



ORDINANCE NO. 10-825

Amend Appendix A Zoning, Article 11 Sign Regulations

ARTICLE 11. SIGN REGULATIONS*

*Editor's note: Ord. No. 05-597, adopted July 12, 2005, amended article 11 in its entirety to read as herein set out. Former article 11, §§ 11.1--11.10, pertained to similar provisions, and derived from Ord. No. 00-463, 10-10-00; Ord. No. 02-522, 1-14-03; Ord. No. 03-534, 4-8-03; Ord. No. 05-590, 5-17-05.

Sec. 11.1. Purpose and intent.

It is the intent of the *Town Council* of the Town of Carolina Beach to protect public interest, safety and welfare and, to that end, the purposes of this article are specifically declared to be as follows:

1. To promote economic development while minimizing the negative impacts that *signs* may have on the visual appearance of the Town; and
2. To provide orientation and guidance to our tourists and visitors and identification of public areas, natural resources, historical and cultural landmarks and places of interest and in so doing reduce confusing, traffic congestion and air pollution; and
3. To inform and educate visitors and residents of opportunities and events both commercial and noncommercial occurring on Pleasure Island; and
4. To permit and regulate *signs* in such a way as to support and compliment land use objectives.

Sec. 11.2 Administration.

(a) Permit Issuance: The *zoning administrator* or his/her designated representative shall be the administrator of the Sign Ordinance.

(b) Number of *Signs*: Unless otherwise stated only one of each type of *sign* may be permitted per *development site*.

(c) Permit Required: Except as otherwise provided, no *sign* shall be erected, altered, constructed, moved, converted or enlarged except in accordance with the provisions of this chapter and pursuant to issuance of a *sign* permit.

(d) Process for issuance of a *sign* permit:

(1) Completed application.

(2) A scaled drawing displaying the location of the *sign* on the associated property, the *sign* dimensions, construction, height, setbacks from all property lines, lighting, electrical and all other elements associated thereto.

(3) Payment of the permit fee.

(4) All *permanent signs* shall be designed and constructed to meet the requirement of the NC Building Code. Depending on the type of *sign* construction, the *building inspector* may require engineered certified plans.

(5) Total number of *signs* existing on-site including the dimensions of each.

(e) *Signs* not requiring a permit: The following types of *signs* are exempt from permit requirements:

(1) *Governmental signs*

(2) *Window/door sign*

(3) *Real estate/ off-site real estate sign*

(4) *Construction sign*

(5) *Directional sign*

(6) *Political sign*

(7) *Open sign*

(8) *Patriotic and/or decorative flags*

(9) *Integral sign*

(10) Any sign required by a government agency (i.e. *address number sign*)

Sec. 11.3 Definitions.

For the purpose of this article, the following definitions shall apply, except where the context clearly indicates a different meaning.

"A" frame signs. Signs typically consisting of two (2) *sign* faces attached back-to-back by top hinges.

Address number sign. See Chapter 15 Article 4 of the Town Code.

Animated sign. Any *sign* that uses movement or change of lighting to depict action or create a special effect or scene.

Attached sign. Any *sign* painted on, attached to and erected parallel to the face of, or erected and confined within the limits of, the outside facade of any *building* and supported by such building facade and which displays an advertising surface.

Banner sign. A temporary suspended *sign* made of a flexible material such as canvas, sailcloth, plastic or waterproof paper that may or may not be enclosed or partially enclosed on a rigid frame (i.e. feather *signs*).

Billboard signs. *Sign* which advertises a business, product, organization, entertainment, event, person, place, or thing and which is located off-premises from the place of the advertised element(s).

Canopy/awning sign. Any *sign* consisting of lettering and/or logos applied to an *awning*, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area.

Construction sign. A *sign* that identifies on-site construction and future *development* to occur on the property and typically containing the names of contractors, architects, and lending institutions.

