

**ZONING COMMITTEE
RECOMMENDATION
September 26, 2007**

Rezoning Petition No. 2007-109

Petitioner: Charlotte-Mecklenburg Planning Commission

Request: Text Amendment to 1) allow electronic changeable face outdoor advertising signs with limitations, 2) to simplify the requirements for outdoor advertising signs by placing the regulations in a table format that is more user-friendly, and 3) to add a purpose statement.

Action: The Zoning Committee voted unanimously recommended **APPROVAL** of this text amendment.

Vote: Yeas: Howard, Johnson, Loflin, Randolph, Rosenburgh, and Sheild
Nays: None
Absent: Lipton

Summary of Petition

This text amendment would add new regulations to allow electronic changeable face outdoor advertising signs (digital, LED, and tri-vision outdoor advertising signs). As part of this text amendment, new definitions have been added for “electronic changeable face”, “tri-vision”, and “static” outdoor advertising signs, as well as “nits” and “candelas”.

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 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.

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.

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.

Candela.

A unit of measurement of the intensity of light. An ordinary wax candle flame generates approximately one candela.

Nit.

A unit measure of luminance or brightness equal to one candela per square meter, measured perpendicular to the rays of the source.

This text amendment replaces entire Section 13.111 in order to differentiate the different regulations that would apply to electronic changeable face outdoor advertising signs, and the more traditional or “static” vinyl outdoor advertising signs, and other existing billboards. It also adds a purpose statement outlining reasonable regulations for outdoor advertising signs. The regulations are designed to:

- Reduce visual clutter
- Protect the view of the skyline
- Reduce distractions for motorists
- Reduce conflicts with traffic control signs.

In addition, the regulations are designed to accomplish the following:

- Present and perpetuate uncluttered and natural views for the enjoyment and environmental enrichment of the citizens of Charlotte, as well as visitors
- Promote economic prosperity, civic pride, quality of life, and general welfare of citizens
- Enhance the aesthetic values of the City and its economic vitality
- Protect property values
- Promote good urban design
- Promote safety of motorists.

Following is a brief summary of the conditions and regulations that will be applicable to electronic changeable face outdoor advertising signs:

- Permits for new or converted outdoor advertising signs are required, with additional support documentation, prepared by a registered surveyor, to be submitted with the application.
- The regulations shall also apply to all outdoor advertising signs, even those with North Carolina Department of Transportation Permits.
- Permitted in I-1 and I-2, and located within 150’ of the right-of-way of Class I Roads.
- Limited to 380 square feet; no more than 1 per side.
- Unipole construction
- No moving, rotating, fluttering, blinking or flashing elements are permitted. No animation, video, audio, pyrotechnic or bluecasting components are permitted.
- Messages shall remain fixed, in a static position for a minimum of 8 seconds.
- The change sequence shall be accomplished within an interval of 2 seconds.
- Only off-premise advertising is permitted.
- Illumination devices shall be effectively shielded to prevent beams of light from being directed at any portion of a street or at any residential use.
- The sign shall not exceed 7,500 nits during daylight hours and a maximum of 500 nits between dusk and dawn as measured from the sign’s face at maximum brightness..

- The sign shall contain an automatic dimmer (factory set to Charlotte illumination intensities) and a photo cell sensor to adjust the illumination intensity or brilliance to be dimmer at night.
- A minimum 400' spacing is required between the electronic changeable face billboard and any residential district or institutional uses.
- A minimum spacing of 2,000' is required between electronic changeable face billboards.
- A minimum spacing of 1,000' is required between an electronic changeable face billboard and a static (traditional) billboard.
- No two electronic changeable face billboards within 300' of any street right-of-way on the same side of the street shall be spaced less than 2000' apart, regardless of the street from which they are viewed.
- No electronic changeable face billboard within 300' of any street right-of-way on the same side of the street shall be spaced less than 1000' apart from any static billboard, regardless of the street from which they are viewed.
- A minimum of 20' is required between any electronic changeable face billboard and any existing building.
- Any non-conforming billboard located within 1,000' of a proposed electronic changeable face outdoor advertising sign, whether it has a North Carolina permit or not, must become conforming prior to the issuance of a sign permit. To become conforming, the billboard must become conforming with respect to:
 - Sign face area
 - Number of sides
 - Height
 - Support structure type
 - Removed if within 300' of residential or institutional uses.
- A minimum spacing of 500' is required from any part of the principal use being advertised.
- Electronic changeable face signs shall be conforming in all ways.
- 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 trees required by the Tree Ordinance that are located in the setback is also prohibited.
- No electronic changeable face outdoor advertising sign shall be located within an historic district, or within 400' of an historic district boundary.
- Electronic changeable face billboards shall contain a default design that will freeze the sign in one position with no more than a maximum illumination of 500 nits if a malfunction occurs.

