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AMENDING CHAPTER 21

ORDINANCE 2307

AN ORDINANCE AMENDING CHAPTER 21 OF THE CITY CODE, ENTITLED "TREES".

BE IT ORDAINED by the City Council of the City of Charlotte, North Carolina, that:

Section 1. Section 21-1 shall be deleted in its entirety and the following substituted in lieu thereof:

"Sec. 21-1. Purpose and Intent.

The purpose of this chapter is to regulate and control planting of trees and shrubbery, to vigorously encourage the protection of existing trees in the street and public grounds within the City, including where their root systems extend onto private property, regulate the preservation, replacement and indiscriminant removal of trees on private property on both new developments and alterations to previous developments, and to establish procedures and practices for fulfilling these purposes."

Sec. 2. Section 21-2 shall be deleted in its entirety and the following substituted in lieu thereof:

"Sec. 21-2. Tree Advisory Commission.

The City Council may establish a Tree Advisory Commission. This Commission may from time to time make recommendations relative to trees and shrubbery to the City Manager or his authorized representative. The Tree Commission shall be composed of twelve (12) members, a majority of whom shall be residents of the City. Seven (7) of the members shall be appointed by the City Council and three (3) of the members shall be appointed by the Mayor. The remaining two (2) members shall be representatives of the Parks and Recreation Department and shall be ex-officio members. Those members appointed by the Mayor and City Council shall serve terms of three (3) years and no member appointed by the Mayor and City Council shall be eligible to serve more than two (2) consecutive full terms. Member terms shall be appointed on a staggered basis, so that no more than five (5) of the ten (10) appointed seats become vacant at one time."

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Sec. 3. Section 21-3, subsection (a) shall be amended in the following manner:

(1) Delete the words "the superintendent of park operation, in conjunction with the city arborist," and substitute in their place the words "the Director of the Parks and Recreation Department or his designee," on lines two and three.

(2) On lines six and seven, delete the words "streets between the sidewalk and the curblin" and substitute in their place the words "public right-of-way".

(3) On line ten, delete the word "they" and substitute in its place the word "he".

(4) On lines thirteen and fourteen, delete the words "The superintendent of park operations", and substitute in their place the words, "The City Arborist".

This section shall be further amended by deleting subsection (b) in its entirety, and substituting in lieu, the following:

"(b) The City Arborist shall be responsible for formulating a master street tree plan. The master street tree plan shall specify the priorities, standards, and guidelines for tree planting on streets and other public sites in the city. Prior to its publication, the plan shall be presented to the Tree Commission for review and recommendation as may be necessary. From and after the effective date of the master street tree plan, or any amendment thereof, all planting shall conform thereto. All tree planting, maintenance and removal is to be in accordance with the master street tree plan."

Subsection (c) of Section 21-3 shall be amended by deleting the words "The superintendent of park operations" on line one and substituting in their place the words "The plan"; and subsection (d) shall be amended by deleting the words "The superintendent of park operations and" on line one and by capitalizing the letter "t" on line two.

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Sec. 4. Section 21-4 shall be amended in the following manner:

(1) In subsection (a), delete the words "The Superintendent of park operations" on line one and substitute in lieu thereof the words "The City".

(2) In subsection (b), delete the words "superintendent of park operations of his agents" and substitute in their place the word "City".

(3) In subsection (c), delete the words "the superintendent of park operations" on lines one and two and substitute in their place the words "the City".

Subsection (c), on lines four, five, and six, delete the words "the superintendent of park operations or a member of his staff", and substitute in lieu thereof the words "the City".

(4) In subsection (d), on lines two and three, delete the words "the superintendent of park operations", and substitute in their place, the words "the City".

Subsection (d) shall be further amended by deleting the words "superintendent of park operations" on line twelve, and substituting in their place the word "City".

Sec. 5. Chapter 21 shall be amended by the addition of a new section to read as follows:

"Sec. 21-5. Definitions.

As used in this Chapter, unless the context otherwise requires, the words listed below shall have the following meaning:

Caliper. Diameter measurement of the trunk taken six (6) inches above ground level for trees up to and including four-inch caliper size. Measurement shall be taken twelve (12) inches above the ground level for larger trees.

City. Director of the Parks and Recreation Department, Superintendent of Park Operations, City Arborist, or their designated agent.

Department. The Parks and Recreation Department.

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Sec. 21-5. (Continued)

DBH (diameter breast height). The diameter of a tree four and one-half (4½) feet above the average ground level.

Drip Line. A vertical line running through the outermost portions of the tree crown extending to the ground.

Homeowner. A tenant or owner of an existing single-family or duplex residence.

Impervious Cover. Buildings and paved areas.

Large Maturing Tree. Any tree whose height exceeds 35 feet at maturity.

Paved Area. Any ground surface covered with concrete, asphalt, stone, gravel, brick or other paving material.

Person. A public or private individual, corporation, company, firm, association, trust, estate, commission, board, public or private institution, utility cooperative, or other legal entity.

Planting Strip or Area. Ground surface free of paved material which is reserved for landscaping purposes.

Small Maturing Tree. Any tree whose height is less than 35 feet at maturity.

Subdivision. Any piece of land divided into two or more lots for the purpose of single family and/or duplex development.

Topping. Any pruning practice that results in more than one-half of the foliage and limbs being removed. This includes pruning that leads to the disfigurement of the normal shape of the tree.

Tree Protection Zone. A distance equal to the designated zoning district setback or 40 feet from the front property line, whichever is less."

Sec. 6. Section 21-21 shall be deleted in its entirety, and the following substituted in lieu thereof to read as follows:

"Sec. 21-21. Trimming, Pruning, Planting and Removal of Trees on Public Property; Permit Required.

(a) No person shall remove, destroy, cut, severely prune (including the root system) or otherwise treat any

Sec. 6. (Continued)

tree or shrub having its trunk in or upon any public property or contract with another person to perform such acts without first obtaining a written permit from the City Arborist and without complying strictly with the provisions of the permit and provisions of this chapter.

(b) Public and private utilities shall submit written specifications for pruning and trenching operations to the City Arborist for approval. Upon approval of its specifications, a utility shall not be required to obtain a permit for routine trenching and pruning operations affecting trees or shrubs having their trunks on public streets or property as long as such work is done in strict accordance with the approved specifications. Requests for the removal of trees shall be handled on an individual permit basis. Failure to comply with the approved specifications is a violation of this ordinance.

(c) No persons shall plant, or contract with another to plant, any tree or shrub in any public street or public place without a permit from the City.

(d) The person(s) performing the work and person(s) contracting for the performance shall be jointly and severally liable for any penalties or other enforcement action imposed pursuant to this chapter or other provisions of law on account of work performed in violation of this ordinance.

(e) Individual permits will not be required for City and/or NCDOT projects so long as tree preservation and protection requirements are included in the project plans, contract special provisions, and approved by the City Arborist."

Sec. 7. Section 21-22, subsection (b) shall be deleted in its entirety, and the following substituted in lieu thereof:

"(b) No person shall perform, or contract with another to perform, construction work (including the operation or storage of equipment or materials) within the drip line of any tree or shrub having its trunk on any public street or public property without first obtaining a permit from the City Arborist and complying with requirements which may include requirements that protective enclosures be erected at designated locations. The drip line of a tree or shrub is the vertical line running through the outer most portions of the branches of the tree or shrub to the ground."

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Section 21-22 shall be further amended by the addition of a new subsection (d), to read as follows:

"(d) Damages to City trees in violation of the provisions of this ordinance shall be computed by the City Arborist, using the standard Tree Evaluation Formula provided by the International Society of Arboriculture, and charged to the property owner. No claims shall be made more than 5 years after damage can be proven to have occurred."

Sec. 8. Section 21-23 shall be amended by the deletion of the words "and superintendent of the park operations division" from the title of the section; by deleting the words "the superintendent of park operations" on lines three and four of subsection (b) and substituting in their place, the words "the City"; by deleting the words "the superintendent of park operations or any member of his staff" on lines twelve and thirteen of subsection (b) and substituting in lieu thereof, the words "the City"; and by changing the word "his" to "the" on line fourteen.

Sec. 9. Section 21-24 (a) shall be amended by the deletion of the words "superintendent of park operations" on lines six, seven, nine, and ten, and substituting in lieu thereof the words "City Arborist".

Sec. 10. Section 21-25 shall be deleted in its entirety, and the following substituted in lieu thereof:

"Sec. 21-25. Tree preservation and/or planting required on public property.

It shall be unlawful for the owner of public property to fail to comply with the provisions of this chapter."

