

DATE January 17, 1989

AN ORDINANCE AMENDING APPENDIX A
OF THE CITY CODE -

ORDINANCE NO. 2571
ZONING ORDINANCE

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", Section 2100. Signs, of the Code of the City of Charlotte is hereby amended as follows:

1. Amend Section 2102.23 Definitions as follows:

a. Modify the definition of "Directional and Instructional Sign" to read as follows:

Directional or Instructional Sign: On-Premises
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. The name or logo of the business or use to which the sign is giving direction may also be included on the sign.

b. Add a new definition to read as follows:

Directional Development Sign: Off-Premises
A sign used to direct traffic from Class II or III streets to unified developments such as residential subdivisions, apartments or condominium projects, shopping centers, office/business/industrial parks, and/or churches that are located on Class IV or V streets.

2. Add a new section 2106.14 Temporary Real Estate Signs to read:

.14 Freestanding, temporary off-premises real estate signs

Signs providing information as to the location of real estate that is for sale or for rent shall be allowed subject to the following:

- a. No sign shall exceed 3 square feet in area or 4 feet in height.
- b. Such signs shall not exceed 2 in number per property being advertised and shall not be located further than one half mile from the property being advertised.

- c. Such a sign shall not be located closer than 11 feet from the edge of any public street in accordance with code 10-17, nor shall it violate the sight distance triangle requirements specified in 2102.17 herein.
- d. It shall be unlawful to place a temporary, off-premises real estate sign before 8:00 a.m. of a holiday or of a Saturday or to allow a sign to remain after 6:00 p.m., on a Sunday or a designated holiday.

If such a sign continues to remain after 6:00 p.m, it shall be deemed an abandoned sign and shall be subject to penalties established in Section 2113. herein and/or Section 10-17 of the City Code. Such signs may be removed by a designee of the City or County and destroyed if not retrieved within 24 hours after the sign owner has been notified that the sign has been removed.

- e. Nothing in this provision shall be construed to authorize the posting of such signs upon trees, utility poles, traffic control signs, lights or devises in any place or manner prohibited by the provisions herein.
- f. Sunset Provision: This code 2106.14 shall automatically terminate on the expiration of two (2) years from the effective date of the adoption of this section or upon the City Council's deletion of this section.

- 3. Add a new Section 2110.3 Off-Premises Directional Signs to read as follows:

2110.3 Off-Premises Directional Development Signs

For the purposes of directing traffic from Class II or III streets (major or minor thoroughfares) to developments located on Class IV or V streets (collectors or local streets) and not having direct access or visibility from the Class II or III streets, and to ensure that visual clutter is minimized, off-premises directional signs may be permitted subject to the following:

- a. Application Requirements: The applicant for a directional sign permit shall submit complete and accurate information to the Zoning Administrator, including:
 - 1. A form statement prepared by the Building Standards Department and signed by the owner of the parcel of property upon which the sign shall be located, consenting to and authorizing the location of the sign on the premises and the right of authorized City Officials or a designee to enter the property to remove a sign which is in violation of this ordinance.

2. A sketch showing the location of the proposed sign and manifesting that the sign's erection would be in compliance with the locational requirements contained herein.
 3. Two blueprints or inked drawings to scale of the plans and specifications of the sign to be erected. Such plans shall include but not be limited to details of the design, dimensions, and material, of the proposed sign.
 4. A letter from either the City's Department of Transportation or the North Carolina Department of Transportation, whichever agency has jurisdiction over the road on which the sign is to be located, verifying that the sign will not be in violation of any local or State regulations at its proposed location.
 5. Acknowledgement by the applicant that he/she shall be responsible for the cost of removal of a sign for any reasons stated in (i) herein, and that if the City removes the sign the permit holder has five days to retrieve the sign, after which time the City may dispose of such sign.
 6. If the sign is proposed in an historic district, approval of such a sign by the Historic District Commission shall be required prior to obtaining a sign permit.
- b. Inspection and conditional approval: If the Zoning Administrator or his designee is satisfied that the applicant has submitted complete and accurate information as required by these provisions, then the Zoning Administrator shall notify the applicant that he/she has priority for that location and has 30 days to submit the following information for the issuance of the permit if not already submitted with (a) above:
1. A hold harmless/indemnification statement as described below in (j).
 2. A cash bond or cash deposit as described in (j).
- c. Use of directional sign: The person to whom the permit is issued is solely and exclusively responsible for the usage and maintenance of the directional sign and shall make the sign available for use by any eligible user. Matters of interpretation such as whether proposed copy is allowed by the provisions of this section, shall be a proper matter for the Zoning Administrator and/or Zoning Board of Adjustment.

