

JUN 20 2011

Petition No. 2010-045

Petitioner: Charlotte-Mecklenburg Planning Commission

**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 AND RULES OF CONSTRUCTION

1. PART 2: Definitions

- a. Delete the current definition for "Information Pillar" in Section 2.201. The definition will be modified and moved into Chapter 13:

B. CHAPTER 9: GENERAL DISTRICTS

1. PART 8.5: Mixed Use Development District

- a. Amend Section 9.8504, "Mixed Use Development District; accessory uses", by deleting "Information Pillars" as an accessory use. The remaining accessory uses will remain unchanged. The revised section shall read as follows:

Section 9.8504. Mixed Use Development District; accessory uses.

The following are permitted as accessory uses in the Mixed Use Development District:

Accessory uses and structures, clearly incidental and related to the permitted principal use or structure.

Drive-in windows as an accessory to the principal use subject to the regulations of Section 12.413 (MUDD-Optional only)
(Petition No. 2005-98 §9.8504, 05/16/05)

Dumpsters, trash handling areas and service entrances, subject to the regulations of 12.403.

Outdoor lighting, subject to regulations of Section 12.402.

Outdoor sales accessory, subject to the regulations of Section 12.417.
(*Petition No. 2006-20, § 9.8504, 03/20/06*)

Petroleum storage, accessory to a permitted principal use or building subject to the Fire Prevention Code of the National Board of Fire Underwriters.

Petroleum storage, underground, accessory to permitted automobile service stations, subject to the Fire Prevention Code of the National Board of Fire Underwriters.

Signs, bulletin boards, kiosks and similar structures that provide historical information, information for noncommercial activities or space for free use by the general public.

Vending machines.

- b. Amend Section 9.8506, “Mixed-Use Development District; urban design and development standards”, subsection (2), “Streetscape design standards”, subsection (c), “Signs, banners, flags and pennants” by renumbering the subsections and adding a new subsection (2) to allow information and advertising pillar sign regulations. The revised language shall read as follows:

(c) Signs, banners, flags and pennants.

1. Where signs, banners, flags and pennants for identification decoration are provided, they must conform to the requirements of Chapter 13, except for the following:
 - a. Specifications for permanent signs shall be according to Section 13.108a, with the following exceptions:
 - (i) Signs located on any building wall of a structure shall have a maximum sign surface of all signs on one wall not to exceed 5% of building wall area to which the sign is attached up to a maximum of 100 square feet.
 - (ii) Ground mounted or monument signs shall be permitted in MUDD as follows:
 - (1) Signs shall not exceed 5 feet in height and 20 square feet in area. A bonus of 4 square feet in size (20%) shall be permitted if the sign is lit 100% by neon light.
 - (2) Signs shall be located a minimum of 5 feet behind the proposed right-of-way and out of any sight distance triangle prescribed by the Charlotte Department of Transportation (CDOT).

(3) Signs shall be located behind the minimum setback.

2. Information and advertising pillar signs must conform to the requirements of Section 13.108(b).

2. PART 9: Uptown Mixed Use District

a. Delete Section 9.904, “Uptown Mixed Use District; accessory uses”, item (2), “Information Pillars”. Renumber item (2.5), “Outdoor sales accessory”, as item (2). Other accessory uses remain unchanged. The revised text reads as follows:

(2) Outdoor sales accessory, subject to the regulations of Section 12.417.

b. Amend Section 9.906, “Uptown Mixed Use District; urban design and development standards”, subsection (2), “Streetscape design standards”, subsection (e), “Signs, banners, flags and pennants”, by renumbering the subsections, modifying the language and adding a new subsection (2) allowing information and advertising pillar signs.

(e) Signs, banners, flags and pennants.

1. Where signs, banners, flags and pennants for identification or decoration are provided, they must conform to the requirements of Chapter 13, with the following exceptions:

a. Off-premise Major Event Banners

The purpose this type of banner is to inform the public of major events, open to the public, with community-wide interest or regional significance. Major events may include, but are not limited to, religious, educational, charitable, civic, fraternal, sporting, or similar events including, but not limited to, golf tournaments, festivals, and major or seasonal sporting events. The banner is off-premise from the location of the major event.

