

Information Item

Date: April 12, 2021

To: Mayor, Mayor Pro Tempore, and Members of the City Council

From: Damon Dequenne, Assistant City Manager
Aaron King, Director of Planning and Development Services

Subject:
Winston-Salem Sign Ordinance Provisions related to Amortization and Electronic Messages

Strategic Focus Area: Livable Neighborhoods

Strategic Objective: No

Strategic Plan Action Item: No

Key Work Item: No



Background

At the February meeting of the CD/H/GG Committee, Planning and Development Services staff presented information related to the amortization and electronic message provisions of the Winston-Salem sign ordinance. The committee then instructed staff to compile additional information (1) providing clarification regarding courtesy letters mailed to property owners with noncompliant signs following the 2017 survey of freestanding signs in Winston-Salem; (2) confirming the number of signs that were brought into compliance following the same survey; and (3) comparing sign ordinances in peer communities, particularly as they pertain to regulating electronic messages.

Courtesy Letters

Planning and Development Services staff mailed letters to property owners with noncompliant signs following a survey of freestanding signs in 2017. The letters provided background concerning the changes to the sign ordinance, the amortization date, and contact information for the Inspections Division – which could be used to obtain more specific information about compliance. A sample letter is attached for reference.

Status of Noncompliant Signs

After the 2017 survey of freestanding signs, 733 signs were deemed noncompliant and would have to be brought into compliance before July 1, 2022. Since staff mailed courtesy letters to the property owners affected by this determination, permits were issued for 36 signs that would make the associated properties compliant. Of those permitted signs, 16 have been inspected and approved. The remainder have not been constructed.

The 2007 discussion regarding change rates for electronic messages was spirited. Numerous perspectives were shared, and the City Council ultimately approved a change rate of once every two hours. The current ordinance also prohibits messages from scrolling, flashing, or otherwise moving in the interest of preventing distractions while driving. Electronic messages may be incorporated into freestanding or attached signs in any nonresidential zoning district.

Peer Communities Research

Staff looked at the sign regulations in six peer communities, paying specific attention to any provisions related to electronic messages. A summary of that research is below:

| | Electronic Messages Allowed? | Changes | Brightness | Other provisions |
|------------------|------------------------------|---|--|---|
| Asheville | Yes | <ul style="list-style-type: none"> • Once every 4 hours (outside Central Business District) • Once every 6 seconds (inside Central Business District) | <ul style="list-style-type: none"> • 5,000 nits (day) • 500 nits (night) • Must be installed with dimmer control responsive to ambient light conditions | <ul style="list-style-type: none"> • No more than 50 percent of a sign face can contain an electronic message • No electronic messages within 100 feet of a residential zoning district • Only static messages allowed (no flashing, scrolling, animation, etc.) |
| Charlotte | Yes | Once every 8 seconds | <ul style="list-style-type: none"> • 5,000 nits (day) • 500 nits (night) • Must be installed with ambient light meter | <ul style="list-style-type: none"> • No more than 50 percent of a sign face can contain an electronic message • Only static messages allowed (no flashing, scrolling, animation, etc.) |

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|-------------------|-----|--|--|--|
| Durham | Yes | No more than 8 changes per day | No interference with traffic safety | <ul style="list-style-type: none"> • Allowed only in nonresidential districts and for houses of worship • No more than 50 percent of a sign face can contain an electronic message • Only static messages allowed (no flashing, scrolling, animation, etc.) |
| Greensboro | Yes | Varies by district/use: <ul style="list-style-type: none"> • 3 seconds (central business, industrial, Airport Overlay) • 1 minute (mixed-use, religious assembly) • 6 hours (residential) | <ul style="list-style-type: none"> • May not exceed 1 foot-candle above ambient lighting conditions, measured from the property line or street right-of-way • Must be equipped with automatic dimmers that respond to ambient conditions | <ul style="list-style-type: none"> • No more than 50 percent of a sign face can contain an electronic message (outside central business areas) • No more than 75 percent of a sign face can contain an electronic message within the central business area |
| High Point | Yes | Once every 8 seconds | <ul style="list-style-type: none"> • 5,000 nits (day) • 500 nits (night) • Must be installed with dimmer control responsive to ambient light conditions | Additional standards may apply, based on the zoning district |

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|----------------------|-----|--------------------------------|---|--|
| Raleigh | Yes | No more than 4 changes per day | <ul style="list-style-type: none"> • No more than 0.5 foot-candle, measured at the property line shared with a residential property • No more than 2 foot-candles, measured at the street right-of-way • Cannot exceed 10 foot-candles, measured 10 feet from the sign | No more than 50 percent of a sign face can contain an electronic message |
| Winston-Salem | Yes | Once every 2 hours | N/A | <ul style="list-style-type: none"> • Electronic messages can be incorporated into signs or comprise the entire sign • 1 electronic message type (attached or freestanding) allowed per site • Size limit for attached signs • Area bonus for freestanding signs less than 6 feet in height |

Many of our peer communities allow change rates that are more frequent than we currently allow, though some have varying standards based on zoning district or development type. Aside from the Triangle communities – which limit the total number of changes per day – our peers allow electronic messages to change every few seconds. We are largely aligned with our peers when it comes to *where* electronic messages are allowed, but we are the only community in this group that does not limit the size of electronic messages relative to the overall sign size.

As it pertains to brightness, only Durham does not have a specific threshold, though its ordinance leaves room for interpretation. The most frequently used provisions establish a threshold for brightness related to the manufacturing conditions of the electronic message center and require that the electronic message be responsive to ambient light conditions. Relatively speaking, the Raleigh and Greensboro provisions regulating brightness are more involved because permitting and enforcement likely require a lighting plan. Our other peers rely on manufacturing information.

Summary of Options

As discussed at the prior meeting, the Council can address any concerns with the sign ordinance through text amendments:

1. The Council can modify the amortization provisions of the sign ordinance to allow more time for property owners to comply with the current standards;
2. The Council can modify the electronic message provisions to allow for more (or less) flexibility with regard to the change rate;
3. The Council can modify the electronic message provisions to add standards for brightness;
or
4. The Council can modify some provisions and not others or leave the sign ordinance unchanged.

Staff is prepared to move forward at the direction of the Committee.