

Petition No. 2012-003
Petitioner: Charlotte-Mecklenburg Planning Department

FEB 20 2012

**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 9: GENERAL DISTRICTS

1. PART 8.5: MIXED USE DEVELOPMENT DISTRICT

- a. 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”, subsection (1) by adding a new subsection (iii) permitting marquee signs. All remaining subsections remain unchanged. The revised subsection shall read as follows:

(c) 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, except for the following:

- a. Specifications for permanent signs shall be according to Section 13.108, 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.
- (iii) Marquee signs shall be permitted, and shall meet the following requirements:
- (1) The maximum allowable area for marquee, canopy, awning or wall signs, or a combination thereof, shall not exceed that maximum permitted in subsection 13.108(1). Marquee signs would be included in the total square footage of a building wall.
 - (2) Marquee signs may project up to 9 feet into the required setback, or one-half the width of the required setback, whichever is less, but shall be no closer than 2 feet to the back of curb and shall meet the following additional requirements:
 - a. The marquee sign structure shall not encroach into any required planting area; and
 - b. The marquee sign structure shall not include useable building square footage for the portion that projects into the setback.
 - c. If the marquee sign structure encroaches into the public right-of-way, then an encroachment agreement is required from the Charlotte Department of Transportation (CDOT).
 - (3) A minimum overhead clearance of 9 feet measured from the sidewalk to the bottom of the marquee structure is required.
 - (4) Marquee signs shall be located outside of any sight distance triangle prescribed by the Charlotte Department of Transportation

(CDOT).

- (5) Marquee signs shall not extend above the roofline of the building.
- (6) Marquee signs may contain changeable copy. The message shall not change more than once in a 24-hour time period.
- (7) Marquee signs shall not exceed a maximum illumination of 7,500 nits (candelas per square meter) during daylight hours and a maximum illumination of 500 nits between dusk to dawn as measured from the sign's face at maximum brightness.

2. PART 9: UPTOWN MIXED USE DISTRICT

- a. 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 adding a new subsection (3) allowing marquee signs. All remaining subsections shall remain unchanged. The revised text shall read as follows:

- (e) Signs, banners, flags and pennants.

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:

- 3. Marquee signs shall be permitted and shall meet the requirements of Section 13.108(a)(4).

3. PART 12: TRANSIT ORIENTED DEVELOPMENT DISTRICTS

- a. Amend Section 9.1209, "Urban Design Standards", subsection (7), "Signs, Banners, Flags and Pennants", subsection (1), subsection (c), to add additional provisions for marquee signs. The remaining subsections are unchanged. The revised text shall read as follows:

- (c) Marquee signs are permitted and shall meet the requirements of Section 13.108(a)(4).

B. CHAPTER 10: OVERLAY DISTRICTS

1. PART 8: PEDESTRIAN OVERLAY DISTRICT

- a. Amend Section 10.813(5) to add reference to Chapter 13 regulations. All remaining sections shall remain unchanged. The revised text shall read as follows:

- (5) Marquee and message signs are allowed. Marquee signs shall meet the requirements of Section 13.108(a)(4).

2. PART 9: TRANSIT SUPPORTIVE OVERLAY DISTRICT

- a. Amend Section 10.908, “Urban design standards”, subsection (7), “Signs, Banners, Flags and Pennants”, subsection (c) by adding a reference to Chapter 13 regulations. All remaining sections shall remain unchanged. The revised text shall read as follows:

- (c) Marquee and message signs are permitted. Marquee signs shall meet the requirements of Section 13.108(a)(4).

C. CHAPTER 13: SIGNS

- 1. Amend Section 13.102, “Definitions”, item (S7), “Sign Types”, item (ap), “Marquee Sign” by removing references to what district they are permitted in. The revised definition shall read as follows:

- (ap) Marquee Sign.

A structure, bearing a sign, projecting over an entrance to a motion picture theater, museum, art gallery, hotel, motel, convention center or hall, conference center, exhibition hall, merchandise mart, building for dramatical, musical, or cultural activity, stadium, coliseum, nightclub, cabaret, or adult entertainment providing changeable copy that relates to the principal use on the premises.

- 2. Amend Section 13.108(a), “Specifications for permanent signs requiring a permit”, subsection (4), “Canopy and Awning Signs”, by amending the title, numbering the items, and adding provisions related to marquee signs. The revised text shall read as follows:

- (4) Canopy, Awning, and Marquee Signs

Canopy, awning, and marquee signs shall be permitted, as follows:

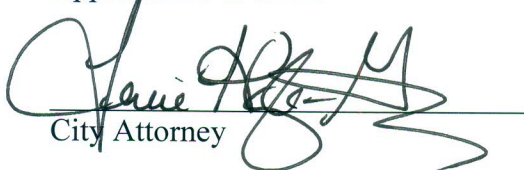
- (a) The maximum allowable area for canopy, awning, or marquee signs or a combination of canopy, awning, marquee and/or wall signs shall not exceed that maximum permitted in subsection 13.108a(1) above. Canopies and awnings shall not be calculated in the total square footage of a building wall, however, marquee signs would be included in the total square footage.
- (b) Signs located in UMUD may be mounted on canopies, awnings, and similar devices, which meet the provisions in; subsection 9.906(7) with regard to placement and height. Where signs are mounted on canopies, they must include the street address and may also include the business name and/or the business logo or emblem. There may

be no more than 2 such signs on any canopy.

- (c) Signs may be attached, painted, or printed upon or on top of a canopy, awning, marquee sign, but shall not extend above the roofline of the building.
- (d) Marquee signs may project up to 9 feet into the required setback, or one-half the width of the required setback, whichever is less, but shall be no closer than 2 feet to the back of curb and shall meet the following additional requirements:
 - 1. The marquee sign structure shall not encroach into any required planting area; and
 - 2. The marquee sign structure shall not include useable building square footage for the portion that projects into the setback.
 - 3. If the marquee sign structure encroaches into the public right-of-way, then an encroachment agreement is required from the Charlotte Department of Transportation (CDOT).
- (e) A minimum overhead clearance of 9 feet from the sidewalk to the bottom of the marquee structure is required.
- (f) Marquee signs shall be located outside of any sight distance triangle prescribed by the Charlotte Department of Transportation (CDOT).
- (g) Marquee signs may contain changeable copy. The message shall not change more than once in a 24-hour time period.
- (h) Marquee signs shall not exceed a maximum illumination of 7,500 nits (candelas per square meter) during daylight hours and a maximum illumination of 500 nits between dusk to dawn as measured from the sign's face at maximum brightness.

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 20th day of FEB, 2012, 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
20th day of February, 2012.
