

## ARTICLE 18. SIGN REGULATIONS

### Section 18-1. Purpose

The purpose of the Article is to provide fair and comprehensive regulations that will:

- (A) Provide a pleasing overall environmental setting and good community appearance which is deemed vital to tourism and to the continued economic attractiveness of the Town;
- (B) Allow signs appropriate to the planned character of each zoning district;
- (C) Promote highway safety, the welfare and comfort of travelers, the convenience of the public and the enjoyment of public travel;
- (D) Restrict signs that overload the public's capacity to receive information and increase the probability of accidents by distracting attention or obstructing vision;
- (E) Protect property values within the Town and its extraterritorial area;
- (F) Determinations of applicability of this Article and related articles shall be made by the Administrator.

### Section 18-2. Scope

The provisions set forth in this Article shall apply and govern in all districts and shall regulate the construction, erection, alteration, use, location, size and height of all signs, regardless of their construction cost. The provisions of this Article shall not apply to:

- (A) Signs not visible beyond the boundaries of the lot or parcel upon which they are situated or from any public thoroughfare, right-of-way.
- (B) Traffic signs, and all other signs erected or maintained by a municipal or governmental body or agency, and including danger signs.
- (C) Temporary signs customarily associated with festivals or occasions recognized by the Town Board during the duration of these festivals.

### Section 18-3. North Carolina State Building Code Volume 1A

North Carolina State Building Code Appendix H, Signs and Outdoor Displays, is included in its entirety as part of this article. Note: Any sign referenced in the code book does not constitute acceptance in the UDO.

### Section 18-4. General Provisions

It shall be illegal for a sign to be placed in the Town or extraterritorial jurisdiction except as provided in this Article.

- (A) Traffic Hazards and Sign Illumination

- (1) No flood lights shall be utilized as apart of a sign illumination system which impairs driver vision.
- (2) No sign illumination system shall contain or utilize any beacon, spot, search or stroboscopic light or reflector which is visible from any public right-of-way or adjacent property, nor shall such lights be operated outside, under any circumstances, except by authorized public agencies.
- (3) No sign shall be animated, revolve or move in any way.
- (4) No sign shall obstruct the view of motor vehicle operators entering a public roadway from a driveway, street or alley.
- (5) No sign shall be permitted which may be confused with an official traffic sign, signal or devise, or any other official sign which uses the words “stop,” “warning,” “danger,” “caution,” or similar words implying the existence of danger or need for stopping or maneuvering.

(B) Design Standards

- (1) All permanent signs shall be constructed of durable materials and designed to meet all applicable requirements of the North Carolina State Building Code inclusive.
- (2) A sign shall not be erected, constructed or maintained so as to obstruct any fire escape or any window or door opening used as a means of fire escape, or any window or door or opening used as a means of egress.
- (3) All projecting signs at the intersection of building corners shall intersect at right angles to the building front.
- (4) No projecting sign shall extend above the roof line or the parapet wall, nor shall it project more than 4 feet beyond the wall face of the building.
- (5) Buildings with 2 or more stories may not locate projecting signs higher than 24 feet above grade.
- (6) No wall sign may extend above the parapet walls.
- (7) No wall sign may extend above the lower eave line of a building with a pitched roof, except if the roof is a mansard-type roof, in which case the sign may be attached flat against, but not extend above, the roof.
- (8) All permanent signs shall be anchored or affixed and constructed as required by the N.C State Building Code.
- (9) Setbacks. In the case of a structure erected to the property line, a wall sign shall be erected flush to the building and no lower than 8 (eight) feet above sidewalk or grade. Unless specifically exempted herein, signs shall be located entirely within the property lines and situated so no traffic hazards are created.

