



## UDO PLANNING BOARD SUBCOMMITTEE MINUTES

Thursday, October 24, 2023, at 6:30pm

Webinar Pittsboro, NC

**Attendance:** Subcommittee Members: Jon Spoon, Eric Andrews, Clyde Frazier, Mary Roodkowsky, and Elizabeth Haddix.

**Ex-officio:** Mary Gillogly and Gail Friedman (Affordable Housing Committee)

**Planning Staff:** Chance Mullis, Angie Plummer, and Dan Garrett.

**Public Attendance:** Leah Dyson

### I. CALL TO ORDER

Chair Spoon called the meeting to order at 6:30pm and asked Mr. Mullis to go over the virtual meeting guidelines.

### II. APPROVAL OF MINUTES

Consideration to approve the September 28, 2023, minutes. No corrections were required, the motion made by Mr. Frazier to approve, second by Ms. Roodkowsky the minutes were approved 5-0, unanimously.

### III. UDO DRAFTS REVIEW

- Chair Spoon stated the documents we will be reviewing are the Chapter 4 Development & Design Standards subchapters, 4.2 Building Designs and 4.7 Signs.

#### **Subchapter 4.2 Building Designs:**

- Ms. Roodkowsky said it looks like industrial uses are excluded from this subchapter, where will that be located or do, we not have a say in their design? Ms. Plummer said it is mostly left to those industries because they have state regulated design standards they must follow and what local government regulations would require would be so different then what they are required by state, we did not include it in the UDO. Chair Spoon stated those building will mostly be big rectangular buildings with large flat faces, but that is the nature of heavy industry. Angie said the county will still have them go through the Appearance Committee and look at their lighting and landscaping and make sure those meet the county standards, but not the structures themselves.
- Chair Spoon said on page 4-4 #2 section 4.2 C, what falls under the institutional and civic uses? Staff said this is something that needs to be better defined and will discuss it with the UDO consultants. Mr. Frazier questions why institutional and civic uses should be excluded from the requirements, if everyone else needs to meet the requirements, why don't they? Ms. Plummer said these would be state approved uses such as schools and recreation centers, but we will get this clarified better.
- Mr. Frazier asked about page 4-4 C. 2, "If a property is located within a Town limit or Extra-Territorial Jurisdiction, then the stricter of the two sets of standards shall apply..." the county standards do not apply at all there, do they? Ms. Plummer said we cannot regulate within a Town or ETJ by law. Mr. Mullis stated we are going over these drafts with the consultants tomorrow and this is on our list of things to discuss with them, this should not apply.
- Mr. Frazier asked what force were these guidelines intended to have on page 4-5, do these belong in the ordinance if they're not legal requirements? Staff said this point can be discussed with the

consultant team. Chair Spoon said the principles section is laying out the philosophy behind the guidelines that come later. Ms. Plummer said this is the introduction to certain requirements that design standards that will have to be met.

- Mr. Frazier stated on page 4-6 B. 4, about fruit and nut trees, in his experience when these are planted in public spaces people do not use them and they become unusable. Mr. Mullis said this is from the Health and Equity Assessment that the consultant team did through the grant funding from the Health department and healthy food access is one of the main chapters of that assessment and that is why it is included here. The subcommittee said there should be a question mark about this one, it is hard to see this happening and be successful.
- Chair Spoon said on page 4-7, section 4.2.6. B. about ornamental grass, are there specific standards for what type of grass we want? Ms. Plummer said the acceptable type should be listed in the CCAC revised plant list.
- Mr. Frazier asked on page 4-7, section 4.2.5. primary and secondary façade, it is not clear to me what a secondary façade is. Also, in addition to buffer and screen requirements, you have to have planting by the entrance, is that right? Chair Spoon said yes, we will have natural buffers between the property and the road, plants in the parking lot, and plants in front of the buildings. Mr. Frazier stated none of the facades listed on 4-9 and 4-10 as examples do not meet that requirement.
- Chair Spoon said on page 4-9 and 4-10, it is nice that the consultants took pictures of existing façades within the county for examples of what we already have. Ms. Roodkowsky mentioned pedestrian access. Her example included across the street from the Harris Teeter and there is no way to get across the parking lot other than getting back on 15-501. Is there some way to encourage connectivity when working with a same development group or if they are different developers, then finding a way to navigate that connectivity. Chair Spoon said we could encourage connectivity if that opportunity presents itself and is practical to the development. Ms. Roodkowsky said it can be pedestrian access not just vehicular.
- Chair Spoon said on page 4-11, about flat roofs, initially in section A it looked like we were not going to allow flat roofs, but then in section D it says you can have a flat roof, but it would be disguised with stepped or non-continuous parapets in addition to the pitched roof form. Ms. Plummer said, normally your big box stores and warehouses will have a flat roof because they house their electrical components and air conditioning units up there, but these standards will make the roofline look better. Mr. Frazier said this will apply to self-storage facilities, that will be different than what we are used to.
- Chair Spoon said on page 4-12, section 4.2.10, base, middle, and top sections of a building, what is the base of a building if there are only two floors? Mr. Mullis said we will check with the consultants.
- Ms. Roodkowsky said on page 4-13 section 4.2.11 sign band area, don't we want the signs to be coordinated with each other to allow for cohesiveness? Ms. Plummer said according to General Statute, we have to be careful about regulating signage for businesses because a lot of them have their own logo and color scheme.
- Chair Spoon said on page 4-13 section 4.2.12, A. "Window openings shall be vertically oriented so that the height dimension is greater than the width dimension." Somewhere later in this subchapter we are encouraging clerestory windows, which is a window that is wider than it is tall. Are we saying in one section that type of window is not allowed, but in another section, it is permitted? Staff made note and will check with consultants. Chair Spoon said in section 4.2.13, A. 3, vinyl siding, we are not going to allow vinyl siding anywhere in the commercial district? Ms. Plummer said yes, we are not allowing vinyl siding. Ms. Haddix asked if we should define "primary material" better in the definitions section to make it clear what it actually is? Mr. Frazier stated this may cause an issue for older commercial buildings when doing a rehab. Staff will visit this section to ensure we are clear on this definition.