Directional sign. A *sign* for public direction or information containing no advertisement or commercial identification of any product or service. Typically, these *signs* consist of directional arrows, business names or logos, the words "entrance", "exit", "parking", etc.

Flags. Flexible materials such as cloth, paper, plastic and typically displayed on a flag pole, or *structure*. *Windssocks* are interpreted to represent permitted flagging.

Patriotic and/or decorative flags. *Flags* and insignia of governmental subdivisions, agencies, or bodies when displayed for patriotic purposes and/or *flags* with designs that are not promoting commercial businesses.

Commercial flags *Flags* intended for commercial promotion and/or advertisement.

Flashing sign. A *sign*, which contains or uses, for illustration, any lights or lighting devices, which change color, flashes or alternates, shows movement or motion, or changes the appearance of said *sign* or part thereof automatically on a time interval of less than sixty (60) seconds.

Freestanding sign. Any *sign* supported by *structures* or supports that are placed on, or anchored in, the ground and that is independent from any *building* or other *structure(s)*.

Governmental Sign. A *sign* provided and erected by a governmental entity which typically promote: (1) the health and safety of the community; (2) Town sponsored

events; (3) a public way finding system; and (4) any other Town activities as deemed appropriate by the Town Manager.

Human Sign. Costums or *signs* worn, held or carried by individuals for the purpose of attracting attention to a commercial site.

Integral sign. Memorial *signs* or tablets, names of *buildings*, and date of erection when cut into any masonry surface or when constructed of bronze or other incombustible materials mounted on the face of a *building*.

Non-conforming sign. Any *sign* which does not conform to the regulations of this article.

Non-profit sign. Any *sign* promoting churches, schools and and/or other noncommercial institutions.

Obscene. Means material which depicts or describes sexual conduct that is objectionable or offensive to accepted standards of decency which the average person, applying contemporary community standards would find, taken as a whole, appeals to prurient interests or material which depicts or describes, in a patently offensive way, sexual conduct specifically defined by the applicable State law, which, taken as a whole, lacks serious literary, artistic, political, or scientific value.

Off-site Real Estate Sign. Off-site *real estate signs* are generic *signs* with display content limited to a directional arrow and/or one descriptive phrase of "open house" and allowed off the premises from where the real estate product is being offered.

Off-premise parking sign. A *sign* used to direct vehicular traffic onto the parking premises where it is displayed for a business or service activities at another location, but cannot impede the line of sight for traffic.

Open sign. A *sign* or *flag* with a specific designated purpose of stating that a business is open or closed.

Permanent sign. All *signs* not designated as temporary.

Projecting sign. A type of attached signage placed at a right angle to the facade of the associated *structure*.

Political sign. *Signs* displaying political candidacy and/or messages as related to an election date and allowed only within a limited timeframe.

Portable sign. A *sign* attached on support frame without lighting.

Public information sign. Sign provided and erected by a governmental entity or non-profit organization, which typically gives direction to governmental or community institutions, amenities, or displays regulations or notices.

Real estate sign. A sign that is used to offer for sale, lease, or rent the property upon which it is placed.

Roof sign. Any sign erected or constructed upon the roof of any building and supported solely on the roof of the building.

Sign. Any surface, fabric, device, or display which bears lettered, pictorial, or sculptured matter, including forms shaped to resemble any human, animal, or product, designed to convey information visually and which is exposed to public view. The term "sign" shall include all structural members. A sign shall be constructed to be a display surface or device containing organized and related elements composed to form a single unit. In cases where matter is displayed in a random or unconnected manner without organized relationship of the components, each such component shall be considered to be a single sign.

Sign area. The area of a signs composed in whole or in part of freestanding letters, devices or sculptured matter not mounted on a measurable surface shall be constructed to be the area of the least square, rectangle or circle that will enclose the letters, devices and/or sculptured matter. The area of a double-faced sign shall be the area of (1) face of the sign, provided that the two (2) faces are of the same size and are parallel to one another with no more than twenty-four (24) inches between each sign face.

