



P.O. Box 2430

Indian Trail, North Carolina 28079

PLANNING AND NEIGHBORHOOD SERVICES DEPARTMENT

Zoning Staff Report

Case: ZT 2016-003 Grand Opening Banners		
Reference Name	Amendment of UDO Chapters 940 and 970	
Applicant	Town of Indian Trail Town Council	
Submittal Date	February 23, 2016	
Location	Town-wide	
Tax Map Number	N/A	
Plan Consistency	Town of Indian Trail Comprehensive Plan	Consistent With Goals of the Adopted Comprehensive Plan
Recommendations & Comments	Planning Staff	Recommends Approval of Proposed Text Amendment.

Project Summary

This is a request to amend Chapters 940 and 970 of the Unified Development Ordinance (UDO) to remove the need to obtain a permit prior to installing grand opening banners. The amendment also includes a minor housekeeping modification to the same grand opening banner ordinance section.

Staff Recommendation- Staff recommends based on the guidance of the adopted plans that the text amendment be supported by recommending its approval to the Town Council.

Analysis/Overview

This request is initiated by the Town Council to enable new business owners to install grand opening banners without first having to obtain a Town banner permit. The current ordinance requires a permit to be obtained at a cost of \$10 to display a banner for a 30-day duration. There are also location requirements associated with banners related to where they may be displayed on a building or elsewhere on a site (see ordinance below), which will remain unchanged. The Town Council indicated a desire to send a supportive message to the business community as the rationale for the desired amendment. This proposed ordinance amendment is only applicable to grand opening banners.

The following will provide a summary level overview of the proposed UDO amendments:

- *New UDO Section:* The amendment relocates grand opening banners to Chapter 940: Signs Not Requiring a Permit.

- *Location of Banners:* The amendment does not change standards related to acceptable location of banners.
- *Banner Duration:* The amendment changes the duration of grand opening banners to 45-days from 30-days. In light of the duration “clock” for grand opening banners beginning upon issuance of a Town zoning permit for the new business, the extra 15-days is intend to help mitigate against any time lags between obtaining a zoning permit for the use/business and the actual opening of the business.
- *New “Backup” Process for Banners:* The amendment creates a process for installing a grand opening banner after the initial 45-day period by obtaining a temporary sign permit (using the banner permit process in place today). This is intended to help address scenarios whereby a business owner fails to install a grand opening banner during the initial 45-day period. Grand opening banners permitted under this “backup” process would need to be obtained within the first 3-months of the business opening. Business owners may not obtain two grand opening banners using the conventional and “backup” processes.
- *Housekeeping Change:* The current banner standards do not permit grand opening banners being displayed for multiple new businesses within a multitenant shopping center. The proposed amendment updates this section to permit multiple grand opening banner displays, which will make the UDO consistent with the Town’s administrative practice and be more accommodating to new businesses.

Based on staff’s findings, we offer the following modifications for the Board’s consideration. For ease of reference, proposed new text is referenced in red/underlined font and deletions are referenced in ~~strikethrough~~ font.

Chapter 940. Signs Not Requiring a Permit

940.080 Grand opening banners for businesses located in non-single-family residential zoning districts provided that:

- 1 banner per-business
- Banner size shall not exceed 32 sq. ft. in area
- Banner shall be attached to the building façade for standalone businesses, above the business suite for multitenant commercial centers, or mounted within a Town approved banner display structure.
- Banner shall be removed within 45-days of issuance of the Town zoning verification or building upfit permit associated with the opened business within existing buildings or issuance of a zoning compliance certificate for businesses opened in new buildings through a site plan permit.
- Businesses that did not display a banner within the time period specified within UDO 940.080(D) may display a grand opening banner within the first three (3)-months of the business being open to the public subject to obtaining a temporary sign permit and compliance with UDO Chapter 940.080(A) through (C).

UDO Chapter 970.080(B) Permitted Types of Storefront Signs

Type	Illustration	Maximum Size/Height	Maximum Number	Location	Duration
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<p>Temporary Banner</p> <p>“Grand Opening*”; “Going Out of Business”</p> <p>See UDO Chapter 940.080 for Grand Opening Banners</p>		<p>32 square feet</p>	<p>1 per business but no more than one in a multi-tenant commercial center.</p>	<p>1. Attached to the building façade for standalone businesses.</p> <p>2. Mounted within a Town approved banner display structure or on front façade directly above the business suite for multi-tenant commercial centers.</p>	<p>45 days Grand Opening</p> <p>30 days Going out of Business</p>
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Required Consistency Findings

The Planning Board is required to make two consistency findings, one for consistency with Town adopted plans and another regarding the benefit of the public. Staff is of the opinion the following findings can be made:

1. The proposed UDO amendment is consistent with the following goals of the Comprehensive Plan:
 - **Economic Development Goal #2:** The proposed Town initiated text amendment will expand marketing opportunities for new businesses and is reflective of the Town’s commitment to support the Indian Trail business community; and
 - **Land Use and Housing #6:** The proposed text amendment’s elimination of the need for grand opening banner permits increases the predictability for new business owners in obtaining temporary signage.

