

**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 13: SIGNS

1. Amend Section 13.102, "Definitions", subsection (S7), "Sign Types" by 1) deleting the definition for "Outdoor Advertising Sign" and replacing it with three new definitions to the section in alphabetical order, and re-alphabetizing the list. The new definitions shall read as follows:

~~(w)~~ Outdoor Advertising Sign

~~A type of sign, generally, but not limited to, a rigidly assembled sign, display, or devise, usually free standing, that is affixed to the ground or to a building, the primary purpose of which is to display advertising posters. Such signs commonly referred to as "billboards" are generally designed so that the copy or poster on the sign can be changed frequently and the advertising space is for lease.~~

~~(w)~~ Outdoor Advertising Sign, Electronic Changeable Face

A sign, display, or device, or portion thereof, which 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.

(x) Outdoor Advertising Sign, Static

A type of outdoor advertising sign, generally, but not limited to, a rigidly assembled sign, display, or devise, that is free-standing and affixed to the ground, the primary purpose of which is to display advertising messages or information that can be changed manually in the field. Such signs commonly referred to as “billboards” are generally designed so that the copy or poster on the sign can be changed frequently and the advertising space is for lease.

(y) Outdoor Advertising Sign, Tri-vision

A type of electronic changeable face outdoor advertising sign composed in whole or in part of a series of vertical or horizontal slats or cylinders that are capable of being rotated at intervals so that partial rotation of the group of slats or cylinders produces a different image and when properly functioning allows on a single sign structure the display at any given time of up to three images.

2. Amend Section 13.111, “Regulations for Outdoor Advertising Signs” by replacing the entire Section with a new table format for presenting the regulations and standards for outdoor advertising signs. In addition, new text and tables have been added to allow light-emitting diode (LED), digital, and tri-vision outdoor advertising signs, with a different set of regulations and standards than for the traditional, static outdoor advertising signs. The revised section shall read as follows:

Section 13.111. Regulations for Outdoor Advertising Signs.

(1) New Outdoor Advertising Signs

~~Permits for new outdoor advertising signs may be issued only in the~~
~~following locations and in accordance with the following standards:~~

~~Permitted Location: I 1 and I 2 within 150 feet of the right of way of~~
~~Class I Roads.~~

~~Maximum Sign Face Area: 380 sq. ft.~~

~~Maximum Height: 50 ft.~~

~~Maximum Number of Sign Faces: 1 per side of sign~~

~~Spacing:~~

- ~~(a) 400 feet from any residential district or institutional use;~~
- ~~(b) 1,000 linear feet between outdoor advertising signs on the same side of the street as measured from the centerline of the street;~~
- ~~(c) 500 feet from any other outdoor advertising sign on the opposite side of the street;~~
- ~~(d) 20 feet from an existing building;~~
- ~~(e) 500 feet from any part of the principal use being~~

advertised;

- (f) ~~No two sign structures within 300 feet of any street right of way on the same side of the road shall be spaced less than 1,000 feet apart, regardless of the street from which the sign is intended to be viewed.~~

~~Setback: Behind the required setback and side and rear yards of the district.~~

~~Structural Construction: Only unipole construction shall be allowed.~~

~~Tree Cutting: Vegetation cutting in the public rights of way for the purposes of clearing views of outdoor advertising signs shall be prohibited unless approved by the City Arborist.~~

~~(2) Existing Outdoor Advertising Signs~~

~~Existing outdoor advertising signs that conform to the following standards shall be allowed to remain so long as they maintain a conforming status. Signs may be rebuilt to conform to the following standards; however, no existing sign shall be increased in size or height when rebuilt. All signs that do not conform to the regulations shall be removed in accordance with Section 13.112 of these regulations.~~

~~Permitted Location: B-2, I-1, and I-2 Districts~~

~~Maximum Sign Face Area and Sign Height: In accordance with the following schedule:~~

ZONING DISTRICT	ROAD CLASSIFICATION	MAXIMUM SIGN FACE AREA	MAXIMUM SIGN HEIGHT
I-1 & I-2	Class I	380 sq. ft.	50 ft.
I-1 & I-2	Class II, III, IV, V & VI	380 sq. ft.	40 ft.
B-2	Class I, II, III, IV, V, & VI	300 sq. ft.	30 ft.

