

ATTACHMENT A

**A RESOLUTION CALLING A PUBLIC HEARING ON A LAND USE ORDINANCE
TEXT AMENDMENT RELATING TO WALL MURALS
IN THE B-1(C) AND B-1(G) DISTRICTS
Resolution No. 118/2002-03**

WHEREAS, the Carrboro Board of Aldermen seeks to provide ample opportunities for the public to comment on existing and proposed policies and regulations; and

NOW, THEREFORE BE IT RESOLVED by the Carrboro Board of Aldermen that the Aldermen call a public hearing on the draft ordinance relating to wall murals for April 22, 2003.

BE IT FURTHER RESOLVED that the draft ordinance be referred to Orange County for review per the Joint Planning Agreement and to the Planning Board and TAB for comment and recommendations to the Board.

This is the 11th day of March in the year 2003.

TABLE OF PERMISSIBLE USES

Last Amended: 06/25/2002

DESCRIPTION	R-2	R-3	R-7.5	R-15	R-20	RR	B-1	B-1(C)	B-2	B-3	B-3(T)	B-4	M-1	M-2	CT	C-1	C-2	WM	O	O/A
motor vehicles								S					S	S	S					
15.600 Public utility service complex																		C		
15.700 Cable Television Signal Distribution Center							S	S	S	S			S	S	S	S			S	S
15.800 Town Owned Facilities and Services	Z	Z	Z	Z	Z	Z		Z		Z	Z		Z	Z	Z	Z	Z	Z		Z
16.000 Dry Cleaner, Laundromat																				
16.100 With drive-in windows										C	C	C	C						C	
16.200 Without drive-in windows								Z		S	S	Z	S		Z					S
17.000 Utility Facilities																				
17.100 Neighborhood	S	S	S	S	S	S		S	S	S	S	S	S	S	S	C	C	C		S
17.200 Community or regional													S	S		C		C		S
17.300 Cable Television Satellite Station						S				S	S	S	S	S	S				S	S
18.000 Towers and Related Structures																				
18.100 Towers and antennas fifty feet tall or less	Z	Z	Z	Z	Z	Z	Z	Z		Z	Z	Z	Z	Z	Z	Z	C	Z		Z
18.200 Towers and antennas attached thereto that exceed 50 feet in height, and that are not regarded as accessory to residential users under 15-150(c)(5)						C	C			C	C	C	C	C	C			C	C	C
18.300 Antennas exceeding 50 feet in height attached to structures other than towers, [other than accessory uses under 15-150(c)(5)]	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
18.400 Publicly-owned towers and antennas of all sizes that are used in the provision of public safety services								ZC												
19.000 Open Air Markets and Horticultural Sales																				
19.100 Open air markets (farm and craft markets, flea markets, produce markets)							ZC	ZS	ZS	S	S		S		S				S	S
19.200 Horticultural sales with outdoor display								ZS	ZS	S	S		S		S				S	S
19.300 Seasonal Christmas or pumpkin sales									Z	Z	Z	Z	Z	Z					Z	Z
20.000 Funeral Homes													Z	Z						
21.000 Cemetery and Crematorium																				
21.100 Cemetery						S							Z	Z		C	C	C		
21.200 Crematorium													Z	Z						
22.000 Day Care																				
22.100 Child Day Care Home	Z	Z	Z	Z	Z	Z		S	Z	S	S				Z		Z		S	S
22.200 Child Day Care Facility	S	S	S	S	S	S		Z	S	Z	Z	S	Z		S		C	C	Z	Z
22.300 Senior Citizens Day Care	S	S	S	S	S	S		Z	S	Z	Z	S	Z		S		C	C	Z	Z
23.000 Temporary structure or parking lots used in connection with the construction of a permanent building or for some non-recurring purpose																				
23.100 Temporary structures located on same lot as activity generating need for structure	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	C	C	C	C	Z
23.200 Temporary parking facilities located on or off-site of activity generating need for parking	Z																			
24.000 Bus Station								ZS					S	S		S				
25.000 Commercial Greenhouse Operations																				
25.100 No on-premises sales						S	S						Z							
25.200 On-premises sales permitted							S						Z							
26.000 Subdivisions																				
26.100 Major	SC	SC	SC	SC	SC	SC	SC	SC	SC	SC	SC	SC	SC	SC	SC	C	C	C	C	SC
26.200 Minor	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	C	C	C	C	Z
27.000 Combination Uses	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
28.000 Planned Unit Developments	Permissible only in Planned Unit Development Districts (See Section 15-139) pursuant to a conditional use permit.																			
29.000 Special Events	C	C	C	C	C	C	C	ZC	ZC	ZC	C	C	C	C	C	C	C	C	C	C
30.000 Planned Industrial Development	Permissible only in Planned Unit Development Districts [See Subsection 15-137(b)] pursuant to a conditional use permit.																			
31.000 Off-Premises Signs															Z					
32.000 Village Mixed Use Development	Permissible only in Village Mixed Use Districts (See Section 15-141.2 pursuant to a conditional use permit).																			
33.000 Office/Assembly Planned Development	Permissible only in Office/Assembly Conditional Use Districts [see Subsection 15-136(11)] pursuant to a conditional use permit.																			

Excerpt of Land Use Ordinance Provisions – Article XVII, Signs**Section 15-270 Definitions.**

Unless otherwise specifically provided, or unless clearly required by the context, the words and phrases defined in this section shall have the meaning indicated when used in this article.

