A-frame sign is limited to six square feet (6 sq. ft.) in area per side and four feet (4') in height.
 7. Illumination of such signs is prohibited and the sign is prohibited from having any type of electronic component.
 8. A-frame signs shall be used while the establishment is open to the public only and shall be stored indoors at any other time.
- C. ATM Signs:** ATM signs provided total signage may not exceed fifteen square feet (15 sq. ft.) in area per machine.
- D. Bench Signs:** Bench Signs provided they meet the following requirements:
1. Shall be located on private property zoned R3, B1, B2, B3, OI, WD, M1, U1, E1, E2, or E2.
 2. The size of the sign may not exceed fifteen square feet (15 sq. ft.).
 3. Signage shall not extend beyond any dimension of the bench.
- E. Building Identification Signs:** Signs that identify buildings and that are permanently integrated in a building's facade with etching, embossing and/or engraving.
- F. Construction Signs:** Temporary construction signs provided they meet the following requirements:
1. The sign is posted on a lot currently under construction pursuant to a valid zoning or building permit.
 2. Only one non-illuminated sign with a maximum of two (2) sides per lot is permissible.
 3. The sign must be removed upon issuance of a certificate of occupancy for all construction at that site.
- G. Fence Wraps:** Fence wraps displaying signage when affixed to perimeter fencing at a construction site provided they meet the following requirements:
1. Such fence wraps are allowed until a certificate of occupancy is issued for the final portion of any construction at that site or 24 months from the time the fence wrap was installed, whichever time period is shorter. After such period has elapsed, the signage must be removed or covered.
 2. No fence wrap affixed pursuant to this section may display any advertising other than advertising sponsored by a person directly involved in the construction project and for which monetary compensation for the advertisement is not paid or required.
- H. Government Sign:** A duly authorized temporary or permanent government sign.

- I. **Historical plaques or markers** approved by a governmental entity or the National Registry of Historic Places or similar bona fide authority empowered to recognize historic places or structures
- J. **Home Occupation Signs:** A permanent non-illuminated wall sign that may not exceed four square feet (4 sq. ft.).
- K. **Living Sign:** A non-illuminated sign constructed of living materials such as shrubs, trees, and/or flowers.
- L. **Logos:** Logos, labels, and trademarks located on mechanical equipment, solid waste or recycling containers, newspaper and soft drink dispensers, gas station pumps, and similar equipment are not regulated by this Article.
- M. **Parking-control Warning Signs:** Parking Parking-control warning signs shall comply with the requirements of Boone Town Code § 73 Towing.
 - 1. A building(s) with a single-establishment shall prominently display the name of the establishment.
 - 2. Shopping Center/Mall developments shall follow the regulations set forth in 26.12.01(F).
 - 3. All signs shall be clearly visible from the controlled parking spaces.
- N. **Political Signs In the Public Right of Way:** Political signs are permitted in the public right of way only to the extent such signs comply with the requirements as to size and time of posting set forth at N.C. General Statute § 136-32, as such may be re-codified or amended from time to time. For the definition of political signs as used herein, see N.C. General Statute § 136-32(c).
 - 1. Such signs may not exceed 864 square inches in area per display face and two faces per sign and may not be higher than 42" above the edge of the pavement of the road.
 - 2. Such signs may only be placed with the permission of the property owner fronting the right of way where the sign is to be placed.
 - 3. In all cases, the property owner and the political candidate shall be equally responsible for the removal of the signs within 48 hours after the election.
 - 4. Any political sign that remains in a right-of-way maintained by the town more than 30 days after the election is to be deemed unlawfully placed and abandoned property, and any person may remove and dispose of such political sign without penalty.
- O. **Pushcart Signs:** Signs contained on vendor push carts that do not exceed fifteen square feet (15 sq. ft.) in area per push cart.

P. Real Estate Signs: A real estate sign advertising the real estate upon which the sign is located as being for rent, lease, open house or sale. Real estate signs are permissible subject to the following regulations:

1. Only one (1) sign per lot is allowed.
2. The sign shall not be illuminated.
3. Area and Height Requirements:

Zoning District	Maximum Area	Maximum Height
Residential Zoning Districts	4 ft ²	5 ft.
B1 Downtown Core	4 ft ²	5 ft.
Remaining Zoning Districts	20 ft ²	8 ft.

4. The real estate sign shall be removed either within forty-eight (48) hours after the property closing or upon the completion of leasing.

Q. Temporary Decorations: Temporary decorations or displays, when such are clearly incidental to and are customarily and commonly associated with any national, local or religious holiday/celebration.

R. Temporary Use/Seasonal Sale Signs: Temporary signs shall be allowed in conjunction with lawfully established temporary uses in all districts. Such signs must be located on the parcel on which the temporary use is occurring and may be attached or freestanding subject to the following:

1. Temporary uses may be permitted up to two signs.
2. These signs shall not exceed a cumulative total of sixteen square feet (16 sq. ft.) in area.
3. Signs for temporary uses are allowed for the duration of the temporary use.

S. Umbrella Signs: Umbrella signs used in connection with outdoor seating provide they meet the following requirements:

1. The signs shall be painted or printed on the umbrella.
2. Umbrellas shall not be erected at an acute angle for the purpose of serving as signage.
3. Umbrella signs shall be located on the umbrella itself and shall not be suspended from or otherwise hang from an umbrella.
4. Signage shall not be illuminated.

T. Vehicle Signs: Vehicle signs, unless such signs are used in a manner prohibited hereinafter, provided they meet the following requirements;

1. Vehicles must be operated in the normal course of business and may include the name of the owner or business;
2. Signage when affixed or painted onto vehicles and equipment and the like, are exempt from regulation, provided that, when not being so operated, such vehicles are parked or stored in areas appropriate to their use as vehicles and in such a manner and location on the lot so as to minimize their visibility from any street to the greatest extent feasible.
3. All such vehicles must have current and valid registration and inspection.
4. Vehicles or equipment that display signs must move to perform only business-related activities at least every forty-eight (48) hours.

26.07 General Requirements for Signs

26.07.01 Sign Area

- A. The sign area includes the area within a single, continuous perimeter enclosing the extreme limits of characters, lettering, logos, illustration, or ornamentations, together with any material or color forming an integral part of the display or differentiating the sign from the background to which it is placed. Structural supports with no sign copy shall not be included in the sign area. If a sign is attached to an entrance wall or fence, only that portion of that wall or fence onto which the sign face or letters are placed shall be calculated in the sign area.
- B. Where a sign has two (2) sign areas back-to-back, the area of only one side shall be considered as the sign area. The maximum angle of a double-faced sign is 45 degrees, except for signs located on corner lots in which case the angle may be 90 degrees.
- C. All signs are limited to two (2) sides.

26.07.02 Sign Height

- A. Freestanding: The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the newly established grade after construction, exclusive of any filling, berming, mounding or excavating solely for the purpose of locating the sign. In cases where the normal grade is below grade at street level, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public or private street.
 1. The Administrator may approve deviations from this provision in order to accommodate topographic peculiarities of a particular parcel, so long as the result of such deviation serves the manifest objectives of this subsection.
- B. Attached: Attached signs shall not project higher than the building soffit or eave height.

26.07.03 Vertical Clearance

- A. For attached signs, vertical clearance is measured as the vertical distance measured from the ground directly below the sign to the lowest point of the sign. Any sign encroaching onto a sidewalk may be no less than eight feet (8') at the lowest point from the lowest point of the sign as measured to the sidewalk underneath.

26.07.04 Sign Setback

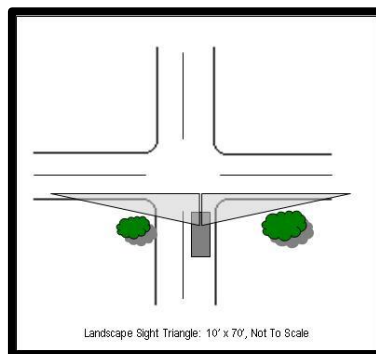
- A. A sign setback of at least one foot (1') is required from any easement, property line, or right-of-way. This setback is measured from the applicable easement, property line, or right-of-way to the closest component of the sign or sign structure.

