

***IREDELL COUNTY PLANNING BOARD***

The Iredell County Planning Board met on Wednesday, December 3, 2008 at 7:00 p.m. in the Commissioners Meeting Room of the Iredell County Government Center (Old Courthouse) at 200 S. Center Street in Statesville, NC.

**MEMBERS PRESENT**

Eric Fields, Chairman  
Dr. Jackie Grigg, Vice-Chairman  
Anita Johnson  
Gene Mahaffey  
Jeff McNeely  
Kristi Pfeufer  
Thomas E. Stephens  
Alan Williams

**STAFF PRESENT**

Rebecca Harper  
Katrina Hewitt  
Ron Smith  
Steve Warren

**MEMBERS ABSENT**

Harold Pruitt  
Jerry Santoni  
Harry Tsumas, Jr.

At this time, Chairman Fields called the meeting to order.

**MINUTES:** Dr. Grigg made a motion to approve the 11/5/08 meeting minutes. Mr. McNeely seconded said motion; and

AYES: Grigg, McNeely, Fields, Mahaffey, Pfeufer, Stephens, Williams  
NOES: None  
ABSTENTION: Johnson (*was not present at last meeting*)

The motion passed in favor Vote: 8-0.

**PROPOSED AMENDMENT TO THE ZONING ORDINANCE:** Ms. Harper presented the staff report:

We have a request from Darlene Payne to amend our zoning regulations concerning electronic changeable face (digital) billboards. Although there are regulations with regards to billboards in the Iredell County Zoning Ordinance, they do not address the issue of electronic changeable faces. We have been asked to amend our code to allow this type of sign.

**CONCERNS:** On November 5, 2008, the Planning Board received information concerning the proposed amendment. There were a few issues that arose during the discussion, including the time interval for the static position of messages, the distance between billboards, the location of the billboards in the Roadway Protection Overlay, the distance from residentially zoned property, and a clarification of the setbacks from commercially zoned property.

The Board also asked the staff to research other codes from cities other than Charlotte, to check on NC DOT standards, and to check the status of the City of Statesville's proposed billboard amendment.

**NC DOT REGULATIONS:** NC DOT has regulations for outdoor advertising signs, including automatic changeable facing signs (digital billboards). Messages must remain static for 8 seconds and the change has to occur within an interval of 2 seconds. The spacing between signs is 1000 feet on the same side of the highway. They do not allow flashing, intermittent, moving lights, animation or scrolling.

A default design is required so that the message will freeze if a malfunction occurs. Only legally conforming static signs may be converted to digital. The maximum copy area is 1,200 square feet and the maximum height of the sign is 50 feet.

**OTHER JURISDICTION REGULATIONS:** Attached you will find a chart that compares the existing billboard regulations and the proposed regulations for digital billboards as well as regulations for digital billboards from other jurisdictions.

**PROPOSED CHANGES:** After the discussion during the 1<sup>st</sup> Planning Board meeting, staff met with Darlene Payne to try to address some of these issues. Two issues were brought up that both the Board and Ms. Payne agreed on. The proposed text changes address these issues. The setback from residentially zoned property was changed from 400 feet to 100 feet and billboards are not permitted in the Roadway Protection Overlay.

There were also two issues on which the Board and Ms. Payne wanted different standards. The applicant wanted a setback of 2000 feet between digital billboards and other digital billboards and 1000 feet between digital billboards and static billboards. The Board felt that there should be a setback of 2000 feet between all billboards. The applicant also wanted the messages on the billboard to be able to change every 10 seconds. The Board suggested allowing a change every 12 seconds. Where there are differences, the Board's recommendations are shown in blue text on the attached document.

**CONSEQUENCES FOR NOT ACTING:** If we do not amend the ordinance to specifically address digital billboards we run the risk of being required to deal with them in the same manner as static billboards, which have lesser standards.

The applicant has made a formal request for this amendment, which the Planning staff can support as submitted by the applicant. We would like a recommendation to the Board of Commissioners on the proposed request.

This document is a proposed amendment to the Iredell County Zoning Ordinance section on billboards. The following indicates what the different colors of text represent:

Black: existing ordinance text

Red: new text proposed by the applicant

Blue: new text as recommended by the Planning Board

**ARTICLE XI. SIGNS**

**Section 11.19 Signs Permitted in Non-Residential Zoning Districts**

D. Permanent Off-Premises Advertising (Static Billboard) Signs

The following permanent off-premises advertising (billboard) signs are permitted in H-B, G-B, M-1 AND M-2 Zoning Districts upon issuance of a zoning permit regarding the proposed sign(s), provided that the stated specific requirements, conditions and stipulations are met:

E. Permanent Off-Premises Advertising, Electronic Changeable Face (Digital Billboard) Signs

The following permanent off-premises advertising (billboard) signs are permitted in H-B, G-B, M-1 AND M-2 Zoning Districts upon issuance of a zoning permit regarding the proposed sign(s), provided that the stated specific requirements, conditions and stipulations are met:

Permitted number of signs: Limited only by spacing requirements.