- (1) **SIGN.** Any device that (i) is sufficiently visible to persons not located on the lot where such device is located to accomplish either of the objectives set forth in subdivision (ii) of this definition, and (ii) is designed to attract the attention of such persons or to communicate information to them. Without limiting the generality of the foregoing, a device that might otherwise be categorized as a sign that is located at least fifteen feet to the interior side of any exterior wall shall not be regarded as a sign so long as it is not internally illuminated, illuminated with spotlights, or otherwise illuminated to draw special attention to it. (AMENDED 3/11/86)
- (2) **FREESTANDING SIGN.** A sign that (i) is not directly attached to, erected on, or supported by a building or other structure having a principal function other than the support of such sign, but (ii) is instead attached to, erected on, or supported by some structure (such as a pole, mast, frame, or other structure) that is not itself an integral part of a building or other structure having a principal function other than the support of a sign. A sign that stands without supporting elements, such as “sandwich sign”, is also a freestanding sign.
- (3) **OFF-PREMISES SIGNS.** A sign that draws attention to or communicates information about a business, service, commodity, accommodation, attraction, or other activity that is conducted, sold, or offered at a location other than the premises on which the sign is located.
- (4) **SANDWICH BOARD SIGN.** A freestanding sign consisting of two panels joined together at the top and configured in the shape of an inverted “V” (Λ) so that the bottom of the sign rests upon or near the ground. (AMENDED 12/08/92)
- (5) **TEMPORARY SIGN.** A sign that (i) is used in connection with a circumstance, situation, or event that is designed, intended or expected to take place or to be completed within a reasonably short or definite period after the erection of such sign, or (ii) is intended to remain on the location where it is erected or placed for a period of not more than fifteen days. If a sign display area is permanent but the message displayed is subject to periodic changes, that sign shall not be regarded as temporary.

Section 15-272 Signs Excluded From Regulation.

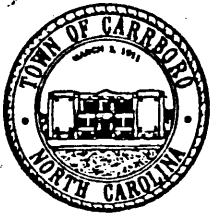
The following signs are exempt from regulation under this chapter except for those stated in Subsection 15-282(b) through (e).

- (1) Signs not exceeding four square feet in area that are customarily associated with residential use and that are not of a commercial nature, such as signs giving property identification names or numbers or names of occupants, signs on mailboxes or paper tubes, and signs posted on private property relating to private parking or warning the public against trespassing or danger from animals.

- (2) Signs erected by or on behalf of or pursuant to the authorization of a governmental body, including legal notices, identification and informational signs, and traffic, directional or regulatory signs.
- (3) Official signs of a noncommercial nature erected by public utilities.
- (4) Flags, pennants, or insignia of any governmental or nonprofit organization when not displayed in connection with a commercial promotion; provided that such flags, pennants, or insignia may be displayed within a public right-of-way only when authorized by a resolution adopted by the Board of Aldermen. **(AMENDED 05/09/89)**
- (5) Integral decorative or architectural features of buildings or works of art, so long as such features or works do not contain letters, trademarks, moving parts, or lights.
- (6) Signs directing and guiding traffic on private property that do not exceed four square feet each and that bear no advertising matter.
- (7) Church bulletin boards, church identification signs, and church directional signs that do not exceed one per abutting street and sixteen square feet in area and that are not internally illuminated.
- (8) Signs painted on or otherwise permanently attached to currently licensed motor vehicles that are not primarily used as signs.
- (9) Signs proclaiming religious, political, or other non-commercial messages [other than those regulated by Subdivision 15-273(a)(5)] that do not exceed one per abutting street and sixteen square feet in area and that are not internally illuminated. **(AMENDED 1/22/85)**
- (10) Signs attached to the interior of a building window or glass door, or visible through such window or door, so long as such signs, individually or collectively, do not cover more than thirty percent (30%) of the surface area of the transparent portion of such window or door. **(AMENDED 3/11/86)**
 - a. For purposes of determining whether a sign not attached to the interior of a window or door but visible by looking through such window or door complies with this subdivision, the area of such sign shall be computed in accordance with Section 15-275 and the sign shall be deemed to "cover" an equivalent amount of the surface area of the window or glass door through which it is visible.
 - b. If a sign located inside a building is visible through glass doors or windows on more than one side of a building, then the relevant windows or doors for purposes of this subdivision are those facing the street toward which the sign has its primary orientation.
 - c. Notwithstanding the foregoing, signs attached to the interior of a building window or glass door or visible through such window or door that are internally illuminated or externally illuminated by spotlighting or other illuminating technique designed to draw particular attention to them shall not be exempt from regulations.

- d. Signs that do not exceed four square feet and that advertise an event or activity sponsored by a nonprofit enterprise shall not be included in determining compliance with the thirty percent (30%) surface area coverage limitation set forth above, so long as such signs are removed after the event or activity has occurred.

(11) Displays of merchandise offered for sale or rent on the premises where displayed. Only merchandise of the type that is actually for sale or rent, and not pictorial or other representations of such merchandise, falls within this exemption.



