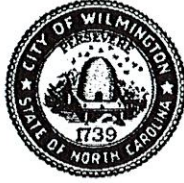


Ordinance



City Council
City of Wilmington
North Carolina
0-2022-90

CITY CLERK
CERIFIED TO BE A TRUE COPY
[Signature]

Introduced By: Anthony N. Caudle, City Manager

Date: 11/01/2022

**Ordinance Amending the Land Development Code, Chapter 18, Article 5, Division 5, for Various Amendments to Signage Standards, and to Correct Errors and Inconsistencies Found During Implementation of the Updated Land Development Code (LDC-3-1022)
[Second Reading]**

LEGISLATIVE INTENT/PURPOSE:

WHEREAS, the City of Wilmington desires to have a modern land development code consisting of all of the city’s major land development and land use regulations in one unified document; and

WHEREAS, the city is authorized by the General Statutes of North Carolina, including Chapter 160D, to enact land use ordinances; and

WHEREAS, local governments are authorized by N.C.G.S. §§160D-102, 160D-108(d), 160D-603, and 160D-702, to amend ordinances regulating land use within their jurisdiction; and

WHEREAS, the amendments set out below are made in accordance with N.C.G.S. Section 160D-601, and with Article 3, §§18-117 and 18-118 of the Land Development Code; and

WHEREAS, the amendments set out below are intended to correct minor errors, provide clarifications, and correct issues discovered during implementation of the new Land Development Code.

THEREFORE, BE IT ORDAINED:

SECTION 1: Chapter 18, Article 5, “Section 18-386: Purpose and scope,” of the city’s Land Development Code, is hereby amended as shown in Attachment A, to delete the entirety of the introductory paragraph, and to amend subsection (B)(1) to read as follows:

“B. Applicability

1. This division regulates signs oriented towards and visible from vehicular rights-of-way and signs visible from exterior areas intended for public use. Unless specifically indicated or defined otherwise, the word sign shall refer to an on-premises sign. No sign may be installed, erected, altered, placed, replaced, converted, changed, or otherwise modified except in accordance with the requirements of this division.”

SECTION 2: Chapter 18, Article 5, Section 18-388, "Table 18-388: Signs allowed by district," of the city's Land Development Code, is hereby amended as shown in Attachment A, in order to add MX as a column on the table, to add window signs as an allowable use in mixed-use districts, to show previously allowable decorative pole signs in certain districts, and to add canopy signs as an allowable sign type in commercial districts.

SECTION 3: Chapter 18, Article 5, Section 18-388, "Table 18-388: Signs allowed by district," of the city's Land Development Code, is hereby amended to add footnote number 4, as shown in Attachment A, to read as follows:

"4. Art shall be allowed in all nonresidential districts."

SECTION 4: Chapter 18, Article 5, Section 18-389(A)(2) of the city's Land Development Code, is hereby amended as shown in Attachment A, to read as follows:

"2. In addition to district-specific standards, wall signs shall be subject to the standards in Table 18-389.1: Wall sign standards."

SECTION 5: Chapter 18, Article 5, Section 18-389, "Table 18-389.1: Wall sign standards," of the city's Land Development Code, is hereby amended as shown in Attachment A.

SECTION 6: Chapter 18, Article 5, Section 18-389(A)(3) of the city's Land Development Code, is hereby amended as shown in Attachment A, to read as follows:

"3. Within the CBD, UMX, and MX districts:

a. One ground-floor wall sign per building entrance at a ratio of one square foot of sign area per linear foot of that individual building façade fronting on a public street or alley, up to a maximum of 25 square feet per sign may be permitted (see Figure 18-389.3: CBD, UMX, and MX wall signs).

b. In lieu of individual occupant wall signs, on buildings not exceeding 10,000 square feet of gross floor area, the following may be permitted:

i. Up to three wall signs per building;

ii. Up to 200 square feet in combined area of wall signs; and

iii. No more than one wall sign per façade.

c. On commercial buildings with a gross floor area over 10,000 square feet, one additional wall sign shall be permitted, provided the combined area of wall signs does not exceed 250 square feet in area and there are no more than two wall signs per façade.

- d. Buildings over five stories in height are permitted one additional wall sign above the fourth-floor façade, provided the combined area of all wall signs does not exceed 250 square feet in area and there are no more than two wall signs per façade.”

SECTION 7: Chapter 18, Article 5, Section 18-389(A)(5)(a) of the city’s Land Development Code, is hereby amended as shown in Attachment A, to read as follows:

“5. In all other commercial and industrial districts:

- a. Multi-unit buildings shall be permitted either two wall signs per unit, no more than one per façade, up to 50 square feet total, or up to 200 square feet per building, whichever is greater.”

SECTION 8: Chapter 18, Article 5, Section 18-389, “Table 18-389.4. Canopy, marquee, and awning sign standards,” of the city’s Land Development Code, is hereby amended as shown in Attachment A.

SECTION 9: Chapter 18, Article 5, Section 18-389(F) of the city’s Land Development Code is hereby rewritten and replaced in its entirety, as shown in Attachment A, to read as follows:

“F. Art and Murals

Art and murals are both types of signs with a special nature. Signs that meet the definition of murals and art shall be regulated in compliance with this subsection in lieu of any potentially applicable general regulations contained in the Land Development Code. A given sign may possibly meet both the definition of art as well as that of a mural. In that case, the regulations applicable to art shall control and those for murals shall not apply. No permit is required for art. All art and murals shall be subject to the following standards. (see Figure 18-389.13: Mural example).