- Chair Spoon asked about cementitious material, on page 4-13, section 4.2.13. - C. 3, what exactly is this, a plain cement wall? This type of wall normally shows wear and tear. Can we evaluate the thought process behind this because it's not aesthetically pleasing. Mr. Frazier stated that is worse looking than vinyl. Ms. Roodkowsky believes they are referring to Hardly plank siding. Chair Spoon said we may need a definition of cementitious material. Staff said they will check with the consultants.
- Mr. Frazier said on page 4-14, section 4.2.16. B., "support columns must be wrapped with either a masonry or wood finish material." That is going to discourage solar panels in parking lots, but I would like to see more of them. We would like to see solar panels or trees in parking lots, and this would make it more expensive to have that happen. Chair Spoon said this also may cause more issues for people hitting these support columns. Mr. Frazier also said in section 4.2.17. A., "outdoor displays should not be located between the primary or secondary facade of the building and the street." This is something every retailer does. Even if it is not goods that are out there, they have decorative displays that are often used, this seems very problematic. Ms. Haddix said, using the term "should" what does that mean. Ms. Roodkowsky stated there is a new material being used called solar shingles, a roof mounted solar energy system would hope to include solar shingles. They look much nicer as well.
- Chair Spoon asked if the members had any broad comments or questions on this subchapter. Chair Spoon said it feels that we're getting very prescriptive, and we need to allow for some creativity in some places. This feeds into a second comment as well is that we're going to need to continue with the UDO subcommittee once adopted because of the prescriptive nature of what we're asking for we will find some things won't work. We will likely need to have a body for the first few months after the adoption to continually evaluate necessary amendments. Mr. Mullis stated there is a testing phase of the rollout and we hope to find any issues during that phase.
- Mr. Frazier stated he finds it a little troubling to use the design standards to use the current aesthetic of the ordinance. At one point, everything that was built was a mirror glass building. Who knows what will seem attractive or trendy in the future as development evolves. Will this cause us to rewrite the ordinance because of the changes in the future.

#### **Subchapter 4.7 Signs:**

- Chair Spoon asked if anyone had any broad statements for this subchapter. Ms. Haddix said this section feels a little scrambled reading it. The applicability section/purpose needs to have a content disclaimer that is now buried in content neutrality on 4-8. This section could be better organized then having it dispersed in subsequent sections. It doesn't look like directional signs don't seem to be listed under the exempt signs. Mr. Frazier agrees and said the tables were often in the middle of the section and felt that they should be at the beginning or the end. The existing ordinance only regulates off premise signs. This is radically going to expand the number of signs we regulate in addition to the building and zoning permit. They will also have to have a separate application and approval for the sign. Additional questions regarding enforcement, the other chapters call for enforcement and who will be doing this enforcement piece. Chair Spoon said he agrees as well and having a table a be on one page is preferred to avoid flipping pages. Additionally, billboards that are non-conforming are instantly non-conforming, the other signs will be grandfathered, is that correct/ Ms. Plummer said yes, that is the law, we have to grandfather them.
- Mr. Frazier asked about on and off premise signs and how are they permitted and enforced. Ms. Plummer said all commercial main signs have to provide sign plans and we permit those and subdivision signs that are on premise, that we regulate. As far as interior signs are concerned, we do not regulate those, but we do regulate the major main advertising signs. Ms. Plummer is the main enforcer for these signs.