Maximum copy area of signs (1): Maximum sign face area shall be 380 square feet.

Permitted number of Sign Faces One sign face is permitted per side, and there shall be no more than 2 sides.

Permitted illumination: The outdoor advertising sign shall have an automatic dimmer (factory set to the illumination intensities set below) and a photo cell sensor to adjust the illumination intensity or brilliance of the sign so that it shall not cause glare or impair the vision of motorists, and shall not interfere with any driver's operation of a motor vehicle. The sign shall not exceed a maximum illumination of 7,500 nits (candelas per square meter) during daylight hours and a maximum illumination of 500 nits between dusk and dawn as measured from the sign's face at maximum brightness. Before receiving a certificate of occupancy, a member of the Planning Department shall be present at a test (by the applicant) to ensure that the sign meets this standard. Furthermore, a written report of the test shall be given to the Planning Department in order for the original test to be duplicated at any given time.

Any external illumination devices shall be effectively shielded so as to prevent beams or rays of light from being directed at any portion of a street or highway, or any residential use.

Electronic changeable face outdoor advertising signs shall contain a default design that will freeze the sign in one position with no more than a maximum illumination of 500 nits if a malfunction occurs.

Permitted location (2): There shall be a minimum spacing of 100 feet between the electronic changeable face outdoor advertising sign and residential zoning districts and residential uses. The distance shall be calculated as the shortest measurable distance between the nearest point of the sign to the edge of residential district or to the property line of the institutional use.

There shall be a minimum spacing of 2,000 feet between any electronic changeable face outdoor advertising sign and other electronic changeable face outdoor advertising sign on the same side or opposite side of the street. There shall be a minimum spacing of 1,000 feet between any electronic changeable face outdoor advertising sign and static billboard sign on the same side or opposite side of the street. (Refer to Figure D.) There shall be a minimum spacing of 2,000 feet between any electronic changeable face outdoor advertising sign and other outdoor advertising sign on the same side or opposite side of the street. (Refer to Figure D.)

Off-premises advertising (billboard) signs shall not be located less than 500 feet from any Interstate Highway access/exit ramp or safety rest area measured along the Interstate roadway from the beginning or ending of pavement widening at the exit from or entrance to the main traveled way. (Refer to Figure A.)

No portion of any sign shall be located closer than ten (10) feet from any commercially zoned property line.

Maximum height:

50 feet if located within 660 feet of the right-of-way of an Interstate Highway and 40 feet if located within 660 feet of a US Primary Highway.

Minimum setback:

10 feet

Maintenance:

The area immediately surrounding advertising (billboard) structures shall be appropriately maintained.

Special Requirements:

All permanent off-premises advertising (billboard) signs on public roads located within 660 feet from the edge of the road right-of-way line shall, except as noted, meet the criteria established by the North Carolina Department of Transportation Outdoor Advertising Manual or the provisions of this Ordinance, whichever is stricter.

Must have written verification of NC DOT approval prior to the issuance of a zoning permit.

Sign Support shall be freestanding with unipole construction only.

No moving, rotating, fluttering, blinking, or flashing elements are permitted. No animation, video, audio, pyrotechnic, or bluecasting components are permitted.

Advertising messages or information shall remain in a fixed, static position for a minimum of ten (10) seconds. The change sequence must be accomplished within an interval of two (2) seconds or less. Advertising messages or information shall remain in a fixed, static position for a minimum of twelve (12) seconds.

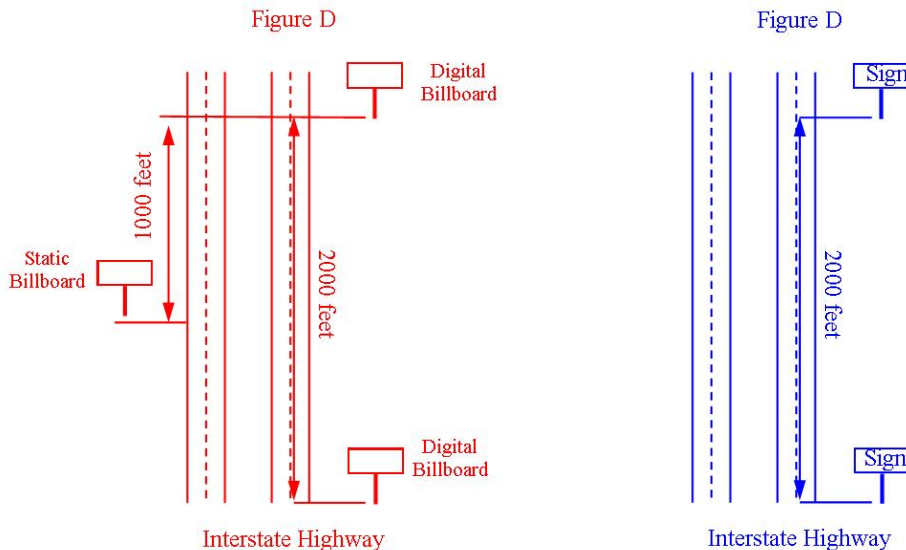
There can only be one message at a time on the outdoor advertising sign.

