

Agenda Item: 2014-610 Text Amendment to Signs in Rural District, all Single- and Multi-family Districts and the Manufactured Home District

DATE: January 8, 2014

FROM: Jim King, Planner II

Background/Issue:

The applicant is requesting a text amendment to Section 153.150 (A) "*Signs in Rural District, all Single- and Multi-family Districts, and the Manufactured Home District*" of the current Zoning Ordinance to allow for internally lighted signs. The ordinance currently only allows signs within these districts to only be externally lighted. The intent is to limit excess lighting in a predominately residential location.

In December 2013, the Korean Church of Seventh Day Adventist was notified by the Matthews Code Enforcement Officer that their newly installed sign located at 3120 Sam Newell Rd. was in violation of the Town's sign regulations. Staff met with a representative of the church to discuss the violation and staff suggested replacing the internal lighting with external lighting of the sign which would bring it in to compliance with the Zoning Ordinance.

The applicant states that changing the lighting application would be too costly and has chosen to pursue a text amendment instead. Staff can't support this request due to the conflict it poses to the residential character of these districts. In addition, if this text amendment is approved, staff has identified at least twelve additional properties that would qualify for internally lighted signs within other residential settings around town.

Furthermore, the text change is for the current ordinance and not for the recently adopted Unified Development Ordinance. Should the text amendment be approved, the sign in question will come into compliance following adoption, however, will become legal nonconforming on the effective date of the UDO and staff strongly discourages the creation of nonconforming situations.

Proposal/Solution:

The proposed amendment would allow internally lighted signs for churches in the residential districts if they meet all the associated criteria. In order to avoid creating a nonconforming situation, staff believes that changing the internal illumination to external illumination is a better solution.

Related Town Goal:

Land Use Planning

Recommendation:

Staff can't support the request and recommends denial. The Planning Board at their February 25th meeting voted to recommend denial also.

Outstanding Issues

1. The methodology for measuring the 100 ft. distance is unclear. Is it measured from the sign to the property line where the residential use is located or from the sign to the principle structure housing the residential use?
2. 100 watts – how does this come in to play when more than one bulb is used?