



PLANNING COMMISSION: LAND USE MANAGEMENT ORDINANCE TEXT AMENDMENT – SECTION 5.14.4 CAMPAIGN SIGNS

STAFF REPORT

TOWN OF CHAPEL HILL PLANNING DEPARTMENT
Judy Johnson, Interim Director
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AMENDMENT REQUEST		DATE
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.		September 1, 2020
STAFF RECOMMENDATION		
Staff recommends that the Planning Commission review the proposed text amendment and forward a recommendation to the Town Council in time for the Council’s review at the September 30, 2020 Public Hearing.		
PROCESS	OVERVIEW	
The item before the Council is for approval of a Land Use Management Ordinance Text Amendment. The Council must consider whether one or more of the three findings for enactment of the Land Use Management Ordinance Text Amendment applies:	<ul style="list-style-type: none"> • Senate Bill 220/SL 2019-119, enacted on July 11, 2019, requires a 30-day period following an election before political signs become abandoned property • The text amendment is proposed to ensure consistency between the Land Use Management Ordinance and State law. 	
<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. 		
DECISION POINTS		
The proposed text amendment would modify the section of the Land Use Management Ordinance for Signs Exempt from Regulation in order to comply with updated State legislation, as follows:		
Section 5.14.4. Signs Exempt from Regulation. “The following signs are exempt from regulation and permit requirements under this Section, provided that signs comply with the provision of this section and are not illuminated.		
(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 sign 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:		
<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.” 		
ATTACHMENTS	<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) 	