



Agenda Item Summary Sheet

Item No: **F-3**
Meeting Date: **June 5, 2024**

Item Title: Public Hearing to consider text amendments to the Unified Development Ordinance as it pertains to LED, digital displays for fueling stations

Item Summary:

At their meeting on March 19, 2024, the Planning Board reviewed and recommended the adoption of proposed text amendments that would permit the use of LED digital signage exclusively for displaying fuel prices, provided certain supplemental regulations are met. Following the meeting, the Town's attorney expressed concerns after reviewing the amendments, particularly in light of the Supreme Court decision in Reed v. Town of Gilbert, 576 U.S. 155 (2015). This ruling has significantly influenced how local governments regulate signage, emphasizing the need for content-neutral sign codes that do not favor one type of speech over another. Attorney Leidy noted that the Town's current prohibition on LED and digital signs is a valid content-neutral regulation of speech, as it does not differentiate based on the content of the speech. However, creating an exemption specifically for fuel price displays would likely introduce content-based discrimination, as it would allow certain messages while continuing to restrict others conveyed through LED and digital signs. Considering these concerns, staff, in consultation with the attorney and the applicant, proposed an alternative approach. The revised ordinance language would incorporate the LED digital display standards into the use regulations for fueling stations within Section 7.20 of the UDO. These standards would govern the maximum dimensions of the display, the number of character panels allowed, the frequency of rotation, and increased illumination beyond ambient light.

Planning Staff and Planning Board Recommendation

The town has valid concerns about signs with rotating, flashing, moving, or alternating lights. However, it may be worth revisiting the possibility of allowing digital signs exclusively for fuel price displays. Although we cannot specify that the display area is solely for gas price digits, we have proposed a set of narrow restrictions, expecting that they will primarily be used for fuel pricing. With the recommended supplemental standards, staff believes the proposal is generally consistent with the Town's adopted Comprehensive Plan, however Policy LU-19 does state that the Town will not permit signs that are digital.

At their April 16, 2024, meeting the Planning Board voted 5-1 to recommend adoption of the text amendment as proposed and requested that staff provide additional restriction on lighting levels for the digital characters. Gary Ferguson cast the Nay vote stating a concern that if gas stations are allowed to have digital signs other businesses will likely follow.

Number of Attachments: 3

Specific Action Requested:

Conduct the Public Hearing for the requested text amendments.

Submitted By: Planning and Development

Date: May 28, 2024

Finance Officer Comment:

Insufficient information to determine precise fiscal impact.

Signature: Amy Miller

Date: May 28, 2024

Town Attorney Comment:

Attorney Leidy will participate in the discussion as necessary.

Signature: John Leidy

Date: May 28, 2024

Town Manager Comment and/or Recommendation:

I will participate in the discussion.

Signature: Andy Garman

Date: May 28, 2024