~~Maximum Number of Sign Faces: 1 per side of sign~~

- ~~Spacing~~
- ~~(a) 400 feet from any residential district or institutional use such as a school, park, hospital, or cemetery;~~
 - ~~(b) 1,000 linear feet between outdoor advertising signs on the same side of the street as measured from the centerline of the street;~~
 - ~~(c) 500 feet from any other outdoor advertising sign on the opposite side of the street;~~
 - ~~(d) 20 feet from an existing building;~~

- (e) — 500 feet from any part of the principal use being advertised;
- (f) — No two sign structures within 300 feet of any street right-of-way on the same side of the road shall be spaced less than 1,000 feet apart, regardless of the street from which the sign is intended to be viewed.

Setback — Behind the required setback and side and rear yards of the district.

Illumination: — No outdoor advertising sign shall remain lighted between the hours of 12:00 a.m. and 5:00 a.m. except those signs located along Class I and II streets.

Tree Cutting: — Vegetation cutting in the public rights-of-way for the purposes of clearing views of outdoor advertising signs shall be prohibited unless approved by the County Engineering Department.

Section 13.111. Regulations for Outdoor Advertising Signs.

The purpose of this section is to establish reasonable regulations for outdoor advertising signs to reduce visual clutter, protect the view of the skyline, reduce distractions for motorists, and reduce conflicts with traffic control signs. These regulations shall be designed to 1) present and perpetuate uncluttered and natural views for the enjoyment and environmental enrichment of the citizens of Charlotte, as well as visitors; 2) promote economic prosperity, civic pride, quality of life, and the general welfare of citizens; 3) enhance the aesthetic values of the city and its economic vitality; 4) protect property values; 5) promote good urban design; and 6) promote safety of motorists.

(1) Static Outdoor Advertising Signs (excluding electronic changeable face outdoor advertising signs, and similar new technologies)

Permits for new static outdoor advertising signs shall be issued only in accordance with the standards and regulations listed in Table 13.111(1).

TABLE 13.111(1)

<u>Regulation</u>	<u>Static Outdoor Advertising Signs (excluding electronic changeable face outdoor advertising signs, tri-vision outdoor advertising signs, and other similar new technologies)</u>
<u>Zoning Districts Permitted</u>	I-1 and I-2 zoning district, located within 150 feet of the right-of-way of Class I Roads.
<u>Location</u>	Located behind the required setback, side, and rear yards of the district.
<u>Maximum Sign Face Area</u>	380 square feet
<u>Maximum Height</u>	50 feet
<u>Maximum Number of Sign Faces</u>	1 per side of sign, totaling no more than 760 square feet
<u>Sign Type/Anchoring</u>	Freestanding with unipole construction only.
<u>Sign Features</u>	Vinyl or similar type of material.