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Sec. 11. Section 21-41 shall be deleted in its entirety.

Sec. 12. Section 21-42 shall be deleted in its entirety and the following substituted in lieu thereof:

"Sec. 21-42. Property to be Excluded from the Provisions of this Article.

This article shall apply to all developers and/or owners of real property involved with the erection, repair, alteration or removal of any building or structure, as well as the grading in anticipation of such development. The following are exclusions from this article. These exclusions apply to only this article and not to other provisions of this chapter or other parts of the City Code, such as, Zoning Regulations on screening.

- (1) Homeowner of a single-family or duplex residence.
- (2) Property to be developed for single-family or duplex residential uses.
- (3) Property zoned UMUD (Urban Mixed Use District).
- (4) Property which as altered requires no addition of square footage or exterior renovation to an existing structure on that property."

The City Arborist shall have the authority to review all requests for permits for any planting, removal and/or trimming or cutting of trees in any public right-of-way."

Sec. 13. Section 21-43 shall be deleted in its entirety and the following substituted in its place to read as follows:

"Sec. 21-43. Utility Responsibility on Private Property.

Public and private utilities which install overhead and underground utilities (including CATV installations and water and sewer installations by or at the direction of the City-county utility department), shall be required to accomplish all work on property subject to this article in accordance with the company's written pruning and trenching specifications, or as mutually agreeable to the property owner and the utility. Written specifications

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Sec. 21-43. (Continued)

shall have been first approved by the City and reviewed by the Tree Commission. Specifications shall be reviewed at a minimum of every two (2) years by the Commission for needed improvements, and as required by modifications in this Ordinance."

Sec. 14. Section 21-44 shall be deleted in its entirety including Tables 1 and 2, and the following substituted in lieu thereof:

"Sec. 21-44. Tree Planting on Private Property Required.

(a) Perimeter Planting Requirements - A perimeter planting strip, exclusive of access driveways, with an average width of 8 feet and abutting the public right-of-way shall be required. If large maturing trees are used, the planting strip shall include 2 trees with a minimum of 2 inches of caliper and 8 feet in height in the first 40 feet and 1 tree per 40 feet thereafter or fraction thereof. If small maturing trees are used, the same conditions apply, but the increment drops to 30 feet.

When a building permit is requested for renovation of a previously developed site, and where the required perimeter strip does not exist, trees are still required. However, in lieu of an 8-foot wide planting strip, a pavement cut-out of a minimum of 80 square feet and with a minimum dimension of 5 feet may be substituted.

When a railroad or utility right-of-way separates the perimeter from a City right-of-way, the planting strip requirement and the tree planting requirements must still be met.

(b) Internal Planting Requirements - Whenever the impervious cover exceeds 10,000 square feet, an area equal to 10% of the total impervious surface must be provided for landscape purposes and tree planting. Internal tree planting is required at the rate of 1 tree per 10,000 square feet of impervious cover.

Trees must be planted within the paved area so that no parking space is more than 60 feet from a tree. Minimum unpaved landscape area per tree shall be 200 square feet with a minimum dimension of 8 feet.

Sec. 21-44. (Continued)

When a building permit is requested for the renovation of a site previously developed, internal tree planting is still required and the minimum planting area shall be 200 square feet per tree. However, only 5% of the total impervious cover must be open for landscape purposes.

(c) Tree Specifications - The trees to be planted must be from an approved list supplied by the City Arborist. Minimum tree caliper measured 6 inches above ground on all trees shall be 2 inches and the minimum height shall be 8 feet.

50% of planted trees shall be large maturing shade trees. No trees identified as large maturing shall be planted within 20 feet of an electrical transmission or distribution line. This does not include low-voltage insulated or covered lines of 240 volts or less or telephone or cablevision lines."

Sec. 15. Chapter 21 shall be amended by the addition of a new section numbered "21-45" to read as follows:

"Sec. 21-45. Protection of Existing Trees on Private Property Required.

(a) Preservation Standards - No tree larger than 8 inches DBH may be removed from the tree protection zone without a permit. No grading in this area may proceed prior to the issuance of tree removal permit if one is required by the City.

Standards for tree preservation and protection will be published by the Parks and Recreation Department.

(b) Tree Survey Required - Applications for grading, building, and change of use permits on all property except that which is excluded by Sec. 21-42 shall provide a tree survey which shall include all trees of 8 inches DBH and larger within the tree protection zone and all trees over 1 inch caliper and 6 feet in height on the City right-of-way. Stands of Southern Yellow Pine species may be indicated by groups with the average tree DBH.

(c) Tree Protection and Planting Plan Required - All applications for grading plans and building permits shall be accompanied by a tree protection and planting plan which includes the following:

Sec. 21-45. (Continued)

- (1) A tree and root plate protection plan for the existing trees on the public right-of-way as specified in Section 21-22 (b).
 - (2) A tree and root plate protection plan for existing trees over 8 inches DBH in the tree protection zone.
 - (3) A planting plan for required trees on public and private property. Plans that are only for required street tree planting may be in written form.
- (d) Property With More Than One Acre in Anticipation of Development - Property on which more than one (1) acre of land is cleared shall be required to have a perimeter planting strip (average of 8 feet) abutting the public right-of-way, planted as required in paragraph (a) and (b) of Section 21-44. This requirement shall be waived if the property is developed within one (1) year from the date grading permits have been issued.
- (e) Parking Structures - A perimeter planting strip adjacent to the public right-of-way will be required for parking structures. Such planting strip will be equal to the setback requirements for the zoning district, but in no case not more than twenty (20) feet. This planting strip shall be planted as set out in paragraph (a) of Section 21-44.
- (f) Tree Replacement and Protection - When trees required by this article die, they must be replaced during the next suitable planting season. Wheelstops, curbs, or other barriers shall be provided where trees might otherwise be damaged by vehicles. Trees shall be allowed to grow to their natural height and form. Topping is prohibited.
- (g) Variances - The City Arborist may grant a variance from the requirements of this section for the preservation of existing trees or where unusual circumstances exist. A request for a variance must be submitted in writing and be accompanied by a landscape plan noting that which is proposed in lieu of complying with the chapter. Variance requests will be reviewed, denied or approved within fifteen (15) days of their receipt. Requests for a delay in complying with the chapter due to poor weather conditions for planting will be approved following written request. Certificates of Occupancy will be issued upon the completion of planting or approval of a request for planting delay. Such requests for a delay will note

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Sec. 21-45. (Continued)

the time frame during which the planting will be completed. Failure to comply will result in penalties provided for in Section 21-49 of this chapter."

Each section subsequent to the above section shall be advanced by one section number.

Sec. 16. The present section 21-45, to be renumbered 21-46, shall be amended by deleting the words "park operations division" on line two of subsection (a), and substituting in lieu thereof the word "department".

Subsection (c) of this same section shall be amended by deleting the words "park operations division" on line one, and substituting in lieu thereof, the word "department".

Sec. 17. The present section 21-46, to be renumbered 21-47, shall be amended by deleting the words "park operations division" on lines three and four, and substituting in lieu thereof, the word "City".

Sec. 18. The present section 21-47, to be renumbered 21-48, shall be amended in subsection (b) by deleting the words "park operations division", and substituting in lieu thereof the words "City Arborist".

Subsection (c) of this same section shall be amended by deleting the words "park operations division" on lines five and six, and substituting in lieu thereof the words "City Arborist".

Sec. 19. The present section 21-48, to be renumbered 21-49, shall be amended by deleting the first paragraph beginning with

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the word "The" and ending with the word "provision", and substituting in lieu thereof the following:

"Sec. 21-49. Penalties.

The provisions of this chapter may be enforced by any one, all or a combination of the remedies authorized and prescribed by this section. If a person continues to fail to comply with a particular Code provision after the imposition of any one type of penalty, the person shall continue to remain subject to the remedies prescribed by this section for the continued violation of the particular Code provision."

Sec. 20. This ordinance shall become effective
June 30, 1988.

Approved as to form:

Henry W. Underhill Jr.
City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 9th day of November, 1987, the reference having been made in Minute Book 89, and is recorded in full in Ordinance Book 36 at pages 117-128.

Pat Sharkey
City Clerk

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ORDINANCE NO. 2308-X

AN ORDINANCE TO AMEND ORDINANCE 2198-X, THE 1987-88 BUDGET ORDINANCE, PROVIDING A SUPPLEMENTAL APPROPRIATION AND TO AMEND THE PARKS AND RECREATION TABLE OF ORGANIZATION FOR IMPLEMENTATION OF NEW TREE ORDINANCE.

