

COUNTY OF YORK

MEMORANDUM

DATE: December 3, 2013 (PC Mtg. 12/11/13)

TO: York County Planning Commission

FROM: J. Mark Carter, Assistant County Administrator 

SUBJECT: Application No. ZT-146-13, York County Board of Supervisors: Electronic Changeable Message Signs for Places of Worship

ISSUE

This application, sponsored by the Board of Supervisors, proposes amendment of the terms of Section 24.1-710(b) of the York County Zoning Ordinance to allow *Places of Worship* to install electronic changeable message/image signs on which the message/image may change as frequently as every eight (8) seconds, which is the same opportunity accorded to *Community, Regional, or Specialty Shopping Centers*. Currently, *Places of Worship* may utilize electronic changeable message signs provided that the message does not change more frequently than once every 24 hours.

BACKGROUND

As a general rule, Section 24.1-710 of the Zoning Ordinance prohibits signs with frequently changing, flashing or moving messages or images. Pursuant to these restrictions, changes in images or messages may not occur more frequently than once every 24 hours. Section 24.1-710 was amended in October 2009 to establish the special provisions noted above that allow messages on shopping center signs (provided they are not located in a TCM-Tourist Corridor Management overlay district) to change as frequently as once every 8 seconds. The 8-second interval is considerably shorter than the 15-minute frequency of change that was recommended by the Planning Commission, but is double the 4-second frequency allowed by VDOT's regulations.

CONSIDERATIONS / CONCLUSIONS

1. The Board's sponsorship of this application was prompted by inquiries from a church considering installation of a new sign with electronic messaging capabilities. As noted above, the electronic message feature is permissible under current ordinance provisions and, in fact, several churches have those types of signs. However, the frequency of the message or image change is limited to once every 24 hours. The representatives who requested consideration of this amendment indicated a desire to be able to offer more information concerning scheduled events and/or community services (e.g., available sheltering during severe weather events) than can be displayed in a single, 24-hour duration electronic message.

2. The premise of the 2009 amendments and the limitation to shopping centers was that the individual shopping center tenants – which cannot erect their own freestanding sign as can stand alone businesses – would benefit by a change frequency allowing more than one to have its message displayed each day. In fact, the shopping center owner who requested the change invested in an electronic message board addition to the center’s sign and provides opportunities for each of the approximately 25 tenants to display messages during the course of a single day. This sign, located at the Kiln Creek Shopping Center at the southern end of Route 17, remains the only example of an electronic message sign that is permitted to change more frequently than once every 24 hours. There are, however, multiple business locations as well as several churches where electronic signs are present and which are limited to a 24-hour change frequency.

3. In the discussion leading up to adoption of the 2009 amendments, staff expressed concern that changing-message signs have the potential to cause driver distraction but we did not locate any definitive research findings to indicate or quantify safety factor differences between the 4-second frequency allowed by VDOT, the 15-minute frequency recommended by the Planning Commission, or the 8-second frequency ultimately approved. Clearly, more frequent changes mean that during the course of any 24-hour period a greater number of drivers will be within sight-distance of the sign at the instant the message changes. It is that instant, when one message disappears and another appears, that in staff’s opinion has the greatest potential to divert a driver’s attention away from the road. That “message overlap” will occur no matter what the allowable change frequency may be and since installation and operation of the Kiln Creek Shopping Center sign staff is not aware of any safety problems or accidents that can be attributed to it.

4. Places of Worship are permitted as a matter of right in all residential districts except RC-Resource Conservation, and in the NB, LB and GB commercial districts. Sign configuration, maximum area and maximum height limits are as follows, depending on the district in which located:

RC, RR,	Monument-style	Maximum Area – 40 square feet Maximum Height – 6 square feet
	Pole sign	Maximum Area – 12 square feet Maximum Height – 6 feet
R20, R13, R7, RMF	Monument-style	Maximum Area – 40 square feet Maximum Height – 6 feet
NB (Neighborhood Business)	Monument-style	Maximum Area – 40 square feet Maximum Height – 6 feet
	Pole Sign	Maximum Area – 24 square feet Maximum Height – 8 feet

LB (Limited Business)	Monument-style	Maximum Area – 40 square feet Maximum Height – 6 feet
	Pole Sign	Maximum Area – 32 square feet Maximum Height – 10 feet
GB (General Business)	Monument-style	Maximum Area – 64 square feet Maximum Height – 10 feet
	Pole Sign	Maximum Area – 50 square feet Maximum Height – 15 feet