(10) Signs in Disrepair and Unsafe Signs

- (a) All signs, together with all their supports, braces, guys, and anchors shall be kept in good repair and perpetually maintained in safe condition, free from deterioration, defective or missing parts or peeling or faded paint, and able to withstand the required wind pressure.
- (b) The administrator may order the repair or removal of such signs that are not maintained in a safe condition and in good repair in accordance with the provisions of this Article. If the administrator shall find any sign in violation of this section, then he shall give notice to the property owner via certified mail specifying the location of the hazard or deteriorating sign, what needs to be done to render the sign safe and in good repair, and that in the event the same is not done by the owner that the Town will remove the sign at the expense of the owner of the property upon which it is located. Service of the written notice shall be made in person or via certified mail. Service shall be deemed complete upon delivery; in the event the address of the person to be notified is unknown or the notice which has been mailed has been returned, such notice may be served by posting the same on a conspicuous place on the premises on which the nuisance is located and by advertising said notice in the local newspaper, in which event service shall be deemed complete after the preceding is accomplished.
- (c) The person so notified shall remove or initiate alteration of such sign within 14 days of such notice, and such sign condition shall be completely rectified within 60 days. If the person(s) so notified fail or refuse to remove or alter such sign within the time period specified, then the administrator may cause such sign to be removed at the expense of the owner of the property upon which is it located.
- (d) Should any sign become unsafe the owner thereof, or the person or firm maintaining the same, shall upon written notice from the Town Administrator forthwith in the case of immediate danger, and in any case within 14 (fourteen) days, remove such sign or secure the same in a manner to be approved by the administrator, in conformity with the provisions of this ordinance. If such order is not complied with within 14 (fourteen) days, the administrator may remove such sign at the expense of the owner or lessee thereof.
- (e) In the event any sign is damaged such sign may be restored, reconstructed, or repaired.

**Section 18-5. Prohibited Signs**

(A) Signs Within or Near the Street Right-of-Way and Public Ways

- (1) No signs shall overhang or be erected in any street right-of-way. Traffic regulation, information or warning signs erected by the State Department of Transportation or signs erected by the town are exempt.

- (2) No sign shall be permitted in the vertical area between two and one-half feet and 10 feet above the adjacent crown of the road unless the sign is set back 20 feet or more from the adjacent street edge.
- (3) This section shall not apply to any sign, signal or other information device erected or placed by a governmental agency, nor to any mail box or postal receptacle required and approved by the postal service.
- (4) Signs, including banners, painted on or attached to trees, fences or fence posts, and telephone or utility poles, or signs on or attached to rocks or other natural features.
- (5) Any commercial identification or advertising on refuse containers.
- (6) Pavement markings except those of a customary traffic-control nature.
- (7) Signs attached to or painted on piers and sea walls except for one on-premises building identification sign not to exceed 6 square feet per establishment. Signs on buildings located on piers shall not be prohibited, but shall conform to the other provisions of this section.
- (8) Off-premises signs.
- (9) Portable signs and outdoor displays and decoration, such as but not limited to, balloons, streamers, spinners, and other similar types of lighter-than-air objects and any other outside advertising display fastened in such a manner as to move upon being subjected to air are prohibited except as provided for under Section 18-6.
- (10) Any sign or outdoor advertising display which contains obscene statements.
- (11) The use of decorative lighting except as seasonal decorations.
- (12) Any sign located or designated so as to intentionally or effectively deny an adjoining property owner reasonable visual access to an existing sign.
- (13) Obsolete and abandoned signs that advertise or pertain to a business, product, service, event, activity or purpose which is no longer conducted, available, not been in use for 3 months, or any sign structure that no longer displays any sign copy.
  - (a) Signs associated with a business that is normally open on a seasonal basis shall not be considered to be obsolete or abandoned, provided there is a clear intent to continue operation of the business within nine months.
  - (b) When any sign is relocated, made inoperative, or removed for any reason except for maintenance, all structural components including the sign face and sign structure shall be removed or relocated with the sign. All structural; components of freestanding signs shall be removed to the ground.

