

TC-2-11 Sign Ordinance – Registered Trademarks

Amends the Sign Ordinance to allow Federal and State registered trademarks to employ additional sign colors in accordance with the following building size thresholds:

- 12 ¼ square feet for *buildings* containing less than 10,000 square feet;
- 18 square feet for *buildings* between 10,000 and 30,000 square feet;
- 25 square feet for *buildings* greater than 30,000 square feet, but less than 100,000 square feet; and
- 36 square feet for *buildings* 100,000 square feet or greater



Certified Recommendation

Raleigh Planning Commission

CR# 11411

Case Information: TC-2-11/Registered Trademark Signs

Comprehensive Plan Guidance

<i>Applicable Policy Statements</i>	Not applicable
<i>Action Items</i>	Not applicable

Summary of Text Change

<i>Summary</i>	Amends the Sign Ordinance to allow Federal and State registered trademarks to be increased in size when employing additional sign colors.
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Summary of Impacts

<i>Impacts Identified</i>	<p><u>Adoption of TC-2-11:</u></p> <ul style="list-style-type: none"> Allows more of a businesses' allowable sign area to be devoted to a trademark logo employing additional sign colors (up to 36 square feet). <p><u>No Action:</u></p> <ul style="list-style-type: none"> Retains the maximum size of trademark logos employing additional sign colors to 12 ¼ square feet and a maximum of 3 ½ feet in any dimension.
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Public Meetings

<i>Public Hearing</i>	<i>Committee</i>		<i>Planning Commission</i>	
4-19-11	Date		4/26/11	Action

Attachments

1. Staff report
2. Summary
3. Ordinance



Zoning Staff Report – TC-2-11

Registered Trademark Signs Text Change

Request

<i>Section Reference</i>	Sign Ordinance §10-2083.1(b)(3)(e)
<i>Basic Information</i>	Amends the Sign Ordinance to allow Federal and State registered trademarks to be increased in size when employing additional sign colors.
<i>PC Recommendation Deadline</i>	August 2, 2011

Comprehensive Plan Guidance

<i>Applicable Policies</i>	Not applicable
<i>Action Items</i>	Not applicable

Contact Information

<i>Staff Coordinator</i>	Greg Hallam: greg.hallam@raleighnc.gov ; 516.2636
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History/Overview

This text change was initiated by the City Council following a Request and Petition of Citizens. The citizen request was reviewed by the Council's Law and Public Safety Committee and authorized for public hearing as proposed by the applicant.

Purpose and Need

As put forth by the applicant:

The current code limits these State or Federally trademarked logos which incorporate additional colors to a specific size, regardless of the size of the building. The proposed language includes a sliding scale which permits larger buildings to include larger logos without allowing an increase to the total maximum signage for the building.

Alternatives Considered

No alternative other than the No Action approach was considered.

Scoping of Impacts

Potential adverse impacts of the proposed text change have been identified as follows:

- Although not necessarily an adverse impact, corporate branding may be more noticeable within multi-establishment developments throughout the City.

The adverse impacts of taking no action (retaining the existing regulations) have been identified as follows:

- Tenants located within multi-establishments will be less likely to utilize their standard corporate logos.

Impacts Summary

Adoption of Proposed Text Change

Adoption of TC-2-11 allows more of a businesses' allowable sign area to be devoted to a trademark logo employing additional sign colors (up to 36 square feet). The Sign Ordinance requires "Multi-establishments", more than one principal building, to comply with a Unified Sign Criteria. Part of the requirements for Unified Sign Criteria is that a maximum of 3 colors be specified to the sign and its background. However, the criteria allows Federal and State registered trademarks to employ additional colors provided they do not exceed 12 ¼ square feet and 3 ½ feet in any dimension. As proposed, TC-2-11 would allow Federal and State registered trademarks to employ additional sign colors in accordance with the following building size thresholds:

- 12 ¼ square feet for *buildings* containing less than 10,000 square feet;
- 18 square feet for *buildings* between 10,000 and 30,000 square feet;
- 25 square feet for *buildings* greater than 30,000 square feet, but less than 100,000 square feet; and
- 36 square feet for *buildings* 100,000 square feet or greater

However, TC-2-11 does not increase the total amount of signage allowed for any building.

No action

Under the "no action" alternative, the Sign Ordinance retains the maximum size of trademark logos employing additional sign colors to 12 ¼ square feet and a maximum of 3 ½ feet in any dimension.

**ORDINANCE NO. (2011) 872 TC 343
TC-2-11**

AN ORDINANCE TO AMEND THE CITY OF RALEIGH SIGN ORDINANCE TO INCREASE THE PERMITTED SIZES OF STATE OR FEDERALLY TRADEMARKED LOGO SIGNS WHICH USE COLORS WHICH ARE NOT A PART OF THE APPROVED SIGN CRITERIA, BASED ON THE SIZE OF THE ESTABLISHMENTS

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA that:

Section 1. Amend Section 10-2083.1(b)(3), Multi-establishments, by deleting subparagraph e. in its entirety and substituting in lieu thereof the following:

- “e. Specified maximum of three (3) colors to be applied to the *sign* and its background which *shall* be observed. Colors *shall* include black and white. Notwithstanding the three (3) color limit, such criteria *may* allow the use of one (1) additional color of either black or white or a color that matches the *building* material color of the wall on which it is attached, or the dominant exterior *building* material such as, but not limited to, brick or marble. Federal and State registered trademarks or service marks *may* employ additional colors; provided that, such trademarked signs:
 - (i) do not exceed twelve and one-quarter (12 ¼) square feet for establishments containing less than ten thousand (10,000) square feet,
 - (ii) do not exceed eighteen (18) square feet for establishments between ten thousand (10,000) and thirty thousand (30,000) square feet,
 - (iii) do not exceed twenty-five (25) square feet for establishments greater than thirty thousand (30,000) square feet, but less than one hundred thousand (100,000) square feet, and
 - (iv) do not exceed thirty-six (36) square feet for establishments one hundred thousand (100,000) square feet or greater;

and provided further that, the above allowances for trademarked signs do not increase the square footage of the total allowed signage for the *building*. The *sign* includes its casings, supports, and backings. Only those

signs which are erected or altered after the unified *sign* criteria is established *shall* be affected by the adopted unified *sign* criteria.”

Section 2. All laws and clauses of laws in conflict herewith are hereby repealed to the extent of said conflict.

Section 3. If this ordinance or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given separate effect and to the end the provisions of this ordinance are declared to be severable.

Section 4. This ordinance has been adopted following a duly advertised joint public hearing of the Raleigh City Council and the City Planning Commission following a recommendation of the Planning Commission.

Section 5. This ordinance has been provided to the North Carolina Capital Commission as required by law.

Section 6. This ordinance shall be enforced by law as provided in N.C.G.S. 160A-175 or as provided in the Raleigh City Code. All criminal sanctions shall be the maximum allowed by law notwithstanding the fifty dollar limit in G.S. 14-4(a) or similar limitations.

Section 7. This ordinance shall become effective five (5) days following its adoption.

ADOPTED: **May 3, 2011**
EFFECTIVE: **May 8, 2011**
DISTRIBUTION: Hallam, Bowers, Silver, Brandon
 Spruill, Fulcher