<u>Limitations</u>	<u>No moving, rotating, fluttering, blinking, flashing elements permitted. No animation, video, audio, pyrotechnic components. No automatic changeable face outdoor advertising signs and no bluecasting technology permitted.</u>
<u>Message Duration</u>	<u>The message shall not change more than once within a 24-hour time period.</u>
<u>Illumination</u>	<u>Any illumination devices shall be effectively shielded so as to prevent beams or rays of light from being directed at any portion of a street or highway. Illumination intensity or brilliance shall not cause glare or impair the vision of motorists, and shall not interfere with any driver's operation of a motor vehicle.</u>
<u>Spacing of Sign to Residential Districts and Institutional Uses</u>	<u>There shall be at least 400 linear feet spacing distance between the sign and Residential Districts and Institutional uses. The distance shall be the shortest measurable distance between the nearest point of the sign to the edge of residential districts or to the property line of the institutional use. Institutional uses include schools, religious facilities, health institutions, colleges and universities, vocational schools, child care centers, government buildings, recreation centers, jails, stadiums and arenas, and civic, social and fraternal associations, etc.</u>
<u>Spacing to Outdoor Advertising Signs on the Same Side of the Street</u>	<u>There shall be at least 1000 linear feet spacing distance between outdoor advertising signs on the same side of the street. The distance shall be measured from the nearest point of the sign as projected to the centerline of the street upon which the sign is intended to be viewed to the nearest point of the other sign as measured to its closest centerline point along the same street.</u>
<u>Spacing to Outdoor Advertising Signs on the Opposite Side of the Street</u>	<u>There shall be at least 500 linear feet spacing distance from any other outdoor advertising sign on the opposite side of the street. The distance shall be measured from the nearest point of the sign as projected to the centerline of the street upon which the sign is intended to be viewed to the nearest point of the other sign as measured to its closest centerline point along the same street.</u>
<u>Spacing to Other Outdoor Advertising Signs on Nearby Streets</u>	<u>In addition, no two outdoor advertising sign structures within 300 feet of any street right-of-way on the same side of the street shall be spaced less than 1000 feet apart, regardless of the street from which the sign is intended to be viewed. The distance shall be the shortest measured distance between the nearest point of the sign to the nearest point of the other sign.</u>
<u>Spacing to Existing Buildings</u>	<u>There shall be a minimum of 20 feet distance required between an outdoor advertising sign structure and an existing building. The distance shall be the shortest measured distance between the nearest point of the sign to the edge of the building.</u>
<u>Spacing to the Principal Use being Advertised</u>	<u>There shall be a minimum of 500 feet distance to any part of the principal use being advertised. The distance shall be the shortest measured distance between the nearest point of the sign to the nearest edge of the principal use.</u>
<u>Conformity</u>	<u>The outdoor advertising sign shall be conforming in all ways. See also Section 13.112.</u>
<u>Tree-Cutting</u>	<u>Vegetation cutting in the public rights-of-way for the purpose of clearing views for signs shall be prohibited unless approved by the City Arborist. Cutting of any trees required by the Tree Ordinance that are located in the setback on any property is also prohibited.</u>
<u>Historic District</u>	<u>No outdoor advertising sign shall be located directly across the street from, or within, an historic district.</u>

(2) New or Converted Electronic Changeable Face Outdoor Advertising Signs

Permits for new electronic changeable face outdoor advertising signs or a permit to convert a static outdoor advertising sign to an electronic changeable face outdoor sign shall be issued only in accordance with the standards and regulations listed in Table 13.111(2). These regulations shall apply to all outdoor advertising signs, including those with North Carolina Permits.

TABLE 13.111(2)

