

April 25, 2001

Scott T. Horn
Allman Spry Leggett & Crumpler, P.A.
380 Knollwood Street, Suite 700
Winston-Salem, NC 27103-4152

RE: ZONING TEXT AMENDMENT UDO-72

Dear Mr. Horn:

The attached report of the Planning Board to the Forsyth County Board of Commissioners and City of Winston-Salem Board of Aldermen is sent to you at the request of the Commissioners and Aldermen.

When the text amendment is scheduled for public hearing, you will be notified by Jane Cole, Clerk to the County Commissioners and Renee Rice, City Secretary, of the date on which the Commissioners and Aldermen will hear this petition.

Sincerely,

A. Paul Norby, AICP
Director of Planning

Attachment

pc: Jane Cole, County Manager's Office
Renee Rice, City Secretary

FORSYTH COUNTY
BOARD OF COMMISSIONERS

MEETING DATE: _____ **AGENDA ITEM NUMBER:**

SUBJECT:-

Zoning Text Amendment proposed by Cornerstone Realty to amend Chapter B Section 3-2.1(E)(6) "Exceptions" of the UDO regarding an exception for lead-in signs (UDO-72).

COUNTY MANAGER'S RECOMMENDATION OR COMMENTS:-

SUMMARY OF INFORMATION:-

Zoning Text Amendment proposed by Cornerstone Realty to amend Chapter B Section 3-2.1(E)(6) "Exceptions" of the UDO regarding an exception for lead-in signs (UDO-72).

After consideration, the Planning Board recommended approval of the zoning text amendment.

ATTACHMENTS:- YES NO

SIGNATURE: _____ **DATE:** _____

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ACTION REQUEST FORM

DATE: April 25, 2001
TO: The Honorable Mayor and Board of Aldermen
FROM: A. Paul Norby, AICP, Director of Planning

BOARD ACTION REQUEST:

Request for Public Hearing on zoning text amendment of Cornerstone Realty

SUMMARY OF INFORMATION:

Zoning text amendment proposed by Cornerstone Realty to amend Chapter B Section 3-2.1(E)(6) "Exceptions" of the UDO regarding an exception for lead-in signs (UDO-72).

PLANNING BOARD ACTION:

MOTION ON PETITION: APPROVAL
FOR: UNANIMOUS
AGAINST: NONE
SITE PLAN ACTION: NOT REQUIRED

ZONING STAFF REPORT

DOCKET # UDO-72

STAFF: David Reed

REQUEST

Zoning text amendment proposed by Cornerstone Realty to amend Chapter B Section 3-2.1(E)(6) "Exceptions" of the UDO regarding an exception for lead-in signs (UDO-72).

BACKGROUND

The subject petition was submitted in response to a situation in which a multifamily property was subdivided. A multifamily building with an on-premises sign existed on a single zoning lot before it was subdivided. When subdivided, the sign and building are on separate noncontiguous zoning lots. Because the sign was separated from the balance of the property without any connection of record, the UDO defines such a sign as "Signs, Off-Premises."

The Inspections Division staff indicated that an easement connecting the two pieces of property would solve the problem and the petitioner pursued such an easement. However, the adjoining property owner declined to grant an easement.

The petitioner has requested that Planning staff determine the most appropriate text amendment to bring the sign into compliance.

ANALYSIS

Staff is sympathetic to the petitioner's situation and appreciative of the attempts made to resolve the situation, as suggested by the Inspections staff. Making a change to the sign regulations for a unique situation, however, can have unintended consequences and must be handled very carefully.

After considering the options, a change to the "Signs, Off-Premises" regulations (Section 3-2.1 (C)) would not be advisable as it would open the door to off-premises signs throughout the community. Although staff does not support the relaxation of any of the sign regulations, the petitioners may choose to argue that an exception be added to the UDO that would give relief to this unique situation.

Although staff is of the opinion that requesting an amendment to the "Exceptions" provisions (Section 3-2.1 (E)) is the most appropriate portion of the UDO for this amendment, we recommend against making changes to the sign ordinance of the UDO to address a unique situation. Although it is understandable that the petitioners did not realize the consequences of selling the land which lies between the sign and the development, relaxing the sign regulations could have unexpected consequences that work against efforts to reduce the visual clutter in our community.

STAFF RECOMMENDATION

Staff recommends **DENIAL** of the proposed text amendment.

David Reed presented the staff report.

PUBLIC HEARING

FOR:

Scott Horn, 380 Knollwood Street, Suite 700, Winston-Salem, NC 27103

I represent Cornerstone Realty.

I understand staff's concern, but believe if you look at the proposed ordinance wording you will find there won't be significant changes.

The amendment applies only to existing signs which become isolated due to changes in the public record.

If we don't have this amendment, compliance is in the hands of a property owner instead of the government.

We ask that you approve the amendment.

AGAINST: None

WORK SESSION

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

1. Kerry Avant: I'm struggling to see where or how we would be promoting additional signs if it only applies to existing signs which somehow get disconnected by conveyance.
2. Tim Gauss: You never know how this provision would be used in the future.
3. Kem Schroeder: There are other ways to advertise an apartment complex.
4. The suggestion was made to limit this amendment to existing signs as of date of adoption of this amendment. That was later modified to date specific of April 1, 2001.
5. There was discussion about title policies as they relate to zoning policies. In this case, there probably is no action that can be taken against the title policy.