26.07.05 Location

- A. Signs shall be located on the same lot/building as the use being advertised unless a permanent off-premise sign in an access easement is permitted subject to the following requirements:
 1. Application required: No permanent off-premise sign may be placed or displayed in an access easement area until a permit authorizing its display is issued.
 2. No permit for a sign that will be displayed or located within an access easement may be issued unless there are no roads contiguous with the lot upon which the development is located, or the access easement in which the sign is to be located is the only available and planned vehicular access to the aforementioned lot.
 3. The applicant must submit a certified copy of the instrument creating the easement with the application. The access easement area must be the only available and planned access for the development requesting the permanent off-premise sign. The Administrator may require that the applicant provide a signed statement from an attorney that such easement confers upon the applicant the right to display a sign within the easement if the Administrator is unsure of the scope of the rights created by the easement. Unless the easement affords rights to display a sign for the full potential life of the development, it will be considered legally insufficient.
 4. The only sign that may be permitted for display in an off-premise easement is a ground mounted/monument sign which must meet all dimensional, separation, location, and lighting requirements of this Article for a ground mounted/monument sign in the zoning district in which it will be placed or the development is located, whichever is more restrictive, unless any such requirement is explicitly superseded by this Section.
 5. Limitations on the number of signs allowed: Only one (1) permanent off-premise sign will be allowed on a lot which is subject to an access easement which also allows a permanent off-premise sign (further known as the hosting lot). The permanent off-premise sign shall count as one of the free-standing signs (not including directory

signs) allowed for the hosting lot. Furthermore, if at the time of application, existing signs on the hosting lot have either a combined square footage that meets/exceeds the maximum square footage allowed, or meet/exceed the maximum number of freestanding signs allowed, the applicant must provide a written declaration from the owner or occupant of the hosting lot indicating which sign(s) will be removed. If any signs are required to be removed, this shall be done prior to the issuance of the permit for the permanent off-premise sign.

- B. Signs may be located in a required building setback or landscaped street-yard or buffer. If a sign is located in a required setback it shall not be otherwise located so as to obstruct pedestrian or vehicular traffic.
- C. To ensure that signs do not constitute a traffic hazard, a sight triangle ten feet (10') by seventy feet (70') will be observed at all intersections of driveways/streets with adjacent streets (see diagram below).



- D. No sign shall be located in or overhang any easement or right-of-way for public use, including alleys and sidewalks.
 - 1. Exempted from this requirement are any signs within a B1 zoning district. These signs shall first obtain an encroachment agreement authorizing such incursion in accordance with Chapter 96 of the Boone Town Code.
 - a. An encroachment agreement shall be required for any replacement of signs that do not have an encroachment agreement.

26.07.06 Audio Components

- A. Audio components are prohibited as part of any sign, except for drive-through signs where the audio component is designed, located, shielded, and directed to prevent detection from surrounding properties.

26.07.07 Changeable/Digital Copy

- A. Up to 50% of a permissible principal sign permitted in Section 26.08 may contain changeable/digital copy subject to the regulations herein and shall be limited to a dark background with light colored numerals and letters.
- B. Only one of the two allowable signs may contain changeable/digital copy.
- C. No such sign can be placed within 100 feet of a residential zoned property except for non-residential uses along a major traffic corridor, collector, or arterial street as defined in Article 34.
- D. A sign with a changeable/digital copy shall contain additional information so the sign is not completely blank if the changeable message area is removed.
- E. For electronic/digital changeable copy, the maximum brightness is limited to 5,000 nits when measured from the sign's face at its maximum brightness, during daylight hours, and 500 nits when measured from the sign's face at its maximum brightness between dusk and dawn, i.e., the time of day between sunset and sunrise. The sign shall have an ambient light meter and automatic or manual dimmer control that produces a distinct illumination change from a higher allowed illumination level to a lower allowed level for the time period between one-half hour before sunset and one-half hour after sunrise. No sign may display light of such intensity or brilliance to cause glare or otherwise impair the vision of the driver or result in a nuisance to a driver.
 - 1. Applicants shall submit a certification from the sign manufacturing confirming compliance with the standards set forth above.
- F. Images and messages displayed in changeable/digital copy area must be complete in themselves, without continuation in content to the next image or message or to any other sign. The image shall be static with all animation, streaming video, flashing, scrolling, fading, and other illusions of motion otherwise prohibited. For example, the transition between messages shall be instantaneous and without special effects.
- G. Any sign containing changeable/digital copy located on a local historic landmark or within a local historic district must obtain a Certificate of Appropriateness from the Historic Preservation Commission as outlined in UDO Article 8 prior to the issuance of a sign permit.
- ~~H.~~ Except for changeable copy time and temperature signs, changeable copy messages may change or alternate every five (5) minutes.

26.07.08 Illumination

- A. Where permitted, permanent signs may be internally or externally illuminated. In no case shall a temporary sign be illuminated.
- B. Lighting for permanent signs shall be consistent throughout a project, unless otherwise permitted within a Master Sign Plan, in which there is a variety of façade design and building types.

- C. All external illumination of a sign shall concentrate the illumination upon the printed area of the sign face.
- D. The use of blinding, flashing, moving, rotating, intermittent, or otherwise distracting lighting is prohibited.
- E. All sign illumination, both external and internal, shall be designed, located, shielded, and directed to prevent the casting of glare or direct light upon rights-of-way and surrounding properties, and prevent the distraction of motor vehicle operators or pedestrians in the rights-of-way.
- F. Internal illumination shall be allowed for certain types of permanent signs within the following zoning districts: B1 Downtown, B2 Neighborhood Business, B3 General Business, O/I Office/Institutional, WD Wellness District, and Education districts.
 - 1. Cabinets may be utilized, provided all electrical wiring is contained within the cabinet or support structure. Sign copy must be translucent and all background materials must be opaque.

26.08 Signs Requiring a Permit

26.08.01 All principal signs shall require a permit, and are divided into three subcategories: attached, freestanding, and accessory.

- A. Accessory signs shall require a permit, unless otherwise noted. Accessory sign copy is not included in principal sign calculations.

26.08.02 Number of Signs Allowed

- A. Each establishment is permitted two (2) principal signs. In no case may both signs be of the same type, except for wall signs in compliance with Subsection 26.08.04(D)(3).
 - 1. Exception 1: Tenants within a multi-tenant development are permitted two (2) attached signs and the development overall will be allowed a tenant directory sign in compliance with Subsection 26.08.06(E).
- B. Each development is permitted the use of accessory signs in accordance with the guidelines set forth herein.

Table of Permanent Signs										
Principal										
Zoning Districts:	Residential	R3	B1	B2	B3	O/I	M1	WD	Educational	Reference
ATTACHED										
Awning/Canopy	L	L	L	L	L	L	L	L	L	26.08.04(A)
Marquee			L		L				L	26.08.04(B)
Projecting	L	L	L	L	L	L	L	L	L	26.08.04(C)
Wall	L	L	L	L	L	L	L	L	L	26.08.04(D)
Painted Wall					L		L			26.08.04(E)
FREESTANDING										

Table of Permanent Signs										
Principal										
Zoning Districts:	Residential	R3	B1	B2	B3	O/I	M1	WD	Educational	Reference
Monument	L	L	L	L	L	L	L	L	L	26.08.05(C)
Pole		L		L	L	L	L	L	L	26.08.05(D)
Accessory										
Directional	L	L	L	L	L	L	L	L	L	26.08.06(A)
Incidental	L	L	L	L	L	L	L	L	L	26.08.06(B)
Menu Board		L	L	L	L	L	L	L	L	26.08.06(C)
Suspended	L	L	L	L	L	L	L	L	L	26.08.06(D)
Tenant Directory	L	L	L	L	L	L	L	L	L	26.08.06(E)
Window	L	L	L	L	L	L	L	L	L	26.08.06(F)

26.08.03 Master Sign Plans

- A.** A Master Sign Plan is required for all residential subdivisions, multi-family and townhouse developments, non-residential subdivisions, and all multi-building and multi-tenant commercial developments before any permanent signs and their components may be erected.
1. All owners, tenants, subtenants and purchasers of individual units within the development shall comply with the approved Master Sign Plan.
 2. Residential developments that have only one (1) entrance sign, and have no other signs, shall not be required to submit a Master Sign Plan.
- B.** A Master Sign Plan Application shall include all of the following:
1. The location of each principal and accessory sign.
 2. Sign type, size, height, materials, color, illumination, and landscaping (if applicable) for each principal or accessory sign.
 3. Computations of the total sign areas demonstrating compliance with all sections of this Article.
 4. Allocation of permitted wall sign area among tenants in proportion to the overall building frontage as set forth in Subsection 26.08.04(D).
- C.** All lighting and landscaping elements of signs within a Master Sign Plan shall be consistent throughout the development, unless explicitly specified within the plan.
- D.** Amendments to approved plans. A Master Sign Plan may be amended via application submitted by the owner of the property, or an agent, tenant, or contract purchaser specifically authorized by the owner. The application must include written authorization from all owners affected by the proposed amendment(s). If an association for the

property exists, then the association shall provide written authorization for all owners within the development.