<u>Regulation</u>	<u>New or Converted Electronic Changeable Face Outdoor Advertising Signs</u>
<u>Zoning District Permitted</u>	<u>I-1 and I-2 zoning district, located within 150 feet of the right-of-way of Class I Roads.</u>
<u>Location</u>	<u>Located behind the required setback, side, and rear yards of the zoning district.</u>
<u>Maximum Sign Face Area</u>	<u>380 square feet</u>
<u>Maximum Height</u>	<u>50 feet</u>
<u>Maximum Number of Sign Faces</u>	<u>One per side of structure, but no more than two sides.</u>
<u>Sign Support</u>	<u>Freestanding with unipole construction only.</u>
<u>Sign Features</u>	<u>Electronic changeable face or tri-vision</u>
<u>Permit Required</u>	<u>A sign permit application for a new or converted electronic changeable face outdoor advertising sign shall be submitted to Neighborhood Development with the required documentation listed in Section 13.103(2)(f).</u>
<u>Limitations</u>	<u>No moving, rotating, fluttering, blinking, or flashing elements are permitted. No animation, video, audio, pyrotechnic, or bluecasting components are permitted.</u>
<u>Message Duration</u>	<u>Advertising messages or information shall remain in a fixed, static position for a minimum of (8) seconds. The change sequence must be accomplished within an interval of two (2) seconds or less.</u>
<u>Message Type</u>	<u>Off-premise advertising</u>
<u>Illumination</u>	<u>Any illumination devices shall be effectively shielded so as to prevent beams or rays of light from being directed at any portion of a street or highway, or any residential use. Illumination devices shall contain an automatic sensor mechanism that will adjust the illumination intensity or brilliance to be dimmer at night so that the outdoor advertising sign shall not cause glare or impair the vision of motorists, and shall not interfere with any driver's operation of a motor vehicle.</u>
<u>Spacing of Sign to Residential Districts and Institutional Uses</u>	<u>There shall be a minimum spacing of 400 feet between the electronic changeable face outdoor advertising sign and Residential Districts and Institutional uses. Institutional uses include schools, religious facilities, health institutions, colleges and universities, vocational schools, child care centers, government buildings, recreation centers, jails, stadiums and arenas, and civic, social and fraternal associations, or other institutional uses as classified in the Zoning Ordinance. The distance shall be calculated as the shortest measurable distance between the nearest point of the sign to the edge of residential district or to the property line of the institutional use.</u>
<u>Spacing to Outdoor Advertising Signs on the Same Side of the Street</u>	<u>There shall be a minimum spacing of 2,000 feet between an electronic changeable face outdoor advertising sign and any other electronic changeable face outdoor advertising sign on the same side of the street. There shall also be 1) a minimum of 1,000 feet spacing between electronic changeable face outdoor advertising signs on the same side of the street and any other static outdoor advertising signs. The distance shall be measured from the nearest point of the sign as projected to the centerline of the street upon which the sign is intended to be viewed to the nearest point of the other sign as measured to its closest centerline point along the same street.</u>
<u>Spacing to Outdoor Advertising Signs on the Opposite Side of the Street</u>	<u>There shall be a minimum spacing of 1,000 feet between electronic changeable face outdoor advertising signs on the opposite side of the street. There shall also be a minimum of 500 feet spacing between electronic changeable face outdoor advertising signs and static outdoor advertising signs on the opposite side of the street. The distance shall be measured from the nearest point of the sign as projected to the centerline of the street upon which the sign is intended to be viewed to the nearest point of the other sign as measured to its closest centerline point along the same street.</u>
<u>Spacing to Other Outdoor Advertising Signs</u>	<u>No two electronic changeable face outdoor advertising signs within 300 feet of any street right-of-way on the same side of the street shall be spaced less than 2,000 feet apart, regardless of the street from which the sign is intended to be viewed. In addition, no electronic changeable face outdoor advertising sign within 300 feet of any street right-of-way on the same side of the street shall be spaced less than 1,000 feet apart from any static outdoor advertising sign, regardless of the street from which the sign is intended to be viewed. The distance shall be the shortest measured distance between the nearest point of the sign to the nearest point of the other sign.</u>
<u>Spacing to Existing Buildings</u>	<u>20 feet minimum between an electronic changeable face outdoor advertising structure and any existing building. The distance shall be the shortest measured distance between the nearest point of the electronic changeable face outdoor advertising sign to the edge of the building.</u>

<u>Relationship to Nearby Non-Conforming Outdoor Advertising Signs</u>	<u>An electronic changeable face outdoor advertising sign will not be permitted if there is a non-conforming static outdoor advertising sign, owned by the same company, whether or nor it has a North Carolina permit, located within 1,000' or less of the proposed location, unless the non-conforming structure becomes conforming, prior to the issuance of a sign permit, with respect to 1) sign face area, 2) number of sides, 3) height 4) support structure (unipole) or 5) if located within 300' of residential or institutional uses is removed. For outdoor advertising signs facing the same street, the distance shall be measured from the nearest point of the sign as projected to the centerline of the street upon which the sign is intended to be viewed to the nearest point of the other sign as measured to its closest centerline point along the same street. For outdoor advertising signs that face other streets, the distance shall be the shortest measured distance between the nearest point of the sign to the nearest point of the other sign.</u>
<u>Spacing to the Principal Use being Advertised</u>	<u>500 feet minimum spacing, to any part of the principal use being advertised. The distance shall be the shortest measured distance between the nearest point of the sign to the nearest edge of the principal use.</u>
<u>Conformity</u>	<u>Electronic changeable face signs shall be conforming in all ways. See also Section 13.112.</u>
<u>Tree-Cutting</u>	<u>Vegetation cutting in the public rights-of-way for the purpose of clearing views for signs shall be prohibited unless approved by the City Arborist. Cutting of any trees required by the Tree Ordinance that are located in the setback on any property is also prohibited.</u>
<u>Historic District</u>	<u>No outdoor advertising sign shall be located within an historic district, or within 400' of an historic district boundary.</u>
<u>System Malfunction</u>	<u>Electronic changeable face outdoor advertising signs shall contain a default design that will freeze the sign in one position if a malfunction occurs.</u>