The permit holder shall allow developments to be identified on the sign subject to the following:

1. The development is a unified commercial, residential, or institutional use under single ownership or management that has a minimum of 50 parking spaces and/or 50 units of residential dwellings.
 2. The entrance that reasonably identifies the development is located no further than one and one half miles along streets from the intersection of the Class II or III Street with the Class IV or V Street.
 3. The development does not have direct access or visibility from any Class II or III Streets.
 4. The development does not have an identification sign located on a Class II or III Street nor does it have identification on another off-site directional sign. Only one sign per development shall be permitted.
- d. Location and Orientation of Directional Sign: The sign shall be located in any zoning district only at the intersection of a Class II, III, or IV street with a Class V or VI street as defined in the adopted Comprehensive Street Classification System Manual. The sign face(s) shall be oriented toward the traffic flow on the Class IV or V Street, which is generally perpendicular to the Class II, III, or IV street. The sign must be located on the side of the Class II, III, IV street closest to the development(s) identified on the sign.
- No portion of any sign shall be situated in such a way as to violate any public ordinances or regulation regarding sight distance or obstruction of vision at street intersections, nor shall any sign be located closer than 11 feet from the pavement edge of any public street; however the Charlotte Department of Transportation or N.C. Dept. of Transportation may require that the sign be located further than 11 feet from the edge of pavement.
- e. Spacing Requirements: No sign shall be located closer than 500 linear feet to any other similar directional sign on the same side of the street. There shall be no more than two signs erected at any intersection. In addition, no directional sign shall be located closer than 20 linear feet to any on-premises sign(s).
- f. Design of Directional Signs: A directional sign shall be constructed as a ground mounted sign designed to accommodate up to 4 panels of equal size for one to 4

separate and distinct development names. It shall be designed in accordance with the requirements stated below:

1. Maximum Size and Height:

Maximum structure width:	5-1/2 feet
Maximum sign face size:	20 sq. feet
Maximum panel size:	5 sq. feet
Maximum height:	6 feet if landscaping is planted at base of sign; otherwise 4-1/2 feet.

2. Construction of Sign

The signs shall be constructed of all-heart grade A wood or of aluminum having a minimum thickness of .090 with the overall depth of the sign frame no less than 3 inches. Copy on wood signs shall be either routed or sandblasted into the face panels. Copy on aluminum signs shall be either routed into the sign or shall be made of vinyl having a minimum five year durability rating.

To implement the requirements for the aesthetic appearance and uniformity of directional signs, the Zoning Administrator shall have the authority to prepare diagrams illustrating the requirements stated above and, further, to adopt any necessary details within the scope of the requirements, herein, to achieve standardized, directional signs.

3. Permitted Copy

Only the name, type, and/or logo under which a development is known or designated and a directional arrow shall be permitted on a sign. The name of the owner or developer or information related to availability of units, space, goods, or services shall not be permitted as copy on a sign.

4. Lighting

Signs shall not be lighted in residential districts.

h. Maintenance: All signs shall be maintained in accordance with Section 2104.3 herein.

i. Posting of bond and removal of sign: If the Zoning Administrator determines that there is a violation of these provisions, he shall issue a notice for violation to the permit holder. If the violation is not corrected or there has been no reversal of the decision of the Zoning Administrator by the Zoning Board of Adjustment or by any Court, then the Zoning Administrator shall have the

authority to engage an independent contractor to remove the sign and pay for the removal of such signs from the bond. The sign may be removed for any of the following reasons:

1. A failure to maintain a sign in accordance with (h).
 2. The failure to erect the sign within the location shown on the survey.
 3. The revocation of the permit for any violation of 2110.3.
 4. The failure to remove the sign in accordance with the sunset provision in (1).
 5. Any other violation of this section.
- j. Bond and indemnification: The Director of the Building Standards Department shall have the authority to set an amount for a cash bond double the estimated reasonable cost for the removal, the transporting, and the possible storage of a directional sign. Bonds shall be refunded to a permit holder when the permit holder removes the sign.