- E. After approval of, or amendment to, a Master Sign Plan, no permanent sign shall be erected except in accordance with such plan.
- F. Master Sign Plans shall be enforced in the same way as any other provision in this Article.
- G. In the case of any conflict between a provision of an approved Master Sign Plan and one (1) or more provisions of this Article, the Master Sign Plan shall control.

26.08.04 Attached Permanent Sign Types

A. Awning/canopy signs.

- 1. On a single-tenant property one (1) awning or canopy sign is allowed only in lieu of all other attached signage permitted on the wall the awning is attached that abuts a public or private street or right-of-way. Tenants occupying spaces with facades abutting multiple streets are permitted one awning or canopy sign per façade.
- 2. Sign copy on any awning or canopy sign surface is limited to 25% of the total surface area including any valances, not to exceed forty-eight square feet (48 sq. ft.)
 - a. Sign copy allowed above may be applied directly to the awning/canopy or attached to or directly above the top of the awning/canopy with a maximum height of twenty-four inches (24").
- 3. Signs may be externally illuminated only.

B. Marquee signs.

- 1. A marquee sign shall be allowed for theaters, museums, auditoriums, and other entertainment facilities in addition to the two allowable principal signs, subject to the following requirements:
 - a. Marquee signs shall conform to the applicable sign requirements for the district in which they are located, however the area of the marquee sign shall be permitted an increase in size up to an additional 100% provided that one of the other signs to which the establishment is entitled is reduced in size. The percentage of increase in area shall be equal to the reduction in area of the other permitted sign.
- 2. The following regulations shall apply solely to a historical reconstruction of a projecting theater marquee:
 - a. A projecting theater marquee shall be allowed only in the B1 Downtown Core.
 - b. No portion of a projecting theater marquee shall be less than eight feet (8') above grade nor higher than sixteen feet (16').

- c. A projecting theater marquee and supporting structures shall not extend over the edge of any sidewalk or into any street right-of-way absent an encroachment agreement authorizing such incursion by the Town.
- d. The projecting theater marquee shall only be attached to the building in which the theater is located and must be above an entrance to the theater. No projecting theater marquee sign shall be wider than the building to which it is attached.
- e. Signage may be installed directly upon the vertical face or faces of a projecting theater marquee with the following conditions:
 - i. Channel letters may extend above such vertical face or faces provided that the letter height is restricted to twelve inches (12”) in height.
 - ii. No sign may extend below such vertical face or faces with the exception of lighting elements. All lighting elements shall meet the requirements of Subsection 26.13.02(B) above.
 - iii. The changeable copy portions of a projecting theater marquee shall not exceed fifty percent (50%) of the total area of all faces and comply with Section 27.01.
 - iv. All other signage attached to a projecting theater marquee may not exceed twenty percent (20%) of the total area of all faces.
- f. A projecting theater marquee may include the use of flashing, scrolling, or intermittent lights subject to the following conditions:
 - i. The flashing, scrolling, blinking, or intermittent lights may only be in operation during the time the theater is open to the public and prohibited between the hours of 11 p.m. to 7 a.m.
 - ii. Light fixtures on the projecting theater marquee do not have to meet the requirement for full cut-off fixtures as required in Subsection 25.05.02.
- g. Encroachment: Where a projecting theater marquee extends over a public sidewalk or other public property, an executed encroachment agreement approved by the Boone Council shall be required prior to issuance of any sign permit for a projecting theater marquee.
- h. A projecting theater marquee may be constructed either as part of a new structure or as an addition to an existing structure as follows:
 - i. Site-specific plans and specifications must be submitted from a registered North Carolina licensed structural engineer demonstrating that the projecting theater marquee complies in all ways with appropriate code provisions of the Town and the State of North Carolina, including but not limited to, materials, drainage, roof strength, bracing and anchorage.

- ii. A final certification from the registered North Carolina licensed structural engineer shall be required stating that the projecting theater marquee complies with all appropriate code provisions of the Town and the State of North Carolina and that the projecting theater marquee has been constructed according to their submitted design.

C. Projecting signs.

1. Projecting signs shall be erected so that the sign is perpendicular to the building wall on which they are attached. In cases where a projecting sign has two sign faces that are not perpendicular, the interior angle formed between faces shall be sixty (60) degrees or less.
2. The maximum area for a projecting sign is eight square feet (8 sq. ft.) in residential zoning districts, and sixteen square feet (16 sq. ft.) in all other zoning districts.
3. Projecting signs shall not project more than four foot (4") from any building on which they are attached.
4. Projecting signs shall be centered over, or located near, the principal doorway.
5. Projecting signs may be externally or internally illuminated.

D. Wall signs.

1. Wall signs shall be erected so that the sign is attached flush against and parallel to the exterior wall or surface of a building. Where a wall sign utilizes channel letters for interior lighting, a raceway may separate the sign from the wall provided that all electrical components of the sign are housed within the raceway, and the raceway does not extend more than six (6) inches from the face of the wall or surface of the building.
2. The maximum area for wall signs shall be determined by a ratio of allowable square feet of sign area per linear foot of building frontage. In no case may a wall sign in any district exceed the maximum, as listed in the table below:

Zoning District	Ratio	Maximum Area (square feet)
Residential districts (residential uses)		4 sq. ft.
Residential districts (non-residential uses)		16 sq. ft.
Residential districts (non-residential uses on major traffic corridors, arterial or collector streets)	0.5:1	48 sq. ft.
R3 Multi-family residential		16 sq. ft.

B1 Downtown Core	0.5:1	48 sq. ft.
B1 Downtown Interface	1:1	80 sq. ft.
B2 Neighborhood Business	1:1	80 sq. ft.
B3 General Business	1:1	120 sq. ft.
O/I Office/Institutional	1:1	64 sq. ft.
M1 Manufacturing	1:1	120 sq. ft.
WD Wellness district	1:1	80 sq. ft.
Education districts	1:1	64 sq. ft.

3. Wall signs may be placed on either the primary or secondary façade, but allowable size calculations shall be measured along the primary façade. Where a establishment elects to have two (2) wall signs, one shall be placed on the primary façade and the other on a secondary façade. The two (2) signs may be equal in size, but in no case may the secondary façade sign be larger than the primary façade sign. The sum of the area of the two (2) wall signs shall not exceed the allowable square footage defined in 26.02.04(F)2.
4. No portion of a wall sign may extend above, below, or beyond the edge of the wall or surface on which it is attached.
5. Wall signs may be externally or internally illuminated.

E. Painted wall signs.

1. Painted wall signs shall be allowed on secondary façades in the B3 General Business zoning district, provided they meet the requirements of 26.02.04(F)3.
2. Painted wall signs may be externally illuminated.

26.08.05 Freestanding Permanent Signs.

- A.** Maximum area and height of freestanding signs can be found in Table 26.08.05 below.
- B.** No freestanding sign shall be placed less than forty feet (40') from another freestanding sign unless no other option is available.
- C.** Freestanding signs must be placed in either:
 1. A landscaped streetyard or buffer that meets current standards; or
 2. A landscaped area that is at least three feet (3') in width and the least the length of the greatest dimension of the sign.

D. Multi-Tenant Developments

1. In lieu of a separate freestanding sign per individual tenant, multi-tenant developments are allowed a freestanding multi-tenant directory monument sign that is approximately fifty percent (50%) larger than the size of a monument sign for a single establishment (for most zoning districts). See Table 26.08.04 for more detail.
 - a. Exception: Tenants in a multi-tenant development will be allowed to have a freestanding sign if the establishment has an exterior building frontage in the development of eighty linear feet (80 lf) or more. In the instance the exterior frontage requirement has been met, then the establishment may be permitted a freestanding sign as one (1) of its two (2) permitted signs along the street that the building frontage is located along.

E. Monument Signs.

1. So as to incentivize the use of monument signs over pole/pylon signs (if the latter is allowed), the maximum size of a monument sign is approximately thirty-five percent (35%) larger than the alternative pole/pylon sign.
2. In addition to the standards above, in the B1 districts, a monument sign is only allowed in areas that have either a pedestrian-oriented courtyard, landscaped greenspace, or landscaped buffer that contains four times the size (in area) of the proposed sign and shall be set back either a minimum of six feet (6') from the edge of right-of-way or back of the public sidewalk, whichever is the most restrictive.
3. Developments in the B1DI, B3, OI, WD, and M1 zoning districts shall be allowed additional monument signs at secondary entrances for the general public provided that:
 - a. The height of the monument sign located at the secondary entrance shall not exceed four feet (4') in height.
 - b. The maximum area of the monument sign located at the secondary entrance shall not exceed 50% of the maximum area of the freestanding sign located at the primary entrance.
 - c. The monument sign located at the secondary entrance does not front the same linear public or private street as the freestanding sign located at the primary entrance.
 - d. All other requirements for monument signs are met.
 - e.