3. Amend Section 13.103(2) by replacing subsection (f) with an expanding the list of information that must be submitted with a sign permit application. The revised section shall read as follows:

- (f) ~~Applications for permits for outdoor advertising signs, in addition to the above information, shall contain a survey prepared by a registered surveyor showing at least the following: the location of all outdoor advertising signs within 1,000 feet on the same side of the street and within 500 feet on the opposite side of the street; structures within 20 feet; residential districts and institutional uses within 500 feet; and applicable setbacks and side or rear yards in the zoning district;~~

Permits for all outdoor advertising signs, shall attach the following information to the sign permit application:

- (1) A survey prepared by a registered surveyor showing the following:
- a. Location of the outdoor advertising sign for which the permit is requested, showing a scaled representation of the structure, for measuring purposes.
 - b. The zoning district in which the sign is located.
 - c. Type of outdoor advertising sign (electronic changeable face, tri-vision, or static)
 - d. Message duration time, if applicable.
 - e. Maximum sign height.

- f. Maximum sign face area.
- g. The tax parcel identification number of the property.
- h. The setback, side and rear yards of the site.
- i. All buildings located on the site within 20' of the subject sign, as measured from of the nearest point of the sign to the nearest point of the building.
- j. Distance from the outdoor advertising sign to any residential zoning district or institutional use (schools, religious facilities, health institutions, colleges and universities, vocational schools, child care centers, government buildings, recreation centers, jails, stadiums and arenas, and civic, social and fraternal associations, or other institutional uses as classified in the Zoning Ordinance) within 400' feet. The distance shall be the shortest measurable distance between the nearest point of the sign to the edge of residential districts or to the property line of the institutional use.⁴
- k. If the outdoor advertising sign is advertising a principal use located within 500' of the sign, then provide the distance of the nearest point of the outdoor advertising sign to any part of the principal use being advertised. The distance shall be the shortest measured distance between the nearest point of the sign to the nearest edge of the principal use.⁴
- l. Identify any historic district on the proposed site, or within 400' of the nearest point of the outdoor advertising sign.⁴
- m. Show the location and type of all nearby existing outdoor advertising signs (static, electronic changeable face, and tri-vision) in the vicinity, and provide the following information:
 - 1. Distance spacing⁴ for proposed static outdoor advertising signs:
 - a. Provide the distance from the proposed sign to all existing outdoor advertising signs located on the same side of the street, and located within 1,000 linear feet¹.
 - b. Provide the distance from the proposed sign to all existing outdoor advertising signs located on the opposite side of the street, and located within 500 linear feet¹
 - c. Provide the distance from the proposed sign to all existing outdoor advertising signs located

within 300 feet of any street right-of-way on the same side of the street, and located within 1,000' of the subject sign.²

d. Is the existing outdoor advertising sign located within 400' of residential and institutional uses? If so, what is the distance?^{3,4}

2. Distance spacing⁴ for proposed electronic changeable face or tri-vision outdoor advertising signs:

a. Provide the distance from the proposed sign to all existing outdoor advertising signs located on the same side of the street, and located within 2,000 linear feet¹.

b. Provide the distance from the proposed sign to all existing outdoor advertising signs located on opposite side of the street, and located within 1,000 linear feet.¹

c. Provide the distance from the proposed sign to all existing outdoor advertising signs located within 300 feet of any street right-of-way on the same side of the street, and located within 2,000' of the subject sign.²

d. Is the existing outdoor advertising sign located within 400' of residential and institutional uses? If so, what is the distance?^{3,4}

¹ The distance shall be measured from the nearest point of the sign as projected to the centerline of the street upon which the sign is intended to be viewed to the nearest point of the other sign as measured to its closest centerline point along the same street.

² The distance shall be the shortest measured distance between the nearest point of the subject sign to the nearest point of the other sign.

³ The distance shall be the shortest measurable distance between the nearest point of the sign to the edge of residential districts or to the property line of the institutional use.

⁴ Distances can be measured on the County website at <http://polaris.mecklenburgcountync.gov/website/redesign/viewer.htm>

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 _____, 2007, 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 _____, 2007.
