

ORDINANCE NO. _____

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

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 13: SIGNS

1. Section 13.102: Definitions

- a. Amend Section 13.102(S7), "Sign types", by modifying the definition of "Landmark Sign" and adding a new definition for "Historic Sign". All other sign types shall remain the same. The revised and new sign type definitions shall read as follows:

(S7) Sign types.

(q) Landmark Sign

An existing nonconforming on-premise sign, which exhibits unique characteristics, that enhances the streetscape or identity of a neighborhood and, as such, contributes to the historical or cultural character of the streetscape or the community at large.

(ar) Historic Sign

An existing nonconforming historically significant sign that contributes to the historical or cultural character of the community at large which has been removed from its original location within Mecklenburg County and is to be reused and relocated to a different location on its original site or relocated to another location within the community.

2. Section 13.110: Creation of Special Sign Regulations

- a. Amend Section 13.110(5), "Landmark Signs", by changing the title to "Landmark/Historic Signs" and creating two new subsections titled "Landmark Signs" and "Historic Signs" which provide the purpose and criteria for each sign type. Eliminate subsection (a) "Application" in its entirety, to remove the one year time period from the original adoption date (2/19/96) from which an application for landmark sign can be submitted. Replace subsection (b) "Criteria" in its entirety and add new criteria. Rename subsection (c) "Designation" to "Designation Procedure" and modify the subsection to include references to the historic signs. Also amend this subsection to indicate only owners of property where the sign is located or proposed to be relocated can apply for landmark or historic sign designation. The revised section shall read as follows:

Section 13.110 Creation of Special Sign Regulations.

(5) Landmark/Historic Signs

~~When revised sign regulations were adopted on February 1, 1988, changes were made which caused many signs to be nonconforming and subject to an eight-year amortization. Some of these nonconforming signs may have special significance to a section of the community or to the entire City. Therefore, the Zoning Administrator may designate certain signs as "landmark signs" which will permit them to remain and not be subject to the eight-year amortization.~~

The purpose of these special sign regulations is to promote the protection of nonconforming signs that represent important aspects of the City's heritage, to enhance the character of the community by considering such signs during development, and to assist owner(s) in the preservation and restoration of their signs.

(a) Application

~~Any person may apply for designation of an existing on-premise sign as a landmark sign. Such application shall be submitted to and on a form determined by the Zoning Administrator. Applications for landmark sign designation must be made no later than one (1) year from the adoption date of this amendment. (EDITOR'S NOTE: This amendment was adopted by City Council February 19, 1996.)~~

(a) Landmark Signs.

The purpose of designating a sign as a landmark sign is to encourage the restoration and retention of on-premise nonconforming signs that are historically significant. Once designated as a landmark sign, the sign shall be considered to be in compliance with any zoning regulation and will be exempt from any amortization provisions of Section 13.112.

(1) Designation Criteria. The Zoning Administrator may designate an existing on-premises sign as a landmark sign if it meets the following criteria:

(a) The sign has been in continuous existence at the present location for at least 25 years.

(b) The sign is an on-premises sign, which meets at least four (4) of the following criteria:

(1) It was expressly designed for the business, institution, or other establishments at that location; or

(2) It bears a national or local emblem, logo, or other graphic that is unique to the property or the establishment; or

(3) The sign exhibits unique or rare characteristics that enhance the streetscape or identity of a neighborhood; or

(4) The sign is significant as evidence of the history of the product, business, or service advertised; or

- (5) The sign is characteristic of a specific historic period; or
- (6) The sign is integral to the building's design or physical fabric; or
- (7) The sign represents an outstanding example of the sign maker's art due to craftsmanship, use of materials, or design.
- (c) The sign complies with the appropriate provisions of the North Carolina State Building and Electrical Codes.
- (d) If any portion of the sign is permitted to remain in or over a public right-of-way, a City or State approved encroachment agreement shall be executed.
- (e) The sign is structurally safe or is capable of being made so without substantially altering its historical significance.

~~(b) —~~ Criteria

~~The Zoning Administrator may designate an existing on-premises sign as a landmark sign if it meets the following criteria:~~

- ~~(1) — The sign is an on-premises sign, which meets at least three (3) of the following:~~
 - ~~(a) — It was expressly designed for the business, institution, or other establishments at that location; or~~
 - ~~(b) — It bears a national or local emblem, logo, or other graphic that is unique to the property or the establishment; or~~
 - ~~(c) — It is a remnant of an advertising program that is no longer used by the parent company; or~~
 - ~~(d) — The sign exhibits unique or rare characteristics that enhance the streetscape or identity of a neighborhood; or~~
 - ~~(e) — The sign contributes to the historical or cultural character of the streetscape or the community at large.~~
- ~~(2) — The sign was erected at least 15 years prior to the adoption date of this amendment.~~
- ~~(3) — The sign complies with the appropriate provisions of the North Carolina State Building and Electrical Codes. If any portion of the sign is permitted to remain on or over a public right-of-way, a City or State approved encroachment agreement is executed.~~

(b) Historic Signs.

