



## **Memo**

To: Honorable Mayor Armitage; City Council  
From: Bryan Myrkle, Community Development Director  
Date: June 30, 2022  
Re: Second reading & adoption of proposed amendments to Chapter 82, Section 461 - Signs

### **Background**

Over the past year, city staff and the Charlotte Planning Commission have been working to update the City's outdated sign ordinance. The intent is to adopt a local ordinance that allows and regulates modern signage, allow for more creative commercial signage and eliminate conflicts within the code. Additionally, in 2014 a US Supreme Court decision (Reed v Gilbert) necessitated a review of sign ordinances to ensure regulations were "content-neutral" as the Court determined that regulations which were based on content would be subject to a higher level of scrutiny to protect certain freedom of expression rights within the Constitution.

A first reading of the proposed ordinance was held at City Council in February of this year, and since that time the Planning Commission has reviewed and discussed the ordinance, as well holding two public hearings. The Planning Commission voted to recommend adoption of the ordinance to the City Council at its meeting on June 7.

### **Overview of Changes**

Below is a table that outlines the significant changes from the current regulations. In addition to these changes, the new regulations improved formatting and layout of the text in an effort to help users find the information more readily.

First, temporary signage in residential zone districts has been changed to permit a temporary sign for not more than 120 consecutive days, four times per year. This is a change from the current regulations which allow longer/shorter times based on the sign's content. For example, in the current regulations a for sale sign has differing display limits from a political sign. This is in violation of the Supreme Court decision which clearly prohibits regulations of signs based on the content. To be in compliance with the ruling, the signage must all be regulated based on something besides the content or message displayed.

Second, the regulations offer additional signage, e.g. number and size, for wall and ground/freestanding signs in certain circumstances. For example, where the building is set back in excess of 200 feet from the roadway, or where there is a certain length of street frontage. Planning Commission will want to consider whether the parameters as described are the situations where such additional signage is appropriate.

The proposed new ordinance also allows businesses to submit a 'comprehensive sign plan' for circumstances when their proposed signage does not fit comfortably within the rules, giving the

Planning Commission an opportunity to consider proposed signage on an individual basis. A common situation when this might occur is when a chain store has regional or national branding standards they wish to employ that are otherwise not accommodate by our ordinance.

Finally, for existing non-conforming signage the regulations call for replacement with a conforming sign should damage occur that repairs will exceed 50% of the current sign's replacement value.

Zone District	Proposed Regulations
All Residential (R-1, R-2, R-T, RM-1, RM-2, and MH)	<ul style="list-style-type: none"> <li>- Regulate all temporary signage in content-neutral manner</li> <li>- Eliminate option for freestanding sign at residential home occupation</li> <li>- Clarify regulations/exemption for holiday displays</li> </ul>
Business/Office/Industrial (OS-1, MX-1, B-1, B-2, B-3, I-1, IRO, I-2)	<ul style="list-style-type: none"> <li>- Permits Electronic Changeable Signs in some circumstances</li> <li>- All temporary signage regulations content-neutral</li> </ul>
Central Business District (CBD)	<ul style="list-style-type: none"> <li>- Expanded number and size regulations for all signage types</li> <li>- Permits Electronic Changeable Signs in some circumstances</li> <li>- All temporary signage regulations content-neutral</li> </ul>
Planned Development (PDD)	<ul style="list-style-type: none"> <li>- Comprehensive Sign Plan to be submitted with site plan approval process</li> </ul>
Other Changes	<ul style="list-style-type: none"> <li>- Prohibition on balloon/flutter flags/similar displays</li> <li>- Added Definitions to clearly define certain words/phrases</li> <li>- Formalize additional signage where circumstances dictate</li> <li>- Addition of "Historical Sign" designation by Planning Commission to permit the continuance of a sign which has historical or cultural significance</li> <li>- Addition of option for Comprehensive Sign Plan in any Zone District</li> </ul>

One thing that I do want to bring to the City Council's attention is that while the Planning Commission did publicize and hold two public hearings it did not elicit very much public comment. Because the new language is generally more permissive than the previous ordinance, that should not be a big problem. However, the new ordinance does prohibit some commercial temporary signage such as 'flutter' or 'feather' flags and inflatable 'tube men.' This is a change that may result in some complaints when it comes into effect.

### Recommendation

Approve the second reading and adoption of the proposed changes to City Code Chapter 82, Section 461 – Signs.

### Financial Impacts

This would have no direct financial impact on the City of Charlotte.

**Suggested Motion**

I move to approve the second reading and adoption of the proposed amendments to Chapter 82, Section 461 – Signs.