BE IT ORDAINED by the City Council of the City of Charlotte, North Carolina;

Section 1. That the sum of \$54,352 is hereby transferred from the General Fund Contingency to the following General Fund accounts:

<u>Account Number</u>	<u>Amount</u>
0101; 300.03 - Parks and Recreation - Park Operations	\$48,504
0101; 530.01 - FICA and Retirement	3,453
0101; 530.02 - Employee Insurance	<u>2,395</u>
	\$54,352

Section 2. That the table of organization of Parks and Recreation - Park Operations is hereby amended to reflect the addition of the following positions:

<u>Class Number</u>	<u>Class Title</u>	<u>Salary Range No.</u>	<u>Number of Positions</u>
2395	Engineering Assistant	318	1
2375	Construction Inspector	116	1
0003	Office Assistant III (Permanent Part-Time)	107	3/4

Section 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 4. This ordinance shall become effective upon its adoption.

Approved as to form:

Henry W. Underhill Jr.
City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 9th day of November, 1987, the reference having been made in Minute Book 89, and is recorded in full in Ordinance Book 36, at page(s) 129.

Pat Sharkey
City Clerk

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AN ORDINANCE AMENDING APPENDIX A
OF THE CITY CODE - ZONING ORDINANCE

ORDINANCE NO. 2309

AN ORDINANCE AMENDING THE CITY CODE
WITH RESPECT TO THE ZONING ORDINANCE

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:

1. Amend Section 2100 as follows:

2100. SIGNS

2101. INTENT AND PURPOSE

The purpose of this section is intended to accomplish the following objectives:

1. To ensure that signs are designed, constructed, installed, and maintained so that public safety and traffic safety are not compromised.
2. To minimize the distractions and the obstructing-of-view that contribute to traffic hazards and endanger public safety.
3. To encourage a high standard for signs in order that they should be appropriate to and enhance the aesthetic appearance and attractiveness of the community and, further, create an aesthetic environment that contributes to the ability of the community to attract sources of economic development and growth.
4. To allow for adequate and effective signs for communicating identification while preventing signs from dominating the visual appearance of the area in which they are located.

2102. DEFINITIONS

For the purposes of these regulations, the following words and phrases shall be defined as specified below.

- .1 Amortization
A provision requiring nonconforming signs, as determined in Section 2112. of this ordinance, to either become conforming or be removed within a set period of time, otherwise known as the amortization period.
- .2 Awning
A structure made of cloth, metal, or other material affixed to a building in such a manner that the structure may be raised or

retracted from a building to a flat position against the building, but not a canopy.

- .3 Balloon
A nonporous object filled with heated gas or a gas lighter than air.
- .4 Building Wall
The entire surface area, including windows and doors, of an exterior wall of a building. For the purposes of this ordinance, the area of a wall will be calculated for only the first three stories, or 45 feet in height of a building, whichever is less.
- .5 Canopy
A structure other than an awning made of cloth, metal or other material which may be totally or partially attached to a building for the purpose of providing shelter to patrons or automobiles, or as a decorative feature on a building wall. A canopy is not a completely enclosed structure.
- .6 Copy
Any words, letters, numbers, figures, characters, symbols, logos, or insignia that are used on a sign display surface area.
- .7 Farm Product Sales
Seasonal sale of farm products raised on the premises where products are raised as an accessory to an agricultural use.
- .8 Linear Frontage
The length of a property abutting a public right-of-way from one side lot line to another.
- .9 Logo
A business trademark or symbol.
- .10 Parapet
That portion of a building wall that extends above the roof line.
- .11 Planned Development
A tract of land under single, corporation, partnership, or association ownership, planned and developed as an integral unit in a single development operation or a definitely programmed series of development operations and according to an approved development plan.
- .12 Premises
A contiguous parcel of land with its appurtenances and buildings that functions as a unit. For the purpose of this ordinance, an outparcel along the perimeter of a shopping center or similar multi-tenant use, that contains a freestanding building and a parking area separate from the shopping center as indicated on an approved site plan shall be considered a premises separate from the premises of the shopping center.

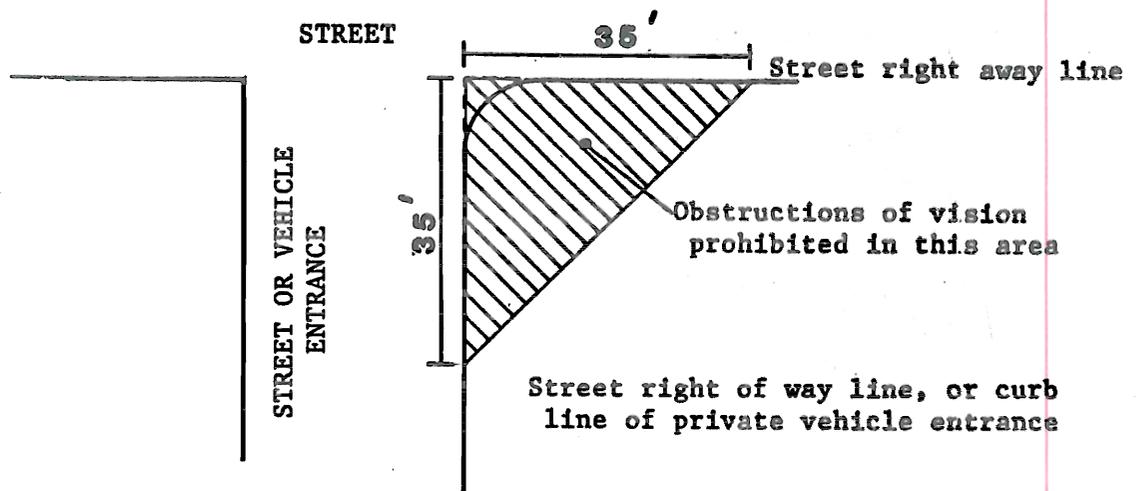
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.13 Roof Line

The highest point of a flat roof and mansard roof and the lowest point of a pitched roof.

.14 Sight Distance Triangle

The triangular area formed by a diagonal line connecting two points located on intersecting right-of-way lines (or a right-of-way line and the curb of a driveway), each point being 35 feet from the intersection, and the two intersecting right-of-way lines (or a right-of-way line and a driveway).



.15 Sign

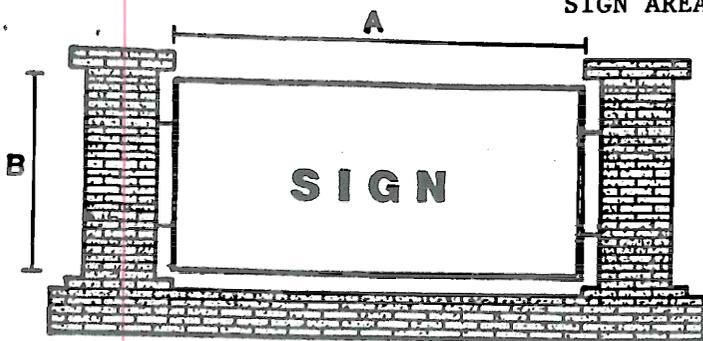
Any object, device, or structure, or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, illumination, or projected images. Signs do not include the flag or emblem of any nation, organization of nations, state, city, or any fraternal, religious or civic organizations; works of art which in no way identify a product; or scoreboards located on athletic fields.

.16 Sign Face Area

The area within a single, continuous perimeter enclosing the extreme limits of characters, lettering, logos, illustrations, or ornamentations, together with any material or color forming an integral part of the display or to differentiate the sign from the background to which it is placed. Structural supports bearing no sign copy shall not be included in the sign area. If a sign is attached to an entrance wall or fence, only that portion of that wall or fence onto which the sign face or letters are placed shall be calculated in the sign area. Only one side of a sign shall be included in the calculation.

