COMPARISON OF EXISTING ELECTRONIC OUTDOOR ADVERTISING SIGN REGULATIONS TO THE PROPOSED SENATE BILL 183 REGULATIONS

3-22-11

Current Local Ordinance Regulations for Electronic Outdoor Advertising Signs	Proposed State Regulations	Concerns
• **Zoning Districts:** Allowed in Light and General Industrial Zoning Districts (I-1, I-2), within 150 feet of the right-of-way of a freeway/expressway.	• Allowed in all districts zoned **Commercial** and Industrial, and in any area of the State not zoned. • Allowed within **660 feet** of the state and federal rights-of-way. • Electronic billboards allowed on interstates or primary highway system routes **((NC 16, NC 51, NC 160, NC521, US 74, NC 29, NC 49, any numbered route).** • Permit only issued if property was zoned commercial or industrial for at least 1 year before the permit is requested. • Rezoning not considered "spot zoning" if the zoning would allow the property to be used for more than one principal commercial or industrial use, other than a billboard, and the size of the land can support the commercial and industrial uses.	• Greatly expands areas in the City where billboards may be located.
• **Limitations:** • No more than 2 sides to the structure. • Freestanding with unipole construction. • 400' spacing to any Residential zoning district, or Institutional use. • 20' between electronic billboard and an existing building. • 500' to any principal use being advertised. • 400' to any historic district boundary. • Corner lots: • 2,000' between electronics if within 300' of another street right-of-way on the same side of the street. • 1,000' between an electronic and a static if within 300' of another street right-of-way on the same side of the street.	• No billboard along any State or Federally designated "scenic byway". • No other limitations.	
• **Spacing same side of the <u>street</u>:** • **2,000'** spacing between electronic billboards. • **1,000'** spacing between an electronic billboard and a static billboard.	• **1500'** spacing between <u>electronic billboards</u> on same side of highway, **<u>within</u> City limits.** • **100'** spacing between any <u>electronic and static billboard</u>, same side of **routes without fully controlled access <u>within</u> the City limits (NC 16, NC 51, NC 160, NC 521, US 74, NC 29, NC 49, any numbered route)** • **500'** spacing between any billboard (static or electronic), same side of **interstate, and other routes with fully controlled access, <u>outside</u> City limits. (I-485, in ETJ, sphere)** • **300'** spacing between any billboard (static to electronic, and electronic to electronic), same side of **routes without fully controlled access; <u>outside</u> City limits (NC 16, NC 51, NC 160, NC 521, NC 74, NC 29, NC 49, any**	• Greatly expands areas in the City where billboards may be located.

	numbered route).	
• **Spacing opposite side of the <u>street</u>:** • **1,000'** spacing between electronic billboards. • **500'** spacing between an electronic billboard and a static billboard.	• No limitations.	•
• **Non-conforming Billboards Nearby:** • Electronic billboard not permitted if within 1,000' of a non-conforming static billboard, owned by the same company, with or without a NC permit, unless the non-conforming structure becomes conforming prior to the issuance of a permit. (conforming with respect to size, number of sides, height, structure type, and if within 300' of residential and institutional uses)	• No limitations.	•
• **Non-conforming Billboards**	• **A locally non-conforming billboard can be modified/reconstructed to an electronic billboard that meets State regulations.**	• Any non-conforming billboard can now be upgraded to electronic if it meets State reg's.
• **Vegetation and Tree Cutting** • Vegetation cutting in public right-of-way for purpose of visibility of billboards is prohibited, unless approved by the City Arborist. • No cutting of trees required by the Tree Ordinance that are located in the setback.	• **Local governments prohibited from regulating vegetation cutting, trimming, etc. within interstates and primary highway rights-of-way.** • Billboard owner can <u>cut, thin, prune, or remove vegetation (trees</u>, shrubs, underbrush) with a permit from the State. • **City given 30 day <u>comment</u> period prior to permit issuance.** • **Maximum cut zone area proposed is more than double existing regulations (see diagrams) if outdoor advertising sign placed at 150' from right-of-way From 12,000 sq. ft to 22,000 sq. ft. With a two sided sign, 44,000 sq. ft. of trees/shrubs, and undergrowth could be cut. If outdoor advertising signs are 500' apart, the removal zones would overlap, with few trees in between. And if the outdoor advertising sign is placed as far back as 660 from the edge of the right-of-way(proposed) then the cutting area greatly enlarges even further.** • Preserves dogwoods and redbuds (native). • **Can remove trees at time of billboard erected if applicant reimburses State for the trees, or if the applicant removes 2 non-conforming billboards for each site at which removal of existing trees is requested.** • **<u>Can cut or prune tree branches hanging over a highway right</u>-of-way (Along NC 16, NC 51, NC 49, etc)** • Penalties or revocation of permit if unlawful destruction or cutting within right-of-way.	• State regulations nullify protections for any tree, shrub, underbrush under any City Code or Ordinance, including Tree Ordinance and Zoning Ordinance.

	• Permits good for a year • Can only remove vegetation after billboard has been permitted for at least 2 years prior to the date of the permit application. • State can remove permits for illegal cutting along state highways only if cutting occurred within 500' of either side of the billboard.	
• **Permit**: • From Neighborhood and Business Services	• Permit from State	•
• **Type of signage:** • Off-premise advertising	• On- and off-premise advertising	•
• **Message Duration:** • 8 second fixed, static position. Change sequence must be accomplished within an interval of 2 seconds.	• 8 second interval.	• Similiar