The restoration and retention of nonconforming historically significant signs that have been removed from their original locations and are to be reused is encouraged. Allowing those signs to move to other locations within the community is necessary to ensure preservation. Once

designated as a historic sign, certain nonconforming aspects of the sign shall be considered to be in compliance with the zoning regulations and will be exempt from any amortization provisions of Section 13.112.

- (1) Designation Criteria. The Zoning Administrator may designate an existing sign as a historic sign if it meets the following criteria:
 - (a) The sign must be at least 25 years old.
 - (b) The sign must meet at least three (3) of the following criteria:
 - (1) It bears a national or local emblem, logo, or other graphic that is unique to the community; or
 - (2) The sign exhibits unique or rare characteristics that enhance the streetscape or identity of a neighborhood; or
 - (3) The sign is significant as evidence of the history of the product, business, or service advertised; or
 - (4) The sign is characteristic of a specific historic period; or
 - (5) The sign represents an outstanding example of the sign maker's art due to craftsmanship, use of materials, or design.
 - (c) The sign complies with the appropriate provisions of the North Carolina State Building and Electrical Codes.
 - (d) The sign is structurally safe or is capable of being made so without substantially altering its historical significance.
- (2) Location. The sign may be moved to another location on the site where it is currently located or to another property. It is encouraged that the sign be relocated to a site within the neighborhood from which it originated. The receiving site must be located within a non-residential zoning district for commercial signs.
- (3) Nonconforming Aspects. Relocated signs that are nonconforming based on their size, height, or lighting do not have to be brought into conformance. However, relocated signs may not move further out of conformance by any physical alterations to the sign. The sign lighting shall be located, screened, or shielded so that abutting lots located in any residential district are not directly illuminated and do not cause glare or impair the vision of motorists. All other regulations shall apply with the following exceptions:
 - (a) Projecting signs may extend beyond the maximum projecting dimension based upon the existing dimension of the sign.
 - (b) The following signs, which are currently prohibited (roof, flashing, fluttering, swinging, and rotating signs), may be relocated and maintain the prohibited characteristics provided such features contribute to the historic or cultural character of the sign and are in keeping with the surrounding area.

(c) Relocated outdoor advertising signs (billboards) must comply with only the following sections of Table 13.111(5): zoning district, location, spacing, and tree-cutting regulations.

(c) **Designation Procedure.**

- (1) The property owner of the parcel where a proposed landmark sign is located or the owner of the site where a proposed historic sign is to be relocated may apply for designation of an existing sign as a landmark or historic sign. Such application shall be submitted to and on a form determined by the Zoning Administrator. The Zoning Administrator shall have the authority to approve or to disapprove the designation of landmark or historic signs based upon the criteria stated above. At the time of the filing of a landmark or historic sign designation application, the applicant must file all necessary information in order for the Zoning Administrator to determine if the sign meets the criteria for the requested designation. The Zoning Administrator has the authority to request whatever other information is necessary in order to make a decision. The burden of proof for meeting the criteria is upon the applicant.

In approving or disapproving a landmark or historic sign application, the Zoning Administrator shall state the reasons in writing. An appeal of the Zoning Administrator's decision to the Zoning Board of Adjustment must be properly filed within sixty (60) days of the date of the Zoning Administrator's decision as shown on the face of the decision.

Once a sign has been designated as a landmark or historic sign, the Zoning Administrator will then issue a certificate to the applicant stating that the sign has been duly designated as a landmark or historic sign.

- (2) If the sign being considered for landmark or historic designation is associated with a designated local landmark or located in an established Historic District, the Zoning Administrator shall receive a recommendation from the appropriate Charlotte-Mecklenburg Historic Landmark Commission or the Historic District Commission before making a decision.
- (3) After a sign is designated as a landmark or historic sign it shall be maintained in its original condition, shape and size, except for minor changes required for structural enhancements or changes required to comply with minimum Electrical or Building Codes, or to remove portions from a public right-of-way. Where original materials are unavailable, substitute materials, ~~which are as, near as possible for the original material~~ may be used that are as similar as possible to the original material.
- ~~(4) Once designated as a landmark sign, it shall be considered to be in compliance with any zoning regulation and will be exempt from any amortization provisions of Section 13.112. If the sign is moved on the premise, it shall be subject to the location standards of this ordinance. The Zoning Administrator will then issue a certificate to the applicant stating that the sign has been duly designated as a landmark sign.~~
- (4) While a designated landmark or historic sign shall be deemed to be in compliance with the zoning regulations, this Section 13.110 is not intended to prevent Neighborhood & Business Services Development from enforcing the zoning ordinance if the Zoning

Administrator, or another City agency determines that there is a violation of any provisions, or the intent and purposes of any provisions of the zoning ordinance.
(Petition No. 2005-78, §13.110(5)(c)(5), 06/20/05)

(5) Nothing in this section shall prohibit the owner(s) of a designated landmark or historic sign from removing such a sign.

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 _____, 2010, 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 _____, 2010.