Table 26.08.05 Types of Freestanding sign

Zoning District	Pole/Pylon Signs Maximums		Monument Signs ¹ Maximum Area/Height Maximums		Multi-Tenant Directory Monument Signs ² Maximums	
	Area (Square Feet)	Height (Feet)	Area (Square Feet)	Height (Feet)	Area (Square Feet)	Height (Feet)
Residential districts (residential uses)			30	6	30	6
Residential districts (non- residential uses)			30	6	30	6
Residential districts (non- residential uses on major traffic corridors, arterial or collector streets)			41	6	62	6
B1 Downtown Core			32	5	16	4
B1 Downtown Interface			41	6	41	4
B2 Neighborhood Business	30	20	41	6	62	6
B3 General Business	50	20	68	6	102	8
O/I Office/Institutional	30	20	41	6	62	8
M1 Manufacturing	50	20	68	6	102	8
WD Wellness district	30	20	41	6	62	8
Education districts	50	20	68	6	102	8

26.08.06 Accessory Signs

A. Directional signs.

1. Directional signs shall be allowed for all uses in association with vehicle and pedestrian entrances, parking areas, and general wayfinding. They may be attached or freestanding, but may not exceed four (4) square feet in area.
2. Attached directional signs are subject to the following requirements:
 - a. Shall be limited to wall signs.
 - b. Shall be attached flush against and parallel to the exterior wall or surface of a building.
 - c. No portion of the sign may extend above, below, or beyond the edge of the wall or surface on which it is attached.
 - d. Attached directional signs may be externally illuminated.

3. Freestanding directional signs are subject to the following requirements:
 - a. May not exceed three feet (3') in height outside of any required site triangle and may not exceed two feet (2') within any required site triangle.
 - b. Freestanding directional signs may be externally or internally illuminated in the B2 Neighborhood Business, B3 General Business, O/I Office/Institutional, M1 Manufacturing; and externally illuminated in all other districts.

B. Incidental signs.

1. Incidental signs shall be allowed in all districts provided they contain no logo or on-premise advertising. They may be attached or freestanding, but may not exceed four (4) square feet in area.
2. Attached incidental signs are subject to the following requirements:
 - a. Shall be limited to wall signs.
 - b. Shall be attached flush against and parallel to the exterior wall or surface of a building.
 - c. No portion of the sign may extend above, below, or beyond the edge of the wall or surface on which it is attached.
 - d. Attached incidental signs may be externally or internally illuminated.
3. Freestanding incidental signs are subject to the following requirements:
 - a. May not exceed three (3) feet in height outside of any required site triangle and may not exceed two feet (2') within any required site triangle.
 - b. Freestanding incidental signs may be externally or internally illuminated in the B2 Neighborhood Business, B3 General Business, O/I Office/Institutional, M1 Manufacturing; and externally illuminated in all other districts.

C. Menu Boards.

1. In the B1 zoning districts, each building entrance may have one walk-up menu board, subject to the following requirements:
 - a. The menu board must be located inside a display box, permanently mounted adjacent to the building entrance.
 - b. The display box shall not exceed eight (8) square feet in area.
 - c. The display box shall be appropriate in size, location, and design to the character and architectural detail of the building.
 - d. The display box may be externally illuminated, or internally illuminated utilizing full cut-off fixtures within the display box.

2. In the remaining zoning districts, where allowed, uses that utilize a drive-thru or walk-up service may erect one (1) menu board for each drive-thru or walk-up lane or window. Menu boards may be attached or freestanding, subject to the following requirements:
 - a. Attached menu boards shall be limited to wall signs, which shall be attached flush against and parallel to the exterior wall or surface of a building, with no portion of the sign extending above, below, or beyond the edge of the wall or surface on which it is attached and shall not exceed fourteen square feet (14 sq. ft.).
 - b. Freestanding menu boards shall not exceed eight (8) feet in height, must be placed within an approved landscaped area, and shall be set back one (1) foot from interior lot lines and shall not exceed twenty-eight square feet (28 sq. ft.) in area.
 - c. Each drive-thru menu boards shall not exceed twenty-eight (28) square feet.
 - d. Menu boards shall not be legible from any public street.
 - e. Menu boards may be externally or internally illuminated.

D. Suspended Signs

1. Suspended signs shall be allowed under canopies and along pedestrian arcades provided that they are attached in a secure manner, with brackets and mounting devices maintained and in good repair. Signs shall be mounted so that the method of installation is concealed to the extent practical.
2. The maximum area for a suspended sign shall not exceed four (4) square feet in all districts.
3. Unless specifically authorized by an encroachment agreement approved by the Town Council, no suspended sign may overhang a public street or public sidewalk.
4. Suspended signs may not be illuminated.

E. Tenant directory wall signs.

1. Developments with more than one tenant shall be permitted to install a tenant directory wall signs subject to the requirements herein.
 - a. Each building with multiple tenants is allowed a tenant directory sign at each entrance into the building.
 - b. Tenant directory signs shall be attached flush against and parallel to the exterior wall or surface of a building, with no portion of the sign extending above, below, or beyond the edge of the wall or surface on which it is attached.
 - c. Tenant directory signs may not be illuminated.

F. Window signs.

1. Window signs are limited to the ground floor only in the R3 Multi-Family, ~~B1 Downtown~~, and B2 Neighborhood Business zoning districts. All other commercial uses in all other zoning districts are permitted for window signs up to and including the ~~second~~ third story.
- ~~2. The total window sign area, whether temporary or permanent, is limited to no more than 25% of the surface of the total window area on each facade, including transparent areas of doors and entryways.~~
- ~~3.2.~~ Window signs shall not be illuminated including any electronic discharge tubing or similar lighting manufactured into shapes that forms letters, parts of letter, skeleton tubing, or other decorative elements or logos with the exception of an open/closed sign. Additionally, in no case may a window or a door be outlined using any type of lighting.

26.08.078 Murals

- A. Murals shall be treated as wall signs and subject to the same regulations, except as set forth in this section.
- B. A mural shall not be treated as a sign, shall not require permitting, and shall be allowed without restriction as to size, if it meets the following criteria:
 1. Murals shall be limited to the rear and secondary facades and shall not be allowed on any primary facade.
 2. Murals are allowed to be applied only to wall surfaces. No mural or part of a mural is allowed on any part of any roof, fence, window, door, window trim, door trim, or other architectural feature.
 3. Murals proposed for structures located in a historic district or landmark may require approval per historic district/landmark standards. This section is not intended to in any way modify the applicable requirements of the historic district/landmark.

Article 34 Definitions

34.01 Definition of Terms

...

A-Frame Sign

A temporary sign ordinarily in the shape of the letter “A” or some variation thereof, which is displayed on the ground, not permanently attached to the ground, and usually two-sided, generally connected at the top and separated at the bottom.

...

~~**Agricultural Sign**~~

~~A temporary sign posted to direct the public to an agricultural exposition, festival or event, as those terms are described, when such exposition, festival or event is taking place within the corporate or planning limits of the Town, or within Watauga County. An agricultural exposition, festival or event is an event which involves at least ten separate participants involved in the cultivation of land, who for a period of time not exceeding six weeks per year, provide tours and/or on-site sales or samples of agricultural products resulting from that cultivation to area tourists.~~

...

Animated Sign.

A sign that uses moving or changing lights to depict action, movement, or the optical illusion of movement of part of the sign structure, sign, or pictorial segment, or including the movement of any illumination or the flashing or varying of light intensity to create a special effect or scene.

...

Attached Sign

Any sign attached to, applied on, or supported by any part of a building, including, but not limited to, a wall, window, or projecting sign, or a sign on a canopy, awning or marquee.

...

Awning

A shelter projecting from and supported by the exterior wall of a building constructed of non-rigid materials on a supporting framework.

Awning/Canopy Sign

Sign that is part of, or attached to, an awning, canopy or other fabric, plastic or structural protective cover over a door, window, entrance or outdoor service area.

...

Banner

A temporary sign made of fabric or any non-rigid material with or without no enclosing framework.

...

Bench Sign

A sign located on the surface of a bench.

...

Billboard

A sign identifying advertising and/or directing the public to an establishment, merchandise, service, entertainment or product that is located at a place other than the property on which such sign is located. These signs are also known as off-premise outdoor advertising signs.

...

Building Frontage

The maximum linear width of a building measured in a single straight-line that is parallel, or essentially parallel, to the abutting public street or parking lot.

...