An off-premise major event banner differs from a “Temporary Banner” (See Section 13.106(13)) in that no advertising copy is permitted on the major event banner other than that allowed in Section 9.906(e)(1)(b) below.

Major event banners may be located in the UMUD zoning district provided they meet the following requirements:

(i) The total area of temporary event banners combined shall not exceed 1000 square feet or 10% of the wall area, whichever is smaller, per building wall.

(ii) Banners shall not contain any advertising, however, up to

10% of the banner area may include the name of the major event sponsors or supporters, a description of the products, services or activities provided or engaged in by the sponsors or supporters, and recognized trademarks, logotypes or symbols customarily associated with the sponsors or supporters. See Section 13.106(12) for regulations regarding on-site temporary banners that allow advertising.

- (iii) Banners shall be erected no sooner than 7 days before the major event and removed within 2 days after the event.
- (iv) Banners shall be attached in total to a building wall or permanent canopy extending from a building. Banners shall be adequately secured.
- (v) Banners shall be made of durable material. Paper banners are not permitted.
- (vi) No inflatables, tethered balloons, streamers, pennants, flags, ribbons, spinners, or other prohibited devices shall be included or incorporated with the display of a banner under this section.
- (vii) A written notice of the proposed banner location, number, sizes and duration shall be filed with Charlotte Center City Partners prior to issuance of a banner permit.
- (viii) A banner permit from Neighborhood Development is required for each major event, or seasonal event. If sports related, each game or competition shall be considered a separate event. Seasonal events such as regional team sporting events (i.e. Bobcats, Panthers, Checkers, etc.) may be issued one permit for the season.
(Petition No. 2005-78 §9.906(2)(e)(1)(g), 06/20/05)
- (ix) The permit number and duration shall be visible on the banner.
- (x) Due to the short-term nature of banners, any violation of the provisions of these regulations shall be cited by Neighborhood Development. A one-day warning notice of violation requesting immediate compliance will be issued first. Citations can then be issued for any violation that has not been corrected.
(Petition No. 2005-78 §9.906(2)(e)(1)(i), 06/20/05)

This subsection does not preempt the regulations of Section 206 of Chapter 19, Article 7 of the City Code for decorative banners and signs.

2. Information and advertising pillar signs must conform to the requirements of Section 13.108(b).

3. PART 12: Transit Oriented Development Districts

- a. Delete Section 9.1207, “Accessory Uses”, item (2), “Information pillars” in its entirety. Renumber the remaining items. The new text shall read as follows:

Section 9.1207. Accessory Uses.

The following are permitted as accessory uses and structures in the TOD zoning districts:

- (1) Accessory residential uses and structures, clearly incidental and related to the permitted principal use or structure.
 - (2) Vending machines located within an enclosed building for the convenience of the occupants of the building.
 - (3) Signs, bulletin boards, kiosks and similar structures that provide historical information, information for non-commercial activities or space for free use by the general public.
 - (4) Land clearing and inert landfills (LCID): on-site, subject to the regulations of Section 12.405.
 - (5) Wireless communications facilities are only permitted atop a building or structure (other than a single family structure or other residential structure of less than two stories in height). Such facility shall not exceed 20 feet in height measured from the top of the highest point of the existing structure. Any such facility and any associated antennae located within 400 feet of a residential district shall be indiscernible from the rest of the building or structure.
 - (6) Drive-through service lanes are only permitted when associated with professional business and general offices, and only when located between $\frac{1}{4}$ to $\frac{1}{2}$ mile walking distance from a transit station, as designated on the approved station area plan. Drive-through windows shall only be located on the same site as the principal use, shall be located to the rear or side of the principal use, to minimize visibility along public right-of-way. No more than four (4) drive through service lanes shall be permitted per individual use. Freestanding drive-through lanes are prohibited.
- b. Amend Section 9.1209, “Urban Design Standards” subsection (7), “Signs, Banners, Flags and Pennants” by renumbering the subsections and adding a new subsection (2) to add that information and advertising pillar signs are permitted. The new subsection shall read as follows:

- (7) Signs, Banners, Flags and Pennants.