TOWN OF CARRBORO

NORTH CAROLINA

MEMORANDUM

TO: Mayor Mike Nelson and the Board of Aldermen

CC: Bob Morgan, Town Manager; Roy Williford, *AICP*, Planning Director; Stephanie Bray, Planner/Zoning Development Specialist; Kimberly Matin, Owner of Zodi Gallery; Members of the Town of Carrboro Appearance Commission

FROM: Marty Roupe, Development Review Administrator *MR*

DATE: December 3, 2002

SUBJECT: Summary of Wall Mural Situation at 103 East Main Street

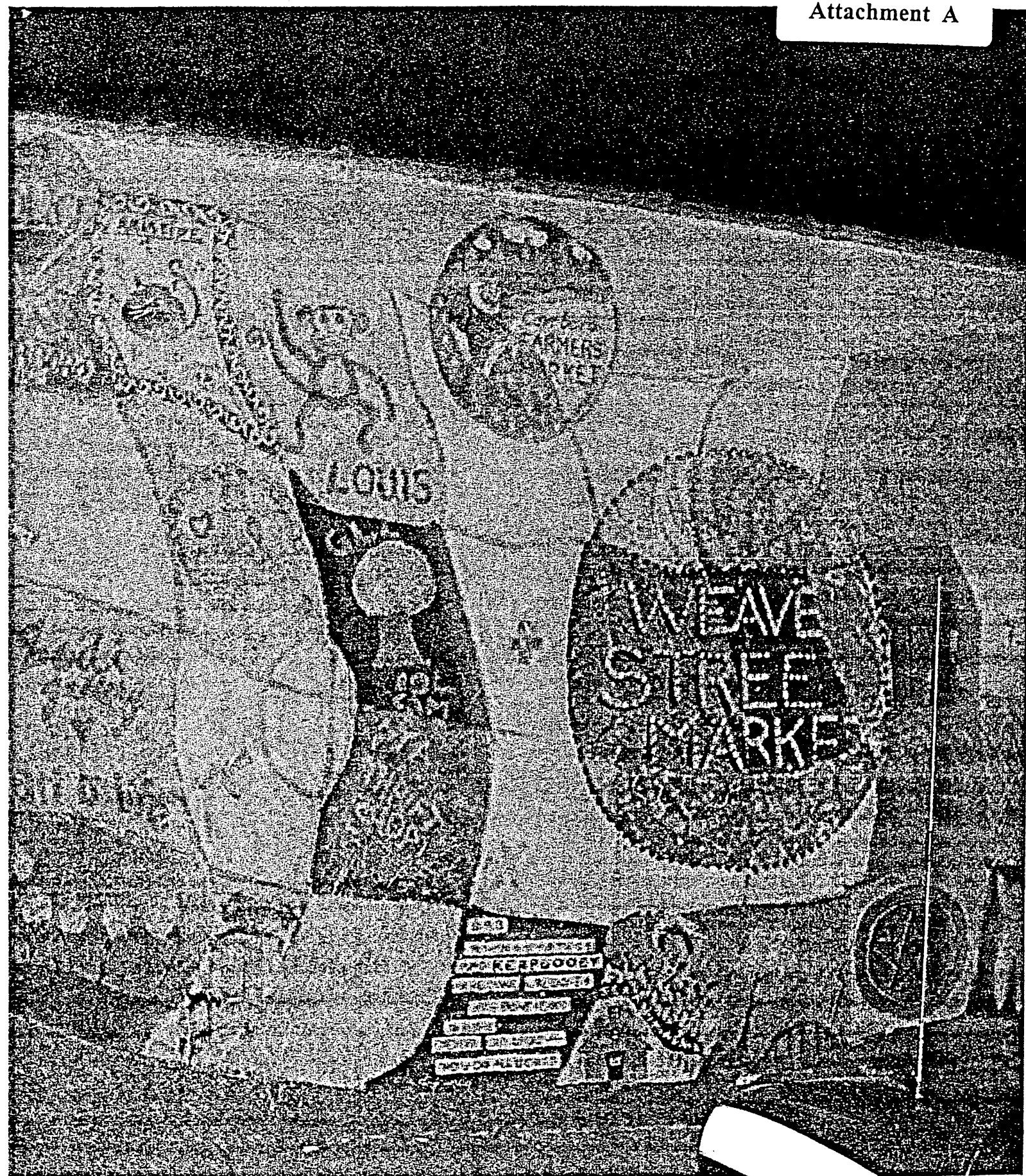
As most Board members likely are now aware, a wall mural has been created on the west-facing wall of the building located at 103 East Main Street, which currently contains Jade Palace Restaurant and Zodi Art Gallery. As has been reported in the media, portions of the mural are in conflict with the current language found in Article XVII, Signs, of the Town of Carrboro Land Use Ordinance (LUO), specifically related to the inclusion of references to local businesses within the mural. Please find attached two photos of the mural (Attachment A). The purpose of this memorandum is to give Board members et al a comprehensive view of the discussions that have taken place to date regarding the mural. I would be happy to respond to any additional questions you may have regarding this matter.

- On Thursday, September 26, 2002, staff viewed a banner hanging from the building located at 103 East Main Street advertising a community mural that was to be created beginning on Sunday, September 29, 2002 in conjunction with other activities taking place that day related to the Carrboro Music Festival. Upon viewing the banner, staff contacted the mural organizer, Ms. Kimberly Matin (owner of Zodi Art Gallery at 105 East Main Street). Ms. Matin confirmed her intention to create a mural on the west-facing wall of the building at 103 East Main Street. Ms. Matin indicated that she had obtained permission to paint the wall from the property owner, Frances Chan;
- Ms. Matin explained to staff the manner in which the mural would be created. She said that the wall would be partitioned into a large number of two (2) square-foot blocks, which members of the community would be invited to paint for a one-time fee (\$20.00 for an individual and \$50.00 for a business). She also stated that all profits would be