Sign height. The height of a sign shall be computed as the distance from the base ground level to the top of the highest vertical attached component of the sign.

Snipe sign. Any sign of any material whatsoever that is attached in any way to a utility pole, tree, street sign or pole, or any object located or situated on public or private property.

Subdivision entrance sign. A sign identifying a development, located on-site, and at the major entrance point(s) to such development.

Special event sign. A sign advertising a special community-wide event such as: community fishing tournaments, schools or civic events, and/or festivals.

Temporary sign. Any sign that advertises or directs attention to a product, event, election, activity, meeting, exhibition or performance of any kind where such sign is not permanently affixed, placed, attached or erected, and may have time limitations.

Tow Truck sign. See Article VII. Wrecker/towing services and impoundment of the Town Code

Vehicle/trailer sign. Any sign mounted on a *vehicle, boat, or trailer* and used for advertising or promotional purposes.

Window/door sign (interior/exterior). A *sign* located within the interior or exterior of the transparent area of any window or door.

Yard sale sign. See Chapter 8-136 through 138 of the Town Code.
(Ord. No. 05-597, 7-12-05; Ord. No. 07-688, 6-12-07)

Sec. 11.4 Prohibited signs/displays.

The following *signs* are prohibited within the jurisdictional limits of the town.

- (a) *Billboard signs.*
- (b) *Signs* in disrepair, that are unsafe, which no longer can be easily recognized for their intended purpose due to disrepair or fading, or is no longer applicable to the associated property use.
- (c) Strobe lights or any other type of flashing lighting or beacons.
- (d) Moveable, *animated, or flashing signs.* Except as permitted as temporary *human signs.*
- (e) Pennant or consecutively linked flagging or similar devices.
- (f) *Signs* which resemble or are visibly similar to official governmental traffic *signs* or signals or employ lighting, or employ the words of official *signs* such as "stop", "caution", "danger", "slow", or "warning".
- (g) *Signs* located within or protruding in public areas or rights-of-way, unless specifically permitted herein. Any person erecting a sign in a public area shall indemnify and hold harmless the town and its officers, agents, and employees from any claim arising out of the presence of the *sign* on town property or rights-of-way.
- (h) *Signs* that make noise.
- (i) *Signs* displaying or containing obscenities.
- (j) *Roof signs*
- (k) *Snipe signs.*
- (l) Handwritten messages on *permanent signs* .

(m) No *sign* shall block any *Vision clearance* (i.e. a 30 X 30 site triangle at intersections and driveways).

(n) any other *sign* not mentioned by this ordinance
(Ord. No. 05-597, 7-12-05)

Sec. 11.5 Sign lighting.

(a) Interior *sign* lighting shall be shaded with an opaque *sign* face surface sufficient to reduce the glare on roadways and surrounding properties.

(b) *Signs* utilizing bare bulbs or neon type lighting shall be such that minimizes the glare on roadways and surrounding properties.

(c) Exterior flood or similar type *sign* lighting shall be directed on the *sign* only, minimizing reflective glare off the *sign*, and not reflect or glare onto roadways or adjacent properties.

(Ord. No. 05-597, 7-12-05)

Sec. 11.6 Allowable Signs

(a) The following signs shall be permitted in all zoning districts:

(1) *Construction sign*

(i) A temporary, non-illuminated *sign* not to exceed twenty (20) square feet in area and five (5) feet in height and shall only be allowed with a valid *building permit*, except as provided in (iii) below.

(ii) A *construction sign* shall be removed within 30 days after the issuance of a *certificate of compliance*.

(iii) Where no *building permit* was required (i.e. painting a house) the *construction sign* shall be removed within 30 days after the work was completed.

(2) *Governmental signs*. Size, location, and length of time of these *signs* shall be approved by the Town Manager or his/her designee.

(3) *Integral sign*. Not to exceed four (4) square feet in size.

(4) *Political candidacy signs*.