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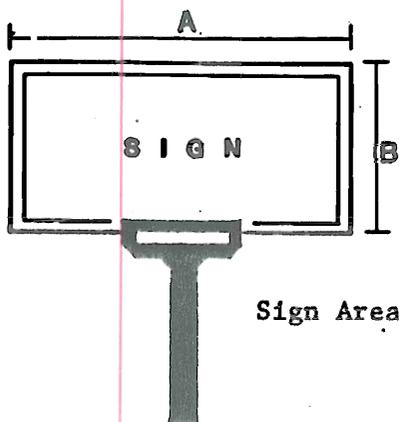
SIGN AREA MEASUREMENTS



Ground Sign
Sign Area = (A)x(B)

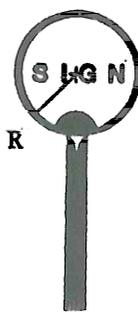


Wall Sign
Sign Area = (A)x(B)

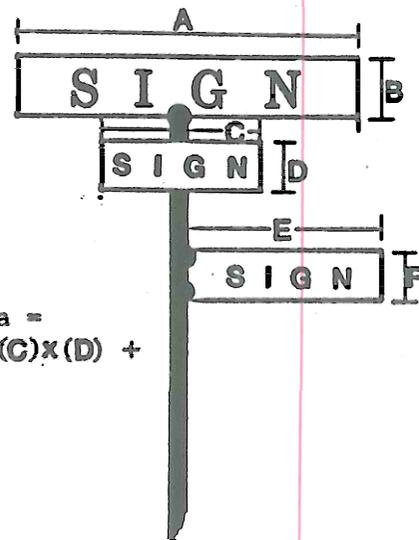


Sign Area = (A)x(B)

Pole Signs

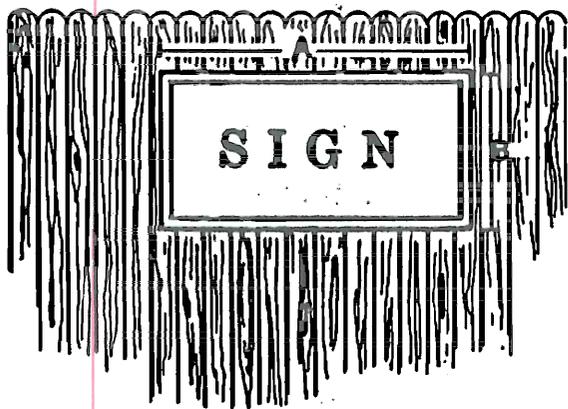


Sign Area = πR^2



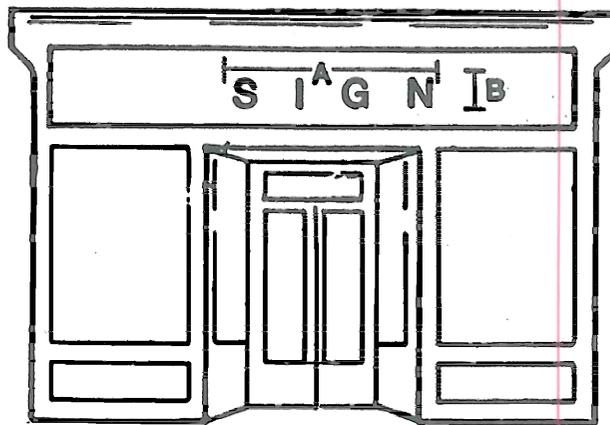
Sign Area = (A)x(B) + (C)x(D) + (E)x(F)

Fence Sign



Sign Area = (A)x(B)

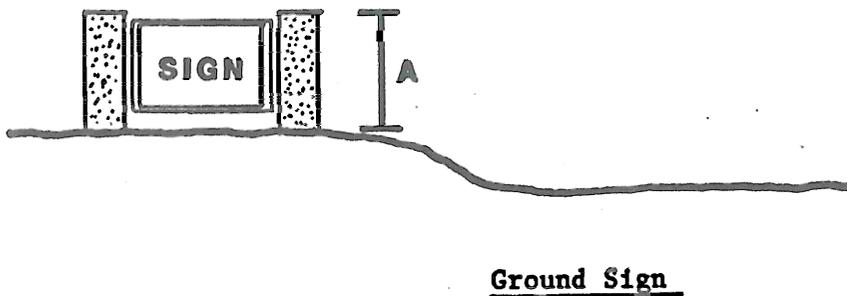
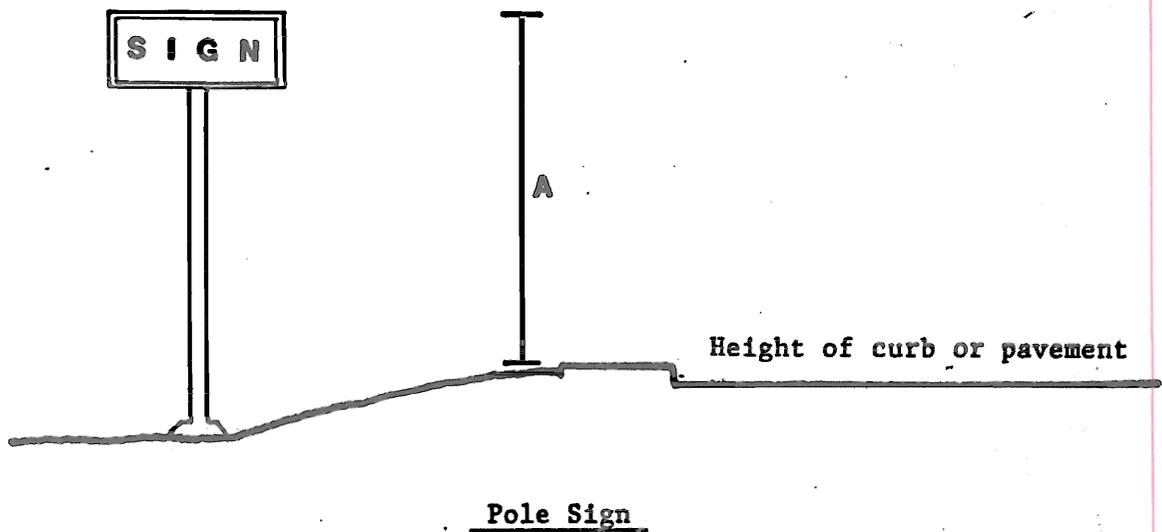
Store Front



Sign Area = (A)x(B)

.17 Sign Height

The distance from the highest point of a sign to the grade of the adjacent road as measured from the bottom of the curb or edge of pavement. Ground mounted signs shall be measured from the highest point of a sign to the base of the sign.



.18 Sign Structure or Support

Any structure that supports or is capable of supporting a sign, including decorative cover.

.19 Special Event

A planned, temporary activity associated with a nonprofit organization.

.20 Sign Types

The following are types of signs included in this ordinance:

Banner

A sign intended to be hung either with or without a frame, possessing characters, letters, illustrations, or ornamentations applied to plastic or fabric of any kind, excluding flags and emblems of political, professional, religious, education, or corporate organizations.

Bulletin Board

A sign used to announce meetings or programs to be held on the premises of a church, school, auditorium, library, museum, community recreation center, or similar noncommercial places of public assembly.

Business Sign

A sign that directs attention to a business, profession, or industry located upon the premises where the sign is displayed; to type of products sold, manufactured or assembled; and/or to services or entertainment offered on said premises, but not a sign pertaining to the preceding if such activity is only minor and incidental to the principal use of the premises.

Campaign or Election Sign

A sign that advertises a candidate or issue to be voted upon on a definite election day.

Canopy and Awning Signs

A sign attached to or painted or printed onto a canopy or awning. For the purposes of this ordinance, the permitted size of a canopy or awning sign will be calculated on the basis of the size of the building wall to which the canopy is attached. It will, for measuring purposes, be considered a wall sign.

Construction Sign

A sign placed at a construction site identifying or announcing the project or the name of the architect, engineer, contractor, financier, or others involved in the development of the project. A construction sign may not contain leasing or sales information.

Detached Sign

Any sign that is not affixed or attached to a building and is securely and permanently mounted in the ground. Such sign may be a ground mounted or pole mounted sign for the purposes of this ordinance.

Directional or Instructional Sign

A sign designed to guide vehicular and/or pedestrian traffic by using such words as "Entrance", "Exit", "Parking", "One-Way", or similar directional instruction, but not including any advertising message.

Directory Sign

A secondary sign on which the names and locations of occupants or the use of a building or property is identified.

Ground Mounted Sign

A sign which extends from the ground or which has a support which places the bottom thereof less than 2 feet from the ground.

Government Sign

Any temporary or permanent sign erected and maintained for any governmental purposes.

Festoon

For the purposes of this ordinance, a festoon is a decorative strip hanging between two points, but not including holiday decorations. For example, triangular pennants or lights hanging on a continuous strip.

Flag

A piece of durable fabric of distinctive design attached to a permanent pole, that is used as a symbol or decorative feature.

Flashing Sign

A sign that uses an intermittent or flashing light source to attract attention.

Identification Sign

A sign which displays only the name, address, and/or crest, or insignia, trademark, occupation or profession of an occupant or the name of any building on the premises.

Illuminated Sign

A sign either internally or externally illuminated.

Incidental Sign

A sign identifying or advertising associated goods, products, services, or facilities available on the premises. Such incidental signs include, but are not limited to, information related to credit cards accepted, brand names, price signs, or hours of operation.