2. This UDO ordinance amendment is in the best interest of the public because it helps create additional marketing opportunities for new businesses and makes the regulatory process more predictable, which will help promote job growth and ensure a more balanced tax base within the community.

Staff recommends that the Planning Board make the required consistency findings and recommend adoption of this UDO Text Amendment ZT2016-003 as presented.

Staff Contact

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Attachment 1: Draft Ordinance

ATTACHMENT ONE
Draft Ordinance

STATE OF NORTH CAROLINA)

TOWN OF INDIAN TRAIL) ORDINANCE # O160609XYZ

AN ORDINANCE AMENDING CHAPTERS 940, SIGNS NOT REQUIRING A PERMIT AND 970 TEMPORARY SIGN REGULATIONS, OF THE INDIAN TRAIL UNIFIED DEVELOPMENT ORDINANCE (UDO) RELATED TO TEMPORARY GRAND OPENING BANNERS IN INDIAN TRAIL, NORTH CAROLINA

WHEREAS, the Town is the applicant for ZT 2016-003 requesting to amend Chapters 940 Signs Not Requiring a Permit and Chapter 970 Temporary Sign Regulations, to remove the need to obtain a permit prior to installing grand opening banners and related changes within the Temporary Sign Regulations of the Unified Development Ordinance (UDO); and

WHEREAS, this Zoning Amendment (ZT 2016-003) was duly noticed in compliance with North Carolina General Statutes; and

WHEREAS, the amendment was heard by Planning Board on March 15, 2016 in a public meeting; and

WHEREAS, the Planning Board after hearing the amendment and deliberations made the following findings and recommended approval to the Town Council:

- 1. The proposed UDO amendment is consistent with the following goals of the Comprehensive Plan:
- Economic Development Goal #2: The proposed Town initiated text amendment will expand marketing opportunities for new businesses and is reflective of the Town’s commitment to support the Indian Trail business community; and
- Land Use and Housing #6: The proposed text amendment’s elimination of the need for grand opening banner permits increases the predictability for new business owners in obtaining temporary signage.
2. This UDO ordinance amendment is in the best interest of the public because it helps create additional marketing opportunities for new businesses and makes the regulatory process more predictable, which will help promote job growth and ensure a more balanced tax base within the community.

WHEREAS, the Town Council received the Planning Board transmittal for a recommendation XXXXX in the required public hearing held on April 12, 2016, and after receiving the transmittal, public comment, and deliberation, XXXX with the required findings and amendment recommendation as transmitted by the Planning Board.

NOW THEREFORE, BY THE TOWN COUNCIL OF THE TOWN OF INDIAN TRAIL, NORTH CAROLINA HEREBY TAKES THE FOLLOWING ACTION:

Section 1 – UDO CHAPTER 940 and UDO Chapter 970 is hereby Approved as shown in Exhibit A of this Ordinance;

Section 2- This ordinance shall be effective immediately upon adoption.

SO ORDAINED THIS 12TH DAY OF APRIL, 2016.

THE TOWN COUNCIL OF INDIAN TRAIL

By _

Honorable Michael L. Alvarez, Mayor

Attest:

Kelley Southward, Town Clerk

APPROVED AS TO FORM:

TOWN ATTORNEY

ZT2016-003 EXHIBIT A

Chapter 940. Signs Not Requiring a Permit

940.010 Grand opening banners for businesses located in non-single-family residential zoning districts provided that:

- A. 1 banner per-business
- B. Banner size shall not exceed 32 sq. ft. in area
- C. Banner shall be attached to the building façade for standalone businesses, above the business suite for multitenant commercial centers, or mounted within a Town approved banner display structure.
- D. Banner shall be removed within 45-days of issuance of the Town zoning verification or building upfit permit associated with the opened business within existing buildings or issuance of a zoning compliance certificate for businesses opened in new buildings through a site plan permit.
- E. Businesses that did not display a banner within the time period specified within UDO 940.080(D) may display a grand opening banner within the first three (3)-months of the business being open to the public subject to obtaining a temporary sign permit and compliance with UDO Chapter 940.080(A) through (C).

UDO Chapter 970.080(B) Permitted Types of Storefront Signs

Type	Illustration	Maximum Size/Height	Maximum Number	Location	Duration
Temporary Banner “Grand Opening*”; “Going Out of Business” <u>See UDO Chapter 940.080 for Grand Opening Banners</u>		32 square feet	1 per business but no more than one in a multi-tenant commercial center.	1. Attached to the building façade for standalone businesses. 2. Mounted <u>within a Town approved banner display structure</u> or on front façade directly above the business suite for multi-tenant commercial centers.	<u>45 days</u> <u>Grand Opening</u> 30 days <u>Going out of Business</u>