1. Regulations applicable to art:

- a. Art shall be subject to the limitations set forth in Section 18-387. General provisions and regulations applicable to all districts.
- b. Art shall not exceed the height of the principal structure on which the art is located. On lots that do not contain a principal structure, art installations shall not exceed 12 feet in height.

2. Regulations applicable to murals:

- a. Location and area

- i. Murals located on a primary frontage of a structure shall be subject to the wall sign area allowances for the district in which they are located.
- ii. Murals located on rear and secondary facades of a structure shall not be subject to square footage limitations, provided such murals do not contain commercial copy, to include any tradename, trademark, or the name of the establishment associated with the mural.
- iii. Murals shall not be permitted on any roof or permanent fence.
- iv. On buildings listed on the National Register of Historic Places, collectively or individually:
 1. Restoration of a mural that can be demonstrated to be at least 50 years of age shall be permitted, regardless of size or location.
 2. Sand, high-pressure water blasting, and treatments that cause damage to historic building materials, whether for surface preparation or maintenance purposes, shall not be permitted if the building is listed as a contributing resource.
3. Murals and art that are not maintained, that are faded, or that are in significant disrepair shall be considered a violation of this division and shall be removed.
4. Art and murals within any historic district that are outside of any structure and visible from an area open to the public must comply with any otherwise applicable requirement of a Certificate of Appropriateness.”

SECTION 10: Chapter 18, Article 5, Section 18-390 of the city’s Land Development Code is hereby amended as shown in Attachment A, to add three new sections at the beginning of the section and then to read as follows, with all subsequent sub-sections of Section 18-390 to be renumbered accordingly in alphabetical order:

“Section 18-390: Freestanding signs

The following provisions are applicable to the placement of freestanding signs, including monument signs and permanent noncommercial flags (see figures 18-390.1: Freestanding signs and 18-390.2: Freestanding sign dimensions). Freestanding signs shall be subject to the standards in Table 18-390: Freestanding sign standards.

- A. In all nonresidential districts, one monument or pole sign shall be permitted per street frontage, up to a maximum of three per development project, shopping center, or lot.
- B. Signs shall prominently display the address number of the property on which the sign is located, with contrasting letters and numbers a minimum of three inches in height.

C. Where electronic changeable copy is permitted, the electronic portion of the sign shall not exceed a maximum luminance of 750 nits, as evidenced by documentation from the manufacturer or installer and shall be limited to a black background with light colored numerals and letters.”

SECTION 11: Chapter 18, Article 5, Section 18-390(D) [formerly sub-section (A)] of the city’s Land Development Code, is hereby amended as shown in Attachment A, to delete subsection (5) and renumber subsection 6.

SECTION 12: Chapter 18, Article 5, Section 18-390(E) [formerly sub-section (B)] of the city’s Land Development Code, is hereby amended as shown in Attachment A, to read as follows:

“E. Pole signs

1. Support structures for pole signs shall not be covered or wrapped in all districts except as specified in Table 18-388 (see figures 18-390.5: Pole signs and 18-390.6: Pole sign example).
2. Within the historic districts and historic district overlays:
 - a. Freestanding signs shall be monument or decorative post-mounted.
 - b. Internal illumination shall be prohibited.
 - c. External illumination, if used, shall shine only upon the sign or the subject lot and shall not spill over the property lines in any direction, except by indirect reflection.
3. Nonresidential principal uses within residential districts may erect freestanding signs up to 30 square feet in area.”

SECTION 13: Chapter 18, Article 5, Section 18-392(B)(3) of the city’s Land Development Code, is hereby amended as shown in Attachment A, to read as follows:

- “3. In nonresidential districts, one portable sign up to 35 square feet in area shall be permitted once per calendar year, not to exceed thirty consecutive days per occurrence.”

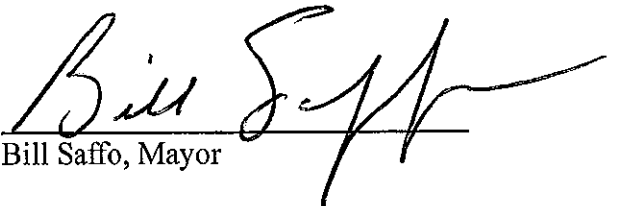
SECTION 14: Chapter 19, Article 5, Section 18-693, of the city’s Land Development Code, is hereby amended as shown in Attachment A, to add a definition of “Art,” alphabetically under the heading of “Sign types,” to read as follows:

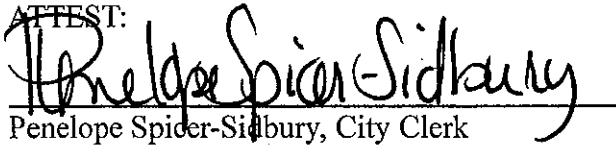
“Art

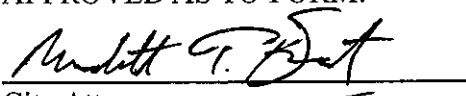
A type of noncommercial sign created through the expression or application of human creative skill and imagination that conveys a general message or sentiment, intended to express an idea, feeling, desire, or evoke a reaction from viewers, through visual and graphic description that predominates over any numeral, letter, word, emblem, insignia, or trademark that may be included as part of the sign.”

SECTION 15: That, this ordinance shall be effective immediately upon its adoption.

Adopted at a regular meeting
on November 15, 2022


Bill Saffo, Mayor

ATTEST:

Penelope Spider-Sidbury, City Clerk

APPROVED AS TO FORM:

City Attorney *by MPE*

