



OPEN THE PUBLIC HEARING: LAND USE MANAGEMENT ORDINANCE TEXT AMENDMENT – SECTION 5.14.4 CAMPAIGN SIGNS

STAFF REPORT

TOWN OF CHAPEL HILL PLANNING DEPARTMENT
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<p>AMENDMENT REQUEST</p> <p>Amend the Signs Exempt from Regulation section of the Land Use Management Ordinance for consistency with State Law regarding political signs in the public right-of-way.</p>	<p>DATE</p> <p>October 7, 2020</p>
<p>STAFF RECOMMENDATION</p> <p>That the Council open the public hearing and receive comments on the proposed Land Use Management Ordinance Text Amendment. (Under the recently enacted legislation authorizing public hearings at remote meetings, public comment may continue to be submitted into the hearing record for 24 hours after the October 7 public hearing.)</p> <p>That the Council then adopt a motion to schedule the proposed Land Use Management Ordinance Text Amendment for possible decision on November 4, 2020.</p>	
<p>PROCESS</p> <p>The item before the Council is approval of a Land Use Management Ordinance Text Amendment. The Council must consider whether one or more of the three findings applies to enact the Land Use Management Ordinance Text Amendment:</p> <ol style="list-style-type: none"> 1. To correct a manifest error in the chapter; or 2. Because of changed or changing conditions in a particular area or in the jurisdiction generally; or 3. To achieve the purposes of the Comprehensive Plan. 	<p>OVERVIEW</p> <ul style="list-style-type: none"> • Senate Bill 220/SL 2019-119¹, enacted on July 11, 2019, requires a 30-day period following an election before political signs become abandoned property • The proposed text amendment would make the Land Use Management Ordinance consistent with State law.
<p>DECISION POINTS</p> <p>The proposed text amendment would modify subsection (j) pertaining to temporary political signs advertising candidates or election issues in Land Use Management Ordinance Section 5.14.4. Signs Exempt from Regulation as follows in order to comply with updated State legislation:</p> <p>“(j) Temporary political signs advertising candidates or election issues, provided such signs do not exceed 4 square feet in area per display surface, and provided that any such signs, on private property, are removed within 10 days after the primary or election day; and provided further that any such signs in the public right-of-way are not erected prior to 30 days before the beginning date of "one-stop" early voting under G.S. 163-227.2 and ending on the 10th day after the primary or election day. <u>Any such sign that remains more than 30 days after this period ends is to be deemed unlawfully placed and abandoned property, and a person may remove and dispose of such political signs without penalty.</u> The NC Department of Transportation may remove any signs erected without authority or allowed to remain beyond the deadline established in this paragraph. Signs in the right-of-way must be placed in compliance with the following:</p> <ol style="list-style-type: none"> (1) The sign permittee must obtain the permission of any property owner of a residence, business, or religious institution fronting the right-of-way where a sign would be erected. (2) No sign is permitted in the right-of-way of a fully controlled access highway. (3) No sign may obscure motorist visibility at an intersection. (4) No sign may be higher than 42 inches above the edge of the pavement of the road. (5) No sign may be larger than 18 inches by 24 inches. (6) No sign may obscure or replace another sign.” 	
<p>ATTACHMENTS</p>	<ol style="list-style-type: none"> 1. Draft Staff Presentation 2. Resolution of Consistency (For proposed Land Use Management Ordinance amendment) 3. Ordinance A (Enactment of Land Use Management Ordinance Text Amendment Proposal) 4. Resolution B (Deny Land Use Management Ordinance Text Amendment Proposal) 5. Planning Commission Recommendation

¹ <https://www.ncleg.gov/Sessions/2019/Bills/Senate/PDF/S220v6.pdf>