

**P13-27**

**PENDING TEXT AMENDMENT**

Falcon Zoning Ordinance  
Billboards

**CURRENT MEETING INFORMATION:**

County Joint Planning Board, July 16, 2013 at 7:00 pm, Historic Courthouse, 130 Gillespie Street, Fayetteville, 2<sup>nd</sup> floor hearing room – if you wish to address the board, you must sign up prior to 6:55 pm outside the hearing room.

**CASE HEADING:**

**P13-27.** REVISION AND AMENDMENT TO THE TOWN OF FALCON ZONING ORDINANCE AMENDING ARTICLE III. PRINCIPAL USES AND STRUCTURES, SECTION 3.1. TABULATION OF USES, TABLE 1-G, PERMITTED AND SPECIAL USES C(P) PLANNED COMMERCIAL AND C-3 HEAVY COMMERCIAL DISTRICTS AND TABLE 1-H, PERMITTED AND SPECIAL USES M INDUSTRIAL DISTRICT, BY INSERTING THE TERM *BILLBOARD* IN ALPHABETICAL ORDER IN THE PERMITTED USE AREA OF EACH TABLE;; AMENDING ARTICLE IX. SIGN REGULATIONS, SECTION 9.1. GENERAL PROVISIONS, SUB-SECTION 9.14. SIGNS FACING RESIDENTIAL DISTRICTS; SECTION 9.4. SIGNS PERMITTED BY DISTRICT, SUB-SECTION 9.42. C(P) DISTRICT, PARAGRAPH 9.421. SIGNS PERMITTED; SUB-SECTION 9.43. C-3 DISTRICTS, PARAGRAPHS: 9.431. SIGNS PERMITTED, 9.432. SIGN AREA, 9.434. HEIGHT, AND 9.435. LOCATION; SUB-SECTION 9.45. M DISTRICT; CREATING SECTION 9.5., ENTITLED: *BILLBOARDS (OFF-PREMISES SIGNS)* AND SUB-SECTIONS 9.51. GENERAL PROVISIONS. (A) THROUGH (F) AND 9.52. DIMENSIONAL CRITERIA;; AMENDING ARTICLE X. DEFINITION OF TERMS, SECTION 10.2. DEFINITIONS OF SPECIFIC TERMS AND WORDS, SPECIFICALLY *BILLBOARD*; AND UPDATING THE TABLE OF CONTENTS AS APPROPRIATE. (FALCON)

**ADDITIONAL INFORMATION:**

Complete text is attached.

**CONTACT INFORMATION:**

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**P13-27**  
**Town of Falcon**  
**Zoning Ordinance Text Amendment**  
**Billboards**

**P13-27.** REVISION AND AMENDMENT TO THE TOWN OF FALCON ZONING ORDINANCE AMENDING ARTICLE III. PRINCIPAL USES AND STRUCTURES, SECTION 3.1. TABULATION OF USES, TABLE 1-G, PERMITTED AND SPECIAL USES C(P) PLANNED COMMERCIAL AND C-3 HEAVY COMMERCIAL DISTRICTS AND TABLE 1-H, PERMITTED AND SPECIAL USES M INDUSTRIAL DISTRICT, BY INSERTING THE TERM *BILLBOARD* IN ALPHABETICAL ORDER IN THE PERMITTED USE AREA OF EACH TABLE;; AMENDING ARTICLE IX. SIGN REGULATIONS, SECTION 9.1. GENERAL PROVISIONS, SUB-SECTION 9.14. SIGNS FACING RESIDENTIAL DISTRICTS; SECTION 9.4. SIGNS PERMITTED BY DISTRICT, SUB-SECTION 9.42. C(P) DISTRICT, PARAGRAPH 9.421. SIGNS PERMITTED; SUB-SECTION 9.43. C-3 DISTRICTS, PARAGRAPHS: 9.431. SIGNS PERMITTED, 9.432. SIGN AREA, 9.434. HEIGHT, AND 9.435. LOCATION; SUB-SECTION 9.45. M DISTRICT; CREATING SECTION 9.5., ENTITLED: *BILLBOARDS (OFF-PREMISES SIGNS)* AND SUB-SECTIONS 9.51. GENERAL PROVISIONS. (A) THROUGH (F) AND 9.52. DIMENSIONAL CRITERIA;; AMENDING ARTICLE X. DEFINITION OF TERMS, SECTION 10.2. DEFINITIONS OF SPECIFIC TERMS AND WORDS, SPECIFICALLY *BILLBOARD*; AND UPDATING THE TABLE OF CONTENTS AS APPROPRIATE. (FALCON)

