

TA #17-02 Amend Article 10.7.1: On-Premise Signs (Electronic Message Boards)

PART 1: DESCRIPTION

Text Amendment, TA #17-02, is a request by University City Church to amend Article 10.7.1 of the Town Zoning Ordinance to increase the amount of times a sign's message can change from one time to six (6) times per 24-hour period. See Attachment A for application.

PART 2: BACKGROUND

Article 10.7.1, *On-Premise Signs* currently requires the message of a changeable copy sign that is illuminated or self-luminous shall change a maximum of one time per 24-hour period.

University City Church and Huntersville Presbyterian Church have electronic (self-luminous) changeable copy signs that can be programmed to change messages. Both Churches seek to change the message displayed on their sign more than one time per 24-hour period. Through discussion with the Huntersville Ordinances Advisory Board (HOAB) the applicants have proposed illuminated or self-luminous sign messages may change up to six (6) times per 24 hour period but the change of message shall occur no less than every four (4) hours.

The HOAB reviewed the proposed amendment at their April 6, 2017 meeting and recommended approval of the applicants proposed language.

UPDATE: During the Planning Board meeting, held May 23, 2017, the applicant agreed to change the proposed request to read illuminated or self-luminous sign messages may change up to four (4) times per 24 hour period but that change of message shall occur no less than every six (6) hours, see Attachment B for the applicant's proposed text amendment language.

PART 3: STAFF RECOMMENDATION

Staff does not recommend amending Article 10.7.1, *On-Premise Signs* as submitted by the applicants, but would recommend amending Article 10.7.1, *On-Premise Signs* to allow illuminated or self-luminous sign messages to change two (2) times per 24-hour period. Staff recommends this change for the following reasons:

- Ability to administer and enforce.
- Consistent with other local community regulations, see attachment D for details – Charlotte allows sign messages to change once every 24-hour period. Cornelius and Davidson do not allow commercial sign messages to change. Additionally, Davidson does not allow electronic signs.
- Lack of Need – staff does not find it necessary for illuminated or self-luminous sign messages to change more than two times per 24-hour period.

- Safety – according to a report produced by the American Planning Association in 2015 a model sign ordinance should promote traffic safety. Further, the report states “particularly in settings in which a large number of signs are competing for the limited attention of drivers and passengers, some street graphic elements (such as movement, excessive brightness, and placement too close to the roadway) can further complicate drivers’ ability to reach their destination safely.

Below is a chart summarizing the current ordinance, applicant proposed, and staff proposed language.

CURRENT ORDINANCE LANGUAGE	APPLICANT PROPOSED LANGUAGE Updated after Planning Board Meeting	STAFF PROPOSED LANGUAGE
Message shall change a maximum of one (1) time per 24 hour period.	Message may change a maximum of four (4) times per 24 hour period. Change of message shall occur no less than every six (6) hours.	Message may change a maximum of two (2) times per 24 hour period.

PART 4: RELEVANT HUNTERSVILLE 2030 COMMUNITY PLAN AND APPLICABLE LONG RANGE PLAN SECTIONS

While there is no specific policy reference to the amendment, the proposed text is consistent with promoting high design standards for development thought architecture and place making (Policy CD-6).

PART 5: PUBLIC HEARING

The Public Hearing was held on May 1, 2017. No comments were received from the public. A Town Board member raised concern regarding a Supreme Court ruling on sign regulation in relation to freedom of speech. Town Staff confirmed knowledge of the case but concluded regulating the number of times a sign message may change does not affect freedom of speech because it does not regulate the content of the message. Another Town Board member mentioned a public school currently has an electronic sign with a changing message. Town Staff indicated they are aware of the violation and is in contact with the school.

PART 6: PLANNING BOARD RECOMMENDATION

The Planning Board reviewed this text amendment on May 23, 2017. During the Planning Board, meeting a public comment in opposition of the applicant’s request was heard; after which the Planning Board hear presentations from the applicant and staff.

During discussion of the text amendment request, Planning Board members expressed the following:

- Allowing sign messages to change is a response to changing technology

- Concern regarding Code Enforcement
- Concern about aesthetics

Through discussion with Planning Board the applicant agreed to amend the text amendment request to allow illuminated or self-luminous sign messages may change up to four (4) times per 24 hour period but that change of message shall occur no less than every six (6) hours, see Attachment B for the applicant's proposed text amendment language.

Planning Board voted to recommend approval (5-3) of the modified text amendment request to increase the number of times a changeable copy message may change from one to four (4) times per 24 hour with at least six (6) hours between each change.

PART 7: ATTACHMENTS

Attachment A: Text Amendment Application

Attachment B: Proposed Ordinance, Applicant Language

Attachment C: Proposed Ordinance, Staff Language

Attachment D: Summary Table of Other Local Regulations for Changeable Copy Signs

PART 8: STATEMENT OF CONSISTENCY – TA #17-02

Planning Department	Planning Board	Board of Commissioners
<p>APPROVAL: In considering the proposed amendment, TA 17-02, to amend Article 10.7.1 of the Zoning Ordinance, the Planning staff recommends approval of language that increases the number of times a changeable copy message may change from one to two (2) times per 24 hour period based on the amendment being consistent with the Town of Huntersville 2030 Community Plan.</p> <p>It is reasonable and in the public interest to amend the Zoning Ordinance because amending provides for greater flexibility in changeable copy sign regulations while maintaining consistency with other local community regulations, safety, and the ability to enforce. The text amendment will promote high design standards of place making which Policy CD-6 supports.</p>	<p>APPROVAL: In considering the proposed amendment, TA 17-02, to amend Article 10.7.1 of the Zoning Ordinance, the Planning Board recommends approval of language that increases the number of times a changeable copy message may change from one to four (4) times per 24 hour period with no less than six (6) hours between each change.</p> <p>The Planning Board finds the request is consistent with the 2030 Community Plan and it is reasonable and in the public interest to amend the Zoning Ordinance.</p>	<p>APPROVAL: In considering the proposed amendment, TA 17-02, to amend Article 10.7.1 of the Zoning Ordinance, the Town Board recommends approval based on the amendment being consistent with <u>(insert applicable plan reference)</u></p> <p>It is reasonable and in the public interest to amend the Zoning Ordinance because...<i>(Explain)</i></p>
		<p>DENIAL: In considering the proposed amendment, TA 17-02, to amend Article 10.7.1 of the Zoning Ordinance, the Town Board recommends denial based on the amendment being <u>(consistent OR inconsistent)</u> with <u>(insert applicable plan reference)</u>.</p> <p>It is not reasonable and in the public interest to amend the Zoning Ordinance because....<i>(Explain)</i></p>