

SPECIAL PLANNING COMMISSION MEETING MINUTES
MONDAY, APRIL 17, 2023, 6:00 PM
VIA WEBEX

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

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

Call to Order

Chair Shay called the special Planning Commission meeting, held via WebEx, to order at 6:00 p.m.

Public Comment

There was no public comment.

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.

Ms. Jane Shook, Director of Planning & Inspections, went over the revisions to the text since the last joint meeting with Council on March 20th. She noted the first change is to require compliance for electronic/digital copy and window signage by January 1, 2024, as noted in Section 26.01.05(A)(1)&(2) Transitional Provisions.

Ms. Shook noted that she had tightened the language regarding feather banners and inflatable signs in Section 26.05.01(H)&(I) Prohibited .

Ms. Shook referred to Section 26.06.01(G) Temporary or Other Exempt Signs General Regulations regarding temporary signs at the 105/Blowing Rock Road intersection. She explained that the size of the area where signs could be displayed had been defined as within 35 feet of the pedestrian signals located at the corner. Additionally, the signs could not interfere with pedestrian traffic along the public sidewalk. Vice-Chair Plaag noted that there was no size limitation on these signs. He suggested a limit of 30 square feet and no more than 10 feet in length. Ms. Shook felt there also needed to be a number limit of signs allowed on that corner of one or two per event.

Ms. Shook referred to Section 26.06.02(A) General-Use On-Premises Temporary Signs. She suggested that temporary sign regulations be made effective immediately upon adoption. Ms. Shook noted that 26.06.02(A)(2) recommended a maximum height of eight feet for free-standing temporary signs. Commission members agreed with this height limitation. Ms. Shook stated that 26.06.02(A)(4) restricted the use of feather banners in the B1DC and B1DI. She noted that 26.06.02(B) regarding special event signage would allow inflatable signs.

Ms. Shook reminded everyone that temporary signs were content-neutral.

Ms. Shook referred to Section 26.06.04 Temporary Signs Advertising Public Special Events. There was consensus that 26.06.04(B)(4) No compensation (including by barter) may be given for permission to post an off-premise sign be moved to the General Regulations so this provision could apply to all temporary signs. Vice-Chair Plaag pointed out the following typos: 26.06.04(B) the word “sings” should be “signs” and 26.06.04(B)(5) the word “posed” should be “posted”.

Ms. Shook referred to Section 26.06.05(P)(4) Real Estate Signs. She stated she had received a call from a realtor who had suggested a revision to the language regarding when real estate signs should be removed.

After some discussion, it was suggested that (4) be revised to say “The real estate sign shall be removed either within forty-eight (48) hours after the property closing or execution of the lease contract.”

Ms. Shook referred to Section 26.08.06(F)(2) Window Signs. She noted the revised language that prohibited windows and doors from being outlined using any type of lighting. Vice-Chair Plaag asked if holiday lights were addressed in the sign ordinance. Ms. Shook stated that holiday lights would be addressed under the lighting ordinance revisions that would be brought before Planning Commission soon. Vice-Chair Plaag felt that people might try to argue that their lights were holiday lights. Ms. Shook felt that could be addressed with language that stated temporary lighting of customary holiday lights would be allowed. Vice-Chair Plaag suggested that a time limit of 60 days be placed on how long holiday lights could be displayed. He also suggested adding a sentence to (2) that would allow the interior illumination of merchandise set back from the window.

Ms. Shook noted that the language had been cleaned up in Section 26.08.07 Murals.

Commission Member Behrend suggested that an eight-foot height limitation be added as a requirement for signs located on the corner of Hwy 105 and Blowing Rock Road in Section 26.06.01(G). Vice-Chair Plaag added that the size limitation in this section should be 32 square feet to accommodate the eight-foot height.

Commission Member Veno asked if there had been any conversation between the Town and ASU regarding lighting at the stadium. He noted that the stadium lights would shine into his windows at unusual hours of the night. Ms. Shook stated that stadiums had to have a certain illumination level in order to qualify to play games at night. Vice-Chair Plaag stated he was also affected by the stadium lights and felt the lights should not be allowed to be on between 10 p.m. and 6 a.m., except for the occasional game or event. Ms. Shook noted that the Town was looking to regulate the timing, brightness, and color of lighting with the upcoming lighting ordinance revisions. Vice-Chair Plaag asked if the Town had the ability to regulate lighting on University property. Ms. Shook replied that the University had to meet zoning requirements for new construction. She suggested having a discussion with Town Council about this concern.

Ms. Shook outlined the changes discussed as follows:

- Section 26.06.01(G), allow no more than two signs, no larger than 32 square feet, eight feet high, and 10 feet long.
- Suggest temporary signs come into compliance upon adoption.
- Correct typos – sings to signs and posed to posted.
- Section 26.06.04(B)(4) No compensation (including by barter) may be given for permission to post an off-premise sign. Move this to 26.06.01 General Regulations.
- Section 26.06.05(P) Revise to say The real estate sign shall be removed either within forty-eight (48) hours after the property closing or execution of the lease contract.
- Section 26.08.06(F) Evaluate to make sure seasonal lighting is properly addressed as well as lighting of merchandise displays.

First Motion and Vote: Commission Member Tippet made a motion that the proposed amendment to the Town’s zoning ordinance, with the suggested revisions, is consistent with the Town's comprehensive plan and any other adopted plans of the Town that are applicable because the amendment is consistent with:

Comprehensive Plan Policy 2.1.1 Economic Development

A.1 Continue to evaluate and amend development regulations to help ensure aesthetic quality in the area and preserve the natural beauty of the area.

Comprehensive Plan Policy 2.3.1 Community Appearance

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

The motion was seconded by Vice-Chair Plaag.

Vote: Aye – All
Nay – None

The motion passed.

Second Motion and Vote: Commission Member Tippettt made a motion that the Planning Commission recommends approval of Ordinance PL05781-061322 and believes approval is reasonable and in the public interest because the amendments to UDO Article 26 Signs and Article 34 Definitions will revise and modernize sign regulations and the changes will bring the sign standards into compliance with statutory requirements and case law. The motion was seconded by Commission Member Behrend. Vice-Chair Plaag wished to amend the motion to include that the approval is inclusive of the changes discussed at this meeting. Commission Members Tippettt and Behrend accepted the amendment.

Vote: Aye – All
Nay – None

The motion passed and approval was recommended.

Other Matters

Ms. Shook stated that the April 24, 2023, Planning Commission meeting was canceled and the next Public Hearing was scheduled for May 22, 2023.

Adjournment

Vice-Chair Plaag made a motion to adjourn the meeting at 7:02 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