(i) One (1) *sign* shall be permitted per individual *lot* or parcel for each candidate for office or side of a ballot measure or issue; for a *lot* or parcel with

frontage on a second *street*, one additional *sign* for each candidate for office or side of a ballot measure or *issue* shall be permitted.

(ii) Such *signs* shall not be located on Town property or *buildings*, except within specified proximity of polling places on Election Day, under rules established by a *county board of elections*.

(iii) Such a *sign* shall be removed within 10 days following the date of any election or *other event* to which it refers, except that *signs* for successful primary election *candidates*, eligible for the general election, may remain after the primary election; this *time limit* shall not apply to a *sign* which does not refer to an election or other event.

(iv) Such a *sign* shall not exceed 6 square feet in area per *sign* face or 5 feet in height, except where such *sign* is erected in place of another type of *sign* permitted at that *location*, in which case it may be the same size and subject to the same conditions as *such sign*. Depending on the size and location of the *sign* a *building permit* may be *required*.

(v) The person, party, or parties responsible for the erection or distribution of any such *signs* shall be jointly and liable for the removal of such *signs*.

(vi) The property occupant or, in the case of unoccupied property, the property owner, *shall be responsible for violations on a particular property*.

(5) *Patriotic and/or decorative flags*. May be displayed as *freestanding* or *attached* subject to *the following specifications*:

(i) Shall not protrude more than three and one-half (3 ½) feet from the front, side, or *rear facades of a building*.

(ii) Maintain a minimum clearance from adjacent ground and/or sidewalk, level to the lower portion of the displayed *flagging* or support member of eight (8) feet.

(iii) Limitation on quantity of one (1) *flag* per each twenty-five (25) feet of road *frontage or building frontage on the primary frontage street*.

(iv) *Flagging* size shall be limited to a maximum of thirty-six (36) inches by sixty (60) *inches*.

(v) *Windsock* size shall be limited to twelve (12) inches diameter by sixty (60) inches *length*.

(vi) All *flags* and *windsocks* shall remain within the boundaries of the property for which they are permitted.

(6) *Real Estate and off-site real estate signs.*

(i) Located on private property only with written permission of the applicable property owner(s).

(ii) Size of sign shall be based on the amount of road frontage, calculated as 6 square feet for every 50 feet of road frontage per lot with a maximum size of 36 square feet.

(iii) Maximum *sign height* is five (5) feet in height measured from the adjacent ground elevation to the uppermost portion of the *sign*.

(iv) All *signs* shall be freestanding on their own independent support posts/pole or attached to the building for sale or rent.

(v) Off-site *real estate signs* shall only be allowed during open house hours while a real estate representative is on-site.

(7) *Subdivision entrance signs.* Two (2) attached *subdivision entrance signs* or one monument or *freestanding sign* per principal entrance are allowed. Such *signs* shall designate the subdivision by name or symbol only and under all circumstances they shall be rigidly and securely anchored against movement. Such *signs* shall not exceed an area of twenty (20) square feet per *sign* face and an aggregate area of forty (40) square feet if *signs* are multiple faced, nor shall they exceed a height of six (6) feet if freestanding. They may be illuminated.

(b) Special Allowances for *nonprofit signs* in all zoning districts.

(1) *Freestanding Sign.* One *sign* shall be allowed that is no more than 20 square feet in area and is setback at least ten (10) feet from all property lines.

(2) *Public information signs.* Permanent locations shall include public or private sites for standing meetings of clubs or property owned by a recognized church or denominational body. All *directional* or informational *signs* shall be subject to the following restrictions:

(i) *Signs* shall not exceed six (6) square feet in size nor eight (8) feet in height (top of panel).

(ii) *Signs* shall not be illuminated.

(iii) *Sign* lettering shall not exceed four (4) inches in height.

(iv) *Sign* content may include name and address of organization, logo, directional arrow, and meeting times. No commercial business or product shall be advertised.