Memorial Sign or Plaque

A sign designating names of buildings and/or date of erection and other items such as architect, contractor, or others involved in the building's creation, cut into or attached to a building surface.

Noncommercial Sign

A sign that publishes noncommercial speech, which is any speech not classified as commercial speech.

Nonconforming Sign

Any sign which was lawfully erected in compliance with applicable code provisions and maintained prior to the effective date of this ordinance, and which fails to conform to all applicable standards and restrictions of this ordinance.

Off-Premises Sign

A sign that directs attention to a business commodity, service, or establishment conducted, sold, or offered at a location other than the premises on which the sign is erected.

On-Premises Sign

A sign that directs attention to a business commodity, service, or establishment conducted, sold, or offered on the premises on which the sign is erected.

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.

Planned Development Sign

A sign used in conjunction with an approved planned residential, office, businesses, industrial or mixed use development.

Pole Sign

A detached sign erected and maintained on a freestanding frame, mast, or pole and not attached to any building but not including ground-mounted signs.

Portable or Movable sign

A sign that is not permanently attached to the ground, a structure, or a building that can easily be moved from one location or another. For example, a sign on wheels.

Projecting Sign

Any sign other than a wall, awning, canopy, or marquee sign, which is affixed to a building and is supported only by the wall on which the sign is mounted.

Public Interest Sign

A sign on private property that displays information pertinent to the safety or legal responsibilities of the general public such as warning and no trespassing signs.

Real Estate Sign

A sign that is used to offer for sale, lease, or rent the premises upon which such sign is placed.

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Roof Sign

A sign erected or maintained in whole or in part upon or over the roof or parapet of a building.

Temporary Sign

A sign which is not permanently installed in the ground or affixed to any structure or building, and which is erected for a period of time as permitted in this ordinance.

Temporary Project Development Sign

A sign that pertains to the development of a new subdivision, planned multi-family development, planned shopping center, industrial, office, or business park, or similar land parcel.

Vehicular Sign

Signs on parked vehicles visible from the public right-of-way where the primary purpose of the vehicle is to advertise a product or to direct people to a business or activity located on the same or nearby property. For the purposes of this ordinance vehicular signs shall not include business logos, identification or advertising on vehicles primarily used for other business purposes.

Wall Sign

Any sign directly attached to an exterior wall of a building or dependent upon a building for its support with its exposed face parallel or approximately parallel to the plane of the building or structure on which the sign is affixed. Signs directly painted on walls shall be considered wall signs.

Window Sign

Any sign attached to or directly applied onto a window or glass door of a building intended for viewing from the exterior of such building.

2103. PROCEDURES

2103.1. Permit Required

Except as otherwise provided in this ordinance, it shall be unlawful for any person to erect, construct, enlarge, move or replace any sign or cause the same to be done, without first obtaining a sign permit for such sign from the Building Standards Department as required by this ordinance.

Notwithstanding the above, changing or replacing the copy on an existing lawful sign shall not require a permit, provided the copy change does not change the nature of the sign such as to render the sign in violation of this ordinance.

2103.2. Application and Issuance of Permit

Applications for permits shall contain or have attached to the following information:

- a. The street name and street number of the building of the structure to which the sign is to be erected, or the tax parcel number for the zoning lot onto which the sign is to be located.
- b. Names, addresses, and telephone numbers of the applicant, owner of the property on which the sign is to be erected or affixed, the owner of the sign, and the licensed contractor erecting or affixing the sign.
- c. If the applicant is not the owner of the property on which the sign will be located, written permission from the property owner or a designated representative stating agreement that the sign may be erected on the parcel for which the permit has been applied shall be required.
- d. A site or plat plan of the property involved, showing accurate placement of the proposed sign.
- e. Two (2) blueprints or inked, scaled drawings of the plans and specifications of the sign to be erected or affixed. Such details shall include accurate dimensions, materials, copy, and size of the proposed sign. For wall signs, dimensions of the building wall on which the sign is to be affixed and the location and the size of existing wall signs shall also be included.
- 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 ft. on the same side of the street and within 500 ft. on the opposite side of the street; structures within 20 ft.; residential districts, hospitals, parks, and cemeteries within 500 ft.; and applicable set backs and side or rear yards in the zoning district.

- g. Other information as the Director of Building Standards may require to determine full compliance with this and other applicable codes.

2103.3. Issuance of Permits

Upon the filing of an application for a sign permit, the Building Standards Department shall examine the plans and specifications, and the premises upon which the sign is proposed to be erected or affixed. If the proposed sign is in compliance with all the requirements of this ordinance and other applicable codes, a permit may be issued. Any permit issued in accordance with this section shall automatically become null and void unless the work for which it was issued has visibly been started within 6 months of the date of issue or if the work authorized by it is suspended or abandoned for one year.

2103.4. Fees

To obtain a sign permit, all fees, in accordance with the associated fee schedule shall be paid.

2103.5. Final Inspection

Upon written notification of completion by the permit holder, the Building Standards Department shall make a final inspection of the sign to verify conformance with applicable codes.

2104. GENERAL PROVISIONS

The following provisions shall apply to all signs.

.1 Construction Standards

All signs shall be constructed and installed in accordance with the applicable provisions of the North Carolina State Building Code.

.2 Electrical Standards

All illuminated signs shall be installed in accordance with the applicable provisions of the North Carolina State Electrical Code and shall be so illuminated by an underground electrical source.

.3 Maintenance of Signs

All signs shall be maintained in good structural and aesthetic condition. Deficiencies such as chipped paint, broken plastic, missing letters and exposed light bulbs shall be evidence of a lack of maintenance. Building Standards shall enforce this provision in accordance with Section 2112 of this ordinance.

.4 Display of Address

Street address numbers shall be displayed either on a detached sign, detached address identification sign, or wall of a building. Such address shall be visible from the adjacent right-of-way.

.5 Content

If a commercial sign is allowed by any provision of this ordinance, then a noncommercial sign shall likewise be permitted subject to the applicable standards herein. In addition, any commercial sign permitted by this ordinance may display or publish noncommercial speech. This includes signs requiring and not requiring a permit.

2105. PROHIBITED SIGNS

The following signs are prohibited under any circumstance:

- .1 Signs extending into the public right-of-way other than traffic control and other government signs.
- .2 Roof signs.
- .3 Portable signs.
- .4 Flashing, fluttering, swinging, or rotating signs other than time and/or temperature signs.
- .5 Signs that are similar in color, design, and appearance to traffic control signs.
- .6 Vehicular signs as defined in Section 2102.
- .7 Off-premise signs other than those permitted in Section 2111 of this ordinance.
- .8 Nonconforming signs, except as permitted in Section 2112 of this ordinance.
- .9 Other signs not expressly allowed by this ordinance.

2106. SIGNS NOT REQUIRING A PERMIT

The following types of signs are exempted from permit requirements and allowed in all zones, but must be in conformance with all other requirements of this ordinance.

- .1 Government signs.
- .2 Memorial signs, plaques, or grave markers that are noncommercial in nature.

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- .3 Public interest signs.
- .4 On premises directional and instructional signs not exceeding 6 square feet in area.
- .5 Identification signs not exceeding 1½ square feet in area, that indicate the name and/or address of the occupant.
- .6 Window signs with a total copy area not exceeding 50 percent of the window or glass door onto which the sign(s) are located.
- .7 Incidental signs located in any zone other than residential; the aggregate total of all incidental signs per permise shall not exceed 6 square feet in sign face area.
- .8 Flags on permanent poles.
- .9 Campaign or Election signs provided:
 - a. Individual signs shall not exceed 16 square feet in area.
 - b. All signs shall be removed within 14 days after the election for which they were made.
 - c. Prior to the erection of any campaign or election sign, the candidate or an authorized representative shall post a bond with Building Standards in the amount of \$50.00 guaranteeing the removal of such signs within 14 days after the election for which they are used.
 - d. Property owners shall be held responsible for violations.
- .10 Real estate signs other than temporary project development signs, provided:
 - a. Signs advertising individual single family lots and duplexes under 3 acres in size or individual units within attached housing shall not exceed 6 square feet.
 - b. Signs advertising all other uses shall not exceed one square foot for every 5 linear feet of frontage of the advertised property, up to a maximum of 64 square feet in sign face area.
 - c. Only one sign per street front of the advertised property shall be erected.
 - d. Properties having a continuous frontage in excess of 850 linear feet may be allowed an additional sign so long as such sign is no closer than 850 feet from another real estate sign on the property.