Canopy Sign

~~Sign that is part of, or attached to, an awning, canopy or other fabric, plastic or structural protective cover over a door, window, entrance or outdoor service area.~~

..

Changeable/Digital Copy

The portion of a sign that allows for changes through mechanical, electronic, digital or manual means.

...

Community Event Signs

~~An annual temporary sign, other than a commercial sign, posted to direct patrons to community events for public agencies, schools, churches, civic fraternal organizations or similar non-commercial organizations, or an annual temporary sign posted to direct patrons to a commercial event, when that event, as determined by the Boone Town Council, provides a significant economic benefit to the Town as a whole, is open to all citizenry of the Town of Boone and its planning jurisdiction, portrays the Town of Boone in a positive light, and which has received the written endorsement of a non-profit group whose mission includes promoting the economic vitality of Boone such as, but not limited to, the Downtown Business Development Association, the Boone Chamber of Commerce, or the High Country Host.~~

...

Construction Sign

A sign limited to (i) identification of architects, engineers, contractors, and/or other persons involved with a construction project and/or (ii) the name of the building being constructed, the intended purpose of the building and/or the expected completion date...

Directional Sign

A sign giving directions, instructions, or facility information. . Examples include “parking”, “exit”, “enter” or “parking-control warning” signs.

...

Directory Sign

~~A sign listing the names of more than one business, activity or professional office conducted within a building, group of buildings or commercial center.~~

...

Double-Faced Sign

A sign with two copy faces.

...

Drive-Through Window Sign

~~An attached or freestanding sign listing choices and prices. The sign also allows communication between the consumer and business.—~~

...

Farmer's Market Sign

~~A temporary sign posted to direct the public to a farmer's market when such farmer's market is taking place within the corporate or planning limits of the Town. A "farmer's market" is a one-day event which can take place from week to week, but in the aggregate no more than two days each week, which involves individual participants selling retail products, at least fifteen of whom sell products which derive from the cultivation of land, and which takes place under the sponsorship of a non-profit organization.~~

...

Freestanding Sign

A sign supported by a sign structure placed in the ground and wholly independent and detached of any building or other structure other than the sign structure for support. Freestanding signs include both monument and pole/pylon signs.

...

Gasoline Pump Sign

Signs normally associated with the sale of gasoline including the price, self-service, etc. information contained on the pump.

...

Governmental Entity

The Town and its departments, the Watauga County Board of Education, Watauga County, the State of North Carolina and its departments, and the United States of America and its departments.

...

Government Sign

Any temporary or permanent sign erected and maintained by a governmental entity.

...

~~Ground Mounted Sign~~/Monument Sign

A freestanding sign that is less than six feet (6') in height.

...

Height (of a sign)

The vertical distance measured from the highest point of the sign to the lowest point of surface grade beneath the sign.

...

Home Occupation Sign

A sign permitted in association with a legitimate home occupation conducted on the premises of the dwelling unit occupied by the operator of the establishment.

...

~~Identification Sign~~

~~A sign whose copy is limited to the name and address of a building, institution, person and/or activity or occupation being identified.~~

...

Illegal Sign

A sign that does not meet the requirements of this Ordinance.

Illuminated Sign

A sign with an artificial light source incorporated internally or externally for the purpose of illuminating the sign.

...

Inflatable Sign

A sign that is an air-inflated object, which may be of various shapes, made of flexible fabric, resting on the ground or structure and equipped with a portable blower motor that provides a constant flow of air into the device.

~~Informational~~ **Incidental Sign**

A small sign that informs the public of details relating to the goods, facilities or services available on the premises, ~~e.g., for example:~~ credit card ~~sign or sign acceptance signs, signs~~ indicating hours of ~~operation, and~~ signs ~~that provide~~ providing information pertinent to the immediate safety or legal responsibilities of passersby or the public, ~~such as (e.g.,~~ signs warning of hazards ~~like such as~~ high voltage~~;~~ signs warning that a property is protected by a security system~~;~~ and “no trespassing” signs~~).~~

...

Little League Sign

Sponsorship signs placed at the Optimist Club field.

...

Living Sign

A non-illuminated sign constructed of living materials such as shrubs, trees, and/or flowers.

...

Marquee

A sign of a theater, auditorium, fairground or museum or similar venue which advertises current and/or scheduled events with the use of changeable text.

...

Menu Board Sign

An attached or freestanding sign listing choices and prices.

...

Monument Sign

A freestanding sign supported permanently upon the ground by a continuous base flush to the ground or two (2) or more support posts at the outside edge.

...

Mural

Any mosaic, painting, or graphic art or combination thereof which is applied to a building wall (either directly or to one or more panels mounted to a building wall) and not interpreted to be advertising by the Administrator. Murals that include any brand name, product name, letters of the alphabet spelling or abbreviating the name of any product, company, profession, or business, or any logo, trademark, trade name, or other commercial message are considered advertising signs provided, a mural may have up to 5% of its total space dedicated to a logo, trademark, or tradename (but no other copy) and will not be considered an advertising sign. A mural that is sponsored by the Town of Boone shall not be considered an advertising sign, but rather government speech, and is subject only to such conditions as the Town Council shall impose; provided, that the foregoing provision shall not be construed as exempting a Town-sponsored mural to be located in a historic district from any applicable requirements of the historic district standards.

~~**Alternative:** A type of wall sign consisting of painted graphics or any other images that are painted directly on the surface of a wall. Murals do not project, suspend, or mount above or to a wall surface.~~

~~**Possible Addition:** A mural that is sponsored by the Town of Boone shall not be considered an advertising sign, but rather government speech, and is subject only to such conditions as the Town Council shall impose; provided, that the foregoing provision shall not be construed as exempting a Town-sponsored mural to be located in a historic district from any applicable requirements of the historic district standards.~~

Noncommercial Message

Messages and emblems that do not function to direct attention to or promote a business, product, service, event, or activity, either on-site or off-site. Examples of noncommercial messages include, but are not limited to, signs advocating a public issue, recommending a candidate for office, and personal messages.

...

Nonconforming Sign

A sign that was lawfully constructed but does not conform to current size, height, location, design, construction, or other requirements of this Ordinance.

...

Off-Premise Advertising/Sign

A sign directing attention to or promoting a business, product, service, event, or activity that is not sold, produced, manufactured, furnished, or conducted at the site upon which the sign is located.

On-Premise Advertising/Sign

→ A sign directing attention to or promoting a business, product, service, event, or activity that is sold, produced, manufactured, furnished, or conducted at the site upon which the sign is located.

...

Painted Wall Sign

A sign painted directly on any exterior building wall or door surface, exclusive of window and door glass areas.

...

Parking-Control Warning Sign

A sign that informs the public that the parking lot or parking structure is subject to parking-control.

...

Permanent Sign

Any sign that, when installed, is intended for permanent use. Any sign with an intended use in excess of twelve (12) months from the date of installation, unless otherwise stated, shall be deemed a permanent sign.

...

Pole/Pylon Sign

A sign that is permanently affixed to the ground by a pole or ~~other~~ similar structure and ~~which~~that is not part of the building.

...

Political Sign

A temporary sign used in connection with a local, state, national election or referendum.

Portable Sign

A sign mounted on a frame or chassis, designed to be easily relocated, and not meant to be affixed to buildings, poles, or the ground.

...

Projecting Sign

A sign attached to a building wall with the face of the sign perpendicular to the building wall.

...

Pushcart Sign

...

Real Estate/for Sale/Open House/or Lease Sign

A sign advertising the real estate upon which the sign is located as being for rent, lease, open house or sale.

...

Roof Sign

Any sign erected or constructed wholly upon and over the roof of any building and supported solely on the roof structure.

...

Rotating Sign

A sign that turns on an axis.

...

Sign

Any object, device, display, structure, or part thereof, ~~situated outdoors,~~ which is used to advertise, identify, display, direct, or visually attract attention to an object, person, establishment, institution, organization, business, product, service, event or location by any means, including but not limited to words, letters, figures, designs, symbols, fixtures, streamers, balloons, pennants, air driven devices, colors, illuminated or projected images. Without limiting the generality of the foregoing, a device that might otherwise be categorized as a sign that is located at least fifteen feet to the interior side of any exterior wall shall not be regarded as a sign so long as it is not internally illuminated, illuminated with spotlights, or otherwise illuminated to draw special attention to it. Signs do not include the flag or emblem of any nation, organization of nations, state, city, or any fraternal, religious or civic organizations; works of art which in no way identify a product; or scoreboards located on athletic fields.

Sign Copy

The wording and/or symbols on a sign surface in either permanent or changeable form.

Sign Face

The area of a sign on which copy is placed.

