

September 28, 2007

Mayor Allen Joines and Members of City Council  
City of Winston-Salem  
P. O. Box 2511  
Winston-Salem, NC 27102

RE: ZONING TEXT AMENDMENT UDO-182

Dear Council Members:

The attached report of the Planning Board to the City of Winston-Salem City Council is sent to you at the request of the Council Members.

When the text amendment is scheduled for public hearing, you will be notified by Renee Henderson, City Secretary, of the date on which the City Council will hear this petition.

Sincerely,

A. Paul Norby, FAICP  
Director of Planning

Attachment

pc: Renee Henderson, City Secretary  
Gayle Anderson, 601 W. Fourth Street, Winston-Salem, NC 27101  
Jim Moury, 1816 Silas Creek Parkway, Winston-Salem, NC 27103  
Maurice Redd, 102 Laura Avenue, #A, Winston-Salem, NC 27105  
Melynda Dunnigan, 1875 Mallard Lakes Drive, Winston-Salem, NC 27106  
George Bryan, 1001 Reynolda Road, Winston-Salem, NC 27104  
Barnes Daniels 2728 Winslow Lane, Winston-Salem, NC 27103

**ACTION REQUEST FORM**

**DATE:** September 28, 2007  
**TO:** The Honorable Mayor and City Council  
**FROM:** A. Paul Norby, FAICP, Director of Planning

**COUNCIL ACTION REQUEST:**

Request for Public Hearing on Zoning Text Amendment proposed by City Council

**SUMMARY OF INFORMATION:**

Public hearing on Zoning Text Amendment proposed by City Council to amend Chapter B of the *Unified Development Ordinances* to revise regulations for on-premises signs to establish a uniform two hour interval for copy changes to all new electronic message boards and eight seconds for all existing electronic signs for a period of fifteen years (UDO-182).

**PLANNING BOARD ACTION:**

**MOTION ON PETITION:** DENIAL AS PROPOSED; APPROVAL AS AMENDED  
**FOR:** UNANIMOUS  
**AGAINST:** NONE  
**SITE PLAN ACTION:** NOT REQUIRED

## **DRAFT STAFF REPORT**

**DOCKET #** UDO-182  
**STAFF:** Kirk Ericson

### **REQUEST**

This UDO text amendment is proposed by the Winston-Salem City Council to amend Chapter B, Article III of the UDO to amend the requirements for the rate of electronic message signs within the City of Winston-Salem.

### **BACKGROUND**

UDO-164, a text amendment which comprehensively revised the on-premises sign regulations for Winston-Salem and Forsyth County, was adopted by the Winston-Salem City Council in May 2007. Among the various regulations created in UDO-164 were regulations controlling the rate of change for electronic message signs. The rate at which electronic message signs are allowed to change became a major point of discussion during the ordinance adoption process. The ordinance adopted by the City included two distinct rates of change for electronic message signs. Large entertainment uses such as theaters, exhibition buildings, and stadiums were given a maximum rate of change of once per eight seconds, while all other uses had a maximum rate of change of once per two minutes. While logical reasons exist for having a rate of change which varies according to use, the City Council has decided to consider elimination of distinctions in the rate of change for different uses.

The Council has proposed a maximum rate of change of one change per two hours for electronic message signs permitted after the adoption of this ordinance, regardless of use, within the City's zoning jurisdiction. Changes would be between static images; no transitional effects such as displaying scrolling, flashing, or blinking messages would be allowed under this provision. Additionally, all existing electronic message signs within the City would be allowed to display continuously scrolling images, or static images with a maximum rate of change of one change per eight seconds, for fifteen years after the adoption of this ordinance. The finalized ordinance language from the City Attorney's office for this proposed text amendment was not available at the time this staff report was written. A copy of the precise language will be made available prior to the September 27 Planning Board Public Hearing.

### **ANALYSIS**

The last written recommendation of Planning staff, which appeared prior to the March 2007 Planning Board Public Hearing, recommended a maximum rate of change of once per thirty seconds for electronic message signs. Staff still believes this is an appropriate recommendation; however, staff also recognizes that the eight second rate of change recommended by the Planning Board (March 8, 2007) was a reasonable compromise given all the issues involved in the sign ordinance revision. Staff notes that a uniform maximum rate of change would also be easier for the Inspections Division to enforce than the rate of change which varied by use adopted in May 2007.

## **RECOMMENDATION**

### **APPROVAL OF PREVIOUS STAFF OR PLANNING BOARD RECOMMENDATION**

#### **PUBLIC HEARING**

Glynis Jordan presented the staff report.

FOR:

Gayle Anderson, 601 W. Fourth Street, Winston-Salem, NC 27101

- Rob Simon has received positive feedback concerning this issue.
- Electronic message boards are very important to the community.
- I have copies of studies done by Virginia Tech that show that drivers do not look at billboards anymore than they look at anything else.
- Signage does not cause the accidents.
- Please allow message boards to exist in our community, it is the wave of our future.

Jim Moury, 1816 Silas Creek Parkway, Winston-Salem, NC 27103

- It was previously stated by the board that there were no “facts”.
- Base your decision on facts and not supposition.