- Ms. Roodkowsky said it is not clear how we regulate the political signs. Ms. Plummer said local government has no authority over any political signs or free speech. During the election, those signs can be in the Right-of-Way, if the signs are not removed within the allowable time, it is up to NCDOT to remove them, local government is not allowed to touch them. Mr. Frazier said this ordinance sounds like we're trying to outlaw those signs. Chair Spoon said it does not seem like there is anything written in the ordinance that will cause us issues with the election laws.
- Ms. Roodkowsky said on page 4-5, section 4.7.4 A, prohibited signs, "any non-governmental sign that resembles a traffic control device." What about those non-official signs you find in parking lots such as a stop sign. Is that covered by this? Ms. Plummer stated they are not regulated because they are on private property.
- Chair Spoon said on page 4-5, section 4.7.3. G, exempt signs, "signs in the interior of a structure and not visible from any perspective outside the structure." Is this saying we will not regulate any sign inside a building? Ms. Plummer said that is correct. Mr. Frazier said there are a lot of signs that are inside a building, but they are visible from the outside the structure, that is very common. Ms. Plummer said there have been a lot of research conducted on environmental protections and safety for customers on how to deter crime prevention by not allowing stores to fill up their windows with posters and flashing lights so law enforcement can see as they drive by these establishments, they can see that everything is okay on the inside. There is a little bit of give and take on that respect, we are trying to make it safe for everyone. Chair Spoon asked if we could put a note for section G to put some more thought into that and if it is precise enough to accomplish what we are trying to do there.
- Mr. Frazier stated on page 4-5, section 4.7.3, A, governmental signs are exempt, I do not think they should be, the government offices should have to follow the same rules as they require others to follow. Also, section C, "signs on a vehicle, when the vehicle is not intended to be used for a display of signs on a parcel." I would like that to be clarified to help figure out what it is meant to accomplish. Chair Spoon offered an example of what he thought this was referring to, like if an advertisement is located on the side of a bus and people see it when it is on its route that is exempt, rather than a box truck sitting outside in the parking lot of an establishment with an advertisement plastered on the side of it. Mr. Frazier stated that is what he thought it meant, but maybe it could be clearer. Ms. Plummer stated it is explained better further into the subchapter where it refers to stationary vehicles used as signs are prohibited.
- Mr. Andrews asked what is the definition in section E, flags, when is a flag a flag and when is a flag a sign? There are flags that say open, on sale, and other statements. Ms. Plummer stated these flags are exempt because they do not have any advertising matter printed on them.
- Chair Spoon asked on page 4-5, section 4.7.4. D, abandoned signs, are there standards to what we would consider an abandoned sign and what is the enforcement and removal processes look like. Ms. Plummer said further in the text it talks about if a sign has been abandoned and is in disrepair, there are steps to either have it mitigated or removed. Chair Spoon asked if old subdivision developments that never came to pass, but has the subdivision sign out front, would those be considered abandoned signs? Ms. Plummer said yes.
- Chair Spoon said on page 4-6, section H, "any sign that obstructs any window, door, fire escape, stairway, ladder or opening intended to provide light, air, ingress, or egress for any building as required by law." The potential situation when a sign already exists before a new building is built, I would hope they would not have grounds to complain about the sign under this provision. Could that be fully addressed here? Chair Spoon said in section N, "signs set in motion by wind, water, motor drive, or otherwise." Is this one of the places where we might address the single PVC pole flag signs that sit out in the road that are pretty tacky. Would this count as a sign set in motion by the wind? Ms. Plummer said yes, they are allowed to use flags or banners under the temporary sign regulations for things like grand opens, or open now, but there are only allowed for 30 days per calendar year. Ms. Haddix asked

if it was 90 days? Ms. Plummer stated right now it is 30 days, but yes, we are increasing it to 90 days because we were hearing 30 days was not long enough. Ms. Haddix said will a whirligig be classified as a sign, because right now there is some confusing language in here as to what constitutes as a sign. Ms. Plummer said we need to clarify that is something is used to advertise or draw attention to a business, or an establishment would be considered a sign. Ms. Roodkowsky said we would need to be careful because the whirligigs outside of Fearington Village could be associated with their restaurant and so on. Chair Spoon said we will not get rid of public art because we might think it draws attention to something.