1. Where signs, banners, flags and pennants for identification or decoration are provided, they shall conform to the requirements of Chapter 13, except for the following:
 - (a) Wall signs shall meet the specifications of Section 13.108a, with the exception that signs located on any building wall shall have a maximum sign surface area not to exceed 5% of building wall area to which the sign(s) is attached, up to a maximum of 100 total square feet. Wall signs may be increased by 20 square feet per sign in lieu of a ground mounted or monument sign.
 - (b) Signs are permitted to project up to 6' into the minimum setback as measured from the building. Under no circumstance shall a sign project more than 4' from the back of curb. A minimum overhead clearance of 8' from the sidewalk shall be maintained.
 - (c) Marquee signs are permitted.
 - (d) Ground mounted or monument signs are allowed as follows:
 - (1) Signs shall not exceed 5 feet in height and 20 square feet in area.
 - (2) Signs shall be located behind the right-of-way and out of any sight distance triangle prescribed by the Charlotte Department of Transportation (CDOT).
 - (3) Signs shall be located behind the minimum setback.
 - (e) No freestanding pole signs shall be permitted.
 - (f) No outdoor advertising signs shall be permitted.
2. Information and advertising pillar signs must conform to the requirements of Section 13.108(b).

C. CHAPTER 11: CONDITIONAL ZONING DISTRICTS

1. PART 7: RE-3 Research District

- a. Amend Section 11.706, "Design Standards", subsection (1) to add reference to information and advertising pillar signs. The revised section shall read as follows:
 - (1) Signs.

- (a) Signs are permitted in the RE-3 district in accordance with Chapter 13 except that no sign shall exceed 7 feet in height, except for information and advertising pillar signs.
- (b) Information and advertising pillar sign heights are subject to the requirements of Section 13.108(b).

D. CHAPTER 12: DEVELOPMENT STANDARDS OF GENERAL APPLICABILITY

1. PART 4: Accessory Uses and Structures

- a. Delete Section 12.416 in its entirety and re-title it as “Reserved”. The information pillar regulations are being moved into Chapter 13. The revised text shall read as follows:

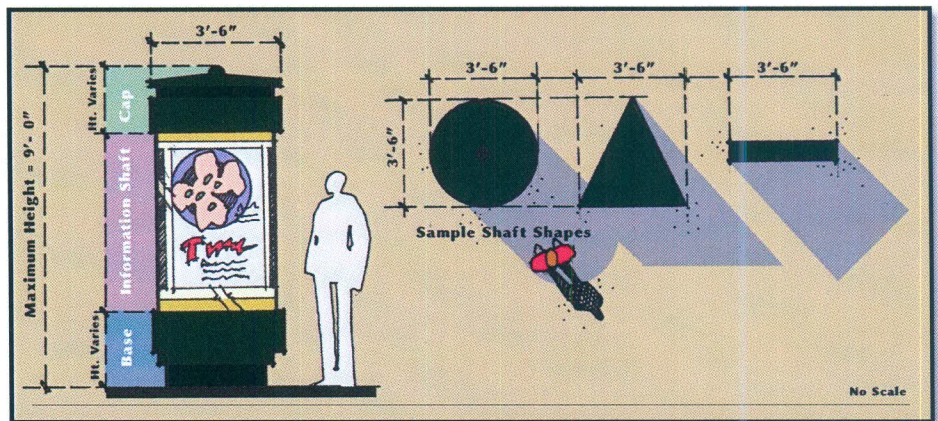
Section 12.416. Reserved

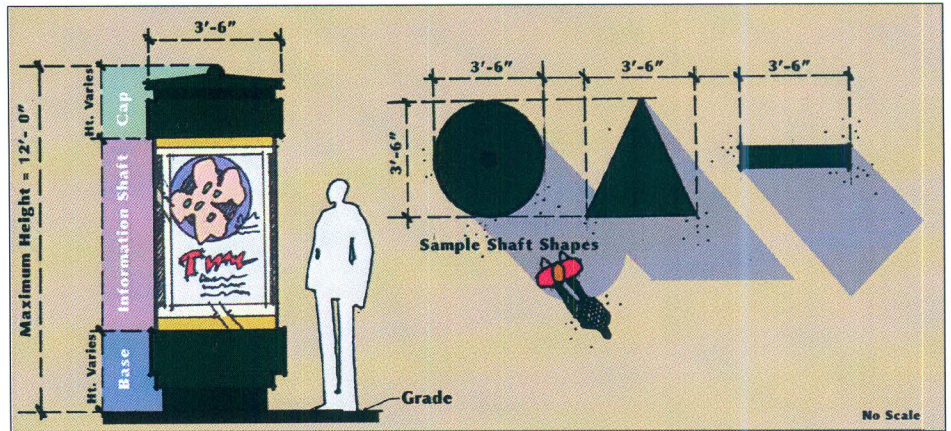
E. CHAPTER 13: SIGNS

- 1. Amend Section 13.102, “Definitions” by adding a new definition for “Information and Advertising Pillar Signs” under the Section S7, “Sign Types” at the end, numbered (ar) that reads as follows:

(ar) **Information and Advertising Pillar Signs**

A detached sign designed to provide advertising and public information primarily to people walking.





Examples of an information and advertising pillar sign and three different shaft shapes.

2. Delete Section 13.108(b) in its entirety and replace with a new title and new text. The revised text shall read as follows:

Section 13.108(b) Information and advertising pillar signs.

- (1) **Zoning Districts.** Information and advertising pillar signs are permitted only in the RE-3, MUDD, UMUD, TOD, and CC zoning districts, subject to all the standards and regulations of Section 13.108(b), and all other applicable regulations and standards in the Zoning Ordinance.
- (2) **Design and Materials.** An information and advertising pillar sign shall be a ground mounted, monument sign with a vertical dimension that is greater than the horizontal dimension. The pillar sign shall have a shaft or panels designed for information and advertising signs; a clearly defined base flush with the ground; and a decorative cap distinguishable from the shaft. The pillar sign shall be constructed of durable, weatherproof materials such as metal, glass, Plexiglas, brick, or plastic, excluding concrete and wood.
- (3) **Permit.** A permit is required for the information and advertising pillar sign installation.
- (4) **Width.** The maximum width or diameter of the information and advertising pillar sign shaft shall be 3 ½ feet.
- (5) **Illumination.** The information and advertising pillar sign may be illuminated, but shall not cause glare.
- (6) **Information and Advertising.**
 - (a) A minimum of 1/3 of the information and advertising pillar sign shaft or panels shall be permanently available for public service information. The remaining 2/3 of the pillar shaft may be used for on-premise advertising, off-premise information and advertising, public service information.
 - (b) All information and advertising shall be placed under a transparent

enclosure and shall only be located on the pillar shaft or panels.

- (c) Messages shall not be audible beyond 4 feet from the pillar shaft.
- (d) Electronic changeable face advertising and information is permitted and shall only change once within a 24-hour period. For the purposes of Section 13.108(b) only, “electronic changeable face” shall be defined as a device or display 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 displays and devices include computer programmable, microprocessor controlled electronic or digital displays that display electronic, static images, static graphics, or static picture, with or without textual information. Electronic changeable face displays do not include animated or scrolling images, graphics, or video active images (similar to television images).

(7) **Location and Number of Information and Advertising Pillar Signs.**

- (a) Information and advertising pillar signs shall meet all the regulations of Section 13.108(b), subsections (1), (2), (3), (4), (5), and (6) when all of the following regulations are met:
 - (1) Information and advertising pillar signs shall only be located on a rapid transit platform or in a mixed-use, multi-use, or non-residential development.
 - (2) Information and advertising pillar signs shall be located outside of any public street right-of-way, sidewalk, required setback, required side yard, required planting strip, required buffer, and required screening;
 - (3) The maximum number of information and advertising pillar signs.
 - a. A maximum of two (2) information and advertising pillar signs are permitted per rapid transit platform;
 - b. A maximum of two (2) information and advertising pillar signs are permitted in an urban open space. The urban open space shall be clearly designated on an approved site plan, and have a minimum size of 2,000 square feet or greater. The Planning Director, or designee, may also designate and approve an alternative location for a pillar sign in a qualifying urban open space, even if that open space is not shown on an approved site plan, prior to issuance of a permit. When urban open space is not designated on an approved site