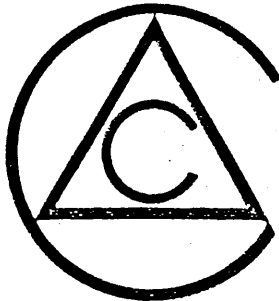
so desired. She asked whether any specific Board member would be a good point of contact regarding the matter. Staff responded by saying that no one Board member deals with a specific matter such as this. It was then suggested that Mayor Mike Nelson might be a good point of contact given that no one specific Board member is an appropriate point of contact. Subsequently, Ms. Matin contacted Mayor Nelson and discussed the mural;

- On October 3, 2002, at the first Appearance Commission meeting following staff's conversation with Ms. Matin, staff mentioned the mural to members of the Appearance Commission so that they would be aware that staff had conversed with Ms. Matin about the mural. Staff wished to inform the Commission that a courtesy review prior to beginning the mural would have been difficult given the nature of the mural (i.e.- not knowing what would be painted within each block). Some members present at the meeting already had seen the mural and expressed concerns about the inclusion of business names. The members present chose to table further discussion until a future meeting when more members were present (**Attachment B**);
- The Appearance Commission again discussed the mural at their November 7, 2002 meeting. At that point, the Commission decided to invite Ms. Matin to their next meeting to ask questions of her regarding the mural (**Attachment C**);
- Ms. Matin attended the November 17, 2002 Appearance Commission meeting where four out of five members of the Commission were present (Catherine DeVine did not attend the meeting) (**Attachment D**). The consensus among members present was that the business names were a clear violation of the sign ordinance. The Commission recognized the charitable nature of the mural and advised staff that in their opinion it would be appropriate to delay the issuance of a penalty for the violation until June 1, 2003, as further explained in the attached 'draft' letter from the Appearance Commission (**Attachment E**). The Commission has not met since November 17, 2002; therefore, both the minutes from the meeting and the attached letter are in draft form;
- Staff is currently drafting a 'land use ordinance violation letter' that will be sent to Ms. Matin. The letter will include a deadline date of June 1, 2003, by which time all business related text must be removed from the mural to avoid the issuance of a civil penalty;
- The Appearance Commission, meanwhile, has indicated a desire to have a lengthy discussion about the possibility of suggesting that the Board amend the sign ordinance to lend more flexibility to what may be considered artwork;
- One other matter, not discussed in the media reports, is the possibility of filing an appeal with the Board of Adjustment. Once staff has sent the violation letter to Ms. Matin, she will have thirty- (30) days to file an appeal of staff's decision regarding this matter. Should she choose to do so, the final decision regarding the matter would be shifted to the Town's Board of Adjustment. Ms. Matin will be advised to contact staff to further discuss this option, should you wish to do so.

Attachment A



Town of Carrboro / Carrboro Appearance Commission / Carrboro, North Carolina 27510



MINUTES
October 3, 2002

Members Present: Chuck Morton, Wendy Wenck, and Tom Wiltberger

Members Absent or
Excused: Doug Kopec, Richard Taylor, Catherine DeVine, and Ruben Hayes

Guest(s) present: James Arndt (representing 210-A Maple Avenue) and Frances Eliadis
(representing 219 Hillsborough Road)

Staff Present: Marty Roupe, Development Review Administrator

I. Approval of September 16, 2002 Minutes.

Approval of the minutes was tabled until the next meeting.

II. NPDC – Zoning Permit, 210-A Maple Avenue.

James Arndt discussed the proposed design for the building and its location in relation to Maple Avenue. Commission members discussed the proposal and asked questions of Mr. Arndt. Chuck Morton mentioned that the proposed design does comply with many of the Vernacular Architectural Standards (VAS) being discussed by the VAS committee.

No member present had any specific objections to the proposed design. At that point, Tom Wiltberger moved, via 'Committee as a Whole,' to approve the design as presented.

**MOTION WAS MADE BY TOM WILTBERGER AND SECONDED BY WENDY WENCK
TO APPROVE THE ZONING PERMIT AS PRESENTED.**

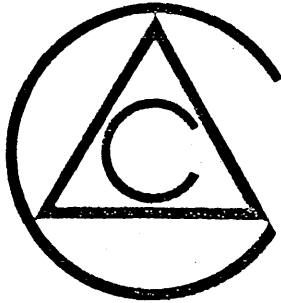
VOTE: ALL AFFIRMATIVES.

III. Courtesy Review – Zoning Permit, 219 Hillsborough Road.

France Eliadis discussed the proposed design for two duplex buildings (four units total) at 219 Hillsborough Road. Commission members discussed the proposal and asked questions of Ms. Eliadis. Chuck Morton asked whether she intended to face the back of the units toward Hillsborough Road. Ms. Eliadis explained that this was a site design misunderstanding and that the front of the units would face Hillsborough Road. She further pointed out that each unit would have a deck on its backside.

ATTACHMENT "C"

Town of Carrboro / Carrboro Appearance Commission / Carrboro, North Carolina 27510

**MINUTES**
November 7, 2002**Members Present:** Chuck Morton, Wendy Wenck and Catherine DeVine**Members Absent or Excused:** Doug Kopec, Richard Taylor and Tom Wiltberger**Guest(s) present:** John Herrera (Board of Alderman), Frances Eliadis (representing 219 Hillsborough Road) and Sara Lockerman (Carrboro citizen and UNCG graduate student conducting research)**Staff Present:** Marty Roupe, Development Review Administrator and Stephanie Bray, Zoning Development Specialist**I. Approval of September 16, October 3, and October 17, 2002 Minutes.**

The minutes were discussed late in the meeting due to the presence of a guest.