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- e. Signs shall not be illuminated.
 - f. Signs shall be removed within 14 days after the sale, rent or lease transaction is executed.
- .11 Construction signs, other than temporary project development signs provided:
- a. Signs located on single family lots shall not exceed 6 square feet in area.
 - b. Signs for all other uses shall not exceed one square foot for every 5 linear feet of frontage of property under construction, up to a maximum of 64 square feet in sign area.
 - c. Signs are confined to the site of construction.
 - d. Only one sign per street front of the property under construction shall be erected.
 - e. Signs shall not be illuminated.
 - f. Signs shall be removed within 14 days after the completion of a project.
- .12 Temporary farm products signs provided:
- a. Signs are located on the premises where the products are produced and sold in conjunction with a permitted farm use in that district.
 - b. Signs shall not exceed 32 square feet in area.
 - c. Only one sign shall be erected.
 - d. Signs shall be removed within 14 days of the termination of sale activities.
- .13 Temporary special event signs or banners for religious, charitable, civic, fraternal, or similar organizations, provided:
- a. No more than one sign per street front shall be permitted per event.
 - b. Signs shall be located on the property on which the event will occur.
 - c. Signs shall be erected no sooner than 14 days before and removed 7 days after the event.

.14 Temporary banners in non-residential districts, provided:

- a. Only one banner per establishment shall be allowed at a time.
- b. All banners shall be attached in total to a building wall or permanent canopy extending from a building.
- c. No paper banners shall be allowed.
- d. Banners shall be erected for a period not to exceed 2 weeks.
- e. No more than 6 such signs per establishment shall be erected within a calendar year.
- f. No banner shall extend above the second floor level of a building or 45 feet above grade, whichever is less.

2107. TEMPORARY SIGNS REQUIRING PERMITS

The following temporary signs shall be allowed subject to the applicable standards:

.1 Temporary Planned Development Signs, provided:

- a. Only one primary sign and two secondary signs shall be allowed per street front of development.
- b. The maximum sign face area of a primary sign shall not exceed 48 square feet for residential districts, and 64 square feet in nonresidential districts.
- c. The maximum sign face area of secondary signs shall not exceed 12 square feet.
- d. Only one permit shall be required for all temporary planned development signs for each planned development. Permits shall be valid until a project is completed or two years, whichever comes first. Completion shall be evidenced by the issuance of all certificates of occupancy for a development by the Building Standards Department. If a project is not completed in two years, a new permit must be obtained. However, in no instance shall more than 5 permits be issued for a development. Additional permits shall not allow secondary signs. All secondary signs shall be removed when the first permit issued expires.
- e. Temporary directional signs within a planned development, but not visible from the road(s) fronting the overall development shall be permitted so long as such signs do not exceed 12 square feet in sign area, and signs are removed upon completion of the portion of the project to which the signs are giving direction.

2108. SPECIFICATIONS FOR PERMANENT SIGNS REQUIRING A PERMIT

The following are general specifications applicable to the various permanent signs permitted. Additional specifications regarding size, number, location, and permitted types of signs are set forth in Section 2109, District Regulations.

.1 Wall Signs

Wall signs shall be permitted on the wall of a building as follows:

- a. Signs may be located on any building wall of a nonresidential structure so long as the maximum sign surface area of all signs on one wall does not exceed 10% of the area of the building wall to which the sign is attached up to a maximum of 200 square feet.
- b. The size and number of wall signs in residential districts shall be regulated in accordance with Section 2109.1 herein.
- c. The maximum allowable wall sign area per wall shall not be transferrable to another wall.
- d. The total area of wall signs may be increased by 10% if such wall signs consists only of individual, outlined alphabet, numeric, and/or symbolic characters without background, except the background provided by the building surface to which the sign is affixed.
- e. The total area of wall signs may be increased by 10% if no detached sign is used on the premises.
- f. No wall sign shall extend more than 6 inches above the parapet or roof line of the building to which the sign is attached, nor shall a wall sign project more than 18 inches from the building wall. Further, no wall sign or its supporting structure shall cover any window or part of a window.
- g. Lamps and fixtures used to illuminate a wall sign shall not project into a required yard more than 2 feet beyond building walls and shall have a minimum clearance of 10 feet from grade.

.2 Canopy and Awning Signs

Signs may be attached, painted, or printed upon a canopy or awning, provided:

- a. The maximum allowable area for canopy or awning signs or a combination of canopy, awning, and/or wall signs shall not exceed that maximum permitted in Section 2108.1 above.

Canopys and awnings shall not be calculated in the total square footage of a building wall.

.3 Projecting Signs

A projecting sign may be used in lieu of a detached sign. Such sign shall be permitted, provided:

- a. A projecting sign shall not project more than 4 feet from a building wall.
- b. A projecting sign shall not extend vertically above the roof line or parapet wall of a building.
- c. The minimum height from grade to the lowest edge of a projecting sign shall be 9 feet.

.4. Detached Signs

Detached signs shall be permitted, as follows:

- a. The maximum size and permitted location of detached signs shall be regulated in accordance with Section 2109 herein.
- b. Unless otherwise specified in Section 2109, no detached sign shall exceed 7 feet in height.
- c. Unless otherwise specified in Section 2109, through lots or lots having frontage on three or more streets shall be permitted a total of one sign per street front.
- d. No ground mounted sign greater than 2½ feet in height or pole sign having a vertical clearance between grade and the bottom of the sign less than 10 feet shall be located in the site distance triangle.
- e. All portions of a sign shall be located behind the street right-of-way line; however, all signs greater than 2½ feet in height or having a vertical clearance between grade and the bottom of a sign face less than 10 feet in height shall be located a minimum of 5 feet behind a right-of-way line.
- f. The maximum angle of a double-faced sign shall be 45°. This refers to the distance between sign faces on a single structure.

2109. DISTRICT REGULATIONS FOR PERMANENT ON-PREMISES SIGNS

Permanent signs shall conform to the standards established in this section, in addition to those applicable standards set forth elsewhere in this ordinance.

2109.1. Residential and Rural Districts

- a. Signs on the premises of single family, two family dwellings, group homes, and on the premises of mobile homes shall conform to Section 2106.5 of this ordinance.
- b. Signs on the premises of a multi-family building not associated with a planned multi-family development shall be regulated as follows:

Type of Sign Permitted: Identification
 Permitted Number: 1
 Maximum Size: 6 square feet

- c. Signs on the premises of planned residential developments including subdivisions, multi-family, mobile home parks, and retirement centers shall be regulated as follows:

Type of Sign Permitted: Identification
 Permitted Number: 1 per major entrance not to exceed 2 signs per streetfront; where a sign is allowed, 2 separate sign faces may be used in conjunction with a wall, fence, or other architectural entrance feature.
 Maximum Size: 24 square feet
Flexibility Option: Signs for these uses may be regulated in accordance with Special Sign Overlay District provisions as described in Section 2110 herein.

- d. Detached signs for other uses in Rural or Residential Districts shall be permitted in accordance with the following schedule of regulations:

USE	TYPE PERMITTED	MAXIMUM NUMBER	MAXIMUM SIZE
Churches, synagogues, elementary, junior high and senior high schools, and similar uses; convents, monasteries, dormitories, YMCA's and similar organizations, orphanages, commercial day care centers, museums, art galleries, hospitals, sanatoriums, libraries, and similar uses	Identification: Primary Sign Secondary Sign Bulletin Board	1 1 per bld. 1	32 sq. ft. 16 sq. ft. 16 sq. ft.
Golf courses, country clubs swimming clubs, community recreation centers, tennis clubs and similar uses	Identification	1	32 sq. ft.
Small group day care homes, and nursing homes housed in a residential structure	Identification	1	4 sq. ft.
Cemeteries	Identification	1	16 sq. ft.
Resort Commercial (Rural District)	Identification	1	32 sq. ft.
All other non-residential uses	Identification	1	6 sq. ft.

2109.2. Office and Research Districts

- a. Signs on the premises of residential uses shall be regulated in accordance with Section 2109.1 above.
- b. Detached signs on the premises of all other uses shall be regulated as follows:

Type of Sign Permitted: Identification

Maximum Number: Identification: 1

Maximum Size: Identification: 1 square foot for every 2 linear feet of frontage up to a maximum of 48 square feet. The size of a sign may be increased by 25% if the sign is setback a minimum of 30 feet behind the right-of-way.

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- c. Office and Research Park Development Signs shall be regulated as follows:

Type of Sign Permitted: Identification & Directory

Maximum Number: One detached sign per major entrance to the park not to exceed 2 per street front. One directory sign per street front.