Sign Maintenance

The cleaning, painting, repair or replacement of defective parts of a sign in a manner that does not alter the basic copy, design or structure of the sign.

Sign Structure

Any structure that supports, has supported or is capable of supporting a sign, including any decorative cover for said sign structure.

...

Snipe Sign

A temporary sign or poster affixed to a tree, public utility pole, fence, etc.

...

Suspended Sign

A sign suspended from the underside of a horizontal plane surface, such as a canopy or marquee, and which is supported by such surface.

...

Tenant Directory Sign

A sign listing the names of more than one establishment, activity or professional office conducted within a building, group of buildings or commercial center.

...

Temporary Decoration

Temporary decorations or displays, when such are clearly incidental to and are customarily and commonly associated with any national, local, or religious holiday/celebration.

...

Temporary Sign

A sign that is used only temporarily and is not permanently mounted.

...

Time and Temperature Sign

Signs which display only time and temperature in alternate light cycles.

...

Yard Sale Sign

A sign directing the public to the occasional non-business sale of secondhand household and other goods incidental to household uses.

...

Wall Sign

A sign mounted flush to a building wall.

...

Window Sign

A sign painted on, attached to or designed to be visible through a window, excluding displays of merchandise.

**TOWN COUNCIL AND PUBLIC HEARING MINUTES
MONDAY, JANUARY 23, 2023, 6:00 PM
VIA WEBEX SOFTWARE**

COUNCIL MEMBERS: Mayor Pro Tem Edie Tugman, Todd Carter (joined at 6:10 p.m.), Dalton George, Becca Nenow, and Virginia Roseman

PLANNING COMMISSION MEMBERS: Elizabeth Shay-Chair, Eric Plaag-Vice-Chair, Chris Behrend, Scott Boyd, John Tippet, Frank Veno, and Smith Warren

PLANNING STAFF PRESENT: Jane Shook-Director of Planning and Inspections, Stacey Miller-Deputy Director of Planning & Inspections & Chief Building Inspector, KC Banner-Building Inspector (joined at 6:42 p.m.), Darrell Pulliam-Building Inspector (joined at 7:10 p.m.), and Brenda Henson-Board Secretary

OTHER TOWN STAFF AND REPRESENTATIVES PRESENT: Allison Meade-Town Attorney

Call to Order

Mayor Pro Tem Tugman called the Town Council to order at 6:04 p.m. Chair Shay called the Planning Commission to order at 6:04 p.m.

Moment of Silence

A moment of silence was observed.

Approval of Meeting Minutes

Council Member George made a motion to approve the November 28, 2022, Public Hearing minutes as written. The motion was seconded by Council Member Nenow.

Vote: Aye – 4
Nay – None
Absent – 1 (Carter)

The motion passed.

Vice-Chair Plaag made a motion to approve the November 28, 2022, Public Hearing minutes as written. The motion was seconded by Commission Member Behrend.

Vote: Aye – All
Nay – None

The motion passed.

PUBLIC HEARING

Case PL05781-061322 Signs – UDO Text Amendment

The Town of Boone has proposed amendments to UDO Article 26 Signs and Article 34 Definitions to revise and modernize sign regulations. Numerous changes have been made to the regulations in order to be compliant with statutory requirements, case law, and the need to modernize the language.

Ms. Jane Shook, Director of Planning & Inspections, referred to the Ordinance found on page 23 of the meeting packet. She noted that the reference to Article 23 should be changed to Article 26. Ms. Shook also pointed out any dates referenced in the ordinance would need to be updated to the right dates prior to adoption.

Council Member Carter joined the meeting at 6:10 p.m.

Ms. Shook referred to section 26.04.04 on packet page 49 regarding abandoned signs. She asked for direction regarding the removal of abandoned signs. Vice-Chair Plaag suggested that the copy element be removed within ninety days, but allow the sign structure to be retained for up to two years. He felt this would allow a new tenant ample time to reuse the sign structure.

Ms. Shook then referred to section 26.05.01(H) on packet page 50 regarding inflatable signs. She noted that previously inflatable signs were allowed because a local business used to erect an inflatable in support of Project Graduation. Ms. Shook asked if this type of sign should continue to be allowed or be prohibited.

Vice-Chair Plaag felt that inflatable signs should be prohibited.

Council Member Carter stated that inflatables were used at numerous events and felt there should be some type of allowance for temporary inflatables. He felt they should strive for the balance of being a friend to businesses while protecting the character of Boone.

Ms. Meade suggested a possible allowance of inflatables for events, with limits.

Vice-Chair Plaag suggested that the number of temporary inflatable permits could be limited, as well as the length of time they would be allowed to be displayed.

Ms. Shook directed everyone to packet page 45 which contained the current UDO language regarding inflatable signs.

Ms. Meade noted that the law did not allow a distinction between for profit and not for profit when it came to signage. She stated that they could distinguish between commercial and non-commercial.

Council Member George suggested there could be a month long event. If inflatables were allowed, he did not feel that the inflatable should be allowed to stay up for the duration of the month long event.

Ms. Shook stated that some of the previous language could be put back in the proposed text to allow inflatable signs with limitations.

Ms. Shook referred to section 26.06.01(D) on packet page 53 regarding building identification signs. She explained that this was for signs that were etched or built in to a building's façade. Ms. Shook stated she wanted to have a discussion on if there should be a cap on size and inserted 5% and highlighted it for discussion. Council Member Roseman stated she was okay with the building identification sign proposal. Some others were a little unsure about allowing such a permanent sign.

Ms. Shook stated that the proposed language in section 26.06.01(F)(2) regarding fence wraps came directly from state law.

Ms. Shook pointed out an error on packet page 54 in section 26.06.01(M)(3) regarding political signs in the public right of way. The proposed language stated that signs must be removed within 48 hours after the election. Ms. Shook stated this should be revised to state that signs must be removed within 10 days after the election to be consistent with statutory language. Ms. Meade added that the language for political signs came directly from state law. She added that temporary political signs were allowed in the public right of way by state law.

Ms. Shook referred to section 26.06.01(O) regarding real estate signs. She noted that section 26.06.01(O)(5)(a-d) regarding open house signage should be removed because this would be addressed under temporary signs.

Ms. Shook then referred to section 26.06.01(Q)(1)(c-d) on packet page 55 regarding temporary sign regulations. She stated that c and d should be combined to state, "Except as provided at subsection 26.06.01(M) Political Signs, temporary signs are not permitted in public right of way. In addition,

temporary signs, regardless of whether or not in a public right of way, are not permitted within 11 feet of edge of pavement of any roadway or alley.”

Mayor Pro Tem Tugman expressed concern with temporary signs blocking the sight triangle.

Vice-Chair Plaag suggested that language be included in the real estate and political sign sections regarding sight triangle requirements.

Ms. Shook referred to section 26.06.01(Q)(2)(a)(i) regarding on-premises advertising temporary signs. She suggested the proposed text be revised to state, “Each tenant in a multi-tenant development is only allowed to display a freestanding temporary sign in compliance with this section if their building fronts the street the sign is located on. The sign must be placed on the tenant’s parcel or in the development’s common area.”

Council Member Roseman suggested that temporary signs be limited to a display time of seven consecutive days per month. There was discussion about display time limits, and Ms. Shook reminded everyone that the regulations needed to be something enforceable by staff.

Off-premises advertising temporary signs in section 26.06.01(Q)(3) were discussed. Ms. Shook stated it was the intent to allow these signs to be placed 48 hours before an event and removed 48 hours after. Ms. Meade felt that only one sign should be allowed per property. Ms. Shook stated that the current sign ordinance allowed up to 12 off- premises community event signs. She explained that the proposed text could allow as many signs as someone could get property owner permission for.

Ms. Meade suggested that the area at the corner of 321/Blowing Rock Road and Hwy 105 could become a public forum area where all signs could be placed.

Ms. Shook referred to section 26.06.01(Q)(4)(a) regarding noncommercial message temporary signs. She noted the proposed language would require these signs to be placed no closer than 11 feet from the edge of the pavement. There was discussion regarding topography and a possible inability to meet the requirement of 11 feet from the edge of the pavement. Ms. Meade stated some more work could be done on the proposed language.

Ms. Shook asked how everyone felt about feather banners. Vice-Chair Plaag felt they were too distracting and likened them to the wavy air signage.

Council Member Carter stated he was okay with feather banners. He felt it was just vertical space versus horizontal space.

Council Member Roseman stated she was also okay with feather banners, but felt they should have a height restriction.

Ms. Shook noted the time and asked how everyone would like to proceed. Vice-Chair Plaag stated there were a lot of areas that still needed some work or wordsmithing. He preferred that Town Council make the decision to have staff work on the language and bring the revisions back to a future public hearing.