MOTION WAS MADE BY CHUCK MORTON AND SECONDED BY CATHERINE DEVINE TO APPROVE THE SEPTEMBER 16, OCTOBER 3, AND OCTOBER 17, 2002 MINUTES.

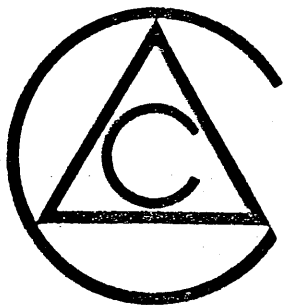
VOTE: ALL AFFIRMATIVES.

II. Courtesy Review – Zoning Permit, 219 Hillsborough Road Landscaping Review.

Ms. Eliadis described the proposed landscaping to be planted in front of the duplexes. The Commission asked some questions of Ms. Eliadis and there was a discussion of the different types of plants that could be used and of the revisions to the design of the site. After Ms. Eliadis offered answers, the Commission indicated that they were satisfied with the presentation. Further, the Commission thanked Ms. Eliadis for bringing the project before them prior to commencing work.

MOTION WAS MADE BY CHUCK MORTON AND SECONDED BY CATHERINE DEVINE TO APPROVE THE LANDSCAPING PLAN WITH THE RECOMMENDATION THAT THE PLANT LIST BE OBSERVED.

VOTE: ALL AFFIRMATIVES.



MINUTES
November 18, 2002

Members Present: Chuck Morton, Wendy Wenck, Richard Taylor and Tom Wiltberger

Members Absent or Excused: Catherine DeVine

Guest(s) present: John Herrera (Board of Alderman), Kimberli Matin (representing the mural project at 105 East Main Street) and Lindsey Waudby (representing Highland Hills Apartments)

Staff Present: Marty Roupe, Development Review Administrator and Stephanie Bray, Zoning Development Specialist

I. Approval of November 7, 2002 Minutes.

The minutes were discussed late in the meeting due to the presence of a guest.

MOTION WAS MADE BY TOM WILTBERGER AND SECONDED BY WENDY WENCK TO APPROVE THE NOVEMBER 7, 2002 MINUTES.

VOTE: ALL AFFIRMATIVES.

II. Sign Permits – Highland Hills Apartments, 180 BPW Club Road.

There was some discussion of the amount of permitted signage for the site. The Commission asked some questions of Ms. Waudby regarding the type of the existing signage and the content and color scheme. Ms. Waudby described the types of signage that would be placed in the changeable sign, as one of the sign applications was for a banner sign. After Ms. Waudby offered answers, the Commission indicated that they were satisfied with the presentation.

MOTION WAS MADE BY CHUCK MORTON AND SECONDED BY TOM WILTBERGER TO APPROVE THE SIGNS WITH THE REQUIREMENT THAT BOTH SIGNS MEET THE SETBACK REQUIREMENT.

VOTE: ALL AFFIRMATIVES.

III. Discussion of Wall Mural at 105 East Main Street.

The Commission discussed the wall mural in existence at 105 East Main Street. The commission asked some questions of Ms. Matin regarding the process of putting the mural project together and the proposed duration of the mural. Ms. Matin offered answers. The Commission expressed concern over the business names in the mural and discussed a time period for removal of the business names.

MOTION WAS MADE BY CHUCK MORTON AND SECONDED BY RICHARD TAYLOR TO RECOMMEND A GRACE PERIOD ENDING ON JUNE 1ST, 2003 IN WHICH TO CORRECT THE VIOLATION BY REMOVING OR PAINTING OVER ALL BUSINESS NAMES IN THE MURAL AND ENJOINED THE TENANT FROM ADDING ADDITIONAL BUSINESS SIGNAGE DURING THE GRACE PERIOD.

IV. Old/New Business.

In an effort to conserve paper, Marty Roupe suggested sending agendas and minutes by email in the future. The commission members agreed that this would be good.

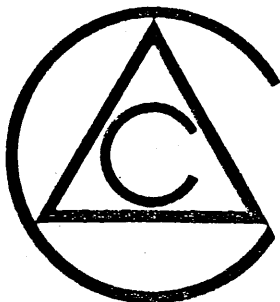
Marty Roupe reminded members of the commission to report any signage they noticed that had not received a permit.

V. ADJOURN.

There being no further business, the Commission voted to adjourn the meeting.

MOTION WAS MADE BY TOM WILTBERGER AND SECONDED BY CHUCK MORTON TO ADJOURN THE MEETING.

VOTE: ALL AFFIRMATIVES.



MONDAY, NOVEMBER 18, 2002

WEST-FACING WALL MURAL AT 105 EAST MAIN STREET

Background: The Carrboro Town Staff requested that the Appearance Commission review and advise the Town of Carrboro regarding the subject mural. The Commission discussed the West-facing exterior wall mural located at 105 E. Main Street in several recent meetings. The business owner who organized the wall mural project participated in the Commission's November 18, 2002 discussion on this matter. While the Appearance Commission is supportive of artistic expression, community involvement, and charitable activities in Carrboro, we feel that the referenced mural does not comply with Article XVII of the Carrboro Land Use Ordinance.

Recommendation: Due to the circumstances surrounding the creation of this mural/sign, the Commission agreed that some leniency was in order. The Appearance Commission recommends allowing a six-month grace period during which time all business names must be painted over or replaced with art. No additional business names may be placed on the wall.