- Ms. Haddix said on page 4-7, section B, sign area, she could not understand that definition at all. Ms. Plummer said she likes the current definition better and staff will see if we can modify this definition. Chair Spoon said we need a diagram or a better definition. Chair Spoon asked what is an example of unusual cases where downlighting is not possible in section C. lighting 1. B? Ms. Plummer said most of the time it will be because of the grade of where the sign is located compared to the roadway or it could be an issue from the manufacturer, they can give us all kinds of reasons why they cannot have downlighting. Ms. Roodkowsky stated in section C, lighting, to what degree does this apply to gas station signs? Ms. Plummer said gas stations signs are allowed to have the LED lit signs and they are regulated under this as well.
- Ms. Haddix said on page 4-8, section F, content neutrality, if this is applicable to the whole chapter, then it would be better to be moved under applicability section on page 4-4. There has to be a guidance on this somewhere we can use. Chair Spoon said we need to have something against graphic or pornographic signs. We need to have some way to define offensive signs better than the supreme court and stop that from happening. Ms. Haddix said there has to be a guidance on this somewhere we can use. The government is allowed to have some restrictions on content it cannot be viewpoint based.
- Chair Spoon asked on page 4-9 why did we grouped agriculture and open space together, they are similar, but I thought agriculture would be a little more prone to have businesses that needs signs and open space we would want to limit the signs as much as possible to preserve the natural character. These may be worth addressing separately.
- Mr. Frazier asked what NR stands for on page 4-10 within the table. Mr. Mullis said that only applies only to allowed non-residential use in a residential district. Mr. Frazier said further down in the table under reader boards not allowed in agriculture, open space, and residential, a lot of churches have reader board signs, and we may run into a problem there. Mr. Frazier also asked if the electronic messaging signs apply to the Sheriff? Chair Spoon said, no government signs are exempt. Mr. Frazier said they should be, if these signs are problematic then they should follow the same regulations.
- Chair Spoon asked if 3 inch lettering a reasonable size on a sign as we drive by it? Ms. Plummer said these are their incidental signs, not their primary sign. Mr. Frazier said under no perimeter signs allowed in residential areas, a lot of people put their house numbers out by the road to be helpful. It seems like we're outlawing that. Ms. Plummer said this falls under emergency 911 requirements for house identification; these numbers are allowed.
- Chair Spoon asked on page 4-15m section D perimeter incidental signs, where would no trespassing signs fall under, is that this section? Ms. Plummer stated yes that would fall under this section, but we have to be careful not to overregulate someone who posts private property or no trespassing signs. Mr. Frazier stated for the no trespassing signs to have legal effect, they have to be like every 10 to 20 feet apart.
- Mr. Roodkowsky said she never saw a place in this chapter to encourage cohesive sign standards. Chair Spoon mentioned that often developers may design all the signs within the development like a strip mall and they have their own internal design standards for what they are trying to achieve. Ms.

Haddix said what you think may identify as cohesive may be different from what someone else defines it as. It seems problematic to dictate that.

- Mr. Frazier said on page 4-17, the temporary sign allowances table, in residential areas the max number of signs allowed is six and I am thinking about political signs, people may want to put more than six signs in their yard, and they should be allowed to. Ms. Plummer said we cannot regulate political signs at all. Ms. Haddix stated that in the definition of temporary signs it lists political signs. Mr. Mullis placed a redline through that and will ask the consultants to remove it. Ms. Haddix also pointed out a word correction in the footnote, it says on, but it should read one. Chair Spoon stated on page 4-17, section B, mentions pennants and wind signs as prohibited temporary signs, does the PVC fabric signs qualify in this section? Ms. Plummer said yes.
- Ms. Haddix said on page 4-19, section D. 3, this language is vague and should be tightened up. Chair Spoon said this would be triggered by a complaint and then it would be enforced.
- Mr. Frazier said on page 4-20, section 5.B&C, spacing, “a billboard shall not be located within 1,000 feet of a school, residential structure, a church or place of worship, public park, or cemetery. A billboard shall not be located within 250 feet of any bridge or the intersection of two or more streets, roads, or highways.” Ms. Plummer said this is what the current ordinance reads and is industry standard. It is 1000 feet away from residential because billboards have lights on them and do not want to disturb the private property owners. Ms. Haddix asked who determines what is a nuisance sign? Ms. Plummer said basically it comes as a complaint and then we will look into it.
- Chair Spoon asked if there were any broad questions or comments for this subchapter. Chair Spoon said he is not sure this is the correct section to address this, but he wants to make sure that the flagpole height remains limited at 30 feet high.

IV. NEXT MEETING & DISCUSSION TOPICS

Chair Spoon stated tentatively our next meeting will be held on November 30<sup>th</sup>.

V. ADJOURNMENT

The UDO subcommittee was adjourned at 7:43pm.