



DATE: June 18, 2024

CASE: TA-09-24 Text Amendment (Articles 12 and 14 – Sign Standards and Definitions)

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BACKGROUND

In June of 2024, the General Assembly approved Senate Bill 607, which was titled “An Act to Provide Additional Regulatory Relief to the Citizens of North Carolina.” The bill contained various provisions ranging from the licensing of barbers and cosmetologists to amending regulations within the Coastal Area Management Act (CAMA). Within the bill was a section which substantially changes how jurisdictions can regulate on-premise signage. The Bill’s provision regarding signs is titled “Reconstruction/Removal of On-Premise Advertising Signs,” and is codified as G.S. 160D-912.1.

Article 12 requires that changing the sign panels or face of a nonconforming sign (one that was permitted under a previous ordinance but does not comply with current requirements) is not permissible unless the sign is brought into complete compliance with current regulations. This provision resulted in numerous nonconforming signs becoming compliant.

SB 607 states that any on-premise sign that was legally permitted under a previous sign ordinance may be reconstructed or replaced anywhere on the site provided that the sign is not increased in size and meets the requirements under which it was initially permitted. The burden of proof lies with the local jurisdiction if there is an assertion that the sign was not legally permitted. This bill prohibits the ability of a jurisdiction to bring nonconforming signs into compliance and is applicable to signs that were removed on or after October 1, 2021.

Additionally, we have had several concerns with developers relative to the measurement of the height of ground mounted signs when the property lies below the grade of the street. There are several of these instances along Concord Parkway, and we are proposing clarifying language to allow the measurement of signs to occur from street level. This specific language was included in the pre-CDO zoning ordinance and worked well.

The Ordinance is in approval form and may be referred to City Council for public hearing upon consensus of the Commission.

ARTICLE 12

SIGN STANDARDS

12.1.12. ~~NONCONFORMING SIGNS.~~ RECONSTRUCTION/REMOVAL OF ON-PREMISE SIGNS

~~In accordance with G.S. 160D-912.1, any lawfully erected on-premise sign may be relocated or reconstructed within the same parcel provided that the total advertising surface is not increased in area, and that the sign complies with the minimum ordinance requirements in effect when the sign was erected. For the purposes of this section, reconstruction shall mean erecting or constructing anew, including any new or modern instrumentalities, parts or equipment that were allowed under ordinance requirements in effect when the sign was erected. All construction work related to reconstruction under this section shall commence within two (2) years of the date of removal. In the interest of encouraging the eventual removal of signs that do not meet the current standards of the ordinance, the following standards are established to require the removal of nonconforming signs under certain circumstances. These provisions shall apply only to permanent signs which were lawfully established prior to November 10, 21016. Signs which were not lawfully established, or, which are prohibited in Section 12.2.1, shall be subject to immediate discontinuance and removal.~~

~~A. Discontinuance of Occupancy and/or Use~~

~~Where one or more nonconforming signs are located on a parcel of land or building whose occupancy or use has been discontinued, such nonconforming sign(s) shall be removed, replaced or otherwise brought into conformance with the current standards of this Ordinance.~~

~~B. Change of Use~~

~~Whenever an application for a zoning permit is submitted for the change of use of a property, a permit may be issued only upon the condition that all nonconforming signs on the property be removed or otherwise brought into compliance with the standards of this ordinance prior to the establishment of the new use.~~

~~C. Alteration of Nonconforming Signs~~

~~Nonconforming signs shall not be altered in any manner unless the alteration brings the sign into full compliance with the standards of this ordinance. Prohibited alterations include the replacement of sign faces or panels, except that multi-tenant signs with changeable panels may remain in use regardless of changes in the individual tenants, but must be made conforming upon a change in the ownership of the property. Also, maintenance of a nonconforming sign is not considered to be an alteration.~~

~~D. Removal or Damage~~

~~Nonconforming signs that are voluntarily removed, or which are damaged to an extent greater than or equal to 50% of their replacement value shall not be reestablished or repaired except in full conformance with the current standards of this Ordinance.~~

~~E. Exceptions~~

~~Signs that were permitted in accordance with the standards of an overlay district, PID, or other conditional district shall be exempt from the requirements of this section.~~

Definition to Article 14

Sign, On-Premise Advertising: a sign visible from any local or State road or highway that advertises activities conducted on the property upon which it is located or advertises the sale or lease of the property upon which it is located.

12.1.6

- C. **Computation of Height.** The height of a freestanding sign shall be computed as the vertical distance from the point of the sign that is level with the highest paved portion of the street right-of-way or recorded access easement to the top of the highest attached component of the sign. The highest paved portion of the street right-of-way or recorded access easement shall be measured along the frontage of the property where the sign will be located at the point nearest the sign location. When an establishment is located directly below the elevation of the street, and strict interpretation of the height restriction would create unreasonable hardship in terms of limiting visibility (as determined by the Administrator), the top of the sign may be measured from street level. It will be the responsibility of the applicant to provide a document prepared by a licensed North Carolina surveyor demonstrating the grade from which the height of the sign will be measured. The design, colors and/or materials of the base or supports of any sign that is below the paved portion of the street right-of-way or recorded access easement shall be consistent with, or complimentary to, the portions of the sign above that point.

Figure 12-2: Measurement of Sign Height