Electronic changeable face outdoor advertising signs shall not be located in any Roadway Protection Overlay.

Electronic changeable face outdoor advertising signs are permitted only along limited access Interstate Highways and limited access US Primary Highways.

1. The maximum permitted copy area shall be determined from the road which the sign predominantly faces. If a sign equally faces two different roads, the larger of the two permitted copy areas may be erected. The copy area of an advertising sign shall be measured by the smallest square, rectangle, triangle, circle or combination thereof which will encompass the entire sign. The copy area shall include any border or trim but shall exclude the base or apron supports and other structural devices. If an advertising message appears on the base or apron, it will not be excluded from the copy area.
2. All electronic changeable face outdoor advertising signs within 660 feet of the edge of a right-of-way, located on opposite sides of the same roadway shall be spaced at least two thousand (2000) feet apart from each other. (Refer to Figure D.)

The distance between signs shall be measured along the center line of the road by the closest distance between the points of perpendicular intersection of each sign. All advertising signs shall be located at least one thousand (1,000) feet from any portion of the lot containing the principal use being advertised.



## ARTICLE XIX. DEFINITIONS

### C. Definitions Related to Signs (See Article XI, Signs)

**Sign, Static Billboard.** A permanent, usually free-standing, off-premise sign that is affixed to the ground or to a building, owned by a person, corporation or other entity that engages in the business of selling or leasing the advertising space on that sign and which advertises an establishment, service, commodity, goods or entertainment sold or offered on premises other than that on which such sign is located. Such signs commonly referred to as "outdoor advertising signs" are generally designed so that the copy or posters on the sign can be changed frequently.

**Outdoor Advertising Sign, Electronic Changeable Face (Digital Billboard).** A sign, display, or device, or portion thereof, which electronically changes the fixed display screen composed of a series of lights, including light emitting diodes (LED's), fiber optics, or other similar new technology where the message change sequence is accomplished immediately. Electronic changeable face outdoor advertising signs include computer programmable, microprocessor controlled electronic or digital displays that display electronic, static images, static graphics, or static pictures, with or without textual information, and tri-vision outdoor advertising signs. Electronic changeable face outdoor advertising signs do not include animated or scrolling images, graphics, video active images (similar to television images), projected images or messages onto buildings or other objects, or static outdoor advertising signs.

**Bluecasting.** A process in which a message is broadcast to Bluetooth-enabled devices within a given physical area.

**Limited Access. Connections to a facility provided only via ramps at interchanges (major crossings) and at-grade intersections (minor crossings and service roads). No private driveway connections allowed.** *This definition came from the Facility Type and Control of Access Definitions document produces by NC DOT.*

Ms. Harper presented the Board with a map showing all the zoning districts where billboards are permitted (*see attachment in file*). Ms. Harper stated that Mr. Santoni could not attend tonight's meeting but that he submitted his comments on the amendment and she gave each Board Member a copy (*see attachment in file*). Mr. Stephens felt that Mr. Santoni's comments should be made part of the record since he was opposed to the amendment at this time.

Mr. Mahaffey stated that he did his own research and talked to two auto insurance adjusters and asked them if they ever had a claim where "reading billboards" caused an accident and the adjusters stated never. Mr. Mahaffey stated that the safety issue that Mr. Santoni commented on that he disagreed because he felt there was no safety issue. Chairman Fields stated that any information submitted by the applicant or this Board becomes part of the record.

Chairman Fields asked if the staff was recommending approval of this amendment as submitted by Ms. Payne without regard to the Board's concerns. Ms. Harper stated that it wasn't without regard to their concerns that we did take that into consideration but yes the staff was recommending approval of the applicant's request.

Darlene Payne, Applicant, stated that most of the existing billboards are nonconforming along I-40 and I-77 and a new location would only work with the 1000' separation. Ms. Payne gave a power point presentation showing "feet travel to time" with letter heights/readable distances. Ms. Payne also showed a video of a digital bill board changing an ad every eight seconds. Ms. Payne stated that she wanted minimum spacing 1000' between electronic and other billboards. She also wanted ten seconds instead of twelve seconds for changing time.