- (c) The administrator shall have the right to remove such signs if the owner fails to remove such sign with 14 days of written notification, or if the owner cannot be located; and the costs shall be collected as provided for real and personal property taxes.
- (14) Vehicle signs. Signs placed on vehicles or trailers which are parked or located for the primary purpose of displaying said sign. This does not include temporary construction sites vehicles on active construction sites. Motor vehicles are prohibited from parking or navigating around the Town of Calabash while displaying any movable, changeable copy that advertises for the owner of the vehicle or for another business, product, or service not associated with the owner of the vehicle except as described below:
  - (a) Such vehicles may be parked, temporarily, for routine service to the vehicle. However, such vehicle shall discontinue any movement of copy during the said service visit.
  - (b) Such vehicle may be parked in one spot for no more than one hour in one 24-hour period. However, such vehicle shall discontinue any movement of copy during the stop.
- (15) Animated signs.
- (16) Name-brand/off brand off-premise outdoor signs such as, but not limited to, ice cream, milk and cigarettes.
- (17) Neon “open” signs attached to any on-premises freestanding sign.
- (18) Suspended signs.
- (19) Any other type or kind of sign which does not comply with the terms, conditions, and provisions contained in this section.
- (20) Signs painted on roofs.

**Section 18 -6. Signs for Which a Permit is Not Required**

- (A) Traffic, directional, warning or information signs authorized by any public agency.
- (B) Real estate signs advertising the sale, rental or lease of all or a portion of the premises on which it is displayed during the sale, rental or lease period, subject to the following restrictions:
  - (1) Non-residential land uses, 20 square feet maximum area for each side (2 side maximum), 8 feet maximum height, and must be placed no less than 10 feet from the curb or street edge. One such sign allowed per street frontage.
  - (2) Residential land uses, 6 square feet for the first dwelling unit plus one square foot for each additional unit with 20 square feet maximum area, maximum height four feet for one unit, 8 feet for multi-family. One such sign allowed per street upon

which premises abuts and the sign shall be located no less than 10 feet from the curb or roadway.

- (C) Private street or road name signs.
- (D) “No trespassing,” “no dumping,” “no loitering,” and like signs not exceeding 2 (two) square feet in area.
- (E) “Open house” signs, provided there are not more than one such sign per house on the same premises, the maximum are is three square feet, and the maximum height above ground is four feet. Such signs are permitted only at residential locations. Open house signs can be erected 3 (three) days in advance. Signs are to be removed immediately after the open house.
- (F) Residents are permitted 2 yard/garage sale signs. All signs must be removed at the conclusion of the sale. No signs can be placed on any property other than the site of the sale. Two off-site directional signs are permitted but only during the hours of the sale. Signs cannot be posted on utility poles. Off site signs must be removed at the close of the yard sale each day the event is held. (Reference Chapter 112 of the code book for additional details.)
- (G) Holiday season decorations, provided no business identification or commercial message is contained therein.
- (H) Construction signs. Only one sign per street frontage shall be allowed per site. The sign can have the name of the project as the leading announcement. All other announcements such as developer, contractors, subcontractors, architects, and financing shall be included as subsection only. Overall size of a sign shall not exceed 40 square feet. The sign shall be located no less than 10 feet from the curb or edge of roadway and shall not protrude into any public right-of-way. The sign shall be removed from the site prior to issuance of final Certificate of Occupancy.
- (I) Temporary window signs, except such shall not exceed 25% of the gross glaze window area. No permit is required.
- (K) Flags are permitted.
- (L) Motor vehicle or vehicle “for sale” signs are permitted; provided, however
  - (1) “For sale” sign shall be affixed to the motor vehicle or vehicles and shall not exceed 18” x 18” in size.
  - (2) Shall not be parked on a public street or public property overnight.
  - (3) Shall not be parked overnight on other than the property owned or occupied by the motor vehicle (s) owner.
  - (4) Shall not be more than one motor vehicle or vehicles or combination of the two “for sale” on any one premise at the same time; except, however, new or used car lots are exempt.