RECOMMENDATION

It is understandable that places of worship would desire to have the ability to provide information concerning the numerous services, activities, meetings, etc. that they host or sponsor and, given the typical volume of activities and events at many, a once-every-24-hours frequency for message changes limits their ability to do so. Approval of this amendment will allow those churches that currently have electronic message signs to increase their daily information content while allowing those considering an investment in such a sign to know that it can be used to display multiple messages during the course of a 24-hour period. Although the 8-second change frequency was considered problematic by the Planning Commission and staff, there is no evidence to indicate that the one existing example in York County (which is located on heavily traveled Route 17) has proven to be a traffic safety hazard. Accordingly, staff knows of no compelling reason to recommend denial of the proposal.

Adoption of proposed Resolution No. PC13-31 will forward the proposed text amendment to the Board of Supervisors with a recommendation for approval.

Carter/3337

Attachments:

- Proposed Resolution No. PC13-31

PLANNING COMMISSION
 COUNTY OF YORK
 YORKTOWN, VIRGINIA

Resolution

At a regular meeting of the York County Planning Commission held in the Board Room, York Hall, Yorktown, Virginia, on the ____ day of _____, 2013:

Present

Vote

Mark B. Suiter, Chair
 Melissa S. Magowan, Vice Chair
 Glenn A. Brazelton
 Timothy D. McCulloch
 Todd H. Mathes
 Richard M. Myer, Jr.

On motion of _____, which carried ____, the following resolution was adopted:

A RESOLUTION TO RECOMMEND APPROVAL OF APPLICATION NO. ZT-146-13 WHICH PROPOSES AMENDMENT OF SECTION 24.1-710(b) OF THE YORK COUNTY ZONING ORDINANCE (CHAPTER 24.1, YORK COUNTY CODE) TO INCLUDE “*PLACES OF WORSHIP*” AS A LAND USE WHICH MAY UTILIZE ELECTRONIC CHANGEABLE MESSAGE OR IMAGE SIGNS FOR WHICH THE MESSAGE OR IMAGE MAY CHANGE AS FREQUENTLY AS EVERY EIGHT (8) SECONDS

WHEREAS, the York County Board of Supervisors has received a request asking that consideration be given to allowing *Places of Worship* to install electronic changeable message/image signs on which the message/image may change as frequently as every eight (8) seconds, which is the same opportunity accorded to *Community, Regional, or Specialty Shopping Centers* pursuant to the terms of Section 24.1-710(b) of the York County Zoning Ordinance; and

WHEREAS, in the interest of good zoning and land use practice, the Board has sponsored an application to allow review and consideration of this issue in accordance with applicable procedures for Zoning Ordinance amendments; and

WHEREAS, this application has been forwarded to the Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission has conducted a duly advertised public hearing on this application and has carefully considered all public comments and recommendations;

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission this the ____ day of _____, 2013, that it does hereby recommend approval of the draft amendments to the York County Zoning Ordinance set forth below:

Sec. 24.1-710. Prohibited signs.

Unless specifically stated otherwise, the following signs shall not be permitted in the county:

- (a) Signs with moving, revolving or rotating parts, optical illusions of movement, mechanical movement of any description, or other apparent movement achieved by electrical, electronic, mechanical or natural means, but not including time, temperature and date signs, and traditional barber poles.
- (b) Signs with lights which flash, move, rotate, blink, flicker, or vary in either intensity or color.

The above provisions notwithstanding, electronic changeable message or image signs shall be permitted on the freestanding signage otherwise allowed for [places of worship and for](#) community, regional, or specialty shopping centers, as defined in this chapter, provided that: each message or image shall remain fixed and unchanged for a minimum period of eight (8) seconds; that there is no appearance of movement, scrolling, dissolving or fading in which images or messages "move" or in which part of one message or image appears simultaneously with any part of a second or subsequent one; that any illumination intensity, contrast or coloration of the message text or image shall remain constant for each display period; and, provided further, that this special signage opportunity shall not be permitted for any [place of worship or](#) shopping center located in a TCM-Tourist Corridor Management Overlay district. Message or image changes on any other changeable message / image signs shall occur no more frequently than once every 24 hours.