*There was no one else present to speak in regard to this matter.*

Chairman Fields stated that the Board had several options: table the request as Mr. Santoni has requested by letter, recommend approval as presented by the applicant, recommend approval with the Board's amendment to the request, or recommend denial.

Ms. Pfeufer asked Ms. Payne if the major constraint was the commercial zoning districts only allowed the billboards and Ms. Payne stated that NCDOT wouldn't issue a permit in the RA districts anyway. Mr. McNeely stated that this ordinance would deal with replacement billboards not new ones probably so the 2000' separation sounds good but may be too much of a burden. Mr. McNeely stated that he didn't have a problem with the 1000' separation but leave the twelve seconds intervals. Dr. Grigg asked Ms. Payne if she had talked with other billboard companies and she explained that due to the competitive nature of these type businesses that she had not contacted anyone.

Chairman Fields stated that he was stuck on I-77 during a recent wreck and had time to look at some billboards and he didn't think ten to twelve seconds didn't make much of a difference. Chairman Fields added that there was nothing attractive about billboards and he personally would like to see as few as possible on the highways.

After further discussion, Dr. Grigg made a motion to recommend approval as submitted by the applicant (*as submitted in red ink*). Mr. Mahaffey seconded said motion; and

AYES: Grigg, Mahaffey, Johnson, McNeely, Pfeufer, Williams

NOES: Fields, Stephens

The motion passed in favor VOTE: 6-2.

### **OTHER BUSINESS** ~

**UPDATE ON THE COMPREHENSIVE LAND USE PLAN PROGRESS:** Ron Smith stated that the committee was moving along with the plan and that he recently spoke during Farm City Week and it seems to be a big topic of conversation. Mr. Smith stated that they were dealing with the land use section now and focusing on what this Board deals with on a monthly basis. Mr. Smith stated that they are trying to coordinate as much as possible with the towns and have had several meetings.

Mr. Smith stated that he will be giving an update presentation at the December 16<sup>th</sup> Board of Commissioners meeting if they would like to attend.

**DISCUSSION ON POSSIBLE PLANNING BOARD PROCEDURES:** Mr. Smith stated that he submitted a rough draft of possible Rules of Procedure in making decisions or recommendations and the Board can decide whatever action it deems appropriate.

Ms. Pfeufer asked Chairman Fields if a subcommittee could be formed to study this because she felt this was needed professionally and legally but also for new board members.

Chairman Fields stated this is something drafted by the staff but not official and felt the Board should draft the rules. Dr. Grigg stated that she agreed with Ms. Pfeufer that there is a need for a subcommittee but that she didn't agree with Chairman Field's comments that she felt input was needed from the staff to put something together.

Mr. Mahaffey stated that when he came new on the Board that he didn't know what his role and responsibility was. All agreed that some type of orientation was needed for new members. Mr. Smith stated that the staff can be there for support only.

After further discussion, Mr. McNeely made a motion to form a subcommittee to structure Rules & Procedures for the Planning Board and have three Board Members serve on the committee with Ms. Pfeufer serving as Chair. Ms. Johnson seconded said motion and all agreed. VOTES: 8-0.

The following Board Members volunteered to serve on the committee:

Kristi Pfeufer, *Chair*  
Gene Mahaffey

Jackie Grigg  
Eric Fields, *Alternate (will sit in on meetings, but will not vote)*

**DISCUSSION ON SPOT ZONING:** Mr. Smith submitted information from David Owens, Land Use Law in North Carolina; Iredell County Zoning Ordinance; and NC General Statute in regard to spot zoning (*see attachment in file*). Mr. Smith stated that one thing that was addressed in the conditional zoning process was spot zoning: size of tract, compatibility with adopted plans, public benefits and detriments of proposed rezoning, and the relationship between proposed use and current use of adjacent properties. Mr. Smith stated that determining spot zoning is a complicated issue.

Mr. Stephens stated that when requests come before this Board and we ask if it's spot zoning and the staff doesn't take a stand then we have to make our decisions based on this but by the time it goes before the Board of Commissioners the County Attorney makes an opinion. Mr. Stephens asked if the County Attorney could give his opinion before the request came before this Board. Mr. Smith stated that the staff will give their best opinion and also ask the County Attorney's opinion if needed.

The Board had open discussion but no action was taken.

**ADJOURNMENT:** There being no further business, Chairman Fields declared the meeting adjourned at 8:45 p.m.

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Katrina Hewitt  
Administrative Asst. II

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Date Read and/or Approved