plan, the Planning Director, or designee, may designate and approve a specific location for a pillar sign in a qualifying urban open space, prior to issuance of a permit. The maximum number of pillar signs applies to the entire development, not to individual urban open spaces of 2,000 square feet or greater, and not to outparcels of a larger development.

- (4) Information and advertising pillar signs shall have a maximum height of 9 feet or 12 feet, and meet the following regulations:
 - a. Information and advertising pillar signs shall have a maximum height of 9 feet, measured from grade to the top of the cap, and the pillar shaft shall have a maximum height of 7 feet, measured from the top of the base element to the bottom of the cap element, or
 - b. Information and advertising pillar signs shall have a maximum height of 12 feet, measured from grade to the top of the cap, and the pillar shaft shall have a maximum height of 10 feet, measured from the top of the base element to the bottom of the cap element.

- (5) Information and advertising pillar signs shall be located a minimum distance from the back of the existing curb, based upon the classification of the nearest thoroughfare(s) and street(s), and the maximum height of the information and advertising pillar sign. If no curb exists, then the minimum distance shall be measured from the edge of all thoroughfare(s) and street(s) rights-of-way.
 - a. Table 13.108(b) establishes the minimum distances, based upon the classification of the nearest street(s). If the information and advertising pillar sign is located near more than one thoroughfare or street, the minimum distance required for all thoroughfare(s) and street(s) shall be met, in accordance to Table 13.108(b).

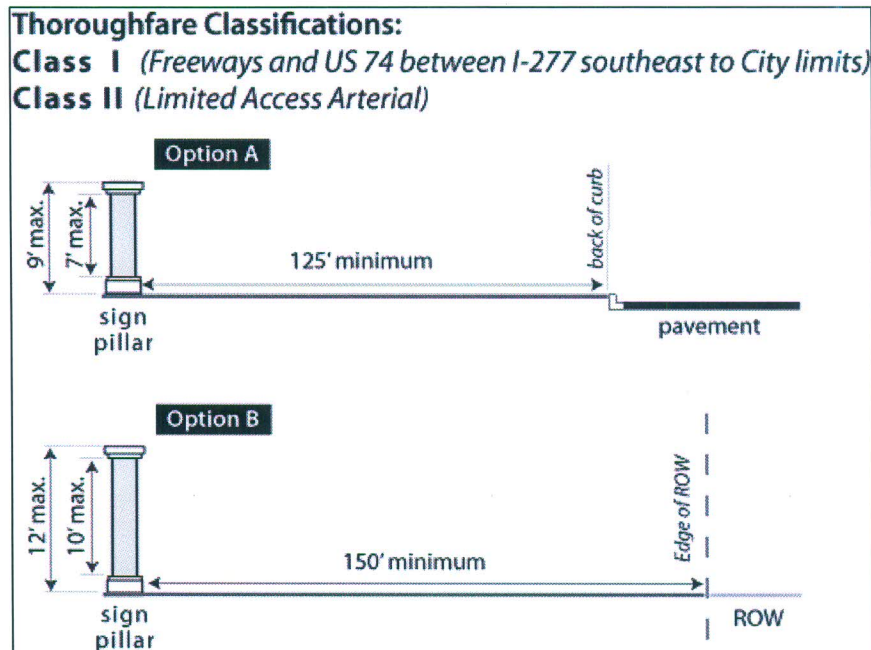
Table 13.108(b) – Minimum Distance(s) Required Between Information and Advertising Pillar Signs of Various Heights and Thoroughfares and Streets