Maximum Size: Detached Sign: 48 square feet
Directory Sign: 24 square feet

Location: Directory signs shall be located behind the setback.

Flexibility Option: Signs for these uses may be regulated in accordance with Special Sign Overlay District provisions as described in Section 2110 herein.

2109.3. Institutional Districts

- a. All signs in institutional districts will be regulated in accordance with Section 2109.2(b) with the following additions:
1. Hospitals, colleges, cultural, civic, and recreation centers, and similar large scale complexes may be considered for Special Sign Overlay District regulations as described in Section 2110 herein.
 2. One Bulletin Board, not to exceed 16 square feet, shall be permitted in addition to or in conjunction with a permanent identification sign.

2109.4. Business Districts

Detached signs in business districts shall be regulated as follows:

- a. Signs for businesses other than shopping centers:

Type of Sign Permitted: Identification or Business Sign; the advertising copy on a business sign shall not exceed 25% of the total sign face area.

Maximum Number: One per premises

Maximum Size & Height: In accordance with the following schedule:

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STREET CLASSIFICATION (In Accordance with Adopted Street Classification System)		MAXIMUM SIGN FACE AREA	MAXIMUM SIGN HEIGHT
CLASS I.	Freeway or Expressway	128 sq. ft.	40 ft.
CLASS II.	Limited Access Arterial	100 sq. ft.	30 ft.
CLASS III.	Major Arterial	100 sq. ft.	30 ft.
CLASS IV.	Minor Arterial	64 sq. ft.	20 ft.
CLASS V.	Collector	48 sq. ft.	20 ft.
CLASS VI.	Local	48 sq. ft.	20 ft.

Flexibility Option: The maximum size of a sign face may be increased 20% if a ground mounted identification sign is used. Such a sign shall not be greater than 7 feet in height.

b. Signs for shopping centers and other multi-tenant properties:

Type of Sign Permitted: Identification or Business Signs: the advertising copy on a business sign shall not exceed 25% of the total sign face area.

Maximum Number: One per street front

Maximum Size & Height: In accordance with the following schedule:

SIZE OF CENTER (Gross Building Area)	MAXIMUM SIGN FACE AREA	MAXIMUM HEIGHT
50,000 sq. ft. or less	100 sq. ft.	30 ft.
50,001 sq. ft. - 200,000 sq. ft.	128 sq. ft.	30 ft.
Over 200,000 sq. ft.	150 sq. ft.	30 ft.

Flexibility Option: Two or more signs may be used per street front subject to the following conditions:

1. Only ground mounted identification signs shall be used.
2. Each sign shall not exceed 48 square feet in sign face area, nor 7 feet in height.
3. No sign shall be located closer than 300 linear feet to another sign on the premises.

- c. Signs on the premises of business parks shall be regulated in accordance with Section 2109.2(c) herein.

2109.5. Industrial Districts

- a. Detached signs in industrial districts shall be regulated in accordance with Section 2109.4(a).
- b. Industrial Park Development Signs shall be regulated in accordance with Section 2109.2(c).

2109.6. Uptown Mixed Use District (UMUD)

Reserved.

2109.7. Urban Residential Districts (UR-1, UR-2, UR-3, and UR-C)

Signs in Urban Residential Districts shall be regulated in accordance with Section 3051.7 of the City of Charlotte Zoning Ordinance.

2109.8. Urban Industrial District

Signs in the Urban Industrial District shall be permitted in accordance with Section 2109.5 herein.

2110. CREATION OF SPECIAL SIGN DISTRICTS

For the purpose of establishing, enhancing, preserving, and developing the character, quality, and property values of areas of unique character and special development potential, districts which signs are regulated by special provisions may be established subject to the following conditions:

- a. As a prerequisite to the establishment of such a special sign district, it must be determined that the modified rules established for said district shall:
 - 1. Preserve and enhance the special character of the particular area.
 - 2. Not contravene the intent of this ordinance.
 - 3. Cause no disturbance to neighboring property lying outside the proposed district.
- b. Without changing the basic structure of this ordinance, the modified rules for special sign districts may:
 - 1. Impose sign regulations which are in addition to or more stringent than those provided for elsewhere in this ordinance.

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2. Waive certain restrictions or establish more lenient restrictions than those provided for elsewhere, but only variations in the allowable sign size, height, number, or location.

2110.1. Historic Overlay District

Reserved.

2110.2 Neighborhood Mixed Use Overlay District

Reserved.

2110.3. Billboard Free Overlay District

No outdoor advertising sign shall be permitted in this district regardless of zoning classification. Specific areas shall be designated as Billboard Free through the zoning change process.

2110.4. Planned Development Optional

Regulations for signs in planned residential, nonresidential, or mixed use developments over 50 acres in size may vary from the standards of this ordinance subject to the following:

- a. A Master Sign Program that includes the following information in booklet form is submitted to the Planning Commission for administrative approval.
 1. Detailed designs of all proposed signs including the size, height, copy, materials, and colors of such signs.
 2. Proposed locations and number of proposed signs.
 3. Sign Illumination Plans.
 4. Plans for landscaping or architectural features to be used in conjunction with such plans.
- b. It is determined that the proposed signs shall meet the following criteria:
 1. All signs are coordinated in terms of design features.
 2. The maximum size of detached signs is not varied by more than 25%.
 3. The number of detached signs along a street frontage does not exceed 3.
 4. The maximum height of a detached sign does not exceed 12 feet.

5. All directional signs are on the premises of the overall development.

2111. REGULATIONS FOR OUTDOOR ADVERTISING SIGNS

Permitted Location: I-1, I-2, B-2 except in Billboard Free Overlay Districts as designated in Section 2110 of this ordinance.

Maximum Number of Sign Faces: 1 per side of sign

Maximum Sign Face Size 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	380 sq. ft.	30 ft.

- Spacing:
- (a) 500 feet from any residential district, hospital, park, 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.

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Location: 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.

2112. REMOVAL OF CERTAIN SIGNS

1. Nonconforming Signs

a. All existing signs that exceed the maximum sign face size, sign height, or spacing requirements of this ordinance by more than 25% or are not permitted in a zoning district shall be brought into compliance with the requirements of this ordinance or removed entirely, which means the entire sign and any associated equipment, within 5½ years of the adoption of this ordinance. When two or more signs are made nonconforming because of not adhering to spacing requirements, the age of permit shall determine which sign shall be removed; the sign with the oldest valid permit shall be permitted to stay.

b. Exceptions to Amortization:

North Carolina General Statute §136-131.1 requires that "just compensation" be paid upon removal of any outdoor advertising adjacent to the highway on the national system of interstate and defense highways or a highway on the federal-aid primary highway system for which there is in effect a valid permit issued by the department of transportation. Section 2112 shall not require that any sign be removed if cash compensation must be paid upon removal of such sign due to any state or federal law that mandates such form of "just compensation" upon removal. Should any such state or federal requirement become inoperative or otherwise fail to apply to a given sign, then such sign shall be removed within five and one-half years of such state or federal requirement becoming inoperative or otherwise failing to apply to such sign.

c. Normal maintenance of all nonconforming signs, including necessary nonstructural repairs, incidental alterations, or copy alterations which do not extend or intensify the nonconforming features of the sign, shall be permitted during the amortization period for such sign. However, no structural alteration, enlargement, or extension shall be made to a nonconforming sign unless the alteration, enlargement, or extension will result in the elimination of the nonconforming features of the sign or by an order of the Zoning Administrator to ensure the safety of the structure.

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2. Illegal Signs

All temporary signs existing at the effective date of this ordinance, that are not permitted by this ordinance shall be considered illegal and shall be removed within 6 months from the effective date of this ordinance.

3. Unsafe Signs

No sign shall be erected or be allowed to remain that is structurally unsafe, hazardous or, in the opinion of the Building Standards Department, constitutes a danger to the public safety. The owner of the sign, upon written notification from Building Standards, shall within 48 hours secure the sign in a manner to be approved by the building inspector, or remove such sign. If such notice is not complied with immediately, Building Standards or a designated agent shall have the right to remove the sign and the property owner assessed for such removal.

2113. ENFORCEMENT

2113.1. Inspections and Investigations

- a. Agents and officials of the Building Standards Department will periodically inspect signs in order to determine whether there are any violations of this Ordinance.
- b. The Building Standards Department shall have the power to conduct such investigations as it may reasonably deem necessary to carry out its duties as prescribed in this Ordinance, and for this purpose to enter at reasonable times upon any property, public or private, for the purpose of investigating and inspecting signs. No person shall refuse entry or access to any authorized representative of the Building Standards Department who requests entry for purposes of inspection, and who presents appropriate credentials, nor shall any person obstruct, hamper, or interfere with any such representative while in the process of carrying out his official duties.
- c. The Building Standards Department may require written statements, or the filing of reports with respect to pertinent questions relating to signs.