**AMEND Article III. Principal Uses and Structures, Section 3.1. Tabulation of Uses, Table 1-G. Permitted and Special Uses C(P) Planned Commercial and C-3 Heavy Commercial Districts, by INSERTING the term “Billboards” in alphabetical order as a Permitted Use (X):**

**ARTICLE III. PRINCIPAL USES AND STRUCTURES**

**SECTION 3.1. TABULATION OF USES**

**TABLE 1-G**  
**PERMITTED AND SPECIAL USES**  
**C(P) PLANNED COMMERCIAL AND C-3 HEAVY COMMERCIAL**  
**DISTRICTS**

**PERMITTED USES (X)**

.....

Barbering and Hairdressing Services

Bicycle Sales and Repairing

[Billboards](#)

Blacksmith Services

Boats and Accessories, retail sales and service

.....

**AMEND Article III. Principal Uses and Structures, Section 3.1. Tabulation of Uses, Table 1-H. Permitted and Special Uses M Industrial District, by INSERTING the term “Billboards” in alphabetical order as a Permitted Use (X):**

**ARTICLE III. PRINCIPAL USES AND STRUCTURES**

**SECTION 3.1. TABULATION OF USES**

**TABLE 1-H  
PERMITTED AND SPECIAL USES  
M INDUSTRIAL DISTRICT**

**PERMITTED USES (X)**

.....  
Automobile Washing  
Bakery Production and Wholesale Sales  
[Billboards](#)  
Blacksmith Services  
Book Binding  
.....

**AMEND Article IX. Sign Regulations, Section 9.1. General Provisions, sub-section 9.14. Signs Facing Residential Districts, as follows:**

**ARTICLE IX. SIGN REGULATIONS**

**SECTION 9.1. GENERAL PROVISIONS**

**9.14. Signs Facing Residential Districts.**

~~No billboard shall face or be oriented toward any adjoining or abutting residentially zoned district within two hundred (200) feet of the residential district boundary line.~~ Illuminated signs shall be so placed as not to be a nuisance to residents of neighboring residential property.

**AMEND Article IX. Sign Regulations, Section 9.4. Signs Permitted by District, sub-section 9.42. C(P) District paragraph 9.421. Signs Permitted, as follows:**

**SECTION 9.4. SIGNS PERMITTED BY DISTRICT**

**9.42. C(P) District.**

**9.421. Signs Permitted.** Two ~~(2)~~ detached signs are permitted bearing the name of the shopping center and the names of types of

businesses, except that three ~~(3)~~ such detached signs are permitted for shopping centers having frontage on two ~~(2)~~ or more public streets with no more than two ~~(2)~~ such signs for each street front. One attached business sign is permitted for each business and which is integral with or attached to the principal building except structures with frontage on two ~~(2)~~ streets may have two ~~(2)~~ attached business signs, one per street frontage. [Billboards are permitted as regulated in Section 9.5 of this article.](#)

**AMEND Article IX. Sign Regulations, Section 9.4. Signs Permitted by District, subsection 9.43. C-3 Districts paragraphs: 9.431. Signs Permitted, 9.432. Sign Area, 9.434. Height, and 9.435. Location, as follows:**

**9.43. C-3 Districts**

**9.431. Signs Permitted.** Business signs are permitted with no limitation on number of business signs which are integral with or attached to the principal building or located within the buildable area of the lot. One sign for each business occupant may be detached and placed in the required yard space, except on through lots or lots having frontage on three ~~(3)~~ or more streets, in which case two ~~(2)~~ detached signs per business occupant shall be permitted. Billboards are permitted as regulated [in Section 9.5 of this article below.](#)

**9.432. Sign Area.** The combined total sign area of all signs for a single business occupant shall not exceed ~~seven hundred fifty (750)~~ square feet or four ~~(4)~~ square feet of sign area per linear foot of frontage on a public street whichever is the lesser. No detached sign shall exceed ~~one hundred (100)~~ square feet in area. ~~No billboard sign shall exceed six hundred fifty (650) feet in area.~~

**9.434. Height.** Detached business ~~and billboard~~ signs shall not exceed a height of ~~thirty-five (35)~~ feet above ground from the base.