(v) These *signs* may be located off-site under the following provisions

(a) *Signs* shall only be allowed at major highway intersections and shall not be located in a public right-of-way or block visibility at any intersection.

(b) Two (2) *public information sign* panels (each for a different organization) may be placed on a single location.

(3) *Special event signs.*

(i) The town manager and/or *town council* shall approve the location, number, and length of time the *sign* may be displayed.

(ii) Off-premise *special event signs* shall be allowed with the written consent of the property owner.

(iii) On-site or off-site *special event signs* shall be limited to twenty (20) square feet.

(iv) An off-premise *special event sign* may be issued that has advertisements for local businesses as long as the *sign* is displayed in exchange for charitable contributions for the purposes of funding non-profit initiatives (i.e. Boardwalk Makeover *sign* with advertisements for sponsors).

(c) The following *signs* shall be permitted in all commercial zones (CBD, NB HB, MB-1, I-1, T-1, MF, and MX zoning districts.)

(1) *Attached signs*

(i) Shall be allowed on all sides of a business. The total allowable *building face* signage shall not exceed 25% of the front *building face* and may be apportioned among any/all *building faces*. A *building face* shall be measured from ground level at the foundation to the roof overhang (or junction of roof and front wall line) and from side to side of *building*.

(ii) If utilized, projecting signage shall have a clearance of at least ten (10) feet between the adjacent ground level and the lowest portion of the *sign*.

(iii) No attached *sign* shall project more than four (4) feet from the *building facade*.

(iv) Canopy/Awning *sign* shall be considered as attached *signs*. In no instance shall a canopy/awning *sign* exceed the canopy awning area.

(2) *Commercial flags*: shall meet all requirements for patriotic and/or *decorative flags* as listed in 11.6 (a).

(3) *Construction signs*: permitted as described in 11.6 (a) (1) with size limitations of forty (40) square feet in area and fifteen (15) feet in height.

(4) *Directional signs*

(i) On premise *directional signs*: shall be limited to four (4) square feet and three (3) feet in height.

(ii) Off premise *directional signs*:

(a) Maximum size of any off premise *directional sign* shall be one (1) foot by two (2) feet.

(b) An off premise *directional sign* is only to be used to direct vehicular traffic when there is off premise parking.

(c) An off premise *directional sign* shall only be located upon undeveloped parcels of land. When the parcel is developed, the off premise *directional sign* shall be removed.

(d) An off premise *directional sign* may only delineate the name of the business, logo, and distance the business is from the site of the *sign*, no other advertisement of products or services is permitted.

(e) An off premise *directional sign* shall not be lighted.

(Ord. No. 05-597, 7-12-05; Ord. No. 07-688, 6-12-07; Ord. No. 07-699, 08-14-07)

(5) *Freestanding sign*. Size of *freestanding sign* = 1/2 sq. ft. of *sign area* per one (1) linear foot of road frontage not to exceed the below requirements. A permanent *freestanding signs* shall have a minimum setback of ten (10) feet from all property lines.

Type of <i>Development</i>	Number of <i>Signs</i> Permitted	Max. Faces Per <i>Sign</i>	Max. Area Per Face
Multi Family Residential	1 maximum	2	50
Nonresidential up to 2,500 s.f of <i>building area</i>	1 maximum	2	50
Nonresidential 2,500 up to 15,000 s.f of <i>building area</i>	1 maximum	2	64

Nonresidential greater than 15,000 s.f of <i>building area</i>	1 maximum	2	100
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(6) *Open Signs*: Each business shall be allowed one (1) attached *open sign* and one (1) *open flag*. Attached *open sign* shall not exceed eighteen (18) inches by thirty (30) inches. *Open flags* shall not exceed thirty-six (36) inches by sixty (60) inches.

(7) *Temporary Signs*.

(i) Number of *temporary signs* allowed at *Shopping Centers*:

(a) One *temporary sign* may be displayed on private property only, adjacent to the public right of way per *shopping center* year round.