We feel this mural does not set a precedent for placing off-premise signs. If other similar instances arise, they should be stopped immediately. The issue of whether general text is acceptable within murals or works of art will be discussed at a later date within the context of a full review of the provisions for artwork in the sign ordinance. The Appearance Commission plans to undertake this review in upcoming meetings.

Conclusion: The Commission supports the spirit in which this mural was created, but is concerned that if the mural remains as is, it might encourage other property owners to undertake similar projects that do not comply with the sign section of the Carrboro Land Use Ordinance. Additional such signage throughout the downtown area would have a negative impact on Carrboro's aesthetic appeal.

VOTING:

AYES: 4 (Chuck Morton, Wendy Wenck, Richard Taylor and Tom Wiltberger)

NOES: 0

Wendy E. Wenck
Appearance Commission Chair

02/27/03
Date

MURAL ISSUE

Alderman Gist requested that the Appearance Commission tweak the sign ordinance to avoid future clashes with murals.

REGIONAL TRANSIT DISCUSSIONS

Alderman Zaffron reported that the Mayors of Raleigh, Durham and Cary are having discussions of forming a committee to discuss the idea of merging the Triangle transit systems.

Alderman McDuffee suggested that Mayor Nelson forward a letter to these Mayors reminding them of the transit memorandum of understanding.

CHAPEL HILL TOWNSHIP PARK COMMITTEE

Alderman McDuffee requested that the Board have a discussion in late December or early January of what Carrboro wants to see at the park.

CLOSED SESSION

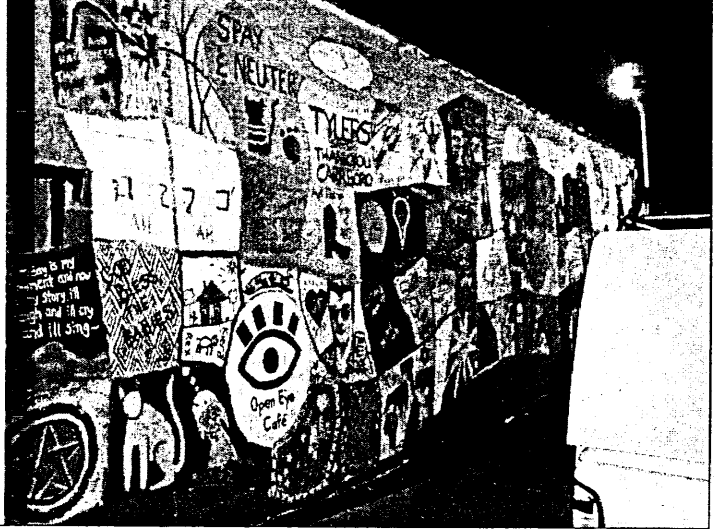
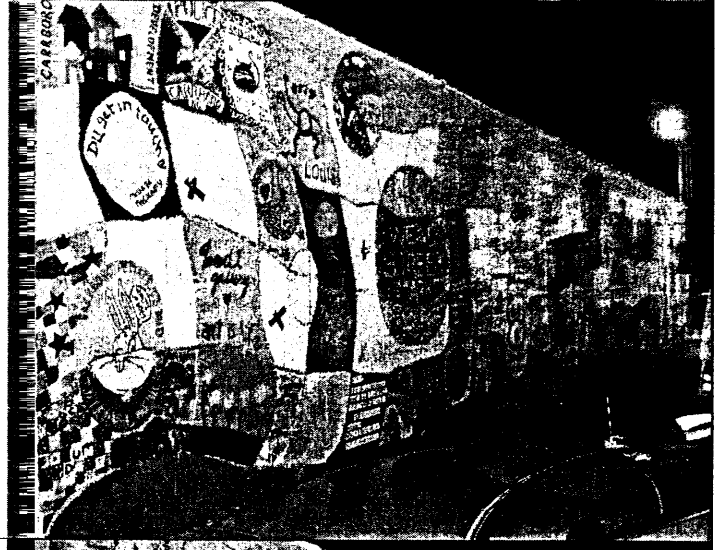
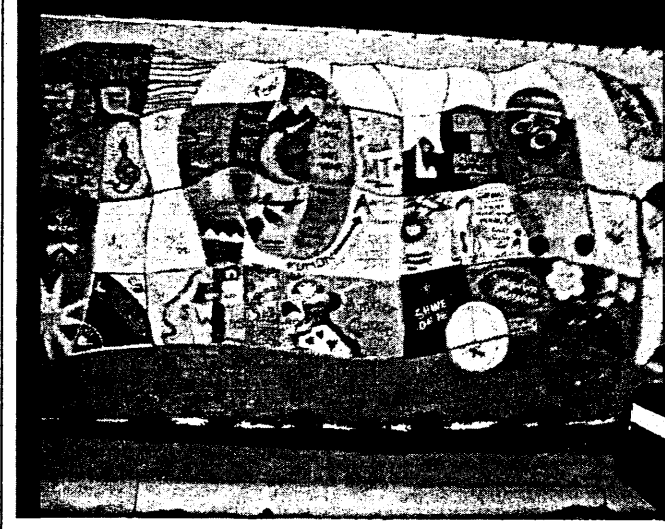
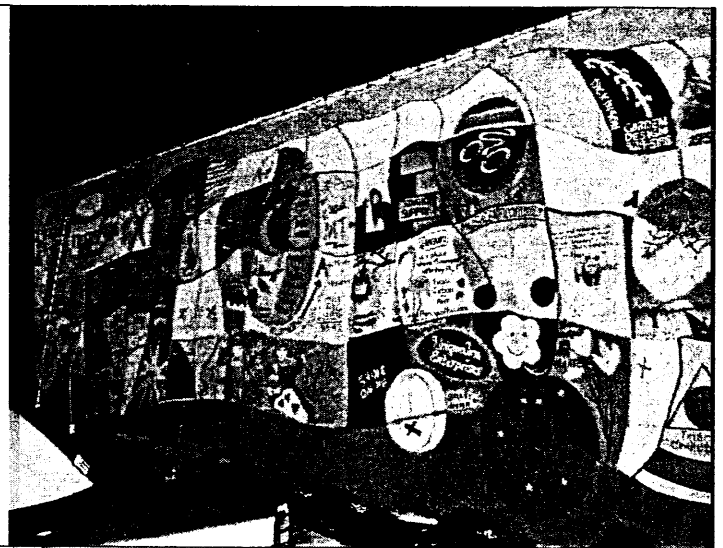
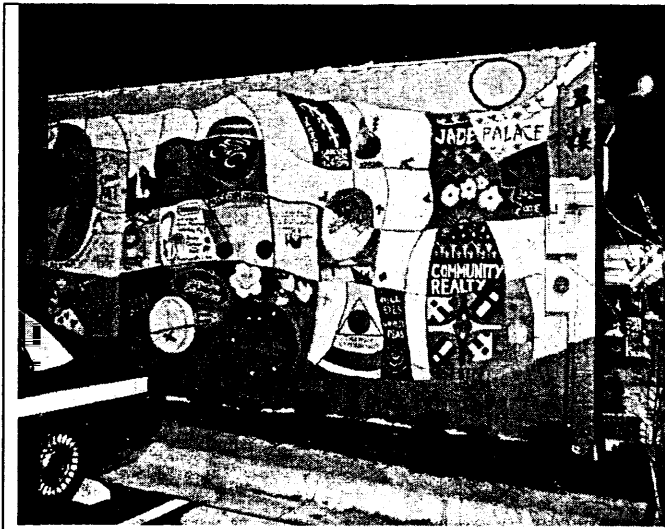
MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JACQUELYN GIST TO ADJOURN TO CLOSED SESSION AT 10:15 P.M. TO DISCUSS SELECTION OF AN INTERIM TOWN MANAGER. VOTE: AFFIRMATIVE ALL