Mayor Pro Tem Tugman called a break in the meeting from 8:36 p.m. until 8:43 p.m.

Ms. Shook referred to section 26.07.01(D) on packet page 57 regarding window signage. Vice-Chair Plaag suggested a revision to state that mullions and muntins were not considered an element that divides window area. He also felt that neon and lighting inside windows should be limited.

Ms. Shook stated that regulating interior window signage would create additional enforcement actions for staff.

Ms. Meade suggested, if window signage was prohibited, that the signage should not be grandfathered. Instead, a date of compliance should be established.

Ms. Shook referred to section 26.07.02(A) on packet page 58 regarding freestanding sign height. She noted that option #2 would allow the height of the sign to be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign.

Ms. Shook then referred to section 26.07.07 on packet page 60 regarding changeable/digital copy. She stated that the proposed text would allow changeable/digital copy in all commercial zoning districts. Ms. Shook noted that the current sign ordinance allowed copy to change every 60 minutes while the proposed text would allow the copy to change every 60 seconds.

There was discussion regarding the frequency of changeable copy. Council Member Carter felt it was somewhat extreme to go from allowing changeable copy every 60 minutes to every 60 seconds.

Council Member Roseman stated there were numerous signs around town that changed more often than once an hour. She felt that only allowing the copy to change every hour was absurd. Council Member Roseman suggested that the copy be allowed to change every 2.5 to 5 minutes. Council Members Nenow and Carter stated they would be okay with five minutes. Mayor Pro Tem Tugman stated she did not want Boone to become a mini Las Vegas, but would grudgingly agree to a five-minute interval of copy change.

Ms. Shook referred to the table in section 26.08.05(E) on packet page 68 regarding monument signs, particularly in the B1 Downtown Interface. She noted that the Interface was a transitional area into downtown. Ms. Shook suggested a possible six-foot height allowance instead of the four feet that was proposed.

Ms. Shook reminded everyone that Mr. Graydon Eggers and Mr. Skip Greene had appeared at the November public hearing to request changes to allow them to replace the monument sign at First Baptist Church that was removed due to road construction.

Vice-Chair Plaag suggested a reduction in maximum square footage to 24 square feet with a six feet height limitation.

Ms. Meade suggested the possibility of having a flexible allowance based on street frontage.

Mayor Pro Tem Tugman felt the proposed sign size for the Downtown Interface was too large.

Ms. Shook shared a photo of the sign that was removed in front of First Baptist Church, a sign that was located on the corner parking lot of First Baptist Church, and the zoning map showing the boundaries of the Downtown Core and Interface.

Vice-Chair Plaag noted that, based on the zoning map, the property where the First Baptist Church was located was in the Downtown Core. The property the church owned containing the parking lot across the street was in the Downtown Interface.

Ms. Shook expressed concern that there could be some confusion or miscommunication between staff and Mr. Eggers regarding the appropriate zoning of the church's property.

Vice-Chair Plaag suggested that staff provide sign measurements and photo examples of signs at the next meeting.

Next meeting dates were discussed. It was noted that the DFI meeting had been rescheduled to February 20, 2023 at 1:00 p.m. A special public hearing date was set for March 20, 2023 at 6:00 p.m. via WebEx to continue discussion of the UDO text amendment for signs. Ms. Shook noted that the next regularly scheduled public hearing would be on March 27, 2023 at 6:00 p.m.

Adjournment of Town Council

Council Member Carter made a motion to adjourn the Town Council at 10:13 p.m. The motion was seconded by Council Member George.

Vote: Aye – All
Nay – None

The motion passed.

Edie Tugman, Mayor Pro Tem

Brenda Henson, Board Secretary

Elizabeth Shay, Planning Commission Chair

Continuation of Planning Commission Meeting

Public Comment

There was no additional public comment made.

Approval of Planning Commission Meeting Minutes

Vice-Chair Plaag wished to amend the November 28, 2022 Planning Commission meeting minutes in the last paragraph of page 15. He asked that the word compliant be changed to complaint.

Vice-Chair Plaag then made a motion to approve the November 28, 2022 Planning Commission meeting minutes as amended. Commission Member Behrend seconded the motion.

Vote: Aye – All
Nay – None

The motion passed.

Adjournment of Planning Commission

Vice-Chair Plaag made a motion to adjourn the meeting at 10:15 p.m. Commission Member Behrend seconded the motion.

Vote: Aye – All
Nay – None

The motion passed.

Elizabeth Shay, Planning Commission Chair

Brenda Henson, Board Secretary

**TOWN COUNCIL AND PLANNING COMMISSION
PUBLIC HEARING MINUTES
MONDAY, MARCH 20, 2023, 6:00 PM
VIA WEBEX SOFTWARE**

COUNCIL MEMBERS: Mayor Pro Tem Edie Tugman, Todd Carter, and Virginia Roseman

PLANNING COMMISSION MEMBERS: Elizabeth Shay-Chair, Eric Plaag-Vice-Chair, Chris Behrend (joined at 6:03 p.m.), Scott Boyd, John Tippet, Frank Veno, and Smith Warren

PLANNING STAFF PRESENT: Jane Shook-Director of Planning and Inspections, Stacey Miller-Deputy Director of Planning & Inspections & Chief Building Inspector, and Brenda Henson-Board Secretary

OTHER TOWN STAFF AND REPRESENTATIVES PRESENT: Allison Meade-Town Attorney

Call to Order

Mayor Pro Tem Tugman called the Town Council to order at 6:01 p.m. Chair Shay called the Planning Commission to order at 6:02 p.m.

Moment of Silence

A moment of silence was observed.

Commission Member Behrend joined the meeting at 6:03 p.m.

PUBLIC HEARING

Ms. Jane Shook, Director of Planning & Inspections, explained the guidelines for each case presented at the public hearing.

Case PL05781-061322 Signs – UDO Text Amendment

The Town of Boone has proposed amendments to UDO Article 26 Signs and Article 34 Definitions to revise and modernize sign regulations. Numerous changes have been made to the regulations in order to be compliant with statutory requirements, case law, and the need to modernize the language.

Ms. Shook noted that the staff report had been revised to reflect changes discussed at the January 23, 2023, public hearing. She stated that the text revisions were shown in yellow highlight and indicated that she would cover all the changes made since the last hearing.

Ms. Shook referred to section 26.04.04 which had been renamed from “Abandoned Signs” to “Removal of signs not in use or discontinued”. She stated the section had been revised to distinguish between signage that had been abandoned and signage that was not in use. She noted that based upon the previous hearing, that the text had been revised to allow ninety days the removal of sign copy from a sign where the business had permanently and indefinitely ceased and 12 months for the removal of an abandoned sign structure that had been abandoned. No further changes were suggested.

Ms. Shook then referred to section 26.05.01 Prohibited. She reviewed the following changes:

- 26.05.01(C) revised to include signs with animation, streaming video, flashing, scrolling, fading, and other illusions of motion.
- 26.05.01(H) added to included feather banners. Additional discussion is warranted based upon the last public hearing. Also added were feather banners under 26.05.01(H).

- Inflatable signs were moved from the proposed “prohibited” section to the “temporary or other exempt sign” section.
- 26.05.01(R) added to address lighting that drew attention to a business rather than providing light for its functional purpose.

Upon conclusion of the presentation of changes in 26.05.01, Mayor Pro Tem Tugman asked if the change in 26.05.01(C) would address issues like the lighting at the new carwash. Ms. Meade replied that the regulations in 26.05.01(S) would address that kind of situation.

Brief discussion ensued on changeable copy. Ms. Shook stated that the staff had made a list of every changeable copy sign in town. Mr. Stacey Miller, Deputy Director of Planning & Inspections & Chief Building Inspector, added that there were 20-some electronic changeable copy signs. Council Member Roseman stated that she had only seen a couple of changeable copy signs that really bothered her. She added that she did not want to overregulate this type of sign. Mayor Pro Tem Tugman expressed concern that in 5-7 years, there would be too many changeable copy signs, and Boone would begin to look like the Vegas strip as it did in 1972.

Discussion continued on prohibited signs. Ms. Allison Meade, Town Attorney, suggested adding inflatable signs back into the prohibited sign section with language that would indicated that inflatable signs except those allowed per Section 26.06 would be prohibited. She also suggested changing 26.05.01(S) to read “any other sign(s) not expressly authorized by another section of this Ordinance.

