

June 2, 1987
Ordinance Book 35 - Page 439

ORDINANCE NO. 2199-X

AN ORDINANCE TO AMEND ORDINANCE NO. 1956-X, THE 1986-87 BUDGET ORDINANCE, ADVANCING FUNDS FROM CAPITAL PROJECT ACCOUNTS FOR THE PURCHASE OF PARK LAND.

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

Section 1. That the sum of \$1,560,000 is hereby available from the following sources:

2010;701.00	Improvements to Existing Parks	\$ 900,000
2010;700.08	Memorial Stadium Improvements	<u>660,000</u>
		\$1,560,000


Section 2. That the sum of \$1,560,000 is hereby appropriated to the General Capital Improvement Fund account 2010;340.00 - Park Land Acquisition. These funds will be used to purchase 306 acres of land.

Section 3. That the Finance Director or his designee is hereby authorized to advance the sum of \$1,560,000 from General Capital Improvement Fund accounts 2010;701.00 and 2010;700.08 to the General Capital Improvement Fund account 2010;340.00 - Park Land Acquisition. Upon approval and issuance of park bonds, the funds will be returned to the General Capital Improvement Fund account 2010;701.00 - Improvements to Existing Parks.

Section 4. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 5. 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 2nd day of June, 1987, the reference having been made in Minute Book 88, and is recorded in full in Ordinance Book 35 at page 439.

Pat Sharkey
City Clerk

Plt No: 87-54
APPROVED BY CITY COUNCIL

DATE 6-2-87

ORDINANCE NO. 2200

ORDINANCE AMENDING APPENDIX A-ZONING

AN ORDINANCE AMENDING THE ZONING ORDINANCE, APPENDIX A-ZONING,
OF THE CODE OF THE CITY OF CHARLOTTE.

Section 1. Appendix A-Zoning, of the City Code, shall be amended by adding a new section 2106 to read as follows:

"Sec. 2106. Prohibition of all Advertising Signs and Certain Business and Identification Signs, and Certain Bulletin Boards.

.1 Purpose: The purpose for the current review for new sign regulations and the purpose of this section 2106 are all intended to accomplish the following objectives:

(1) To minimize the distractions and the obstructing-of-view that contribute to traffic hazards and endanger public safety.

(2) To 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.

(3) To prevent advertising and certain business and identification signs and certain bulletin boards from conflicting or obscuring signs related to public safety and public information.

(4) To minimize any detrimental effects of advertising signs and certain business and identification signs and certain bulletin boards upon both abutting properties and properties in the general vicinity of the advertising signs.

.2 Definitions:

(1) Advertising signs: A sign which directs attention to a business, commodity, service or entertainment conducted, sold or offered on a commercial basis:

.1 Only elsewhere than upon the premises where the sign is displayed; or

.2 As a minor and incidental activity upon the premises where the sign is displayed; or

.3 A sign, for which the sign permit issued for the sign, states on its face that it is an advertising sign and shows by its dimensions that it is an advertising signs.

(2) Commercial sign: A sign that displays or publishes commercial speech, as defined by the Supreme Court of the United States.¹

(3) Noncommercial signs: A sign that publishes noncommercial speech, which is any speech that is not classified as commercial speech.

.3 Prohibition and removal of advertising signs:

(1) Advertising signs, as defined above, are prohibited. All existing advertising signs, as defined above, must be removed entirely, which means the entire structure of the advertising sign and any associated equipment, within five and one-half years of the adoption of this section 2106.

(2) Any holders of permits for advertising signs or applicants for permits that are on file at this time that shall be approved shall be entitled to erect the advertising sign in compliance with the zoning regulations in effect at the time of the approval of the permits. Such advertising signs must be lawfully erected in accordance with the regulations in effect at the time of the approval of the permit and any terms of the permit in order to remain for the five and one-half year duration from the time of erection.

.4 Prohibition and removal of certain business and identification signs and certain bulletin boards:

(1) Business and identification signs and bulletin boards greater than 100 sq. feet in area or more than 30 feet in height as measured from the curb or the edge of the pavement of the facing street to the top of the sign are prohibited. All existing business and identification signs and bulletin boards greater than 100 square feet in area or more than 30 feet in height as measured from the curb or the edge of the pavement of the facing street to the top of the sign must be brought into compliance with these standards or removed entirely, which means the entire structure of such sign and any associated equipment,

¹ Editor's note: In Central Hudson Gas & Electric v. Public Service Comm'n, 447 U.S. 557, 561 (1980), such speech was recently defined as expression related to the economic interests of the speaker and its audience.

within five and one-half years of the adoption of a section 2106.

(2) Any holders of permits for signs which (1) above requires be removed or applicants for permits for such signs that are on file at this time that shall be approved shall be entitled to erect such sign in compliance with the zoning regulations in effect at the time of the approval of the permits. Such signs must be lawfully erected in accordance with the regulations in effect at the time of the approval of the permit and any terms of the permit in order to remain for the five and one-half year duration from the time of erection.

.5 Removal of nonconforming signs: All existing signs that do not conform to the requirements of the ordinance as of the adoption of this section 2106 must be brought into compliance with such standards or removed entirely, which means the entire structure of such sign and any associated equipment, within five and one-half years of the adoption of this section 2106.

.6 Removal of certain additional nonconforming signs: All signs that do not conform to the requirements of the ordinance, as amended from time to time, must be brought into compliance with such applicable standards or removed entirely, which means the entire sign and any associated equipment, within five and one-half years of any such sign failing to conform to the applicable standards of this ordinance, as amended from time to time.

.7 Noncommercial signs: If a commercial sign is permitted by any provision of this ordinance, then a noncommercial sign shall likewise be permitted in its stead, subject to the applicable standards herein. In addition, any commercial sign permitted by this ordinance may display or publish noncommercial speech. An applicant for a permit for a noncommercial sign shall receive the permit upon a showing that the erection of the sign will comply with the applicable locational, size, and height requirements of the Zoning Ordinance.

.8 Exceptions:

(1) Federal and State exemptions: Section 2106 shall not apply to any outdoor advertising adjacent to a highway on the National System of Interstate and Defense Highways or a highway under a Federal-aid Primary Highway System, as provided for in N.C. Gen. Stat. section 136-131.1. So long as any such federal or state law is applicable or operative, the exemption would exist. Any such exemption shall cease immediately and the five and one-half years' amortization shall take effect immediately upon such signs.

(2) Signs permitted without limitation: Code section 2105(.1-.9) has special categories serving the public interest and are exempted from section 2106.

.9 Provisions in conflict with this section: If there are any other provisions of this Zoning Ordinance in conflict with section 2106, then section 2106 shall control.

.10 Severability: If any provision, clause, sentence or paragraph of this ordinance or application thereof to any person or circumstance shall be held to be invalid, such invalidity shall not affect the sections which can be given effect, independent from the invalidity; and to this end, any invalidity is hereby declared to be severable."

Sec. 2. Section 2110.3 of the City Zoning Ordinance is deleted in its entirety.

Sec. 3. This ordinance shall become effective upon adoption.

Approved as to form:

Henry W. Underhill Jr
City Attorney

CERTIFICATION

I, Pat Sharkey, 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 meeting held on the 2nd day of June, 1987, and recorded in full in Ordinance Book 35, beginning on page 440.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 23rd day of June, 1987.

Pat Sharkey, City Clerk