Thoroughfare and Street Classification	Minimum Distances required between the nearest edge of the information and advertising pillar sign to the back of the existing curb*
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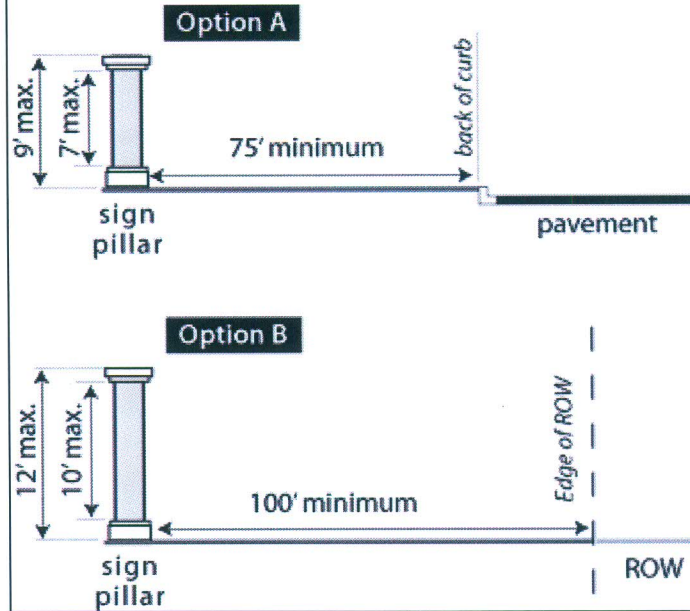
	Information and Advertising Pillar Sign up to 9 feet in height	Information and Advertising Pillar Sign up to 12 feet in height
Freeway or Expressway (Class I)	125 feet	150 feet
Limited Access Arterial (Class II)	125 feet	150 feet
Commercial Arterial (Class III-C)	75 feet	100 feet
Major Arterial (Class III)	75 feet	100 feet
Minor Arterial (Class IV)	75 feet	100 feet
Collector Street (Class V)	50 feet	75 feet
Local Street (Class VI and Class VI-L)	50 feet	75 feet

* If no curb exists, then the minimum distance shall be measured from the edge of all thoroughfare(s) and street(s) rights-of-way.

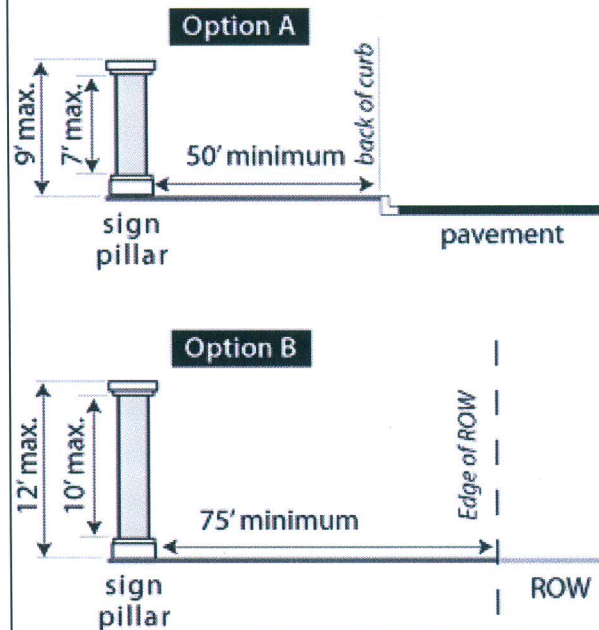
Minimum Distance(s) Required Between Information and Advertising Pillar Signs of Various Heights and Thoroughfares and Streets – Examples from Table 13.108(b)



Thoroughfare Classifications:
Class III-C (Commercial Arterial)
Class III (Major Arterial)
Class IV (Minor Arterial)

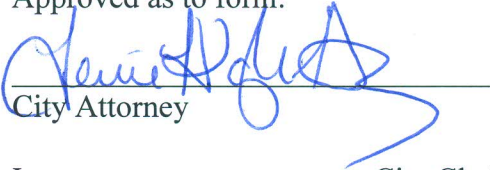


Thoroughfare Classifications:
Class V (Collector Street)
Class VI & Class VI-L (Local Streets)



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 _____, 2011, 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 _____, 2011.