

Ordinance #21-0488
2021 Ordinance Book, Page 118

UDO-CC14

ORDINANCE AMENDING CHAPTER 6 AND CHAPTER 11 OF THE UNIFIED DEVELOPMENT ORDINANCES (UDO) TO MODIFY THE CHANGE RATE OF ELECTRONIC MESSAGE BOARD SIGNS; TO ADD BRIGHTNESS LIMITS TO THE REGULATION OF ELECTRONIC MESSAGE BOARD SIGNS; AND TO EXTEND THE AMORTIZATION PERIOD BY TWO (2) YEARS TO BRING NONCONFORMING ON-PREMISES SIGNS INTO COMPLIANCE

Be it ordained by the Winston-Salem City Council that the Unified Development Ordinances are amended as follows:

Section 1. Chapter 6, Section 6.5, Subsection 6.5.1 of the UDO is amended as follows:

6 DEVELOPMENT STANDARDS

6.5 SIGNAGE

6.5.1 WINSTON-SALEM SIGN REGULATIONS (W)

F. SIGNS ALLOWED WITH A ZONING PERMIT

The following signs are allowed with a zoning permit in any zoning district where the specified uses are permitted:

2. ELECTRONIC MESSAGE BOARD SIGN

- a. Electronic message board signs shall be allowed in all nonresidential zoning districts except that, within the Winston Overlay (WO) District, electronic message board signs shall only be allowed on the premises of stadiums, coliseums, or exhibition buildings in accordance with the provisions of **Section 6.5.1H.6.c, Stadium, Coliseum, or Exhibition Building**.*
- b. A development may have either attached or freestanding electronic message signage, but not both, unless otherwise provided for in this Ordinance.*
- c. The following conditions shall apply to electronic message board signs:*

i. CALCULATION OF AREA

An electronic message board sign which is included within a larger sign shall be included in the calculation of the total permitted sign area.

ii. CHANGES PER DAY

- 1. ~~For fifteen (15) years following the effective date of this Ordinance, A~~ **an** ~~electronic message board sign for which a permit has been lawfully issued prior to July 1, 2007~~ (1) may display a message that scrolls and (2) shall have a maximum change rate of once every eight (8) seconds ~~for a period of seventeen (17) years until June 30, 2024. ; at the end of said fifteen (15)~~*

NOTE: Items to be removed are indicated with a ~~strike through~~; items to be added are shown as **highlighted**. Items with a single underscore are applicable to Forsyth County only, and *italicized* items are applicable to Winston-Salem only.

~~year period~~ **Beginning July 1, 2024**, such signs shall not display a message that scrolls and shall have a maximum change rate of once every two (2) **minutes** ~~hours~~.

2. All electronic message board signs for which a permit has been lawfully issued **on or after the July 1, 2007** ~~effective date of this Ordinance~~ shall have a maximum change rate of once every two (2) **minutes** ~~hours~~ and shall not display a message that scrolls.
3. Changes shall be complete and shall not contain any scrolling, flashing, or similar transitional effects between static messages.

iii. BRIGHTNESS

1. **Maximum brightness levels for electronic message board signs shall not exceed 5,000 nits during daylight hours and shall not exceed 500 nits between sunset and sunrise, as measured from the sign face. For purposes of enforcement of this section, the terms "sunset" and "sunrise" shall be determined by and based on the times for those events published daily by the National Oceanographic and Aeronautics Association of the U.S. Department of Commerce.**
2. **All electronic message board signs shall have a light sensing device that will adjust the brightness in real-time as ambient light conditions change, so that the sign does not exceed the maximum brightness levels allowed by this section.**
3. **Prior to issuance of a sign permit, the applicant shall provide written certification from the sign contractor that the light intensity of the electronic message board sign has been pre-set not to exceed 5,000 nits.**
4. **Prior to the final sign inspection, the sign contractor shall provide written certification that the sign meets all requirements of this section.**

iv. ~~iii.~~ ATTACHED SIGNS

Attached electronic message signs shall have a maximum area of twenty-four (24) square feet, unless otherwise provided for in this Ordinance.

v. ~~iv.~~ AREA BONUS

Electronic message board signs six (6) feet in height and lower containing electronic messages shall be allowed a ten percent (10%) increase in maximum sign area.

K. AMORTIZATION OF NONCONFORMING ON-PREMISES SIGNS

1. ON-PREMISES FREESTANDING SIGNS

a. SCHEDULE

- i. *On-premises freestanding signs made nonconforming by the provisions of this Ordinance shall be removed or brought into compliance **by June 30, 2024**, ~~within seventeen (17) fifteen (15) years from July 1, 2007.~~*
- ii. *Nonconforming freestanding signs required to be moved as a result of governmental action beyond the control of the sign owner may be reinstalled.*

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- iii. Additionally, nonconforming freestanding signs destroyed or damaged may be reinstalled or rebuilt to their original documented specifications as provided by the sign owner.*
- iv. In all other situations, any change to the height, area, or structure of a nonconforming sign requiring a sign permit shall require the sign to conform to the standards of this Ordinance.*
- v. Replacing the removable face of a cabinet-type sign shall not require conformance with the standards of this Ordinance. These provisions shall be applicable for the duration of the amortization period.*

b. SIGN AREA

An unmodified on-premises freestanding sign existing prior to July 1, 2007 shall be considered conforming by this Ordinance unless it exceeds the area requirements of its respective zoning district by more than twenty-five percent (25%).

c. SIGN HEIGHT

- i. An unmodified on-premises freestanding sign existing prior to July 1, 2007 shall be considered conforming by this Ordinance unless it exceeds the height requirements of its respective zoning district by more than two (2) feet.*
- ii. Architectural embellishments shall not be included when calculating height for signs subject to the amortization provisions of this Ordinance.*

2. ON-PREMISES ATTACHED SIGNS

- a. Any establishment with on-premises attached signs made nonconforming by the provisions of this Ordinance shall be allowed to retain the existing sign(s) and sign structure(s).*
- b. Panel change-outs will be permitted in existing nonconforming attached sign structures.*
- c. Existing sign(s) and sign structure(s) being replaced must conform to the provisions of **Section 6.5.II, On-Premises Attached Signs**.*

3. TEMPORARY, NONPERMANENT ON-PREMISES SIGNS

Any temporary, nonpermanent sign, including overhead streamers and all banners not conforming with the provisions of Section 70 of the City Code of Winston-Salem, made nonconforming by the provisions of this Ordinance shall be brought in conformance or be removed within six (6) months of July 1, 2007.

Section 2. Chapter 11, Section 11.2 of the UDO is amended as follows:

11 MEASUREMENT & DEFINITIONS

11.2 DEFINITIONS

NOTE: Items to be removed are indicated with a ~~strike through~~; items to be added are shown as **highlighted**. Items with a single underscore are applicable to Forsyth County only, and *italicized* items are applicable to Winston-Salem only.

TABLE 11.2.2: DEFINITIONS

<i>NIT</i>	<i>A unit of measurement of the intensity of visible light, where one nit is equal to one candela per square meter (cd/m²).</i>
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Section 3. This ordinance shall be effective upon adoption.

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