In addition, this text amendment places the existing regulations for what are termed “static” outdoor advertising signs in a table format. The regulations for static billboards have been supplemented with the following new additions:

- Information has been added on how spacing and separation distances are measured. This reflects current policy.
- Text clarifies that a billboard structure can have 1 sign face per side, totaling no more than 760 square feet.
- Limitations have been added to prohibit moving, rotating, fluttering, blinking, flashing components and to prohibit video, audio, pyrotechnic components, and bluecasting technology.
- Clarifies city policy that the message on static billboards shall not change more than once within a 24-hour time period.
- Clarifies that illumination devices shall be effectively shielded so as not to cause glare.
- 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 trees required by the Tree Ordinance that are located in the setback is also prohibited.

- No electronic changeable face outdoor advertising sign shall be located directly across the street from an historic district, or within an historic district.
- Permits for all new static outdoor advertising signs require support information to be prepared by a registered surveyor and submitted with the permit application.

And last, this text amendment places the regulations for existing outdoor advertising signs in a table format. The regulations for existing outdoor advertising signs have been supplemented with the following modifications:

- Information has been added on how spacing and separation distances are measured. This reflects current policy.
- Clarifies that a billboard structure can have 1 sign face per side, totaling no more than 760 square feet.
- Limitations have been added to prohibit dimming, flashing, fading, or scrolling messages. No moving, rotating, fluttering, blinking, flashing elements are permitted. No animation, changeable copy, videoboard, or audio components are permitted.
- Clarifies city policy that the message on static billboards shall not change more than once within a 24-hour time period.
- Clarifies that illumination devices shall be effectively shielded so as not to cause glare.
- 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 trees required by the Tree Ordinance that are located in the setback is also prohibited.

Zoning Committee Discussion/Rationale

Keith MacVean reviewed the major highlights of this outdoor advertising sign text amendment. He noted that staff had added regulations to control the brightness of the electronic changeable face signs to not exceed a maximum brightness of 7,500 nits during daylight hours, and no more than 500 nits between dusk to dawn. He also noted that the regulations that restricted outdoor advertising signs from being located within 400' of jails, stadiums, and arenas were deleted, and public parks were added. The other institutional uses specifically listed as requiring a 400' separation from an outdoor advertising sign still remain listed in the text amendment. Only jails, stadiums, and arenas were deleted.

A Commissioner asked if the individuals that spoke against the text amendment at the public hearing were satisfied with the changes. Ms. Montgomery responded that although some individuals were against the text amendment in whole, Mr. Keenan was pleased that limitations were added to restrict the brightness of the signs, particularly at night. In addition, Adams Outdoor Advertising was contacted regarding some last minute changes suggested by Nina Lipton, and supported by staff. Mr. Applegate indicated the changes were agreeable.

The Commissioners wanted to thank Nina Lipton for all her hard work on reviewing this text amendment, and that it be noted in the Minutes, since she was not able to be present at this vote.

One Commissioner asked about the notice of violation and citation process and the fines that could be levied against violators. Mr. MacVean responded that the enforcement mechanisms that involved notices of violation and citations followed the same process as other zoning violations. He noted that the fines start low and can escalate for each day of violation.

A Commissioner asked how the brightness of the electronic changeable face outdoor advertising signs would be measured. Ms. Montgomery explained that a luminance meter can measure the brightness or intensity of light emitted from an outdoor advertising sign.

Statement of Consistency

Upon a motion made by Commissioner Loflin and seconded by Commissioner Johnson , the Zoning Committee unanimously found this text amendment to be consistent with adopted plans and policies, and to be reasonable, and in the public interest.

Vote

Upon a motion made by Commissioner Loflin and seconded by Commissioner Johnson, the Zoning Committee unanimously voted to recommend approval of this petition.

Staff Opinion

Staff agrees with the recommendation of the Zoning Committee.