MOTION: Steve Johnson moved approval of the zoning text amendment, with the requirement that it only apply to signs existing as of April 1, 2001 for land which was subdivided prior to April 1, 2001, and requiring that signs meet same requirements as other off-premises signs regarding reconstruction in the event that they are taken down or come down.

SECOND: Kerry Avant

VOTE:

FOR: Avant, Johnson, King, Powell, Rousseau, Schroeder, Snelgrove

AGAINST: None

A. Paul Norby, AICP
Director of Planning

**AN ORDINANCE
AMENDING CHAPTER B "ZONING ORDINANCE"
OF THE *UNIFIED DEVELOPMENT ORDINANCES*
REGARDING AN EXCEPTION FOR LEAD-IN SIGNS**

Be it ordained by the Board of Commissioners of Forsyth County, North Carolina, that the *Unified Development Ordinances* is hereby amended as follows:

Section 1. Chapter B Section 3-2.1 (E) (6) "Exceptions" is hereby revised by adding a new exception (e) which reads as follows:

- (e) Existing signs which have been physically separated from the Lot. Signs which were originally constructed as legal on-premises signs and continue to serve their original purpose of advertising a use, but, are subsequently, through division of land which occurred prior to April 1, 2001, located on a different zoning lot or otherwise separated from and no longer have any physical or recorded connection with the original use for which they were originally constructed, are permitted to remain as long as the use remains active. If the sign is damaged or destroyed, it can be replaced with no increase in size.

Section 2. This Ordinance shall be effective upon adoption.

**AN ORDINANCE
AMENDING CHAPTER B "ZONING ORDINANCE"
OF THE *UNIFIED DEVELOPMENT ORDINANCES*
REGARDING AN EXCEPTION FOR LEAD-IN SIGNS**

Be it ordained by the Board of Aldermen of the City of Winston-Salem, North Carolina, that the *Unified Development Ordinances* is hereby amended as follows:

Section 1. Chapter B Section 3-2.1 (E) (6) "Exceptions" is hereby revised by adding a new exception (e) which reads as follows:

- (e) Existing signs which have been physically separated from the Lot. Signs which were originally constructed as legal on-premises signs and continue to serve their original purpose of advertising a use, but, are subsequently, through division of land which occurred prior to April 1, 2001, located on a different zoning lot or otherwise separated from and no longer have any physical or recorded connection with the original use for which they were originally constructed, are permitted to remain as long as the use remains active. If the sign is damaged or destroyed, it can be replaced with no increase in size.

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AMENDING CHAPTER B "ZONING ORDINANCE"
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Be it ordained by the Board of Aldermen of the Town of Kernersville, North Carolina, that the *Unified Development Ordinances* is hereby amended as follows:

Section 1. Chapter B Section 3-2.1 (E) (6) "Exceptions" is hereby revised by adding a new exception (e) which reads as follows:

- (e) Existing signs which have been physically separated from the Lot. Signs which were originally constructed as legal on-premises signs and continue to serve their original purpose of advertising a use, but, are subsequently, through division of land which occurred prior to April 1, 2001, located on a different zoning lot or otherwise separated from and no longer have any physical or recorded connection with the original use for which they were originally constructed, are permitted to remain as long as the use remains active. If the sign is damaged or destroyed, it can be replaced with no increase in size.

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**AN ORDINANCE
AMENDING CHAPTER B "ZONING ORDINANCE"
OF THE *UNIFIED DEVELOPMENT ORDINANCES*
REGARDING AN EXCEPTION FOR LEAD-IN SIGNS**

Be it ordained by the Village Council of the Village of Clemmons, North Carolina, that the *Unified Development Ordinances* is hereby amended as follows:

Section 1. Chapter B Section 3-2.1 (E) (6) "Exceptions" is hereby revised by adding a new exception (e) which reads as follows:

- (e) Existing signs which have been physically separated from the Lot. Signs which were originally constructed as legal on-premises signs and continue to serve their original purpose of advertising a use, but, are subsequently, through division of land which occurred prior to April 1, 2001, located on a different zoning lot or otherwise separated from and no longer have any physical or recorded connection with the original use for which they were originally constructed, are permitted to remain as long as the use remains active. If the sign is damaged or destroyed, it can be replaced with no increase in size.

Section 2. This Ordinance shall be effective upon adoption.

**AN ORDINANCE
AMENDING CHAPTER B "ZONING ORDINANCE"
OF THE *UNIFIED DEVELOPMENT ORDINANCES*
REGARDING AN EXCEPTION FOR LEAD-IN SIGNS**

Be it ordained by the Town Council of the Town of Lewisville, North Carolina, that the *Unified Development Ordinances* is hereby amended as follows:

Section 1. Chapter B Section 3-2.1 (E) (6) "Exceptions" is hereby revised by adding a new exception (e) which reads as follows:

- (e) Existing signs which have been physically separated from the Lot. Signs which were originally constructed as legal on-premises signs and continue to serve their original purpose of advertising a use, but, are subsequently, through division of land which occurred prior to April 1, 2001, located on a different zoning lot or otherwise separated from and no longer have any physical or recorded connection with the original use for which they were originally constructed, are permitted to remain as long as the use remains active. If the sign is damaged or destroyed, it can be replaced with no increase in size.

Section 2. This Ordinance shall be effective upon adoption.