Maurice Redd, 102 Laura Avenue, #A, Winston-Salem, NC 27105

- My sign is a scrolling sign that does not stop.
- It scrolls continuously.
- I installed the sign based on a lot of studies and after gathering a lot of information from other agents and traffic studies.
- I don't think my sign is unattractive or disruptive.
- I am a small business and don't have a lot of unlimited resources.
- If I'd known this was coming, I would never have installed the sign.
- Hopefully you all will agree that businesses which have already established their signs could be grandfathered in some way.

AGAINST:

#### **WORK SESSION**

During discussion by the Planning Board, the following points were made:

1. Arnold King presented a four part motion for the board to consider:  
Part 1- Support the 15 year amortization.  
Part 2- Maintain previous 8 second time change.  
Part 3- Revisit the 8 second time change against Federal guidelines.  
Part 4- Remove regulations from the UDO but add to the city code.
2. Jerry Clark gave a second
3. Lynne Mitchell asked the question what would happen after 15 years?

4. Arnold King replied that they would be allowed to operate as they are today as according to regulations whatever they are at that time.
5. Carol Eickmeyer stated that they would have to be in compliance and suggested that the 8 seconds was not based on any facts.
6. Arnold King stated that we don't know if the 8 seconds is right.
7. Wesley Curtis mentioned that the key has to be the safety of it. The issue is safety.
8. Arnold King suggested that the intervals be revisited. Based on federal and state guidelines the 8 seconds could change.
9. Lynne Mitchell made a request to look at we've got.
10. Arnold King asked the question if every time there is a change could that not be handled by the WSDOT and not Planning/Zoning?
11. Chuck Green answered that he would have to check into it.
12. Carol Eickmeyer asked that if that was the case could the 8 seconds be taken out all together? We don't know if WSDOT wants that responsibility but it's not our decision to make.
13. The statement was made that if we revisit it then we needed to make it more than just a guideline.
14. Paul Mullican stated to change the guidelines to standards.
15. The statement was made that they didn't know who the appropriate authority was.
16. Arthur King said that he did not know if timing was a zoning matter.
17. Clarence Lambe agreed that the issue was safety. If adopted as standards then we need to tell them up front that it may change. If it's important enough to spend this much time on it. Anyone can change a UDO text amendment.
18. Arthur King replied that this was one way to make the issues more manageable. I don't think that we need to go beyond that and supports the recommendation.
19. Clarence Lambe stated that this would take out the 8 seconds all together.
20. Paul Mullican suggested to maybe support ½ and let DOT take a look. I think people might feel tricked.
21. Carol Eickmeyer said that the issue of the community is also the aesthetics and not just the safety.

22. Paul Mullican, What is the fee to propose an amendment to the UDO?
23. Glynis Jordan replied \$500.00.
24. Paul Mullican, That's not going to happen every month. I would like to add to the city to do fact gathering.
25. Arnold King asked to amend the motion. The first and second motions stay the same and part three would suggest to the city council that some consideration be taken to have someone more expert than us should look into this. Who is the appropriate entity?

MOTION: To support as amended:

1. An electronic message board sign for which a permit has been lawfully issued as of the effective date of this ordinance shall be allowed to remain as originally conditioned for fifteen years following the effective date of this ordinance, and thereafter shall have a maximum change rate of eight (8) seconds. All electronic message board signs for which a permit has been lawfully issued after the effective date of this ordinance shall have a maximum change rate of every eight (8) seconds.
2. It is recommended to the Winston-Salem City Council that they consider requesting of the appropriate department (perhaps WSDOT), the investigation of any potential public safety issues as determined by any approved state and/or federal public safety standards regarding the change rate of electronic message board signs. In addition, it is recommended that the Winston-Salem City Council investigate the appropriateness of placing the change rate of electronic message board signs in the City Code rather than the UDO. All other aspects of sign regulations such as number, height, size, etc., to remain in the UDO.

SECOND: Jerry Clark

VOTE:

FOR: Jerry Clark, Wesley Curtis, Carol Eickmeyer, Arnold King, Arthur King, Clarence Lambe, Lynne Mitchell, Paul Mullican, Brenda Smith

AGAINST: None

EXCUSED: None

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A. Paul Norby, FAICP  
Director of Planning

**UDO-182**  
**AN ORDINANCE AMENDING CHAPTER B (ZONING)**  
**OF THE *UNIFIED DEVELOPMENT ORDINANCES* (UDO)**  
**REGARDING ELECTRONIC MESSAGE SIGNS**

Be it resolved, by the City Council of the City of Winston-Salem, North Carolina that the *Unified Development Ordinances* (UDO) is hereby amended as follows:

**Section 1.** Section 3-2.1(F)(2)(b) entitled, “Changes Per Day,” of Chapter B entitled, “Zoning,” is hereby revised to read as follows:

- (b) Changes Per Day. An Electronic Message Sign shall change no more than once per ~~minute~~two (2) minutes, with the exception of Electronic Message Signs used in conjunction with Stadiums, Coliseums, or Exhibition Buildings; Indoor or Drive in Theaters; or Recreational Services, Indoor, Limited to SIC 792 (Theatrical Producers), which shall change no more than once per eight (8) seconds. Changes shall be complete and shall not contain any scrolling, flashing, or similar transitional effects between static messages.

**Section 2.** This ordinance shall be effective upon adoption.