APPOINTMENT OF INTERIM TOWN MANAGER AND DEPUTY TOWN MANAGER

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY JOAL HALL BROWN TO APPOINT MIKE BROUGH AS INTERIM TOWN MANAGER. HE WILL HAVE RESPONSIBILITIES FOR SUPERVISING PLANNING, ECONOMIC DEVELOPMENT, PERSONNEL, RUNNING BOARD MEETINGS AND INTERGOVERNMENTAL RELATIONS. IN ADDITION, THAT BING ROENIGK BE APPOINTED AS DEPUTY TOWN MANAGER WITH THE RESPONSIBILITY FOR OVERSEEING THE POLICE DEPARTMENT, PUBLIC WORKS DEPARTMENT, FIRE DEPARTMENT AND RECREATION AND PARKS DEPARTMENT. THESE APPOINTMENTS WILL BECOME EFFECTIVE AT 5:00 P.M. ON DECEMBER 30, 2002. VOTE: AFFIRMATIVE ALL

Mayor

Deputy Town Clerk



MURAL ISSUE

Alderman Gist requested that the Appearance Commission tweak the sign ordinance to avoid future clashes with murals.



TOWN OF CARRBORO

NORTH CAROLINA

WWW.TOWNOFCARRBORO.ORG

December 30, 2002

Kimberli Matin
105 East Main Street
Carrboro, NC 27510

RE: Enforcement of Signage Regulations

Dear Ms. Matin,

It has come to the attention of the Zoning Division that the mural you organized contains signage that is in violation of the Article XVII of the Land Use Ordinance.

The property in question is identified by the following information:

Jade Palace Restaurant
103 East Main Street
Orange County Tax Map Number 7.93.B.3
Zoning District: B-1c

The signage in violation is the mural on the west wall of the Jade Palace Restaurant.

The following text from the Article XVII, Signs, of the LUO explains the violation in question:

Section 15-273 Signs Excluded From Regulation (5) reads "Integral decorative or architectural features of buildings or works of art, so long as such features or works do not contain letters, trademarks, moving parts, or lights."

Section 15-270 Definitions (3) defines off-premises signs as "A sign that draws attention to or communicates information about a business, service, commodity, accommodation, attraction or other activity that is conducted, sold, or offered at a location other than the premises on which the sign is located."

Since the mural contains letters and/or trademarks, the exemption in Section 15-273 can not be applied; therefore, the mural is subject to the regulations in Article XVII. According to the definition in section 15-270, parts of the mural are off-premises signs. Off-premises signs are not a permitted use in the B-1c zoning district and therefore are a violation of the LUO.

In order to bring the mural into compliance with the exemption stated in Section 15-273 (5) all lettering and trademarks referencing a specific business must be removed, including but not limited to business phone numbers, business websites and business names.

