

Information Item

Date: February 9, 2020

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

The Winston-Salem sign ordinance regulates the type, number, physical dimensions, construction, placement, and maintenance of signs within the city limits. It also establishes procedures for permitting a variety of signs on business premises (and some off premises). The current sign ordinance was adopted in 2007, the result of a lengthy outreach and drafting process, followed by very robust discussion among business leaders, community members, the City-County Planning Board, and the City Council. *Legacy*, the comprehensive plan for Winston-Salem and Forsyth County, had recommended changing sign regulations to enhance the appearance of corridors by requiring smaller signs and reducing sign clutter, and the City Council had made a new sign ordinance part of its 2002 Strategic Plan.

Leading up to the adoption of the sign ordinance, discussion among the aforementioned groups was most engaged with amortization and the change rate for signs with electronic messages. Amortization refers to the period of time during which an existing sign that did not meet the standards established by the 2007 sign ordinance must be brought into compliance. Because the installation and maintenance of freestanding signs can be expensive, the amortization provision was included in the ordinance to provide time for business owners to come up with the resources necessary to make any required changes. During the amortization period, existing noncompliant signs could remain in place unless they were structurally altered. The adopted amortization provision gave noncompliant sign owners fifteen (15) years – ending June 30, 2022 – to bring their existing signs into compliance with the new regulations. All signs receiving permits after adoption of the sign ordinance were to comply with the new regulations during the permitting process.

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.

Amortization

Planning and Development Services staff conducted a field survey of existing freestanding signs in 2017 – five years from the amortization date. The goals of that survey were to inventory the number of freestanding signs in Winston-Salem’s corporate limits and identify which of those signs were compliant (or noncompliant) with the area and height provisions of the current sign ordinance. An estimated 2,842 signs existed at the time of the survey. The number of compliant/noncompliant signs, organized by ward, is below:

WARD	COMPLIANT	NONCOMPLIANT	TOTAL
<i>East</i>	208	48 (19%)	256
<i>Northeast</i>	309	100 (24%)	409
<i>North</i>	272	58 (18%)	330
<i>Northwest</i>	268	93 (26%)	361
<i>West</i>	128	35 (21%)	163
<i>Southwest</i>	447	218 (33%)	665
<i>South</i>	241	108 (31%)	349
<i>Southeast</i>	236	73 (24%)	309
TOTAL	2,109	733 (26%)	2,842

During this time, staff also prepared letters for noncompliant property owners identified through the survey, notifying them of the upcoming amortization date. The number of inquiries from property owners aware that their signs would have to change has steadily increased over the past two years.

Staff’s intent was to update the inventory and send another mailing in 2020 (two years before the amortization date), with a final notification to be sent one year before amortization. However, over the past year, the COVID-19 pandemic has placed unusual stress on local businesses, which are unable to operate at normal capacities or during normal hours because of executive orders from the governor. This stress compounds the already significant cost of replacing existing signs. Staff did not wish to add another burden to the proverbial pile of problems that arose with the pandemic, which proved prudent. Numerous business owners have reached out inquiring about options for relief.

Because the amortization date is a provision of the sign ordinance, any changes must be approved by the City Council. The Council has the ability to leave the provision in place as written or modify it to extend amortization to a later date. Each option has consequences that impact sign owners who have already complied with the current regulations, as well as for those who have yet to do so.

Electronic Messages

The standard for change rates for signs containing electronic messages remains one change allowed per two hours. Enforcement of this particular provision is difficult because it requires an inspector to spend a significant amount of time monitoring a single location. Staff also understands that individual Council Members have heard concerns that this standard is overly strict. However, the aforementioned inventory does not include information regarding electronic messages, so staff does not have specific information similar to what has been provided elsewhere in this report.

As it pertains to the sign ordinance's electronic message provision, the Council has the option to leave it in place as written or modify it to allow for more (or less) flexibility with regard to the change rate.

Most community concerns arising from electronic messages – brought up frequently in phone conversations with staff or at City-County Planning Board meetings – deal with the brightness of such signs, as an extremely bright sign can be distracting and disorienting. The sign ordinance does not currently regulate the brightness of electronic messages. At this time, the Council also has the option to modify the sign ordinance to add standards for brightness.