The applicant shall sign a hold harmless/indemnification statement on behalf of the City to hold the City harmless from any claim or dispute between the permit holder and a person seeking to have use of the directional sign when the dispute or legal matter in no way pertains to the City's Zoning Ordinance provisions.

- k. Trees: The permit holder shall not destroy or trim any trees in the public right-of-way nor install a sign in such a manner to impact significant roots on trees in the public domain.
- l. Sunset provision: This Code 2110.3 shall automatically terminate on the expiration of two (2) years from the effective date of the adoption of this section or upon the City Council's deletion of this Section 2110.3. Whether Section 2110.3 automatically expires in two years or terminates by the City Council's deletion of Section 2110.3, all directional signs shall be removed within one month after the date of the two-year expiration or after the date of the City Council's action, whichever comes first. Any signs which are not removed within that one month period shall be subject to removal by the City with the costs of removal, transportation, and storage (for a period not to exceed five days) paid for by the bond.

Section 2. That this ordinance shall become effective on February 13, 1989.

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 17th day of January, 1989, the reference having been made in Minute Book 92, and recorded in full in Ordinance Book 37, at page 308.

Pat Sharkey, City Clerk

CITY CD

Petition No. 88-93
Charlotte-Mecklenburg
Hospital Authority

ORDINANCE NO. 2572-Z

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

WHEREAS, a petition was presented to the City Council of the City of Charlotte requesting the rezoning of 3.61 acres located on the northerly side of Sardis Road, west of Timber Lane, changing from R-15 to R-12MF(CD); and

WHEREAS, the petition for rezoning for a parallel conditional use district as permitted by Section 3201 was submitted to the Charlotte-Mecklenburg Planning Commission, was accompanied by a schematic plan, complied with all application requirements as specified in Section 3202.1 and 3202.2, and was recommended for approval by the Charlotte-Mecklenburg Planning Commission; and

WHEREAS, the City Council has authority to amend the Zoning Ordinance by Section 1300 and a public hearing was held on December 19, 1988; and

WHEREAS, in the passage of this ordinance the City Council of the City of Charlotte has considered the promotion of the health, safety, general welfare, and public interest of the community, and each of the following which are required by Section 3202.3:

1. The policies and objectives of the comprehensive plan, particularly in relation to the proposed site and surrounding area.
2. The potential adverse impacts on the surrounding area, especially in regards but not limited to traffic, storm drainage, land values and compatibility of land use activities.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:

Section 1. That Section 1005 of the City of Charlotte Zoning Ordinance is hereby amended by changing from R-15 to R-12MF(CD) on the

Official Zoning Map, City of Charlotte, North Carolina the following described property:

CHARLOTTE/MECKLENBURG HOSPITAL AUTHORITY
BOUNDARY DESCRIPTION

BEGINNING at a point, said point being in the northwesterly right-of-way line of Sardis Road and being also the northeasterly corner of a tract of land described in Deed Book 4693, Page 304 of the Mecklenburg Public Registry and running thence S.53-30-22W. 100.37 feet; thence N.-33-39-13W. 23.51 feet; thence with the arc of a circular curve to the right having a radius of 200.00 feet an arc distance of 74.08 feet; thence with the arc of a circular curve to the left having a radius of 120.00 feet an arc distance of 75.21 feet; thence N.48-20-20W. 24.34 feet; thence S.86-38-42W. 211.46 feet; thence S.50-17-37W. 66.64 feet; thence N.40-03-50W. 443.86; thence N.54-54-10E. 306.52 feet; thence S.36-56-31E. 475.43 feet; thence S.45-09-18E. 267.54 feet to the BEGINNING and containing 3.61 acres.

Section 2. That all subsequent development and use of the property shall be in accordance with the approved plan.

Section 3. That 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 17th day of January, 19 89, the reference having been made in Minute Book 92, and is recorded in full in Ordinance Book 37, at page 315-316.

Pat Sharkey
City Clerk

APPROVED BY CITY COUNCIL

DATE 1/17/89

CITY CD

Petition No. 88-95
Withrow Capital, Inc.