**9.435. Location.** Business signs shall not be located closer than five ~~(5)~~ feet to any street line and no sign not integral with or attached to a building shall be located nearer than five ~~(5)~~ feet to any property line. ~~Billboards shall not be located closer than thirty (30) feet to any street line, closer than five (5) feet to any side property line, or closer than fifty (50) feet to any detached sign or structure located on the same lot or on land in the same ownership or located within three hundred (300) feet of any billboard.~~

**AMEND Article IX. Sign Regulations, Section 9.4. Signs Permitted by District, subsection 9.45. M District, as follows:**

#### 9.45. M District.

Signs located in the M District shall follow ~~be~~ the same dimensional criteria as for signs being located ~~permitted~~ in the C-3 District. Billboards are permitted as regulated in Section 9.5 of this article.

#### **AMEND Article X. Definition of Terms, Section 10.2 Definitions of Specific Terms and Words, specifically the term “Billboard” as follows:**

**Sign:** Any words, lettering, parts of letters, figures, numerals, phrases, sentences, devices, designs, trade names, or trademarks by which anything is made known, such as the designation of any individual, business, commodity, product, service, or entertainment, which are visible from any public way and used to attract attention. The word "sign" does not include the flag, pennant, or insignia of any nation, state, other political unit, nor does the word "sign" include official notices posted by any public officer in performance of a public duty, or by any person in giving legal notice; nor does it include directional, warning, traffic, or informational structures required by or authorized by law, or by federal, state, county or city authority.

Types of signs:

(a) **Identification sign:** A sign used to identify only the name and/or address of the individual, family, organization, enterprise, subdivision, group housing development, or other such facility occupying the premises; the profession practiced on the premises, the name of the building on the premises on which the sign is displayed.

(b) **Bulletin board:** A sign used to announce meetings, programs, occupants, purposes, operating hours and other such information on the premises of churches, schools, auditoriums, libraries, recreation areas, and other such nonresidential uses permitted in residential districts.

(c) **Business sign:** A sign which directs attention to a business, industry, profession, commodity, service, or entertainment sold, produced or offered upon the premises where such sign is located or to which it is attached.

(d) **Billboard (Off-premises Sign):** A sign which directs attention to a business, ~~industry, profession,~~ commodity, service, ~~or~~ entertainment or other message not conducted, sold, ~~produced~~ or offered upon the premises where ~~upon which~~ such sign is located.

(e) **Incidental Sign:** A sign carrying no advertising message, but giving information for the convenience and necessity of the public such as

"entrance," "exit," "no admittance," "telephone," "parking," etc.

**AMEND Article IX. Sign Regulations by CREATING a new section, entitled: Section 9.5. Billboards (Off-Premises Signs), with the text to read as follows:**

### **SECTION 9.5. BILLBOARDS (OFF-PREMISES SIGNS)**

In addition to other applicable standards contained within this article, the following provisions shall apply to all billboards:

#### **9.51. General Provisions.**

(a) Billboards shall be allowed only along rights-of-way with full-control or limited control of access, such as freeways and major thoroughfares;

(b) Billboards shall not face or be oriented toward any adjoining or abutting residentially-zoned or residentially-used property;

(c) Billboards shall not exceed a sign height of 35 feet;

(d) All billboards are considered as a principal use of property, not accessory, and shall be allowed in the C(P) Planned Commercial, C3 Heavy Commercial and M Industrial districts, upon the Town Commissioners' approval of the site plan and provided that the dimensional criteria outlined below is complied with;

(e) All Federal, State, and other local regulations shall be complied with; and

(f) Billboards are exempt from the landscaping and buffering provisions of this ordinance.

#### **9.52. Dimensional Criteria.**

Billboards constructed and located in this zoning district shall have a maximum sign area of 700 square feet and shall be located at least 50 feet from a street right-of-way line; five feet from any property line not a right-of-way line; 50 feet from any other freestanding sign, building or structure on the same lot; and be a minimum of 500 feet from another billboard.