2113.2. Civil Penalties

- a. If, through inspection, it is determined that a person has failed to comply with the provisions of this Ordinance, the zoning administrator or Building Inspections Department shall issue a warning citation to the violator. Violations shall be corrected within ten days of the issuance of such citation. If the violation is not corrected within the specified time period, a second citation subject to a \$50.00 civil penalty shall be issued.

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Violations shall be corrected and penalties paid within ten days of the issuance of such citation. If the violation is not corrected or the penalty not paid in the specified time, a third citation subject to a \$50.00 civil penalty shall be issued.

If payment is not received or equitable settlement reached within 10 days after issuance of the third citation, then such failure shall constitute a misdemeanor and criminal penalties described herein may also be imposed.

b. Criminal Penalties

Any person who, after being served with a third citation for violation of this Ordinance, knowingly or willfully fails to resolve any violation of any provision of this Ordinance within ten days of service of such citation shall be guilty of a misdemeanor punishable by imprisonment not to exceed 30 days in jail or by a fine not to exceed \$500.00, or both, for each day such person is in criminal violation of this Ordinance. Each day of a continuing violation shall be a separate criminal offense.

2113.3. Injunctive Relief

- a. Whenever the Building Standards Department has reasonable cause to believe that any person is violating this Ordinance or any rule or order adopted or issued pursuant to this Ordinance, it may, either before or after the institution of any other action or proceeding authorized by this Ordinance, institute a civil action in the name of the City of Charlotte or the County of Mecklenburg for injunctive relief to restrain the violation. The action will be brought in the Superior Court of Mecklenburg County.

Upon determination by a Court that an alleged violation is occurring, it will enter such orders or judgments as are necessary to abate the violation. The institution of an action for injunctive relief under this section will not relieve any party to such proceedings from any civil or criminal penalty prescribed for violations of this Ordinance.

2113.4. Appeal of Civil Penalty Assessment

- a. A person or entity assessed of a civil penalty must select one of the following options within 30 days after receipt of the citation:
- (i) Tender to the Building Standards Department full payment of the penalty; or
 - (ii) Submit in writing to the Mecklenburg County Zoning Board of Adjustment a request for an administrative hearing before the Zoning Board of Adjustment specifying the factual or legal issues to be contested. Timely submission of such request shall abate the imposition of any criminal penalty.

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- b. Failure to request an administrative hearing as provided in paragraph (a) above will be deemed a waiver of any and all rights of review, either by the Zoning Board of Adjustment or by the General Courts of Justice, of the assessment of the civil penalty.
- c. If the alleged violator requests an administrative hearing, no further demand for payment will be made by the Building Standards Department unless a final decision is made by the Zoning Board of Adjustment which upholds the assessment of a penalty.
- d. If the alleged violator requests an administrative hearing before the Zoning Board of Adjustment, the hearing shall be conducted pursuant to the Rules of Procedure for the Zoning Board of Adjustment.
- e. Any person or entity who is aggrieved by a final decision of the Zoning Board of Adjustment is entitled to judicial review of such decision by the General Courts of Justice, Superior Court Division, by proceedings in the nature of certiorari; provided such petition for review is filed with the Clerk of Superior Court within 30 days after a written copy of the decision of the Board is delivered to the aggrieved party, either by personal service or by registered or certified mail, return receipt requested, pursuant to North Carolina General Statute §153A-345(e).
- f. No provision of this section shall be construed to restrict or to impair the right of the Building Standards Department to pursue any other remedy provided by law or equity for violations of this Ordinance, including the right to such penalties for violations of this Ordinance occurring during the appeal process.

Approved as to form:

Henry W. Underhill Jr.
City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 9th day of November, 1987, the reference having been made in Minute Book 89, and recorded in full in Ordinance Book 36, at page 130-157.

Pat Sharkey, City Clerk

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ORDINANCE NO. 2310-X

AN ORDINANCE TO AMEND ORDINANCE NO. 2198-X, THE 1987-88 BUDGET ORDINANCE, APPROPRIATING GRANT FUNDS FOR THE EMERGENCY SHELTER GRANTS PROGRAM.

BE IT ORDAINED by the City Council of the City of Charlotte, North Carolina;

Section 1. That the sum of \$59,000 is hereby estimated to be available from the United States Department of Housing and Urban Development for the Emergency Shelter Grant Program.

Section 2. That the sum of \$59,000 is hereby appropriated to the Housing Fund Account 0141;570.07.199 - Emergency Shelter Grant Program.

Section 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 4. This ordinance shall become effective upon its adoption.

Approved as to form:


City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 9th day of November, 1987, the reference having been made in Minute Book 89, and is recorded in full in Ordinance Book 36, at page(s) 161.

Pat Sharkey
City Clerk

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ORDINANCE NO. 2311-X

AN ORDINANCE TO AMEND ORDINANCE NO. 2198-X, THE 1987-88 BUDGET ORDINANCE, AMENDING THE SANITATION DIVISION OF THE OPERATIONS DEPARTMENT TABLE OF ORGANIZATION FOR IMPLEMENTATION OF THE GARBAGE SYSTEM CONVERSION.

BE IT ORDAINED by the City Council of the City of Charlotte, North Carolina;

Section 1. That the table of organization of the Operations Department-Sanitation Division is hereby amended to reflect the addition of the following positions:

<u>Account</u>	<u>Class Number</u>	<u>Class Title</u>	<u>Salary Range No.</u>	<u>Number of Positions</u>
508.00	2007	Administrative Officer III	320	1
508.00	2003	Administrative Officer I	114	2
508.00	0002	Office Assistant II	105	1

Section 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 3. This ordinance shall become effective upon its adoption.

Approved as to form:


City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 9th day of November, 1987, the reference having been made in Minute Book 89, and is recorded in full in Ordinance Book 36, at page(s) 162.

Pat Sharkey
City Clerk

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ORDINANCE NO. 2312-X

AN ORDINANCE TO AMEND ORDINANCE NO. 2198-X, THE 1987-88 BUDGET ORDINANCE, ESTIMATING GRANT REVENUES AND PROVIDING AN APPROPRIATION TO THE HISTORIC DISTRICT COMMISSION FOR AN HISTORIC INVENTORY OF THE ELIZABETH NEIGHBORHOOD.

BE IT ORDAINED by the City Council of the City of Charlotte, North Carolina;

Section 1. That the sum of \$11,000 is hereby available from the following sources for an historic inventory and National Register nomination for the Elizabeth neighborhood:

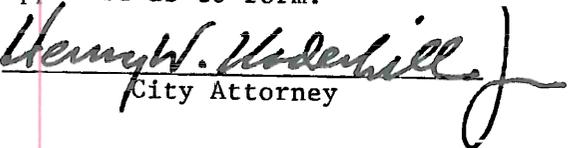
North Carolina Historic Preservation Office	\$10,000
Elizabeth Foundation	<u>1,000</u>
TOTAL	\$11,000

Section 2. That the sum of \$11,000 is hereby appropriated to the Historic Districts Commission Operating Budget (0101.114.01.199).

Section 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 4. This ordinance shall become effective upon its adoption.

Approved as to form:


City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 9th day of November, 1987, the reference having been made in Minute Book 89, and is recorded in full in Ordinance Book 36, at page(s) 163.

Pat Sharkey
City Clerk

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ORDINANCE NO. 2313-X

AN ORDINANCE TO AMEND ORDINANCE NO. 2198-X, THE 1987-88 BUDGET ORDINANCE, PROVIDING AN APPROPRIATION TO THE WATER AND SEWER DEBT SERVICE FUND FOR THE PREPAYMENT OF DEBT FOR THE TOWN OF HUNTERSVILLE.

BE IT ORDAINED by the City Council of the City of Charlotte, North Carolina;

Section 1. That the sum of \$351,250 is hereby estimated to be available from the Water and Sewer Debt Service Fund unappropriated fund balance.

Section 2. That the sum of \$351,250 is hereby appropriated to the Water and Sewer Debt Service Fund for the prepayment of debt for the Town of Huntersville.

Section 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 4. This ordinance shall become effective upon its adoption.

Approved as to form:

Henry W. Underhill Jr.
City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 9th day of November, 1987, the reference having been made in Minute Book 89, and is recorded in full in Ordinance Book 36, at page(s) 164.

Pat Sharkey
City Clerk