ORDINANCE NO. 2573-Z

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

WHEREAS, a petition was presented to the City Council of the City of Charlotte requesting the rezoning of 75.3 acres located on the northerly side of West Arrowood Road opposite Arrowpoint Business Park, changing R-12 to O-15 and R-12(CD); and

WHEREAS, the petition for rezoning for a parallel conditional use district as permitted by Section 3201 was submitted to the Charlotte-Mecklenburg Planning Commission, was accompanied by a schematic plan, complied with all application requirements as specified in Section 3202.1 and 3202.2, and was recommended for approval by the Charlotte-Mecklenburg Planning Commission; and

WHEREAS, the City Council has authority to amend the Zoning Ordinance by Section 1300 and a public hearing was held on December 19, 1988; and

WHEREAS, in the passage of this ordinance the City Council of the City of Charlotte has considered the promotion of the health, safety, general welfare, and public interest of the community, and each of the following which are required by Section 3202.3:

1. The policies and objectives of the comprehensive plan, particularly in relation to the proposed site and surrounding area.
2. The potential adverse impacts on the surrounding area, especially in regards but not limited to traffic, storm drainage, land values and compatibility of land use activities.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:

Section 1. That Section 1005 of the City of Charlotte Zoning Ordinance is hereby amended by changing from R-12 to O-15(CD) & R-12(CD) on the Official Zoning Map, City of Charlotte, North Carolina the following described property:

LEGAL DESCRIPTION
R-12(CD) Parcel

BEGINNING at a point, said point being the intersection of the northerly right-of-way of Arrowood Road and the southeasterly corner of tax parcel 167-163-04 as recorded in Deed Book 2172 Page 27, running thence N.34-57-30E. 1,464.50 feet; thence N.86-39-00E. 1478.60 feet; thence S.12-54-00W. 70.00 feet; thence S.27-22-00W. 38.15 feet; thence S.86-39-00W. 1,301.88 feet; thence S.34-57-30W. 134.38 feet; thence with the arc of a circular curve to the left having a radius of 175.00 feet and a distance of 271.32 feet thence S.34-57-30W. 336.27 feet; thence with the arc of a circular curve to the left having a radius of 150.00 feet and a distance of 110.61 feet; thence S.07-17-35E. 10.32 feet; thence S.07-17-35E. 107.11 feet; thence S.52-20-44W. 86-04 feet; thence S.34-57-10W. 487.02 feet; thence with the arc of a circular curve to the right having a radius of 22,888.31 feet and a distance of 231.84 feet; thence N.54-57-10W. 30.43 feet to the point of BEGINNING.

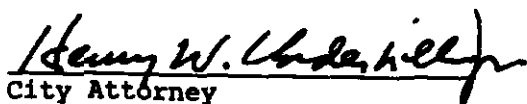
LEGAL DESCRIPTION
O-15(CD) Parcel

BEGINNING at a point, said point being the intersection of the northerly right-of-way of Arrowood Road and the southwesterly corner of tax parcel 167-171-03 as recorded in Deed Book 3327, Page 513, running thence N.34-54-15W. 506.78 feet; thence S.59-03-27E. 71.41 feet; thence N.64-07-44E. 21.84 feet; thence N.19-21-18E. 96.49 feet; thence N.15-03-00W. 300.00 feet; thence N.27-22-00E. 700.00 feet; thence S.86-39-00W. 1,301.88 feet; thence S.34-57-30W. 134.38 feet; thence with the arc of a circular curve to the left having a radius of 175.00 feet and a distance of 271.32 feet; thence S.34-57-30W. 336.27 feet; thence with the arc of a circular curve to the left having a radius of 150.00 feet and a distance of 110.65 feet; thence S.07-17-35E. 10.32 feet; thence S.07-17-35E. 107.11 feet thence S.52-20-44W. 86.04 feet; thence S.34-57-10W. 487.02 feet; thence with the arc of a circular curve to the left having a radius of 22,888.31, and a distance of 288.48 feet; thence S.5614-29E. 14.72; thence with the arc of a circular curve to the left having a radius of 7,609.44 feet and a distance of 372.54 feet; thence S.59-02-47E. 962.04 feet to the point of BEGINNING.

Section 2. That all subsequent development and use of the property shall be in accordance with the approved plan.

Section 3. That 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 17th day of January, 19 89, the reference having been made in Minute Book 92, and is recorded in full in Ordinance Book 37, at page 317-318.

Pat Sharkey
City Clerk