(b) One additional *temporary sign* may be displayed per business that is located within two (2) feet of the front *building* façade and is consistent with ADA requirements. *Temporary signs* shall not be calculated as part of the allowable square footage for attached signage.

(c) No *temporary sign* shall extent above the roof or on the roof of a building.

(ii) Number of *temporary signs* allowed for *Individual Commercial Sites*:

Only one *temporary sign* may be displayed as described in either (a) (b) or (c) of this section.

(iii) Types of *temporary signs* allowed:

(a) *A-frame sign*

(1) Area and height. *A-frame signs* shall not exceed eight (8) square feet per side in area with a maximum height of four (4) feet.

(2) Display hours. *A-frame signs* shall not be lighted and are for display during business hours only.

(3) *A-frame signs* in the CBD: *A-frame signs* may be placed on the sidewalk directly in front of the associated use. The *sign* shall be placed directly beside or in front of the *building*. No *A-frame sign* shall be placed where the unobstructed space

for the passageway of pedestrians is reduced to less than four (4) feet.

(b) *Balloons*

displayed at a
(24") in
within two
the *building*;
foot-wide area
adjacent

(1) No more than one (1) bunch of six (6) *balloons* may be business location;

(2) Each balloon can be no greater than twenty-four inches diameter;

(3) All balloons shall be attached to the *building* or placed (2) feet of the *building*;

(4) Balloons shall not exceed the height of the first floor of

(5) In order to maintain accessibility, a minimum five (5) shall remain free and clear of balloon encroachments on all sidewalks.

(c) *Banner sign* shall be limited to twenty (20) square feet in area and ten (10) feet in height.

(d) *Human sign* shall be allowed up to six (6) square feet in area occurring in day light hours only.

(e) *Portable sign* shall be limited to ten (10) square feet and five (5) feet in height.

(f) *Vehicle/trailer sign*

purposes during
the *vehicle/trailer* shall be removed.
from
feet above the

(1) Shall be allowed in an on-site surplus parking space.

(2) The *vehicle/trailer* may be used for sign display business hours only. After business hours

(3) No part of the *sign* shall protrude below or extend out the *vehicle* except a *sign* may protrude up to two (2) roof of the *vehicle*.

(4) *Vehicle/trailer signs* shall have no more than two axles and shall fit in a 9'X18' *parking space*.

Sec. 11.7. Non-conforming signs, illegal signs, violations and penalties.

(a) Any *sign* or portion thereof existing prior to the adoption date of this article and which is in violation of this article may continue to exist when not allowed to become in a state of disrepair or unsafe for a period of two (2) years from the adoption date of this article. Thereafter, said *signs* shall be removed and/or modified to conform to the standards as specified herein.

(b) *Signs* erected after the adoption date of this article which violate the provisions of this article shall apply for the applicable permits and approvals or remove immediately upon notice of the *building inspector* or code enforcement officer. Failure to comply with the violation notice issued by the *building inspector* or code enforcement officer shall result in penalties of fifty dollars (\$50.00) per each day of violation and/or other legal remedy as applicable.

(Ord. No. 05-597, 7-12-05)

ARTICLE 23 DEFINITIONS

Vision clearance. In order to maintain an acceptable and safe line of sight for motor *vehicle* drivers, no parking spaces, fences, walls, posts, *signs*, lights, *shrubs*, trees or other type of obstructions not specifically exempted shall be permitted in the space between thirty (30) inches above ground level and ten (10) feet above ground level within a sight distance triangle. A sight distance triangle shall be the visually unobstructed area of a street/driveway corner as determined by measuring a distance of thirty (30) feet along the intersecting *curb* lines, or edges of pavement of the intersecting street/driveway if *curbs* are not present, and connecting the two (2) points by a straight line to form a triangular shaped area over the corner.

Sign: See Article 11 to view the definitions associated with signs.

Adopted this 13th day of April 2010


Joel A. Macon, Mayor

Attest:


Melinda N. Prusa, Town Clerk