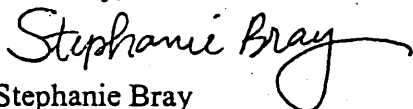
You will have until June 1st, 2003 in which to remove all signage in violation of Article XVII of the LUO without penalty. If you fail to comply with this request, the civil penalty is \$250 plus \$50 per additional day that any cited signage remains in place. This penalty will be imposed as of June 1st, 2003 (6-1-03), if the Zoning Division finds that any of the cited signage is still present.

For further explanation of the specific regulations regarding your signage, please feel free to stop by the Planning Department on the second floor of Town Hall to peruse Article XVII of the LUO. Article XVII is available for purchase in the Planning Department at a price of \$1.10 per the 2002-2003 Town of Carrboro Miscellaneous Fees and Charges Schedule.

This is the only notice you will receive regarding this violation. As with all decisions of the Zoning Division, you have thirty (30) days from the receipt of this letter to appeal this decision to the Board of Adjustment. The cost for an appeal is \$200.00.

Please feel free to contact me at 918-7334 with any questions you may have about the appeals process or any other matter.

Sincerely,



Stephanie Bray
Planner/Zoning Development Specialist

cc: Project File
Property Owner of Record and/or Property Owner's Tenant

ATTACHMENT G

**AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE
TO PERMIT MURALS ON THE SIDE WALLS OF BUILDINGS
IN THE B-1(c) AND B-1(g) DISTRICTS**

THE CARRBORO BOARD OF ALDERMEN ORDAINS:

Section 1. Article XVII of the Carrboro Land Use Ordinance is amended by adding thereto a new Section 15-284 to read as follows:

Section 15-284 Wall Murals

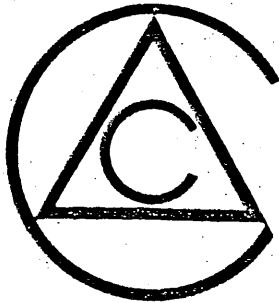
Signs consisting of murals painted on the side walls of any building located on property zoned B-1(c) or B-1(g) (and not otherwise excluded from regulation under Subsection 15-272(5)) shall be permitted, subject to the remaining provisions of this section.

- (1) A "side wall" of a building means a wall that does not directly face a street that abuts the lot where the building is located and that would not commonly be characterized as either the front or the rear of such building.
- (2) Not more than thirty percent of the area of the mural may consist of words conveying a commercial message, telephone numbers, e-mail or other addresses, trademarks, or depictions of specific products. The surface area of such portions of the mural shall be computed by enclosing each such word, number, address, trademark, or depiction of a specific product within a single, continuous, rectilinear perimeter of not more than eight straight lines.
- (3) Not more than ten percent of the area of the mural that consists of words conveying a commercial message, telephone numbers, addresses, trademarks, or depictions of specific products may advertise a single business, endeavor, or product.
- (4) Murals shall be subject to the permit requirements of Section 15-271 and the other requirements of this article, except that (i) the sign surface area of a mural that satisfies the requirements of this section shall not be included for purposes of calculating the total permissible sign surface area under Section 15-276, and (ii) the prohibition on off premises signs (see Subsection 15-282(a)) shall not apply to murals that satisfy the requirements of this section.

Section 2. All provisions of any town ordinance in conflict with this ordinance are repealed.

Section 3. This ordinance shall become effective upon adoption.

Town of Carrboro / Carrboro Appearance Commission / Carrboro, North Carolina 27510



Memo

Date: March 6, 2003

To: Carrboro Board of Aldermen

From: Carrboro Appearance Commission

Re: Appearance Commission response to draft Land Use Ordinance
Amendment - Section 15-284

The Carrboro Town Staff provided a copy of the referenced Draft Amendment for review by the Appearance Commission. The Commission has also conducted numerous discussions regarding the mural/sign issue arising from the project located on the wall of 105 E. Main Street. Based on our discussions and research, we present the following points for your review and consideration:

1. The Appearance Commission does not recommend the adoption of this Land Use Ordinance Amendment as drafted.
2. We recommend distinguishing "signs" from "murals" in the LUO.
 - a. Signs are treated as commercial messages in the existing sign ordinance (Article XVII). We believe that all commercial messages, including signs painted on walls, should be required to comply with the sign ordinance as it is currently written, with the exception of the text changes recommended in #3 below.
 - b. Murals (defined as "large images, such as paintings or enlarged photographs, applied to walls") should be treated as public art, or "works of art", which is a term used in the existing ordinance. Murals should not contain commercial content.
 - c. In making this distinction, we conclude that signs cannot "consist of murals" (as is written in the draft ordinance amendment), and that murals cannot contain or surround signs.
3. We recommend two text changes in the existing LUO to distinguish murals from signs:

- a. Section 15-272 (5) should be amended as follows: delete the word "letters" and replace it with "commercial messages, telephone numbers, e-mail or other addresses, trademarks, or depictions of specific products." This should clarify any confusion regarding interpretation of this section of the ordinance.
- b. An additional clause should be inserted as follows: "Works of public art, including murals planned for Carrboro properties, should be brought before the Carrboro Appearance Commission for a courtesy review. Property owners planning such works may be required to present conceptual sketches, descriptions of the planned work, or examples of the artist's work in the courtesy review." Our research shows that this is a common procedure followed by other municipalities.

In conclusion, the Appearance Commission is unanimously in agreement with this recommendation. We hope that the Board will consider the above comments and recommendations in its review of this matter.

Stephanie Bray (on behalf of Chair Wendy Wenck)
Appearance Commission Chair

3/7/2003
Date