

**PLANNING COMMITTEE
RECOMMENDATION
June 26, 2007**

Rezoning Petition No. 2007-065

Petitioner: Charley Schalliol

Request: Text amendment to add a new definition for “electronic changeable face signs” and to allow electronic changeable face signs for hotels and theaters, with limitations.

Action: The Planning Committee voted unanimously to recommend **DENIAL** of this text amendment.

Vote: Yeas: Carter, Cooksey, Howard, Locher, and Randolph

Nays: None

Absent: Johnson

Summary of Petition

This text amendment proposes to add a new definition for “electronic changeable face signs”:

A sign, display, or device, or portion thereof, which 1) changes the advertising message or information on the sign face electronically by the rotation of panels or slats or 2) electronically changes the fixed display screen composed of a series of lights, including light emitting diodes (LED’s), fiber optics, or other similar new technology where the message change sequence is accomplished immediately. Electronic changeable face outdoor advertising signs include computer programmable, microprocessor controlled electronic or digital displays that display electronic, static images, static graphics, or static pictures, with or without textual information, and tri-vision outdoor advertising signs. Electronic changeable face outdoor advertising signs do not include animated or scrolling images, graphics, video active images (similar to television images), projected images or messages onto buildings or other objects, or static outdoor advertising signs. An electronic changeable face sign is not an electronic changeable face outdoor advertising sign.

Section 13.109(4) of the Zoning Ordinance is proposed to be modified in two ways:

- It would now allow hotels to have 100% changeable copy signs, as theaters do now.
- It would allow both theaters and hotels to have electronic changeable face signs, with conditions:
 - Electronic changeable face signs would be permitted only along Class I streets (freeways) when the sign is intended to be viewed from the Class I street.
 - There would be a minimum 2000’ spacing separation from other electronic changeable face signs.
 - Each message displayed on the electronic changeable face sign shall remain static for a minimum of 8 seconds, and the change sequence shall be instantaneous.
 - No animated images or graphics are permitted; no audio components, scrolling messages, nor video moving images similar to television images.

Planning Committee Discussion/Rationale

Mr. MacVean summarized the proposed text amendment provisions, and noted that during the public hearing, City Council had asked staff if there were locations in Charlotte where business signs with electronic changeable copy are allowed. Mr. MacVean explained that signs with changeable copy are currently permitted in UMUD on buildings over 100,000 square feet in size. Examples are the Convention Center and Wachovia. The Bobcat's Arena is zoned UMUD-Optional which included a specific signage package that was approved by City Council.

Mr. MacVean stated that staff does not support this text amendment. Allowing such signage in a limited area (Uptown) now allows these types of signs to create a lively Uptown. If this text amendment is approved, more than more types of businesses would want to have electronic changeable copy signs (i.e. drug stores, groceries, gas stations, etc.). The proliferation of these signs would lead to more signs like those that were scrolling electronic messages at Providence and Colonial (Dentist) and Kings Drive (Interstate Battery) that have since been brought into compliance.

One committee member noted that the proposed text amendment would not allow these types of signs citywide, but would restrict them to locations along Class I streets only.

Mr. MacVean added that staff had worked with the petitioner to narrow the scope of the text amendment with regards to separation distances and location, but that staff still does not support the text amendment. He noted that this text amendment originated because a new hotel chain is seeking to locate on a site along I-77 near Nations Ford Road. Their sign prototype is one with scrolling electronic messages that advertise different rates and specials. The petitioner stated that when this hotel company enters into a new marketplace, it was standard practice to seek a text amendment or variance in order to accommodate their preferred sign prototype.

A committee member asked how the Hall of Fame, which is planning a row of signage would be handled. Mr. MacVean stated that in the UMUD zoning district, buildings over 100,000 square feet would be permitted to have electronic changeable copy, and a UMUD-Optional designation may be needed to obtain a signage package that varies from the current size and spacing requirements.

Mr. MacVean indicated that another text amendment for outdoor advertising signs would be heard at the Council's July public hearing that would allow electronic changeable face copy on billboards.

Upon a motion by Howard, and seconded by Randolph, the Planning Committee unanimously found this text amendment to be inconsistent with local plans and policies, and not to be reasonable or in the public interest.

A Committee member asked what other communities allowed changeable copy signs. Mr. MacVean stated that staff did not survey other cities, as part of this review. The parcel of land that this hotel company would like to locate on, was rezoned and a note on the approved site plan indicates that the petitioner will comply with the sign ordinance. However, now the petitioner wants to amend the zoning ordinance provisions regarding signs, as a means to install the desired sign prototype.

Upon a motion by Howard, and seconded by Locher, the Planning Committee unanimously voted to deny the text amendment.

Staff Opinion

The staff agrees with the recommendation of the Planning Committee.