- (M) One or more signs applied to a windowpane giving store hours or the name (s) of credit card, when the total area of any such sign(s) together does not exceed 4 square feet.
- (N) Certain signs to be posted for a limited period of time only(not to be permanently placed) Signs that meet this requirement include, but are not limited to (at the discretion of the administrator);
  - 1. Free-standing A-Frame signs shall be permitted, one per business to advertise/promote a special sale or event. Such signs shall only be permitted during business hours (signs must be removed when the business is closed). Only non-illuminated A-Frame signs are allowed – no other types of temporary signs are permitted. A-Frame signs shall not exceed 3-feet by 4-feet (12-square feet) per side. No signs shall be placed in the street right-of-way.
  - 2. Vehicular displays, mobile promotional advertising statuary, and wheeled conveyances.
- (O) Business identification signs refurbishment, repainting, and refacing with no structural change and no enlargement.

**Section 18-7. Signs that Require a Permit – No Fee**

No such signs shall be installed prior to receiving a no fee permit.

- (A) One-site private traffic directional signs provided the sign(s) shall be located within a zone of from 4 feet to 10 feet from the edge of the curb or the edge of the traveled portion of any unpaved road. Must be elevated no higher than 30 inches above the general level of the roadway and may not exceed 4 square feet for each sign. A maximum of one such sign shall be permitted at each point of ingress and egress.
- (B) Non-contiguous parking signage is allowed on non-contiguous parking sites provided they comply with the aforementioned location and dimension requirements. Limited business identification can be included.
- (C) Campaign signs placed are subject to the following:
  - (1) Can be placed 60 days prior to the election.
  - (2) Shall not be placed within a public right-of-way.
  - (3) Shall not be attached to trees, fences, or utility poles.
  - (4) Shall not be larger than 16 square feet in area.
  - (5) Campaign signs placed in violation with (1) through (5) above may be removed by the Town without notice.
  - (6) Violation fees apply to federal, state and county election signs only.
- (D) Temporary signs customarily associated with festivals or other occasions recognized by the Town Board. Such signs shall require a permit upon which shall be specified the period of time such temporary signage shall be allowed.
- (E) Temporary business signs or banners of a non-illuminated nature announcing or advertising the opening of a new business or going-out-of-business sale. Such sign relating to the opening of a new business shall be limited to 30 days prior to and 30 days

following the business opening. Such sign relating to going-out-of-business sale shall be limited to 30 days except, however, such sign shall be removed within 72 hours following the closing of the business.

- (F) Portable non-illuminated signs announcing any public, charitable, educational or religious event or function, provided such signs are located entirely within the premises on the institution, set back no less than 10 feet from the property line, do not exceed a sign area of 40 square feet, and do not constitute a safety hazard in the opinion of the administrator. Such signs shall be allowed no more than 30 days prior to the event and must be removed within 48 hours after the event or function. If building mounted, these signs shall be flat wall signs and shall not project above the roof line. If ground mounted, the top shall be no more than 8 feet above ground level. No fee permit is required.
- (G) Sun shades, while permitted, cannot contain any business names, text, pictorial display or advertising.

### **Section 18-8. Banners**

Banners are permitted but shall not be displayed outside any business without first obtaining a permit. Permits are only available for a 30 day period from the date of the permit. The maximum size is 60 square feet and shall not be capable of illumination. Banners must be maintained and be cosmetically appealing. Only 2 permits are available for each business per calendar year and shall advertise the event proposed on the application.

### **Section 18-9. Required Signs**

So as to provide efficient emergency vehicle operations, as well as to aid in the location of homes, businesses, and other properties with addresses, this section requires each detached building to display its street address number in a prominent fashion so as to allow the number to be clearly readable from the street on which the building has primary frontage. Sign size shall not exceed 2 square feet. Minimum height of numerals shall be 4 inches.