Discussion ensued on feather banners. Ms. Meade suggested one option would be to allow feather banners the same as inflatable signs. Council Member Roseman indicated she would agree to allow feather banners because they were cheap. However, she felt there should be a height limit of six feet and a time limit on how long they could be displayed. Vice-Chair Plaag suggested limiting the number of feather banners that could be displayed within a particular linear foot. Staff agreed to review the feather banner issue when the portion on temporary signs came under review under the next section on “temporary or other exempt signs”

Ms. Shook referred to section 26.06.01 Temporary or other exempt signs. She noted that entire section had been reworked to address the comments at the last public hearing. She briefly reviewed the new subsection headings and began to review the changes made outside of the reformatting. She noted 26.06.01(G) had been added to recognize the corner of Blowing Rock Road and Hwy 105 as an area for a limited public forum where community event signs could be placed without a permit as discussed at the last public hearing. Discussion ensued. Ms. Shook indicated and there appeared to be agreement with Council and the Planning Commission that if allowed that the size of the area where signs would be allowed would need to be defined. Vice-Chair Plaag expressed concern about having a public forum on private property. After some discussion, Ms. Meade indicate that she thought the location was appropriate for a limited public forum and noted that as written the Town would retain the right to close the forum at any time.

Continuing on with the review of changes, Ms. Shook referred to section 26.06.02(A)(2) and reminded Council and the Planning Commission that last time Staff had presented the change to the display time of temporary signs from ten days to 14 days to make it an easier two weeks for tracking for enforcement.

There was a discussion of allowing feather banners under Section 26.06.02(A) on-premises advertising temporary signs. Council Member Roseman and Commission Member Warren indicated they were in favor of allowing feather banners. Ms. Meade noted that the average height of a feather banner was eight feet tall. Mayor Pro Tem Tugman expressed concern that there could be too many banners along

the roadways. Ms. Shook noted that only one feather banner would be allowed per parcel. She also felt feather banners should not be allowed in the B1DC or the B1DI.

After a brief review of how Subsection 26.06.04 Temporary signs advertising temporary events was laid out, Vice-Chair Plaag suggested moving 26.06.04(C), which was the definition of a temporary event, to 26.06.04(A) so it would be at the top of the Temporary signs advertising temporary events section.

Ms. Shook reviewed 26.06.04 to section 26.06.04(B)(2) Off-premises temporary signs advertising temporary events. Discussion ensued on the concern of the limitation of what events qualified as a temporary event under the proposed language and the proposed limitations of the length of time the temporary event off-premise signs were allowed to be up. It was suggested that written consent, either by letter, signature page, or email, be obtained from each off-premises property owner allowing a sign to be placed on their property. Council Member Carter stated that it was not tenable to obtain signed approvals from each property owner, nor was the suggested time for the signs to be up reasonable. As an event organizer, he stated that he would rather the signs not be allowed at all instead of allowing them under those guidelines. Mayor Pro Tem Tugman suggested allowing signs to be displayed no more than 72 hours prior to an event. Ms. Meade suggested the addition of language that no compensation could be requested or given to off-premises property owners displaying signs. Ms. Shook noted that the proposed language did not limit the number of off-premises signs that could be displayed. She stated that current regulations allowed 12 small off-premises signs, one off-premises banner, and one on-premises banner. Ms. Meade felt it might be a good idea to keep the limit of 12 off-premises signs.

Mayor Pro Tem Tugman called a break in the meeting from 8:07 p.m. until 8:17 p.m.

Ms. Shook referred to section 26.06.05(P) Real estate signs. She stated that the allowed height in the B1DC had been changed to five feet.

Ms. Shook referred to section 26.07.07(H) Changeable/digital copy. She noted that current regulations allowed sign copy to change every hour. The proposed language would allow the sign copy to change every five minutes. Council Member Roseman felt that five minutes was too long. She suggested allowing the copy to change every 2.5 minutes, if not sooner. Mayor Pro Tem Tugman stated she would be happy to keep the requirement that copy could only change once an hour. Council Member Carter said he would be okay with five minutes but felt one hour was too long. Ms. Shook noted that Mr. Miller verified the number of changeable copy signs in town was 26.

Ms. Shook referred to section 26.08.05(E) Monument signs. She noted that since the last meeting she had included 26.08.05(E)(2) that the base of the sign was proposed to be two feet in height. After some additional thought and review of the sign photos included in the packet, Ms. Shook felt the two-foot height requirement could be removed, which would allow for more sign copy area. She indicated the same for new Section 26.08.05(E)(3), that indicated that signs must have a decorative border or topper. Ms. Shook did not feel that was necessary. She noted that monument signs in the B1 districts would be required to have a pedestrian-oriented courtyard, landscaped greenspace, or landscaped buffer that contained four times the size in area of the proposed sign, and the sign had to be set back at least six feet from the edge of the right-of-way or the back of the public sidewalk, whichever was more restrictive.

Ms. Shook reviewed the photos in the meeting packet that depicted numerous signs around town, and their measurements.

Ms. Meade suggested that the maximum height of a monument sign in the B1DC be changed from five feet to six feet because the setback requirement was six feet.

There was a discussion about no longer allowing pole/pylon signs. Mayor Pro Tem Tugman and Council Members Roseman and Carter agreed they would like to eliminate pole/pylon signs. Ms. Meade

suggested bringing that forward as a separate text amendment in order to allow public input, consideration, and education.

Chair Shay expressed concern that eliminating pole signs might net cheaper designs of monument signs.

Ms. Meade suggested allowing larger monument signs if a parcel had a larger setback.

Ms. Shook referred to section 26.08.06(F) Window signs. She noted that many small businesses displayed window signs in the staff's observations, not just larger or chain businesses. She pointed the Staff Report included questions and concerns Staff had about the regulation of window signs. She asked the Planning Commission if they would identify what was their most concern regarding window signs- was it the amount of signage or was it the lighting?

Vice-Chair Plaag stated he was most concerned with neon lighting and the amount of window area taken up by interior signs.

Commission Member Veno felt the most significant issue was lighted signs in windows. He expressed concern for the historic district.

Council Member Roseman asked if light pollution coming from inside a business was regulated. Ms. Shook replied that current regulations measured light pollution from exterior site lighting. She felt it would be challenging to regulate pollution from interior lighting.

There was some discussion regarding item two under Window signs as it related to a 25% limitation of window surface that could display signage. At this time, it was felt that lighting was the main concern and enforcement of window signs would be difficult. It was suggested that item two be excluded from the proposed text.

There was a general consensus to continue with items one and three, with the inclusion in item three of lights outlining windows.

Ms. Shook read section 26.08.08 Murals, then referred to the definition of Murals in the definition section.

Ms. Meade stated that murals were currently allowed as long as they were not signs. She suggested allowing the addition of 5% of the total mural space to be dedicated to a logo, trademark, or tradename. Ms. Meade also suggested including the proposed Possible Addition listed in the definition that stated A mural that is sponsored by the Town of Boone shall not be considered an advertising sign, but rather government speech, and is subject only to such conditions as the Town Council shall impose; provided that the foregoing provision shall not be construed as exempting a Town-sponsored mural to be located in a historic district from any applicable requirement of the historic district standards.

Vice-Chair Plaag asked why the Town would prohibit billboards but allow advertising on a mural. Ms. Meade replied that the allowance of 5% advertising on a mural would not be equal to the advertising provided by a billboard. She added that murals were considered art.

Commission Member Behrend asked what would happen if a mural was considered offensive. Ms. Meade felt that most murals would be tastefully done but thought it was a risk worth taking.

Vice-Chair Plaag stated that murals sometimes had a positive short-term benefit but might not have a favorable long-term outcome.

Due to the time, it was determined that another date would need to be set for the Planning Commission to make recommendations on the proposed sign text amendment. There was a consensus of Commission members that consideration of this text amendment would be placed on Planning Commission's agenda for March 27, 2023, following the regularly scheduled Public Hearing at 6:00 p.m. to be held via WebEx.

Mayor Pro Tem Tugman and Council Member Carter stated they would not be able to attend the March 27, 2023, Public Hearing. Council Member Roseman indicated she would be able to attend.

Adjournment of Town Council

Council Member Carter made a motion to adjourn the Town Council at 10:10 p.m. The motion was seconded by Council Member Roseman.

Vote: Aye – All
Nay – None

The motion passed.

Edie Tugman, Mayor Pro Tem

Brenda Henson, Board Secretary

Elizabeth Shay, Planning Commission Chair

Continuation of Planning Commission Meeting

Adjournment of Planning Commission

Vice-Chair Plagg made a motion to adjourn the meeting at 10:11 p.m. Commission Member Tippet seconded the motion.

Vote: Aye – All
Nay – None

The motion passed.

Elizabeth Shay, Planning Commission Chair

Brenda Henson, Board Secretary