

Petition # 2004-137
Petitioner: Charlotte Mecklenburg Planning Commission

Approved by City Council
April 19, 2005

**AN ORDINANCE AMENDING APPENDIX A OF THE
CITY CODE – ZONING ORDINANCE**

ORDINANCE NO. _____

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:

Section 1: Appendix A, “Zoning” of the Code of the City of Charlotte is hereby amended as follows:

A. CHAPTER 2: DEFINITIONS

1. Section 2.201. “Definitions

Amend Section 2.201 by adding the following definitions in alphabetical order. These definitions will apply to the terms used in other portions of the Zoning Ordinance, including Chapter 13. The new definitions shall read as follows:

Banner

A sign intended to be hung either with or without a frame, possessing characters, letters, illustrations, or ornamentations applied to plastic or fabric of any kind, excluding flags and emblems of political, professional, religious, educational, or corporate organizations.

Decorative Sign

A pictorial representation, including illustrations, words, numbers, or decorations, or emblems on a flag, banner, or pennant.

Pennant

Any lightweight plastic, fabric, or other material whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in a series, designed to flutter or swing in the wind.

Flag, Public

A piece of durable fabric or other flexible material solely containing distinctive colors, patterns, standards, words, or emblems of any nation, organization of nations, state, or city including but not limited to political

jurisdictions such as the United States, or any fraternal, religious or civic organizations, which in no way identify a product, **service or company**. A flag is designed to attach to or to be flown from a permanent flagpole. Flags displaying a logo, message, statement, or expression relating to commercial interests are not considered public flags and must conform with the sign regulations of Chapter 13.

Flagpole

A permanent, free-standing structure or a structure attached to a building and used for the sole purpose of displaying public flags. Free-standing flagpoles or flags displayed on mast arms typically have a halyard system of rope used to hoist the flag. A “flag staff” is not considered a flagpole.

Halyard

A rope, usually made of nylon, wire core nylon, or polypropylene, or similar material specifically manufactured for use on flagpoles, that hoists a flag on a flagpole. The rope may be external, internal, or concealed within the flagpole.

B. CHAPTER 13: SIGNS

1. Section 13.102. “Definitions”

Amend Section 13.102 by deleting the definition of “flag” from Chapter 13, “Signs”. The old definition reads:

2. Section 13.106. Signs not requiring a permit.

- a. Delete Section 13.106(7), “Flags on permanent poles” in its entirety. This section will be revised, and moved into Chapter 12, Part 4 because it is an accessory use on an accessory structure (a permanent pole), not a sign. The text currently reads as follows:

C. CHAPTER 12: DEVELOPMENT STANDARDS OF GENERAL APPLICABILITY

1. PART 4: ACCESSORY USES AND STRUCTURES

- a. Add a new Section 12.418, titled “Public Flags on permanent flagpoles”. This replaces Section 13.106(7). The new text shall read as follows:

Section 12.418 Public flags on permanent flagpoles.

- (1) Public flags or emblems of any nation, organization of nations, state, city, or any fraternal, religious or civil organization are permitted as an accessory use in nonresidential zoning districts and shall be

displayed as set forth below, except as provided for in Section 12.418(2)

- (a) References to flagpole height in this subsection refer to vertical flagpoles. References to the number of public flags, flagpoles, and public flag dimensions refer to both vertical flagpoles and mast arm flagpoles that may extend at an angle from a building.
- (b) Except as otherwise provided herein, public flags shall be displayed on permanent flagpoles. Flagpoles shall not exceed 60' in height.
- (c) The maximum dimensions of any public flag shall be proportioned to the flagpole height. The hoist side of the flag shall not exceed 20% of the vertical height of the flagpole. In addition, public flags are subject to the following dimensional limitations:

Flagpole Height (ft)	Maximum Flag Size (total sq. ft. per flag)	Maximum Combined Flag Area (total sq. ft.) Per Flagpole
Up to 24 feet	24 sq. ft.	48
25 to 39 feet	40 sq. ft.	80
40 to 49 feet	60 sq. ft.	120
50 to 60 feet	96 sq. ft.	192

- (d) There shall be no more than three (3) public flags allowed per street front. These flags may be flown on one flagpole, or flown on separate flagpoles.
- (e) Flagpoles along an entrance driveway or street shall not be located in any street right-of-way, and shall be a minimum of 10' behind the existing or proposed street right-of-way, whichever is greater.
- (f) Flags, banners or pennants displaying a logo, message, statement, or expression relating to commercial interests are not considered to be a "public flag", and are subject to the sign regulations of Chapter 13 of the Zoning Ordinance.
- (g) Public flags and flagpoles shall be maintained in good repair. Flagpoles with broken halyards shall not be used. Flags that are torn or frayed, shall not be displayed.
- (h) Flagpoles shall be permanently mounted in the ground with necessary structural support features or below grade footings,

installed in accordance with all required state and local regulations or applicable codes.

- (i) Public flags shall not be draped over the hood, top, sides, or back of a vehicle, nor flown from the antennae of any parked vehicle in a non-residential zoning district.
 - (j) Public flags shall never be used for advertising purposes in any manner whatsoever.
 - (k) Advertising signs shall not be displayed or fastened to a flagpole, staff, or halyard from which a public flag is flown.
- (2) On United States and North Carolina holidays, there shall be no maximum flag size or number, or other limitations on manner of display as long as the flag(s) do not affect visibility or create any safety hazards or concerns.

Section 2. That this ordinance shall become effective upon its adoption.

Approved as to form:

City Attorney

I, _____, City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the ____ day of _____, 2005, the reference having been made in Minute Book _____, and recorded in full in Ordinance Book _____, Page(s)_____.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this ____ day of _____, 2005