### **Section 18-10. Application for Permit**

- (A) All applications for sign permits shall be made to the Town. The following information shall be submitted with an application for a sign permit:
  - (1) Identification of ownership of property on which the sign is to be erected, or written authorization of the owner of the property and tax map number of property.
  - (2) Name, address and telephone number of the owner of the sign and the name, address and telephone number of the sign maker.
  - (3) Site plan sketch showing the location of the sign with respect to the property and right-of-way lines and any buildings, parking areas, lighting and other improvements.
  - (4) Exact size, shape, configuration, design, area, height, nature, number and type of sign to be erected. All signs require installation details to insure they comply with 130 mph wind zones and related codes.

- (5) The contracted value of the sign, material, labor and installation.
  - (6) Any other information, specifications, photographs, or the like, deemed necessary by the Building Inspector or Administrator in order to assure compliance with the town ordinances and the requirements of this North Carolina State Building Code.
- (B) If the application is denied, the applicant shall be notified in writing of the reason or reasons for the denial of a permit. Appeals shall be as established in Article 5.
  - (C) Fees. Before issuing a permit, the fees, where required, shall be collected. A schedule of such fees is maintained by the Town Clerk.
  - (D) Double Fees. Should a person, firm or corporation actually begin any work for which a permit is required by this section without taking out a permit, the applicant may pay, in addition to the fees above described and provided, an additional amount equal to 100% of the fees above prescribed and may be subject to the penalty provisions set forth in Article 7.
  - (E) Inspection. The Building Inspector or Administrator shall require inspection of any construction work to ascertain compliance with the provisions of this section and other laws which are in force, and to ascertain that the sign is erected and anchored as indicated on the approved sign permit application. Equipment necessary for the Building Inspector to perform his inspection shall be provided by the sign installer.

**Section 18-11. Sign Area Computation**

- (A) The sign area of a wall sign which consists of individual letters that are erected directly onto a wall exclusive of any sign surface, is measured by finding the area of the minimum imaginary rectangle or square of vertical and horizontal lines which fully enclose all sign words, copy or message with eight lines or less.
- (B) The sign area of signs with three or more sides (multi-side signs) containing copy, message, decoration, or announcement is measured by the sum of sides visible from a public way.
- (C) Only one side of a double faced or V-shaped sign shall be counted in determining area when the angle of the “V” is no greater than 45 degrees.
- (D) The sign area of any other sign is measured by finding the area of the minimum imaginary rectangle or square of vertical or horizontal lines.
- (E) The support structure/frame work of a sign shall not exceed 25% of the total maximum allowable area as computed per site. If the supportive structure exceeds 25% the signage must be decreased proportionally.

**Section 18-12. Zoning District Sign Regulations**

- (A) Signs permitted in R-15, R-6, MFH-11, PUD Districts
  - (1) In subdivisions with more than 10 lots, 2 subdivision entrance signs per principal entrance are allowed. Such signs shall designate the subdivision by name or

symbol only and shall be placed on the face of a masonry entrance wall or similar structure to the subdivision or residential district. Such signs shall not exceed 32 square feet per sign and an aggregate area of 64 square feet per entrance, nor shall they exceed a height of 7 feet. If a double faced sign is used without the entrance wall, only one such sign is allowed per entrance.

- (2) In subdivisions with 10 or fewer lots, one subdivision identification sign is allowed. Such sign shall not exceed 24 feet in area nor 7 feet in height.
  - (3) One identification sign for each principal use allowed for religious, public, educational, and public recreational uses, provided it shall not exceed 50 square feet in area per sign face. The maximum height of the sign shall be ten feet if freestanding.
  - (4) Multi-family group development structures are permitted either a single free standing identification sign ( not to exceed a maximum height of 7 feet with the sign at 24 square feet). Identification of the building itself shall not exceed 16 square feet. The area surrounding the sign shall have sufficient landscaping.
  - (5) One identification sign for each home occupation is permitted, but shall not be closer than 10 feet to any property line or street right-of-way, shall not project higher than 2 feet above ground level, shall not exceed 2 square feet in area, and shall not be illuminated.
  - (6) The free standing sign plan must include details as to how the area under and around the sign will be landscaped and the manner in which the plant material will be maintained so as to ensure aesthetics. Specific details of lighting the sign shall be included on the permit application.
- (B) Signs permitted in ID Industrial District, HC Highway Commercial District, CB Central Business District, and RC Residential/Commercial District
- (1) There shall be permitted one on-premises freestanding sign per location which shall not exceed 30 feet in height.
    - (a) Principal property frontage up to 100 linear feet shall be allowed one square foot per linear foot of principal property frontage to a maximum of 100 square feet per street frontage side.
    - (b) Principal property frontage in excess of 100 linear feet shall be allowed an additional 5 square feet per ten linear feet of principal property frontage in excess of 100 linear feet with a total not to exceed 200 square feet per street frontage side.
  - (2) Total signage area per location shall not exceed the total area allowable under (B) (1)(a) and (b), above.
  - (3) Wall signs with an area of one square foot per linear foot of building frontage are allowed provided the area does not exceed the total allowable area.
  - (4) Window signs are not to exceed 50% of glazed area including the inside area within 2 feet of the face of the building and visible from the exterior.

- (5) Commercial centers shall be allowed one free standing commercial center identification sign per location in accordance with the provisions enumerated in (B) (1).
    - (a) Individual businesses within a commercial center shall be allowed one and no more than three business identification sign attached to the structure in which the business is located. Such signs shall not exceed 1.5 square foot per linear foot of building frontage for each business.
    - (b) Individual businesses within a commercial center shall be allowed one business identification sign attached to the commercial center and a freestanding identification sign provided total area of freestanding sign does not exceed that allowance under (B)(1)(a) and (b).
  - (6) Changeable Message Signs/Boards. Such signs are not permitted to blink or chase ; the message may change but no more often than 30-second intervals.
  - (7) Freestanding Sign Landscaping. Sign permit application must contain a drawing of the sign that includes the area to be landscaped. Signs with multiple faces shall have landscaping in front of both sign faces. If it is not practical to have landscaping, adjust as needed with the approval of the administrator. Ground cover can include, but is not limited to, vegetative ground covers, perennials, shrubs, and ornamental trees to cover at least 50% of the defined area at maturity. When vegetation is not practical, paving, stones, and rocks are permitted with the approval of the Administrator. Artificial plants are prohibited. Landscaped areas must receive routine maintenance.
- (C) No existing sign which fails to meet the standards of this section shall be enlarged.

### **Section 18-13. Remedies**

- (A) In case any sign shall be installed, erected or constructed in violation of any of the terms of the N.C. State Building Code or terms of this section, the owner or lessee thereof shall be notified in writing to alter such sign so as to comply with the building code or this section, or to remove the sign. If such order is not complied with within 10 days, or the owner or lessee of the sign in violation has not filed with the town a written notice of intent to appeal, then the town may remove such sign at the expense of the owner or lessee. Such notice shall not prevent any other action authorized by this section. Appeal procedures are outlined under Article 5.
- (B) The town has the right to immediately remove any off-premises sign under 20 square feet in area without notification where the owner is in violation of this section and cannot be identified after a reasonable effort to do so.
- (C) The town has the right to remove any unauthorized, permanent, temporary or portable sign erected or situated upon public property. These will be considered as littering (reference Town Code 50.04).
- (D) With notification and in accordance with Section 18-5, which states that no sign may be placed or erected in a public right-of-way, and the Town Board's findings that signs erected or placed in the right-of-way constitute an immediate danger to the public by

blocking motorists' vision and distracting motorists from the task of driving, the town may remove signs for which no permit is required immediately and without notice to the owner thereof.

- (E) If during the 10 day notification period a sign is removed and then reinstalled after the expiration of the 10 day period, the violation of this section shall be considered as the original 10 day notification period. No further notification is required and the sign may be removed immediately.

#### **Section 18-14. Application**

The provisions of this section shall have immediate application to all signs erected hereafter or to which repairs are necessary.